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Minn. Stat. § 480A.08, subd. 3 (2012).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A12-0523**

State of Minnesota,
Respondent,

vs.

Felix John Prado, Jr.,
Appellant.

**Filed February 19, 2013
Affirmed
Cleary, Judge**

Hennepin County District Court
File No. 27-CR-11-16451

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

Michael O. Freeman, Hennepin County Attorney, Linda K. Jenny, Assistant County
Attorney, Minneapolis, Minnesota (for respondent)

David W. Merchant, Chief Appellate Public Defender, Roy G. Spurbeck, Assistant Public
Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Cleary, Presiding Judge; Hooten, Judge; and Collins,
Judge.*

* Retired judge of the district court, serving as judge of the Minnesota Court of Appeals
by appointment pursuant to Minn. Const. art. VI, § 10.

UNPUBLISHED OPINION

CLEARY, Judge

Appellant challenges the district court's denial of his pretrial motion to suppress evidence obtained as a result of a traffic stop, arguing that the police officer did not have an objective, legal basis to stop his vehicle. We affirm.

FACTS

At 1:07 a.m. on May 18, 2011, a Brooklyn Park police officer was traveling north on Humboldt Avenue, just south of Brookdale Drive in Brooklyn Park. As the officer was approaching the intersection of Humboldt Avenue and Brookdale Drive, he observed a vehicle drive through the intersection heading westbound on Brookdale Drive. The officer believed that the vehicle did not have a functioning rear license plate light, but observed nothing else unusual or suspicious about the vehicle. The officer turned onto Brookdale Drive to follow the vehicle and observed the vehicle signal, turn south onto James Avenue, and then turn into a driveway on James Avenue without signaling. When the vehicle stopped in the driveway, the officer activated his squad car's lights and conducted a traffic stop. During the stop, the officer identified the driver and sole occupant of the vehicle as appellant Felix Prado.

As a result of the traffic stop, appellant was charged with first-degree driving while impaired (DWI) under Minn. Stat. § 169A.20, subd. 1(5) (2010). Appellant filed a pretrial motion to suppress the evidence obtained as a result of the stop, arguing that the officer did not have an objective, legal basis to stop his vehicle.

A Rasmussen hearing was held in October 2011. At the hearing, the officer testified that, when he observed that the vehicle did not have a functioning license plate light, he made the decision to conduct the traffic stop. The officer also testified that, before he initiated the stop, he observed appellant turn into the driveway on James Avenue without signaling. The squad video, which showed appellant's vehicle as the officer followed it and showed the officer conducting the stop, was introduced during the hearing. The officer did not testify as to the symptoms of intoxication or the actual DWI arrest because both parties agreed that the sole issue before the court during the hearing was whether the stop of appellant's vehicle was valid.

The district court denied appellant's motion to suppress the evidence obtained as a result of the traffic stop. The court held that the officer had reasonable, articulable suspicion to initiate the stop. The court found that the officer's testimony regarding the license plate light was credible and determined that the license-plate-light violation was a "sufficient basis for [the officer] to conduct an investigatory stop of [appellant's] vehicle." The court noted that the squad video was "somewhat grainy/low-resolution on playback," but determined that "the video supports [the officer's] observation or at least at a minimum does not contradict it."

Because the court found that the license-plate-light violation provided a reasonable, articulable suspicion for the stop, it declined to address whether appellant signaled to turn into the driveway. The court did find that the "[t]he squad video is unclear as to whether [appellant] signaled the turn into the driveway." Following the court's order denying his motion to suppress, appellant waived his right to a jury trial and

agreed to a trial on stipulated facts. The court found appellant guilty of DWI under Minn. Stat. § 169A.20, subd. 1(5). This appeal followed.

D E C I S I O N

“When reviewing a district court’s pretrial order on a motion to suppress evidence, ‘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) (quoting *State v. Jordan*, 742 N.W.2d 149, 152 (Minn. 2007)). “Findings of fact are clearly erroneous if, on the entire evidence, [the reviewing court is] left with the definite and firm conviction that a mistake occurred.” *State v. Diede*, 795 N.W.2d 836, 846–47 (Minn. 2011).

Both the United States Constitution and the Minnesota Constitution protect the right of people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. U.S. Const. amend. IV; Minn. Const. art. 1, § 10. A police officers is allowed to “conduct a brief, investigatory stop when the officer has a reasonable, articulable suspicion that criminal activity is afoot.” *State v. Timberlake*, 744 N.W.2d 390, 393 (Minn. 2008) (quotation omitted). “It should be emphasized that the factual basis required to support a stop for a ‘routine traffic check’ is minimal.” *Marben v. State, Dept. of Pub. Safety*, 294 N.W.2d 697, 699 (Minn. 1980) (quotation omitted). When an officer “observes a violation of a traffic law, however insignificant, the officer has an objective basis for stopping the vehicle.” *State v. George*, 557 N.W.2d 575, 578 (Minn. 1997).

Appellant argues that the officer did not have an objective, legal basis for stopping his vehicle.¹ The officer testified that he decided to initiate the traffic stop once he observed that appellant's rear license plate light was not functioning, but he also testified that he observed appellant fail to signal when appellant turned into the driveway. Whether or not the officer was able to observe the rear license plate light, once the appellant failed to signal his turn into the driveway, he committed a traffic violation and the officer had an objective, legal basis to conduct the traffic stop.

Affirmed.

¹ Appellant submitted a pro se supplemental brief, but he does not raise any new arguments from those raised in the formal brief.