STATE OF MINNESOTA
IN COURT OF APPEALS
A21-0095

State of Minnesota,
Respondent,

vs.

Scott Lee Nolden,
Appellant.

Filed January 31, 2022
Affirmed
Slieter, Judge

Beltrami County District Court
File No. 04-CR-20-699

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

David L. Hanson, Beltrami County Attorney, Hannah Hanlon, Assistant County Attorney, Bemidji, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jason R. Steffen, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Slieter, Presiding Judge; Smith, Tracy M., Judge; and Gaïtas, Judge.

NONPRECEDENTIAL OPINION

SLIETER, Judge

In this direct appeal from a final judgment of conviction for driving while impaired (DWI) following a stipulated-facts court trial, appellant argues that the evidence obtained from the traffic stop must be suppressed and his conviction reversed. Appellant contends

that the district court erred by concluding that the deputy possessed a legal basis to stop his vehicle after the deputy observed that appellant's vehicle was "equipped" with an inoperable center brake light. Because the record supports the district court's finding that appellant's vehicle was "equipped" with a center brake light and the brake light was inoperable, the vehicle stop was proper and therefore we affirm.

FACTS

In March 2020, a Beltrami County Sheriff's Office deputy conducted a traffic stop of a Jeep Liberty driven by appellant Scott Lee Nolden because the deputy observed that the center brake[1] light on appellant's vehicle did not illuminate when the vehicle's brakes were activated. The deputy approached appellant's vehicle and observed that there was no brake light cover over the center brake light housing cavity, and he could see the wiring inside the cavity which appeared to have previously housed the brake light.

During his interaction with appellant, the deputy observed that appellant showed signs of impairment and ultimately arrested appellant for DWI. Appellant was charged with first-degree DWI.

The district court denied appellant's motion to suppress the evidence obtained as a result of the traffic stop. The parties agreed to a court trial on stipulated evidence to accommodate appellant's challenge of the dispositive issue involving the vehicle stop. *See* Minn. R. Crim. P. 26.01, subd. 4. Appellant was found guilty and convicted of first-degree DWI, in violation of Minn. Stat. § 169A.24, subd. 1(2) (2018). This appeal follows.

[1] The transcript incorrectly uses "break" instead of "brake." This opinion has corrected this error in all recitations and direct quotes from the transcript.

DECISION

Minnesota law requires that "[w]hen a vehicle is equipped with stop lamps or signal lamps, the lamps must at all times be maintained in good working condition." Minn. Stat. § 169.57, subd. 3(a) (2020). In *State v. Beall*, which also involved a stop based on an inoperable center brake light, we held that "[a] vehicle with an inoperable center brake light is operated unlawfully in violation of Minn. Stat. § 169.57, subd. 3(a)" and that an "[o]bservation of such a violation gives rise to objective, reasonable, articulable suspicion justifying a traffic stop." 771 N.W.2d 41, 45 (Minn. App. 2009). We also concluded that Minn. Stat. § 169.57, subd. 3(a) "unambiguously applies to all lamps with which a vehicle is equipped." *Id.*

The crux of appellant's argument is that his vehicle was not "equipped" with a center brake light pursuant to the "plain reading" of Minn. Stat. § 169.57, subd. 3(a) "because the entire [brake light] fixture was absent from the vehicle at the time in question." In short, appellant argues, his "vehicle did not have a faulty or malfunctioning third brake light" because "it simply had no light at all."

The United States and Minnesota Constitutions protect against "unreasonable searches and seizures." U.S. Const. amend. IV; Minn. Const. art. I, § 10. "To conduct a limited stop for investigatory purposes, . . . the police must have reasonable articulable suspicion of criminal activity." *State v. Munson*, 594 N.W.2d 128, 136 (Minn. 1999). In determining whether reasonable suspicion exists to justify a stop, Minnesota courts "consider the totality of the circumstances and acknowledge that trained law enforcement officers are permitted to make inferences and deductions that would be beyond the

competence of an untrained person." *State v. Richardson*, 622 N.W.2d 823, 825 (Minn. 2001).

An officer who observes a traffic violation, no matter how insignificant, has the necessary reasonable articulable suspicion to sustain a traffic stop. *State v. Anderson*, 683 N.W.2d 818, 823 (Minn. 2004). An officer need only have a particularized and objective basis for suspecting a traffic violation to conduct a stop. *State v. George*, 557 N.W.2d 575, 578 (Minn. 1997). Such suspicion, however, must be more than a mere hunch; the officer must have objective support for the belief that the person is involved in criminal activity. *State v. Johnson*, 444 N.W.2d 824, 825-26 (Minn. 1989).

To consider appellant's argument, we must first interpret the relevant statute. Appellate courts review issues of statutory interpretation *de novo*. *Christianson v. Henke*, 831 N.W.2d 532, 535 (Minn. 2013). "The plain language of the statute controls when the meaning of the statute is unambiguous." *State v. Boecker*, 893 N.W.2d 348, 351 (Minn. 2017). When determining whether a statute is ambiguous, we give words and phrases their ordinary meaning. *State v. Prigge*, 907 N.W.2d 635, 638 (Minn. 2018). In doing so, we may "look to the dictionary definitions of those words and apply them in the context of the statute." *State v. Haywood*, 886 N.W.2d 485, 488 (Minn. 2016).

Although "equipped" is not defined in the statute or elsewhere, its dictionary definition is "[t]o supply with necessities such as tools or provisions." *The American Heritage Dictionary of the English Language* 602 (5th ed. 2018); *Merriam-Webster's Collegiate Dictionary* 422 (11th ed. 2014) (defining "equip" to include "to furnish for service or action by appropriate provisioning"); *see American Heritage*, *supra*, at 712

(defining "furnish" and other synonyms of "equip" as "to provide with what is necessary for an activity or purpose" and providing examples of "furnished the team with new uniforms" and "equip a car with snow tires"); *see also Merriam-Webster's*, *supra*, at 508 (providing "furnish" as a synonym for "equip" and defining it as "to provide with what is needed"). Therefore, based on these dictionary definitions of "equipped," its plain meaning is to supply or provide the necessities for a particular purpose.

The district court found that appellant's vehicle was equipped with "the plug-in cord that connects to a light bulb," though it had "no plastic cover." Additionally, the deputy credibly testified that:

- he "could see a wire inside of the brake light, mounting area";
- the brake light "did not illuminate";
- there "was a void . . . where, typically, there's a red, rear light, lamp cover - - where a lightbulb would sit inside";
- "there was wiring to include the plugin where one would plugin a lightbulb"; and
- the vehicle had "the ability to have a brake light . . . [b]ut there was just no cover or lightbulb."

See State v. Kvam, 336 N.W.2d 525, 529 (Minn. 1983) (declining to imply finding of lack of credibility in light of officer's undisputed testimony); *see also Umphlett v. Comm'r of Pub. Safety*, 533 N.W.2d 636, 639 (Minn. App. 1995) (concluding that the district court "implicitly found that the officer's testimony was more credible" given its resolution of the issue), *rev. denied* (Minn. Aug. 30, 1995). Therefore, appellant's vehicle was equipped with a center brake light.

Appellant argues that "equipped" should be read to mean "if that component is presently attached to the vehicle," such as a brake light, then that vehicle is "equipped" with that component. According to appellant, this definition is an "everyday life" and "natural use" of the word "equipped." We disagree. This definition requires us to add the words to the statute. This we may not do. *Rohmiller v. Hart*, 811 N.W.2d 585, 590 (Minn. 2012) ("We cannot add words or meaning to a statute that were intentionally or inadvertently omitted.").

Accordingly, the deputy possessed a particularized and objective basis for suspecting appellant had committed a traffic violation based on his observation of appellant's inoperable center brake light, thereby justifying the stop.

Affirmed.