

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A21-1480**

State of Minnesota,
Respondent,

vs.

Nicholas Walter Johnson,
Appellant.

**Filed August 29, 2022
Affirmed
Bjorkman, Judge**

Pennington County District Court
File No. 57-VB-20-261

Keith Ellison, Attorney General, St. Paul, Minnesota; and

Seamus Duffy, Pennington County Attorney, Max W. LaCoursiere, Thief River Falls,
Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Kathryn J. Lockwood, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bjorkman, Presiding Judge; Slieter, Judge; and Bryan,
Judge.

NONPRECEDENTIAL OPINION

BJORKMAN, Judge

Appellant challenges his conviction for driving after revocation of his driver's
license, arguing that the district court erred by denying his motion to suppress evidence

from a traffic stop. Because we conclude that law enforcement had reasonable suspicion of criminal activity to support the stop, we affirm.

FACTS

On March 30, 2020, a Minnesota state trooper was parked on the side of state highway 59 near Thief River Falls, randomly checking the license plates of passing vehicles. The trooper would observe a vehicle's license-plate number, enter the number into the computer in his squad car, and obtain vehicle registration information, including the driver's license status of the vehicle's registered owner. It took the trooper approximately three seconds to enter a license-plate number into the computer and then between five and ten seconds for the computer to provide the information and for the trooper to review it.

At approximately 9:45 a.m., the trooper ran a license-plate check on a black pickup. The search revealed that the registered owner of the pickup was Nicholas Johnson and that Johnson's driver's license was revoked. Based on that information, the trooper followed the pickup to a parking lot and initiated a traffic stop. The trooper spoke with the driver, who identified himself as appellant Nicholas Johnson. Johnson acknowledged that his driver's license was revoked and that he had been cited for driving after revocation a few days earlier. The state charged Johnson with one count of driving after revocation in violation of Minn. Stat. § 171.24, subd. 2 (2018).

Johnson moved to suppress the evidence obtained as a result of the traffic stop. He argued that the trooper lacked reasonable suspicion of criminal activity to execute the stop because the license plate was too dirty for the trooper to have read while the pickup was

traveling at highway speed. Following an evidentiary hearing, the district court denied the motion. Johnson then agreed to a stipulated-facts trial premised on the fact that the suppression ruling is dispositive. The district court found Johnson guilty. Johnson appeals.

DECISION

The United States and Minnesota Constitutions prohibit unreasonable searches and seizures. U.S. Const. amend. IV; Minn. Const. art. I, § 10. Generally, warrantless searches and seizures are per se unreasonable. *State v. Horst*, 880 N.W.2d 24, 33 (Minn. 2016). But a law-enforcement officer may conduct a brief investigatory stop if the officer has a reasonable, articulable suspicion that a person has engaged in criminal activity. *Terry v. Ohio*, 392 U.S. 1, 19-22 (1968); *State v. Diede*, 795 N.W.2d 836, 842-43 (Minn. 2011). This standard is met if there are “specific, articulable facts” showing that the officer “had a particularized and objective basis for suspecting the seized person of criminal activity.” *Diede*, 795 N.W.2d at 842-43 (quotations omitted). Violation of a traffic law, no matter how insignificant, generally provides the requisite particularized and objective basis for a traffic stop. *State v. Anderson*, 683 N.W.2d 818, 823 (Minn. 2004).

In considering the denial of a suppression motion, “we review the district court’s factual findings under a clearly erroneous standard and the district court’s legal determinations de novo.” *State v. Gauster*, 752 N.W.2d 496, 502 (Minn. 2008) (quotation omitted); *see Diede*, 795 N.W.2d at 843 (“The de novo review standard controls our review of the district court’s determination that its factual findings support a reasonable suspicion of criminal activity justifying the police officer’s search or seizure.”). Factual findings are clearly erroneous when, “on the entire evidence, we are left with a definite and firm

conviction that a mistake has been committed.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021) (quotations omitted). When reasonable evidence supports the district court’s findings of fact, we will not disturb them. *State v. Evans*, 756 N.W.2d 854, 870 (Minn. 2008). This is so even if “the record might also provide a reasonable basis for inferences and findings to the contrary.” *Kenney*, 963 N.W.2d at 223 (quotation omitted).

Johnson makes numerous arguments on appeal, all flowing from his base assertion that the district court clearly erred by finding that the trooper was able to read the license-plate number as the pickup traveled past him at highway speed.¹ We are not persuaded.

The trooper testified that “he had sufficient opportunity to see the license plate of the pickup and enter it into the computer before his vision was obscured.” The dash-camera video recording corroborates this testimony. While the recording does not depict the pickup traveling past the trooper’s squad car, it is consistent with the trooper’s account of his interaction with Johnson. Immediately after pulling in behind the stopped pickup, the trooper exited the squad car, approached the male who had left the driver’s side of the pickup, and asked, “Are you Nicholas?” After Johnson affirmatively responded, the trooper informed him that he ran the pickup’s license plate and asked him if he was aware that his driver’s license was revoked. Johnson does not cite any evidence that the trooper

¹ Johnson does *not* challenge any of the district court’s other factual findings. Nor does he deny that the facts—as found by the district court—establish the requisite reasonable suspicion to support the traffic stop.

was familiar with Johnson or even knew his name before their encounter on the morning in question. And our careful review of the record reveals no such evidence.

In sum, the trooper's testimony and the recording amply support the district court's finding that the trooper was able to and did read the pickup's license-plate number prior to initiating the traffic stop. Because the pickup owner had a revoked driver's license, the traffic stop was valid.

Affirmed.