This opinion will be unpublished and
may not be cited except as provided by
Minn. Stat. § 480A.08, subd. 3 (2018).

STATE OF MINNESOTA
IN COURT OF APPEALS
A19-2090

State of Minnesota,
Respondent,

vs.

Ronald Elliott Skinaway, Jr.,
Appellant.

Filed October 26, 2020
Affirmed
Worke, Judge

Cass County District Court
File No. 11-CR-19-173

Keith Ellison, Attorney General, St. Paul, Minnesota; and

Benjamin T. Lindstrom, Cass County Attorney, Walker, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jessica Merz Godes, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Worke, Presiding Judge; Connolly, Judge; and Smith, Tracy M., Judge.

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

WORKE, Judge

Appellant challenges his first-degree driving-while-impaired (DWI) conviction, arguing that the district court erred by denying his motion to suppress the evidence against him because it was obtained as the result of an unlawful stop and illegal arrest. We affirm.

FACTS

In the early morning hours of January 26, 2019, D.B. called the police to report that she had been on a phone call with her daughter, C.B., and heard what she believed was a physical altercation between C.B. and W.B. Officers were dispatched to the residence. C.B. then called the police to report that W.B. had left. An officer continued to the residence to ensure that nobody required assistance. After the officer arrived on scene, he notified the other officers still en route to the residence that W.B. had left in a black Chevy Avalanche with N.B., who had a felony arrest warrant.

Officers searched for the vehicle, a type uncommonly seen in the area, eventually locating it at the entrance of a casino and hotel. N.B. exited the vehicle, and an officer made contact with her. Another officer attempted to speak with the driver, who remained inside the vehicle, to determine whether the driver was W.B. The officer walked up to the vehicle and shined his flashlight in the driver-side window. The officer then walked around the front of the vehicle, shined his flashlight into the vehicle, and yelled "hey, hey, hey!" at the driver. But the driver "pulled away," "ignoring" the officer. The officer got into his vehicle, activated his emergency lights, and followed the vehicle until it stopped.

The officer approached the vehicle and asked the driver for his driver's license. The driver replied: "That's the thing, I don't have one." The officer then pointed out that the driver attempted to avoid him, and the driver replied, "Yeah." The officer detected the odor of an alcoholic beverage coming from inside the vehicle and noticed that the driver had slurred speech. The officer directed the driver many times to exit the vehicle, but the driver ignored his commands and wanted to reach into the center console for his cell phone.

Knowing that individuals store weapons in center consoles, the officer instructed the driver to get out of the vehicle. When the driver failed to exit the vehicle, the officer pulled the driver out of the vehicle and arrested him.

The driver, appellant Ronald Elliott Skinaway Jr., had his driver's license canceled as inimical to public safety. Skinaway agreed to take a breath test at the jail, and his alcohol concentration measured 0.21. Skinaway was charged with two counts of first-degree DWI, driving after cancellation as inimical to public safety, and with a violation of a restricted license. Skinaway moved to suppress the evidence. Following a hearing, the district court denied Skinaway's motion, concluding that the officer had reasonable suspicion to stop Skinaway's vehicle to investigate a domestic disturbance. The district court also concluded that the arrest was lawful because Skinaway fled in a motor vehicle and did not have a valid driver's license.

The parties agreed to a stipulated-facts proceeding, under Minn. R. Crim. P. 26.01, subd. 3. The state dismissed counts three and four. The district court found Skinaway guilty of two counts of first-degree DWI and sentenced him to 48 months in prison. This appeal followed.

D E C I S I O N

Skinaway challenges the district court's pretrial ruling. When reviewing a district court's pretrial ruling on a motion to suppress evidence, this court reviews factual findings for clear error and legal determinations de novo. *State v. Diede*, 795 N.W.2d 836, 849 (Minn. 2011). Findings of fact are clearly erroneous if, based on all of the evidence, "we are left with the definite and firm conviction that a mistake occurred." *Id.* at 846-47.

Stop

Skinaway first argues that the officer did not have reasonable suspicion to stop him. We review de novo a district court's ruling as to whether an officer had a reasonable, articulable suspicion to conduct a stop. *Hoekstra v. Comm'r of Pub. Safety*, 839 N.W.2d 536, 539 (Minn. App. 2013).

Individuals have a constitutional protection against "unreasonable searches and seizures" by the government. U.S. Const. amend. IV; Minn. Const. art. I, § 10. "Generally, warrantless searches are per se unreasonable." *State v. Gauster*, 752 N.W.2d 496, 502 (Minn. 2008). But an officer may initiate a warrantless, limited investigatory stop if he has a reasonable, articulable suspicion of criminal activity. *State v. Lugo*, 887 N.W.2d 476, 486 (Minn. 2016).

Reasonable suspicion is a particularized and objective basis for suspecting the person stopped of criminal activity. *Id.* "The reasonable-suspicion standard is not high." *Diede*, 795 N.W.2d at 843 (quotation omitted). But an officer must articulate specific facts, and rational inferences drawn from those facts, to objectively support the officer's reasonable suspicion. *State v. Davis*, 732 N.W.2d 173, 182 (Minn. 2007). Trained police officers may "draw inferences and deductions that might well elude an untrained person." *Lugo*, 887 N.W.2d at 487 (quotation omitted).

This court considers the totality of the circumstances in reviewing whether the reasonable-suspicion standard was met. *State v. Baumann*, 759 N.W.2d 237, 240 (Minn. App. 2009), *review denied* (Minn. Mar. 31, 2009). The totality of the circumstances includes "the collective knowledge of all investigating officers," *In re Welfare of G.*

(NMN) M., 542 N.W.2d 54, 57 (Minn. App. 1996), *aff'd*, 560 N.W.2d 687 (Minn. 1997), and information supplied by someone other than the arresting officer. *Marben v. State, Dep't of Pub. Safety*, 294 N.W.2d 697, 699 (Minn. 1980). Under the collective-knowledge doctrine, everything the police force knows is pooled and imputed to the arresting officer. *State v. Conaway*, 319 N.W.2d 35, 40 (Minn. 1982).

Here, it is undisputed that the stop occurred when the officer shined his flashlight into the vehicle and yelled at Skinaway. The district court determined that the stop was justified to investigate the reported domestic assault. Skinaway argues that the stop was not justified because there was no evidence about the informant who called 911 to report the domestic disturbance or about the belief that W.B. left in the vehicle.

We agree with the district court's conclusion that the officer had reasonable, articulable suspicion justifying the stop. Officers testified that D.B. reported a domestic assault between C.B. and W.B., in which W.B. was the alleged assailant. An officer who arrived at the scene relayed to officers that W.B. had left the residence in a black Chevy Avalanche, a vehicle uncommon in the area, with N.B., who had a felony arrest warrant. When officers found the vehicle, they saw N.B. exit the vehicle, but the driver remained inside the vehicle. It was reasonable for the officers to infer that W.B. was in the vehicle because they were informed that W.B. and N.B. left in the vehicle together.

The totality of the circumstances, including the pooled knowledge of the entire police force, shows that the officer had reasonable, articulable suspicion to believe that the driver of the vehicle had been involved in a domestic assault, which justified the stop. *See State v. Rendon*, No. A05-109, 2006 WL 278929, *2 (Minn. App. Feb. 7, 2006) (holding

that totality of the circumstances supported stop of van to investigate report of domestic dispute because officer stopped a van similar in color to suspect's vehicle coming from general direction of the dispute), *review denied* (Minn. Apr. 18, 2006).

Arrest

Skinaway next argues that, even if the stop was justified, the officer did not have probable cause to arrest him.

Probable cause exists "when a person of ordinary care and prudence, viewing the totality of circumstances objectively, would entertain an honest and strong suspicion that a specific individual has committed a crime." *State v. Onyelobi*, 879 N.W.2d 334, 343 (Minn. 2016) (emphasis omitted) (quotation omitted). The level of proof required to establish probable cause is "more than mere suspicion but less than the evidence necessary for conviction." *Id.* (quotation omitted). A probable-cause inquiry includes "reasonable inferences that police officers draw from facts, based on their training and experience, because police officers may interpret circumstances differently than untrained persons." *State v. Lester*, 874 N.W.2d 768, 771 (Minn. 2016).

Here, the district court determined that the officer had probable cause to arrest Skinaway based on Skinaway driving without a license and fleeing in a motor vehicle. Skinaway argues that there was no lawful basis to arrest him for driving without a license because that offense is a misdemeanor subject to a mandatory citation. He also argues that the officer did not have probable cause to arrest him for fleeing because the record does not show that he intended to elude the officer. But the record shows that Skinaway intentionally attempted to elude the officer.

A driver flees an officer when he "increase[s] speed, extinguish[es] motor vehicle headlights or taillights, refuse[s] to stop the vehicle, or use[s] other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle." Minn. Stat. § 609.487, subd. 1 (2018). "Whoever by means of a motor vehicle flees or attempts to flee a peace officer who is acting in the lawful discharge of an official duty, and the perpetrator knows or should reasonably know the same to be a peace officer, is guilty of a felony . . . ." *Id.*, subd. 3 (2018).

Here, the officer shined his flashlight into the vehicle and yelled to get the driver's attention, but Skinaway drove away. The officer's body-camera footage shows Skinaway's image facing the officer when the officer shined his flashlight in the driver-side window. Following the stop, Skinaway "acknowledged that he was avoiding [the officer]." Again, the officer's body-camera footage reveals that Skinaway admitted that he did not have a driver's license, and that was the reason he attempted to avoid the officer. Thus, the district court did not err in determining that Skinaway fled in a motor vehicle, which provided the officer with probable cause to arrest him. *See id.*, subd. 1 (stating a driver flees in a motor vehicle when he refuses to stop with intent to attempt to elude the officer following the officer giving a signal).

The record shows that the officer also had probable cause to arrest Skinaway for suspicion of DWI. The officer testified that he detected the odor of an alcoholic beverage coming from the vehicle and noticed that Skinaway was slurring his words. The officer also testified that Skinaway failed to follow his directive to exit the vehicle. Skinaway claims that he was not slurring his words. But the probable-cause determination of an

experienced police officer is entitled to deference. *See State v. Kvam*, 336 N.W.2d 525, 528 (Minn. 1983). And an officer needs only one objective indication of intoxication to constitute probable cause, which can include the smell of alcohol or an uncooperative attitude. *See Holtz v. Comm'r of Pub. Safety*, 340 N.W.2d 363, 365 (Minn. App. 1983). The arrest was therefore legal, and the district court appropriately denied Skinaway's pretrial-suppression motion.

Affirmed.