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Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A10-553**

State of Minnesota,
Respondent

v.

Aisha Lunye Young,
Appellant.

**Filed March 1, 2011
Affirmed
Stauber, Judge**

Stearns County District Court
File No. 73VB10313

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

Matthew Alan Staehling, St. Cloud City Attorney's Office, St. Cloud, Minnesota (for
respondent)

Aisha Lunye Young, St. Cloud, Minnesota (pro se appellant)

Considered and decided by Johnson, Chief Judge; Stauber, Judge; and

Crippen, Judge.*

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

UNPUBLISHED OPINION

STAUBER, Judge

Pro se appellant Aisha Lunye Young challenges the sufficiency of the evidence to support her petty misdemeanor conviction of failure to stop at a stop sign. *See* Minn. Stat. § 169.30(b) (2008). The state did not file a respondent's brief, and the matter is proceeding pursuant to Minn. R. Civ. App. P. 142.03. Because we conclude that the evidence is sufficient to support the conviction, we affirm.

DECISION

“This court applies the same standard regarding the sufficiency of the evidence to the review of a trial without a jury as it does to a jury trial.” *State v. Eakins*, 720 N.W.2d 597, 603 (Minn. App. 2006). “Our review is limited to a painstaking analysis of the record to determine whether the evidence, when viewed in the light most favorable to the determination, was sufficient to allow the fact-finder to make that determination.” *Id.* “We also must assume that the fact-finder believed the state's witnesses and disbelieved any evidence to the contrary.” *Id.*

On January 1, 2010, at approximately 2:00 p.m., Officer Daniel Greenwald was working traffic detail in a marked patrol car in the City of St. Cloud, when he observed a vehicle that appeared to display expired registration tabs on its license plate. The officer followed the vehicle as it turned onto eastbound Tenth Street and then as it turned southbound on 23rd Avenue. The officer testified that the side roads were very icy that day and that the vehicle was traveling too fast for the road conditions, even though it was traveling below the posted speed limit, because he was having a difficult time keeping up

with it. The officer testified that he observed the vehicle approach a stop sign and make a “rolling stop” as it made a left hand turn. He estimated that the vehicle may have slowed down to approximately five miles per hour, but that it failed to come to a complete stop. After the vehicle pulled into a nearby parking lot, the officer pulled up behind it and activated his lights. The officer testified that he issued the driver, whom he identified as appellant, a citation for failing to stop at a stop sign. He also testified that he explained to appellant that he would not cite her for expired tabs.

At trial, appellant denied rolling through the stop sign and testified that she came to a complete stop, even though it was very icy and slippery. On appeal, appellant asserts that because it is undisputed that she was braking, her vehicle must have come to a complete stop at some point. This line of reasoning, however, is obviously flawed.

Appellant also asserts on appeal that the officer testified that he saw her brake lights come on when her vehicle was approaching the stop sign, that he observed her vehicle roll through the stop sign never coming to a complete stop, that her vehicle was traveling too fast to stop on the icy roads, and that her vehicle was traveling less than five miles per hour but still not slow enough to stop. It is unclear exactly what point appellant is trying to make with these statements, but she perhaps is trying to explain that she attempted to stop but could not, due to the icy conditions. Such a defense, however, is not available to the offense of running a stop sign even under these circumstances. *See* Minn. Stat. §§ 169.14, subd. 3(a) (requiring driver of any vehicle to drive at appropriate reduced speed when approaching and crossing an intersection and when “special hazards exist . . . by reason of weather or highway conditions”), 169.30(b) (“Every driver of a

vehicle shall stop at a stop sign or at a clearly marked stop line before entering the intersection, except when directed to proceed by a police officer or traffic-control signal.”) (2008).

In any event, the district court found that the officer had a clear view of the incident and that the officer’s testimony was credible. *See Eakins*, 720 N.W.2d at 603 (stating that reviewing court must “assume that the fact-finder believed the state’s witnesses and disbelieved any evidence to the contrary”). The evidence was sufficient to support the court’s finding that appellant was guilty of the offense of running a stop sign.

Affirmed.