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

STATE OF MINNESOTA
IN COURT OF APPEALS
A12-2022

State of Minnesota,
Respondent,

vs.

Patrick Lynn Price,
Appellant.

Filed July 15, 2013
Affirmed
Klaphake, Judge*

Anoka County District Court
File No. 02-CR-11-3450

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

Wendy A. Murphy, Jennifer Ann Nodes, East Bethel City Attorney, Stillwater, Minnesota (for respondent)

David Sjoberg, Sjoberg & Associates, P.A., Ham Lake, Minnesota (for appellant)

Considered and decided by Kalitowski, Presiding Judge; Hooten, Judge; and Klaphake, Judge.

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

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

KLAPHAKE, Judge

Appellant challenges his convictions for driving while impaired in violation of Minn. Stat. § 169A.20, subd. 1(1), (5) (2010), arguing that the district court erred when it upheld the constitutionality of the stop of his vehicle. We affirm.

D E C I S I O N

Appellant Patrick Lynn Price challenges the district court's pretrial order refusing to suppress evidence, asserting that the deputy who stopped him: (1) did not have a reasonable, articulable suspicion of criminal activity, and (2) detained appellant longer than necessary.

I.

Appellant argues the deputy did not have a reasonable, articulable suspicion to initiate the stop because he neither personally observed appellant commit any criminal activity nor suspected appellant of any criminal activity.

Here, Anoka County Deputy Sheriff Nathan Arvidson was dispatched to investigate a report of a suspicious vehicle, made by a citizen informant, B.P., who reported that he saw a "guy driving a pickup, running back and forth going into different people's houses." B.P. identified the vehicle as a "grey Chevy" pickup truck, and indicated that he had last seen the vehicle backing into his driveway and that it was "still in the driveway." Arvidson responded to the area approximately six minutes later and observed a grey pickup truck approaching him. Based on the totality of the

circumstances, we conclude Arvidson had a reasonable basis for stopping appellant's vehicle.

II.

Appellant next argues that the officer illegally expanded the scope of the stop when he directed appellant to pull into a driveway, blocked him from leaving, and continued to ask him questions. "[E]ach incremental intrusion during a stop must be strictly tied to and justified by the circumstances which rendered [the initiation of the stop] permissible." *State v. Askerooth*, 681 N.W.2d 353, 364 (Minn. 2004) (second alteration in original) (quotation omitted).

Arvidson began his conversation with appellant as they both stopped in the street; appellant identified himself, acknowledged he had been in B.P.'s driveway, knew B.P. by name, and was familiar with the neighborhood. Because they were blocking the street, Arvidson directed appellant to pull into a nearby driveway. Arvidson did not increase the intensity or scope of the stop when he directed appellant into the driveway. It was only after Arvidson observed the odor of an alcoholic beverage coming from appellant that he expanded the scope of the stop. This provided "independent probable cause or reasonableness to justify" the expansion of the seizure. *Id.* The district court was correct in determining that appellant's right to be protected from unreasonable seizures was not violated.

Affirmed.