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**STATE OF MINNESOTA
IN COURT OF APPEALS
A13-0440**

State of Minnesota,
Respondent,

vs.

Abdinasser Nur,
Appellant.

**Filed January 6, 2014
Affirmed
Rodenberg, Judge**

Ramsey County District Court
File No. 62-VB-11-1710

Lori Swanson, Attorney General, St. Paul, Minnesota; and

Sara R. Grewing, St. Paul City Attorney, Clifford R. Berg, Assistant City Attorney, St. Paul, Minnesota (for respondent)

Daniel A. Christians, Hawkins Anderson Law Firm, P.A., Minneapolis, Minnesota (for appellant)

Considered and decided by Larkin, Presiding Judge; Rodenberg, Judge; and
Chutich, Judge.

UNPUBLISHED OPINION

RODENBERG, Judge

Appellant Abdinasser Nur appeals from his conviction for failure to obey a traffic-control device in violation of Minn. Stat. § 169.06, subd. 4(a) (2010). We affirm.

FACTS

St. Paul police officer Valarie Namen was traveling eastbound on 11th Street in St. Paul in the early-morning hours of November 26, 2011. As she approached the intersection of 11th Street and Robert Street, she saw appellant's taxicab go through the semaphore-controlled intersection while traveling northbound on Robert Street. Officer Namen noted that the traffic light for traffic on 11th Street was green at the time appellant entered the intersection, and she therefore concluded that the light for traffic on Robert Street must have been red. Officer Namen pulled appellant over and issued him a citation for failure to obey a traffic-control device.

At trial, Officer Namen testified that there are crosswalks at the intersection of 11th Street and Robert Street. She also conceded that a hedge partially blocked her view of the approaching taxicab and that she could not state for certain where appellant's taxicab was at the time the light turned yellow for Robert Street traffic. However, she confirmed that the light was operating correctly and that appellant "entered the intersection after [her] light had turned green."

Appellant testified that his light turned yellow prior to him reaching the crosswalk. He explained that he did not stop at that point because, if he had slammed on his brakes, his vehicle would have stopped in the middle of the intersection.

The district court then found appellant guilty of violating Minn. Stat § 169.06, subd. 4(a), stating:

Well, from my listening to the facts, what I'm hearing is that [appellant] came to the intersection and while he first arrived there at the crosswalk, the light was yellow. To my understanding, I can't find any reason why he would have stopped at that point since you're allowed to finish on yellow if you go into the intersection and it turns yellow while you're in there. That's clearly the law these days. That's under a case from the Court of Appeals. But it does not mean that you can enter when, before, when you get to the crosswalk when it is yellow, so I find that they have proved this beyond a reasonable doubt.

This appeal followed.

DECISION

We review “the district court’s findings of fact for clear error but conduct[] a de novo review of the district court’s legal conclusions based on those findings.” *State v. Ray*, 659 N.W.2d 736, 742 (Minn. 2003). When reviewing a challenge to the sufficiency of the evidence following a court trial, the findings of the district court are entitled to the same weight as a jury verdict. *State v. Thompson*, 544 N.W.2d 8, 11 (Minn. 1996). We must assume that the fact-finder “believed the state’s witnesses and disbelieved any evidence to the contrary.” *State v. Moore*, 438 N.W.2d 101, 108 (Minn. 1989). A district court’s findings of fact regarding credibility and other matters may be implicit. *See, e.g., Pechovnik v. Pechovnik*, 765 N.W.2d 94, 99 (Minn. App. 2009) (credibility); *Prahl v. Prahl*, 627 N.W.2d 698, 703 (Minn. App. 2001) (other matters).

Appellant argues (1) that, because the district court materially misstated the law, it committed plain error, and (2) that there is insufficient evidence to sustain the conviction. We address each argument in turn.

I.

Appellant's essential argument is that, if a driver approaching a semaphore reaches the crosswalk while the yellow light is still facing him, the driver may proceed through the intersection regardless of where the driver is in relation to the intersection when the yellow light gives way to red. Appellant points out that a driver must stop "before entering the crosswalk on the near side of the intersection" if a steady red light is displayed. Minn. Stat. § 169.06, subd. 5(a)(3)(i) (2010). Appellant also relies on *State v. Kilmer*, which states that "[t]he yellow-light law is merely advisory, explaining the warning nature of that display." 741 N.W.2d 607, 611 (Minn. App. 2007). The *Kilmer* court further explained the statutory scheme:

Subdivision 5(a)(2)(i) [the yellow-light law] is one of three directly relevant "traffic-control signal" laws, all found in subdivision 5. Subdivision 5(a)(1)(i) treats the issue of a green light, stating that "[v]ehicular traffic facing a circular green signal may proceed straight through or turn right or left" And subdivision 5(a)(3)(i) deals with a steady red light, providing that "[v]ehicular traffic facing a circular red signal alone must stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection"

Id. at 609-10 (alteration in original) (quoting Minn. Stat. § 169.06 (Supp. 2005)). Therefore, appellant argues, "the crosswalk is the starting point of an intersection for the purposes of deciding if an individual is in violation of Minn. Stat. § 169.06, subd. 4(a)."

Appellant's argument ignores that the statutory definition of "intersection," "the area embraced within the prolongation or connection of the lateral curb lines," Minn. Stat. § 169.011, subd. 36(a) (2010), is not defined by reference to the "crosswalk." The definition of "crosswalk" references the area of the roadway either "included within the prolongation or connection of the lateral lines of sidewalks at intersections" or a portion of the roadway designated by markings thereon. *Id.*, subd. 20 (2010). These definitions nowhere indicate that a crosswalk defines the area of an intersection. Nor does the analysis in *Kilmer* so indicate. *Kilmer* focused on whether a car can continue through an intersection if the car enters the intersection before the light turns from yellow to red. 741 N.W.2d at 611-12.

When these definitions are viewed in combination with the yellow-light law, it is clear that appellant was not permitted to enter the intersection on a red light solely because he had arrived at the crosswalk while his light was still yellow. "Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic must not enter the *intersection*." Minn. Stat. § 169.06(6), subd. 5(a)(2)(i) (2010) (emphasis added). Additionally, when construing a statute, we can consider the "consequences of a particular interpretation." Minn. Stat. § 645.16 (2012). Appellant's proposed construction of the statute would be contrary to its purpose of promoting safety on the state's roadways, as it would allow vehicles to enter intersections when cross-traffic has a green light.

The district court found that appellant's light was yellow when he "arrived" at the crosswalk. The district court neither expressly nor by implication found that appellant's light was yellow when he reached the intersection as defined by Minn. Stat. § 169.011, subd. 36. To the contrary, it implicitly found that appellant's light was red when he entered the intersection. *Prahl*, 627 N.W.2d at 703 (explaining that a district court's findings of fact may be implicit). Thus, appellant's conviction is not based on an erroneous application of the law, and appellant is not entitled to relief on this ground.

II.

Appellant also argues that there is insufficient evidence to sustain his conviction. This challenge is based on Officer Namen's concession that she could not verify where appellant's vehicle was when his light was yellow. This argument is also premised on the erroneous contention that a crosswalk is the beginning of an intersection. Appellant's sufficiency-of-the-evidence challenge fails.

We must assume that the district court believed the state's evidence and disbelieved evidence to the contrary. *Moore*, 438 N.W.2d at 108. Officer Namen testified that the traffic light was working properly at the time of the offense, and "[appellant] entered the intersection after [the officer's] light had turned green." This is sufficient evidence to sustain the conviction.

Although the district court's stated factual findings are not altogether clear, we cannot presume error on appeal. *Loth v. Loth*, 227 Minn. 387, 392, 35 N.W.2d 542, 546 (1949). The district court found appellant guilty. The district court implicitly found Officer Namen's testimony to be credible, *Pechovnik*, 765 N.W.2d at 99, and also made

implicit factual findings regarding the facts constituting the offense, *Prahl*, 627 N.W.2d at 703. And the record supports these implicit findings. Accordingly, because appellant's conviction was based on sufficient evidence, the district court's application of the law was not erroneous.

Affirmed.