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Minn. Stat. § 480A.08, subd. 3 (2006).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-1913**

Andrew Patrick Kittridge, petitioner,
Appellant,

vs.

Commissioner of Public Safety,
Respondent.

**Filed September 2, 2008
Affirmed
Muehlberg, Judge***

Washington County District Court
File No. C2-07-2212

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Considered and decided by Connolly, Presiding Judge; Worke, Judge; and
Muehlberg, Judge.

UNPUBLISHED OPINION

MUEHLBERG, Judge

This action arises from the revocation of appellant's driver's license after a
Minnesota State Patrol trooper stopped his vehicle and arrested him for DWI. Appellant

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

challenges the district court's decision sustaining the revocation, arguing that the trooper lacked authority to stop him on a city street. We affirm.

FACTS

Appellant Andrew Kittridge's vehicle was stopped on a city street by a state trooper on the evening of February 25, 2007. The trooper was patrolling Interstate Highways 494 and 694 in Woodbury, when he overheard a local police broadcast reporting "exhibition driving" nearby. The trooper exited Interstate 494 to assist local law enforcement. He then observed a truck with dark tinted windows, no front license plate, and a rear plate that was substantially obstructed with snow. The driver of that truck was later identified as Kittridge. The trooper stopped the truck and upon approaching Kittridge, found probable cause that Kittridge was under the influence of alcohol and he arrested Kittridge for DWI.

Kittridge's driver's license was revoked by the Commissioner of Public Safety. He sought reinstatement of his driver's license in the district court, arguing that the trooper did not have authority to stop him on a city street because the trooper's jurisdiction is limited to trunk highways. The district court concluded that the trooper had jurisdiction to make the arrest and sustained the revocation. This appeal follows.

DECISION

Kittridge argues that state troopers do not have authority to make a stop and arrest on a city street under Minn. Stat. §§ 299D.03, subd. 1(b)(12) and 629.40, subd. 3 (2006). Statutory construction is a question of law, which we review *de novo*. *Brookfield Trade Ctr., Inc. v. County of Ramsey*, 584 N.W.2d 390, 393 (Minn. 1998). State troopers are

granted authority to “enforce the provisions of the law relating to the protection of and use of trunk highways.” Minn. Stat. § 299D.03, subd. 1(b)(1) (2006). But troopers also have the power and authority “as peace officers to make arrests for public offenses committed in their presence anywhere within the state.” Minn. Stat. § 299D.03, subd. 1(b)(12).

We have interpreted this statute to allow troopers to stop and arrest individuals for a public offense anywhere in the state, provided the offense is committed in the presence of the trooper. *Westby v. Comm’r of Pub. Safety*, 742 N.W.2d 443, 446 (Minn. App. 2007). In *Westby*, we reversed the district court’s dismissal of proceedings and rescission of revocation of the driver’s license, concluding that the trooper in that case had authority to make a stop on a county road. *Id.* Here, the state trooper observed Kittridge’s vehicle violations, a public offense, and he therefore had authority to make the stop. Further, the trooper had authority to arrest Kittridge for DWI because it was a public offense committed in the trooper’s presence.

Additionally, the trooper had authority to stop Kittridge under Minn. Stat. § 629.40, subd. 3. Under Minn. Stat. § 629.40, subd. 3, an officer has authority for an out-of-jurisdiction stop when acting “in the course and scope of employment.” Here, the trooper was responding to a dispatch for “exhibition driving” nearby to offer assistance to local officers. We have held that responding to a dispatch is “in the course and scope of employment.” *Yoraway v. Comm’r of Pub. Safety*, 669 N.W.2d 622, 626 (Minn. App. 2003).

Because troopers have authority to stop and arrest individuals for a public offense committed in their presence anywhere in the state, and because the trooper was acting within the course and scope of his employment, the district court did not err when it sustained the driver's license revocation.

Affirmed.