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Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A11-1630**

State of Minnesota,
Respondent,

vs.

Jason Lamar Forest,
Appellant.

**Filed July 16, 2012
Affirmed
Ross, Judge**

Roseau County District Court
File No. 68-VB-10-1119

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

Laura E. Barrett, Steven E. Huglen, Anderson Law Offices, P.A., Warroad, Minnesota
(for respondent)

Stephen R. Moeller, Warroad, Minnesota (for appellant)

Considered and decided by Wright, Presiding Judge; Ross, Judge; and Muehlberg,
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UNPUBLISHED OPINION

ROSS, Judge

Jason Forest was stopped by a police officer who suspected that Forest lacked a valid Minnesota driver's license. The officer cited Forest for driving a motor vehicle without a valid license and proof of insurance. Forest moved the district court to dismiss the charges and to suppress the evidence arising from the stop because the officer conducted the stop based on an anonymous tip. The district court denied the motion and convicted Forest on both charges. Forest appeals, arguing that the officer lacked reasonable suspicion to stop him because the officer had not first investigated whether he met one of the exceptions to the driver's license requirement. Because suspected failure to have a Minnesota driver's license is a valid basis to stop a vehicle, we affirm.

FACTS

In August 2010 an anonymous caller contacted the Warroad Police Department and informed Chief Wade Steinbring that Jason Forest was operating a motor vehicle without a valid Minnesota driver's license and without insurance. Chief Steinbring investigated and found that Forest did not have a valid Minnesota driver's license. He informed Sergeant Luke Rasmus, described the vehicle and gave the Minnesota license plate number, and told Rasmus to confront Forest if he saw the vehicle.

That same day, Sergeant Rasmus saw and stopped the vehicle. The driver identified himself as Jason Forest. Sergeant Rasmus asked to see Forest's driver's license and proof of insurance, but Forest could provide neither. He claimed to have a Washington driver's license. After investigating, Sergeant Rasmus determined that Forest

had no Minnesota or Washington license. The sergeant cited Forest for driving without a Minnesota driver's license and proof of insurance under Minnesota Statutes sections 171.02, subdivision 1 (2010), and 169.791, subdivision 2 (2010).

Forest moved the district court to dismiss the charges and to suppress the evidence from the stop. He argued that Sergeant Rasmus did not have a reasonable suspicion to stop him because an anonymous call is not a sufficient basis. The district court found that Forest was not stopped because of the anonymous tip alone; Chief Steinbring investigated the tip before instructing Sergeant Rasmus to stop Forest. It convicted Forest and fined him for operating a motor vehicle without a valid Minnesota driver's license and without proof of insurance.

Forest appeals.

D E C I S I O N

Forest argues that the district court erred by determining that Sergeant Rasmus had reasonable suspicion to stop his vehicle. We review pretrial suppression rulings de novo to determine whether, as a matter of law, the district court erred by not suppressing the evidence. *State v. Harris*, 590 N.W.2d 90, 98 (Minn. 1999).

The United States and Minnesota Constitutions prohibit unreasonable seizures. U.S. Const. amend. IV; Minn. Const. art. I, § 10. This prohibition also applies to investigative motor vehicle stops. *State v. Askerooth*, 681 N.W.2d 353, 363 (Minn. 2004). But an officer may conduct a warrantless investigatory stop of a vehicle if the officer's seizure is based on a reasonable, articulable suspicion of criminal activity. *State v. Timberlake*, 744 N.W.2d 390, 393 (Minn. 2008); *see also Terry v. Ohio*, 392 U.S. 1, 20–

21, 88 S. Ct. 1868, 1879–80 (1968). Reasonable suspicion requires the officer to have “a particularized and objective basis for suspecting the particular person stopped of criminal activity.” *State v. Pike*, 551 N.W.2d 919, 921 (Minn. 1996) (quotation omitted). When determining whether the police had a reasonable basis to justify the stop, this court looks at the totality of the circumstances. *State v. Britton*, 604 N.W.2d 84, 87 (Minn. 2000).

We are not persuaded by Forest’s contention that, because neither Sergeant Ramus nor Chief Steinbring investigated whether Forest had a valid driver’s license from another state, the sergeant lacked reasonable suspicion. Under *State v. Pike*, a *Terry* stop is permitted if an officer knows that a vehicle’s owner lacks a valid driver’s license and the officer has no information that “would render unreasonable the assumption that the owner is driving the vehicle.” 551 N.W.2d at 922. The police here knew that Forest lacked a Minnesota driver’s license, and they had no reason to believe that he had a valid out-of-state license. As the supreme court recently clarified, an officer may stop a person on reasonable suspicion that the elements of a crime have been met if the officer has no reason to suspect that the person meets some statutory exception to the crime. *See Timberlake*, 744 N.W.2d at 395–96 (holding that police may stop a person suspected of publicly possessing a handgun without a permit because the permit clause of the statute “creates an exception to criminal liability that places a burden on the defendant to come forward with some evidence of a permit”).

The substantive law here similarly states that “[e]xcept when expressly exempted, a person shall not drive a motor vehicle upon a street or highway in this state unless the person has a valid license under this chapter.” Minn. Stat. § 171.02, subd. 1(a) (emphasis

added). One of these exceptions is being a nonresident who has a valid driver's license issued by a home state or country. Minn. Stat. § 171.03(d) (2010).

Because the license requirement exceptions are only exceptions to and not elements of the offense, the police could stop Forest without first determining that he lacked an out-of-state license. Under *Pike* and *Timberlake*, as long as an officer suspects that the driver lacks a valid Minnesota driver's license and the officer has no information suggesting licensure through another state, the officer has reasonable suspicion to stop the car. Sergeant Rasmus was aware that Forest had no Minnesota license and he had no reason to believe he was licensed elsewhere. The district court appropriately rejected Forest's motion to suppress the evidence on his claim of an invalid stop.

Affirmed.