STATE OF MINNESOTA
IN COURT OF APPEALS
A20-1376

State of Minnesota,
Respondent,

vs.

Stacy Lynn Tuomi,
Appellant.

Filed August 23, 2021
Affirmed
Bryan, Judge

Cass County District Court
File No. 11-CR-19-1947

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

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

Cathryn Middlebrook, Chief Appellate Public Defender, Gina D. Schulz, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Slieter, Presiding Judge; Reilly, Judge; and Bryan, Judge.

NONPRECEDENTIAL OPINION

BRYAN, Judge

In this direct appeal from a conviction for fifth-degree drug possession, appellant challenges the district court's decision to deny her motion to suppress evidence. Appellant argues that the officer did not have reasonable, articulable suspicion of criminal activity to

conduct an investigatory stop and that the district court erred by applying the emergency-aid and community-caretaking exceptions to the warrant requirement. Because the officer had reasonable, articulable suspicion of criminal activity, we affirm the district court's decision.

FACTS

After an investigatory detention and warrantless vehicle search, respondent State of Minnesota charged appellant Stacy Lynn Tuomi with fifth-degree controlled-substance possession, in violation of Minnesota Statutes section 152.025, subdivision 2(1) (2018). Tuomi moved to suppress the results of the warrantless vehicle search, arguing that the officer who conducted the investigatory detention did not have a sufficient basis to suspect that she was engaged in criminal activity.

Based on the evidence presented at the suppression hearing, the district court determined that the state established the following facts. On the afternoon of November 3, 2019, R.M. contacted law enforcement to report that a woman had taken her grandson. R.M. explained to law enforcement that she arranged for a ride for herself and her grandson to an address in the area of Onigum, Minnesota. A woman known to R.M. as Stacy Borders agreed to give R.M. and her grandson a ride to the address.[1] After R.M. placed her grandson and some belongings in the woman's vehicle, R.M. went to get some additional items. When she returned, the woman was no longer there. She had removed R.M.'s belongings from the vehicle and left the area with R.M.'s grandson. A note next to the

[1] Stacy Borders was later identified as Stacy Tuomi.

removed belongings said that the woman was taking R.M.'s grandson to the Onigum area. R.M. told law enforcement that the woman drove a "white, four-door pickup truck." Approximately fifteen minutes later, a law enforcement officer saw a white, four-door pickup truck approximately one-half to one mile from "the Onigum road." The officer, who had not seen any other similar vehicles in the area, conducted an investigatory stop and identified the driver as Tuomi. The officer also observed R.M.'s grandson in the vehicle. During the encounter, the officer learned Tuomi had a revoked driver's license, was on probation, and had used methamphetamine. The officer searched the vehicle and recovered a baggie containing a crystalline substance that subsequently tested positive for methamphetamine.

The district court denied Tuomi's suppression motion. The district court concluded that the officer could perform an investigatory stop based on the information provided by R.M. The district court concluded that reasonable suspicion existed because R.M. informed law enforcement that her grandson was "gone," the driver left a note saying where she was taking the grandson, and the officer located a vehicle matching R.M.'s description in the anticipated area. The district court also concluded that "the stop was justified as either community-caretaking or emergency-aid . . . based upon [R.M.'s] report to law enforcement." The parties proceeded with a stipulated-evidence trial, and the district court found Tuomi guilty. Tuomi appeals.

DECISION

Tuomi challenges the basis of the investigatory detention, asserting that the officer lacked reasonable suspicion. We are not persuaded and affirm the district court's decision

to deny Tuomi's suppression motion because the information provided the officer with a particularized and objective basis to suspect Tuomi of criminal activity.[2]

Both the United States and Minnesota Constitutions prohibit "unreasonable searches and seizures." U.S. Const. amend. IV; Minn. Const. art. I, § 10. "Evidence obtained as a result of a seizure without reasonable suspicion must be suppressed." *State v. Diede*, 795 N.W.2d 836, 842 (Minn. 2011). "To determine whether this constitutional prohibition has been violated, we examine the specific police conduct at issue." *State v. Timberlake*, 744 N.W.2d 390, 393 (Minn. 2008). The conduct at issue here is the investigative detention of the driver of a vehicle based on a private citizen's tip. The investigative detention of a driver is lawful under the Fourth Amendment when an officer has a "particularized and objective basis for suspecting the particular persons stopped of criminal activity." *Berge v. Comm'r of Pub. Safety*, 374 N.W.2d 730, 732 (Minn. 1985) (emphasis omitted) (quoting *United States v. Cortez*, 449 U.S. 411, 417-18, 101 S. Ct. 690, 694-95 (1981)); *see also Illinois v. Wardlow*, 528 U.S. 119, 123, 120 S. Ct. 673, 675 (2000) (stating that an investigative detention is lawful when an officer "has a reasonable, articulable suspicion that criminal activity is afoot") (citing *Terry v. Ohio*, 392 U.S. 1, 30, 88 S. Ct. 1868, 1884 (1968)). Either an officer's own observations or those of a reliable informant can support an investigative detention, but information given by an informant must bear indicia of reliability to justify an investigatory detention. *Timberlake*, 744

[2] Because we conclude that the officer had reasonable, articulable suspicion of criminal activity, we do not address Tuomi's challenges to the district court's use of the community-caretaking and emergency-aid exceptions to the warrant requirement.

N.W.2d at 393-94 (citing *Adams v. Williams*, 407 U.S. 143, 146-47, 92 S. Ct. 1921, 1923-24 (1972)). "We presume that tips from private citizen informants are reliable," especially "when informants give information about their identity so that the police can locate them if necessary." *State v. Davis*, 732 N.W.2d 173, 182-83 (Minn. 2007) (citations omitted). This framework applies even when evaluating the reasonableness of investigative detentions when an officer suspects that a minor law has been violated. *State v. Askerooth*, 681 N.W.2d 353, 363 (Minn. 2004).

In addition, the Minnesota Supreme Court has recognized that "the reasonable suspicion showing is 'not high,'" *State v. Bourke*, 718 N.W.2d 922, 927 (Minn. 2006) (quoting *Richards v. Wisconsin*, 520 U.S. 385, 394, 117 S. Ct. 1416, 1422 (1997)), and requires "a minimal level of objective justification for making the stop," *Timberlake*, 744 N.W.2d at 393 (quoting *Wardlow*, 528 U.S. at 123, 120 S. Ct. at 676). "Police must be able to articulate more than an 'inchoate and unparticularized suspicion or 'hunch" of criminal activity." *Id.* (quotations omitted); *see also Davis*, 732 N.W.2d at 182 ("[T]he officer must be able to point to something that objectively supports the suspicion at issue." (quotation omitted)); *State v. Munson*, 594 N.W.2d 128, 136 (Minn. 1999) ("[T]he police need only show that the stop was not the product of mere whim, caprice, or idle curiosity." (quotation omitted)). When determining whether a stop is justified, we consider the totality of the circumstances based on the perspective of an objective, trained police officer. *State v. Poehler*, 935 N.W.2d 729, 733 (Minn. 2019). When facts are not in dispute, as is the case here, we review "a pretrial order on a motion to suppress de novo and determine

whether the police articulated an adequate basis for the search or seizure at issue." *State v. Williams*, 794 N.W.2d 867, 871 (Minn. 2011) (quotation omitted).

Based on the unchallenged facts in this case, we conclude that the officer had a particular and objective basis for suspecting Tuomi of being engaged in criminal activity. Pursuant to *Davis*, and given Tuomi's decision not to challenge R.M.'s reliability, we initially observe that it was reasonable for the officer to rely on the information provided by R.M. The officer also observed a vehicle matching R.M.'s description in the area of Onigum. It was, therefore, reasonable for the officer to suspect that the driver of this vehicle was the same person reported to law enforcement. It was also reasonable for the officer to suspect the driver of criminal activity because, at the time of the traffic stop, the officer knew that the child had been taken without R.M.'s permission.[3] Taking the child without permission is "something that objectively supports the [officer's] suspicion," *Davis*, 732 N.W.2d at 182 (quotation omitted), and shows that the detention was "not the product of mere whim, caprice, or idle curiosity." *Munson*, 594 N.W.2d at 136 (quotation omitted). Therefore, the officer had a specific, articulable, and objective basis to suspect Tuomi of criminal activity when he initiated the investigative stop in this case.

Affirmed.

[3] Although Tuomi argues that the record does not indicate whether R.M. is her grandson's legal guardian, we conclude that the officer reasonably suspected that Tuomi lacked permission from the child's legal guardian when Tuomi lacked permission from R.M. to take the child anywhere by herself.