

*This opinion will be unpublished and
may not be cited except as provided by
Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A11-1946**

State of Minnesota,
Respondent,

vs.

Jennifer Lee Welsch,
Appellant.

**Filed September 4, 2012
Affirmed
Connolly, Judge**

Anoka County District Court
File No. 02-CR-10-9733

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

Kurt B. Glaser, Smith & Glaser, LLC, Minneapolis, Minnesota (for respondent)

Rodd Tschida, Minneapolis, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Ross, Judge; and Collins,
Judge.*

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

UNPUBLISHED OPINION

CONNOLLY, Judge

Appellant challenges her conviction for misdemeanor driving under the influence, arguing that the stop of her vehicle for a suspected violation of Minn. Stat. § 169.79, subd. 7 (2010) (requiring license plates to be kept “legible and unobstructed and free from . . . blurring material so that the lettering is plainly visible at all times”) was unlawful and unjustified because the snow covering her license plate had fallen recently. Because the stop of appellant’s vehicle was justified by an objective legal basis, we affirm.

FACTS

On December 11, 2010, at about 1:30 a.m., an unidentified man approached a police officer sitting in a car across the street from a bar and told the officer that an intoxicated person was leaving the bar in a white Tahoe. The officer saw a white Tahoe drive away from the bar, followed it, noticed that its license plate was completely obscured with snow, and stopped it. The driver, appellant Jennifer Welsch, was arrested and charged with driving with an obstructed license plate and driving while under the influence of alcohol.

At an evidentiary hearing, appellant moved to dismiss the charges on the ground that the officer lacked probable cause to stop her vehicle. After hearing testimony from the officer and from appellant, the district court denied the motion.

Under Minn. R. Crim. P. 26.01, subd. 4, appellant stipulated to the state's case to obtain review of the decision. On appeal, she reiterates her argument that the stop was unjustified because the officer lacked an objective legal basis for the stop.

DECISION

This court will “review de novo a [district] court’s determination of reasonable suspicion as it relates to *Terry* stops.” *In re Welfare of G.M.*, 560 N.W.2d 687, 690 (Minn. 1997). “Our cases . . . do not require much of a showing in order to justify a traffic stop. Ordinarily, if an officer observes a violation of a traffic law, however insignificant, the officer has an objective basis for stopping the vehicle.” *State v. George*, 557 N.W.2d 575, 578 (Minn. 1997).

The driver of a motor vehicle “shall keep the [license] plate legible and unobstructed and free from . . . blurring material so that the lettering is plainly visible at all times.” Minn. Stat. § 169.79, subd. 7. It is undisputed that, when the officer stopped appellant’s vehicle, the license plate was not visible because it was covered with snow. Thus, the officer had an objective basis to stop appellant’s vehicle. *See State v. Clark*, 394 N.W.2d 570, 572 (Minn. App. 1986) (concluding that officer who stopped vehicle because its rear license plate was covered with snow and illegible had a specific, articulable fact to support his stop of the vehicle).

Appellant essentially argues that, since it was snowing, the officer did not know when the snow on her license plate had accumulated and therefore did not have an objective basis to make the stop. Appellant argues that it would be impractical to require

drivers to clear off the snow from their license plates while they are driving in a snow storm. She further argues that, in previous cases where we have upheld such stops, *see, e.g., id.*, it had stopped snowing. However, the record does not support appellant's argument that she was unable to clear the snow off her license plate before driving away from the parking lot.

Moreover, if carried to its logical conclusion, this argument would encourage drivers not to comply with the statute by refusing to do what most drivers do when they find their parked cars covered with snow: clear the snow off their cars before driving away.

Affirmed.