STATE OF MINNESOTA
IN COURT OF APPEALS
A09-1791, A09-1792

Jacob John Relander, petitioner,
Appellant (A09-1791),

Theodore Leslie Relander, petitioner,
Appellant (A09-1792),

vs.

Commissioner of Public Safety,
Respondent.

Filed June 15, 2010
Affirmed
Shumaker, Judge

Isanti County District Court
File No. 30-CV-09-618

Derek A. Patrin, Meaney & Patrin, P.A., Eden Prairie, Minnesota (for appellants)

Lori Swanson, Attorney General, Sara P. Boeshans, Assistant Attorney General, St. Paul, Minnesota (for respondent)

Considered and decided by Shumaker, Presiding Judge; Larkin, Judge; and Bjorkman, Judge.

U N P U B L I S H E D O P I N I O N

SHUMAKER, Judge

In this consolidated appeal of the district court's orders sustaining the revocation of their driving privileges, appellants argue that the law-enforcement officer lacked a lawful basis to stop the vehicle they had both been driving. For the reasons set forth below, we affirm.

FACTS

Appellants Jacob Relander and Theodore Relander were arrested for driving while impaired (DWI), and respondent Commissioner of Public Safety revoked their driving privileges. Theodore Relander petitioned the district court to rescind his license revocation; Jacob Relander petitioned the district court to rescind his license revocation and the order for license-plate impoundment. The sole issue at the implied-consent hearing was the legality of the stop of the vehicle.

The only witness at the hearing was Deputy Wayne Seiberlich. At approximately 11:30 p.m. on May 1, 2009, the deputy was parked in a darkened squad car near an intersection in Isanti County. A stop sign controls northbound traffic at the intersection. Deputy Seiberlich saw a northbound vehicle come to a complete stop at the intersection and pause "for a while." Two individuals, later identified as appellants, exited the vehicle and switched places so that the driver was now the passenger and vice versa. Finding this behavior "a little suspicious," Deputy Seiberlich decided to follow the vehicle.

The vehicle turned left at the intersection and made another left turn onto Pigeon Loft Road, which is a gravel road with several curves and no clear lane markings. The road runs through a rural residential area and eventually comes to a dead end. The deputy ran the vehicle's license-plate number and discovered that the vehicle was a 20-minute drive away from its registered address.

Deputy Seiberlich testified that the vehicle failed to stay on the right side of Pigeon Loft Road: "As I was following the vehicle [it] didn't stay in its own lane of traffic . . . . At some points it actually crossed into where the oncoming lane of traffic would be." The deputy also testified that the road was wide enough for appellant's vehicle to remain on the right side of the road.

Approximately one mile after turning onto Pigeon Loft Road, the vehicle approached a sharp bend in the road. At that point, the road curves to the west but a residential driveway continues to the south. The vehicle continued south and stopped "in the middle of the driveway" when the residence came into view. Deputy Seiberlich initiated a traffic stop and eventually arrested appellants for DWI.[1]

The district court sustained the revocation of appellants' driving privileges. The district court found that "all driving conduct, prior to driving up a private driveway and stopping in the middle of the driveway" did not justify the stop, but "the activities testified to that occurred in the private driveway" did justify the stop.

This court consolidated appellants' separate appeals of the district court's orders.

[1] The record does not show who was driving the vehicle when the stop occurred.

D E C I S I O N

Appellants argue that the stop of the vehicle they had both been driving was illegal. We disagree.

This court reviews de novo questions of reasonable suspicion and a district court's determination regarding the legality of an investigatory stop. *Wilkes v. Comm'r of Pub. Safety*, 777 N.W.2d 239, 242–43 (Minn. App. 2010). In reviewing a district court's order sustaining an implied-consent revocation, findings of fact are not set aside unless clearly erroneous. *Jasper v. Comm'r of Pub. Safety*, 642 N.W.2d 435, 440 (Minn. 2002). This court overturns conclusions of law "only upon a determination that the [district] court . . . erroneously construed and applied the law to the facts of the case." *Dehn v. Comm'r of Pub. Safety*, 394 N.W.2d 272, 273 (Minn. App. 1986).

The district court's findings of fact here are more accurately characterized as conclusions of law. Where a district court fails to make adequate findings, a remand may be required. *Welch v. Comm'r of Pub. Safety*, 545 N.W.2d 692, 694 (Minn. App. 1996). But a remand is unnecessary where this court is "able to infer the findings from the [district] court's conclusions." *Id.* Here, the district court expressly credited the testimony of Deputy Seiberlich, stating that he was "impeccably honest" and gave "very honest" testimony. Where a district court expressly credits the testimony of the officer who performed the traffic stop, this court analyzes the officer's testimony and determines whether, as a matter of law, the officer's observations provided an adequate basis for the stop. *See Berge v. Comm'r of Pub. Safety*, 374 N.W.2d 730, 732 (Minn. 1985) (treating the validity of a stop as "purely a legal determination on given facts" where the district

court credited a deputy's testimony as "very honest"); *see also Modaff v. Comm'r of Pub. Safety*, 664 N.W.2d 400, 402–03 (Minn. App. 2003) (affirming revocation of driving privileges despite lack of factual findings where the district court implicitly found credible the officer's testimony about appellant's driving behavior and traffic violation), *review denied* (Minn. Sept. 16, 2003).

If an officer has a reasonable, articulable suspicion of criminal activity, a brief investigatory stop does not violate the constitutional prohibitions against unreasonable searches and seizures. *State v. Timberlake*, 744 N.W.2d 390, 393 (Minn. 2008). A law-enforcement officer's observation of a violation of any traffic law, "however insignificant," provides the officer with an objective basis for conducting a stop. *State v. George*, 557 N.W.2d 575, 578 (Minn. 1997).

Here, the deputy testified that appellants' vehicle "crossed into where the oncoming lane of traffic would be." The deputy also testified that the road was wide enough for the vehicle to remain on the right side of the road. Minnesota law provides:

> Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
>
> (1) when overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
>
> (2) when the right half of a roadway is closed to traffic while under construction or repair;
>
> (3) upon a roadway divided into three marked lanes for traffic under the rules applicable thereon;
>
> (4) upon a roadway designated and signposted for one-way traffic as a one-way roadway;
>
> (5) as necessary to comply with subdivision 11 when approaching an authorized emergency vehicle parked or stopped on the roadway; or

> (6) as necessary to comply with subdivision 12 when approaching a road maintenance or construction vehicle parked or stopped on the roadway.

Minn. Stat. § 169.18, subd. 1 (2008). The testimony here does not support the application of any exception. We conclude that Deputy Seiberlich's observation of the vehicle being driven on the wrong side of the road, even an unmarked gravel road, provides a reasonable, articulable basis for the stop. Where the stop was made is irrelevant. *See State v. Wagner*, 637 N.W.2d 330, 336 (Minn. App. 2001) (holding that the district court "was entitled to look at all of [the driver's] conduct, even though the trooper did not stop [the driver] immediately after [the driver] crossed the center line").

The district court erroneously concluded that the deputy's observation of a traffic violation was insufficient to justify the stop. But ultimately the district court correctly concluded that the stop was justified. This court "will not reverse a correct decision simply because it is based on incorrect reasons." *Katz v. Katz*, 408 N.W.2d 835, 839 (Minn. 1987).

Affirmed.