STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0289

State of Minnesota,
Respondent,

vs.

James Michael Dahlin,
Appellant.

Filed January 21, 2025
Affirmed
Ede, Judge

Red Lake County District Court
File No. 63-CR-23-43

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

Tanner C. Holten, Red Lake County Attorney, Red Lake Falls, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Peter H. Dahlquist, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Larkin, Judge; and Ede, Judge.

NONPRECEDENTIAL OPINION

EDE, Judge

In this appeal from final judgments of conviction for second-degree controlled substance crime, possession of marijuana in a motor vehicle, and fourth-degree driving while impaired (DWI), appellant challenges the district court's denial of his motion to

suppress evidence and to dismiss the charges. Appellant contends: (1) that (a) he preserved his right to appeal the stop of his vehicle and that (b) law enforcement was not justified in pulling him over; and (2) that neither (a) probable cause nor (b) a reasonable belief that he was dangerous and could gain immediate control of a weapon justified the expansion of the stop into a warrantless vehicle search. Because we conclude that the district court did not err in denying appellant's motion to suppress and to dismiss the charges, we affirm.

FACTS

Respondent State of Minnesota charged appellant James Michael Dahlin with: second-degree controlled substance crime, in violation of Minnesota Statutes section 152.022, subdivision 2(a)(1) (2022); possession of marijuana in a motor vehicle, in violation of Minnesota Statutes section 152.027, subdivision 3 (2022); and fourth-degree DWI, in violation of Minnesota Statutes section 169A.20, subdivision 1(2) (2022). These charges arose from a traffic stop and subsequent search of Dahlin's vehicle.

Dahlin moved the district court to suppress "[a]ny and all evidence obtained as a result of a stop, search, or seizure, on the ground that such evidence was obtained in violation of [Dahlin's] constitutional and statutory protections against unreasonable searches and seizures." Specifically, Dahlin argued that law enforcement had no legal basis "to conduct a warrantless search" of his vehicle because the circumstances did not "satisfy any of the exceptions to the warrant requirement," including the exception for officer safety. The following recitation of facts stems from the district court's findings, which are based on the stipulated evidence that the court received per the parties' agreement at an

omnibus hearing on Dahlin's motion. The undisputed evidence includes the criminal complaint and the arresting deputy's report.

In April 2023, Deputy B.G. was on patrol in Red Lake County when he observed a vehicle traveling northbound with its driver-side taillight "barely illuminated and not fully operational." The deputy "went to get behind the vehicle to initiate a traffic stop and the vehicle made a U-turn" into a parking lot. The deputy also made a U-turn "to get behind the vehicle again" and then activated his emergency lights. The vehicle turned into a laundromat without "utilizing its turn signal within 100 feet of it turning." "Upon getting behind the vehicle, the driver immediately got out of the vehicle and put his hands in the air." Deputy B.G. recognized the driver as Dahlin and instructed him to get back into his vehicle. Dahlin did so. Deputy B.G. knew Dahlin "to be a violent offender and was aware that [Dahlin] had served time in prison for an assault involving a weapon." As he was speaking to dispatch, the deputy observed Dahlin move around in his vehicle "as if he was grabbing something or moving something underneath his driver's seat." At that time, another deputy arrived on scene.

Deputy B.G. approached the vehicle and instructed Dahlin to step out so that the deputy could search for weapons. Dahlin exited his vehicle and Deputy B.G. performed a pat-down search. The deputy did not locate any weapons on Dahlin at that time. Deputy B.G. noticed that Dahlin was speaking quickly, that his pupils were constricted, that he was "fidgety," and that his mood was inconsistent. The deputy knew that these were "signs of being under the influence of a controlled substance."

Deputy B.G. then opened the door to Dahlin's vehicle to "conduct an officer safety search of [Dahlin's] immediate area of control for weapons." After finishing the protective search, the deputy intended to complete his investigation of the traffic violation and to have Dahlin re-enter the vehicle. But when he opened the door, Deputy B.G. smelled a "strong odor of marijuana" coming from the vehicle. As a result, the deputy decided to search the vehicle for marijuana as well as weapons. During the search, Deputy B.G. opened the center console of Dahlin's vehicle and found a pillowcase that smelled like marijuana. Upon opening the pillowcase, the deputy found drugs and related contraband. Deputy B.G. arrested Dahlin for possession of controlled substances, searched him again, and found a knife in his pocket. The deputy later applied for and obtained a search warrant to take a sample of Dahlin's urine.

In a memorandum accompanying his motion to suppress, Dahlin maintained that Deputy B.G. "lacked any basis for performing a warrantless search" on his vehicle. Dahlin further contended that, given the totality of the circumstances, Deputy B.G.'s search exceeded any applicable exceptions to the warrant requirement. In support of this argument, Dahlin pointed to the facts that the deputy had stopped Dahlin for a minor traffic violation, Dahlin had complied with Deputy B.G.'s orders, the deputy did not specifically observe any weapons, and Dahlin was "under the direct supervision of at least one deputy at all times."

After the omnibus hearing, the district court filed an order denying Dahlin's motion. The district court determined that Deputy B.G. "made a lawful investigative stop of" Dahlin's vehicle because the deputy had observed at least two traffic violations:

(1) "driver-side taillight/taillamp partially illuminated and not functioning properly [per] Minnesota Statutes, sections 169.48, 169.50, 169.55, and 169.57"; and (2) failure to signal a turn. Furthermore, the district court ruled that the partially illuminated light and failure to signal were "reasonable and articulable suspicions of traffic violations or equipment violations sufficient to stop the motor vehicle."

As to the expansion of the stop into the warrantless search of Dahlin's vehicle, the district court decided that law enforcement had lawful justification based on probable cause and the "protective weapons search exception to the warrant requirement." The district court reasoned that, because the deputy observed several indicia of drug use and detected the smell of marijuana, Deputy B.G. "had probable cause to believe that a further search of the vehicle may reveal additional evidence of a crime or contraband." And the district court determined that Dahlin's violent criminal history, the indicia of drug use, and Dahlin's actions after the stop—including his immediate exit from the vehicle and furtive movements—supported the reasonableness of the deputy's actions in conducting a protective sweep of the vehicle. The district court explained that "it was likely that the defendant would have been cited and released at the conclusion of the stop and interaction with Deputy [B.G.] but for the discovery of the drugs and drug-related contraband." Thus, the district court ruled that Deputy B.G. "had every right to ensure his own safety during this encounter, including [by completing] the protective weapons search of the subject motor vehicle."

Dahlin waived his right to a jury trial and stipulated to the state's case under Minnesota Rule of Criminal Procedure 26.01, subdivision 4. The district court later filed an order finding Dahlin guilty of all three charges, followed by judgments of conviction.

Dahlin appeals.

DECISION

Dahlin challenges the district court's denial of his motion to suppress and to dismiss the charges. He argues: (1) that (a) he preserved his right to appeal the constitutionality of the stop and that (b) Deputy B.G. did not have reasonable, articulable suspicion to pull him over; and (2) that neither (a) probable cause nor (b) a reasonable belief that he was dangerous and could gain immediate control of a weapon justified the expansion of the stop into a search of his vehicle without a warrant.

"When reviewing a district court's pretrial order on a motion to suppress evidence, [appellate courts] review the district court's factual findings under a clearly erroneous standard and the district court's legal determinations de novo." *State v. Ortega*, 770 N.W.2d 145, 149 (Minn. 2009) (quotation omitted). "Findings of fact are clearly erroneous if, on the entire evidence, [appellate courts] are left with the definite and firm conviction that a mistake occurred." *State v. Diede*, 795 N.W.2d 836, 846–47 (Minn. 2011). "Deference must be given to the district court's credibility determinations." *State v. Klamar*, 823 N.W.2d 687, 691 (Minn. App. 2012) (citing *State v. Moore*, 438 N.W.2d 101, 108 (Minn. 1989)).

Below, we address each of Dahlin's arguments in turn.

I. The district court did not err in determining that the traffic stop of Dahlin's vehicle was lawful.

A. Dahlin preserved his right to appeal the traffic stop's constitutionality.

Before turning to the merits of Dahlin's contentions about the lawfulness of the traffic stop, we must first address the state's assertion that Dahlin waived his right to appeal this issue by failing to raise it before the district court. The state maintains that, because Dahlin did not argue against the legality of the stop in the district court, the state was not "afforded an opportunity to call witnesses or establish a record of this issue at the omnibus stage." Dahlin disputes these claims. We agree with Dahlin that his challenge to the stop is properly before us.

Minnesota Rule of Criminal Procedure 10.01, subdivision 2, provides that "[d]efenses, objections, issues, or requests that can be determined without trial on the merits must be made before trial by a motion to dismiss or to grant appropriate relief. The motion must include all defenses, objections, issues, and requests then available." Minn. R. Crim. P. 10.01, subd. 2. "[A] pretrial motion to suppress should specify, with as much particularity as is reasonable under the circumstances, the grounds advanced for suppression in order to give the state as much advance notice as possible as to the contentions it must be prepared to meet at the hearing." *State v. Needham*, 488 N.W.2d 294, 296 (Minn. 1992). A failure to include an issue in the motion "constitutes waiver." Minn. R. Crim. P. 10.01, subd. 2. Generally, appellate courts "do not consider issues raised for the first time on appeal." *State v. Williams*, 794 N.W.2d 867, 874 (Minn. 2011).

We are not convinced that Dahlin waived his right to challenge the traffic stop. Dahlin's motion to suppress framed the issue in a comprehensive manner. He requested that "[a]ny and all evidence obtained as a result of a *stop, search, or seizure*" be suppressed "on the ground that such evidence was obtained in violation of [his] constitutional and statutory protections against unreasonable searches and seizures." Although Dahlin's memorandum accompanying his motion to suppress did not contain a specific contention that the stop was unlawful, Dahlin broadly framed the issue in his motion as including a challenge to the stop. Moreover, the district court explicitly determined that the deputy made a "lawful investigative stop" of Dahlin's vehicle. And the state submitted Deputy B.G.'s incident report as part of the stipulated evidence that the parties agreed to provide the district court at the omnibus hearing. That report details the reasons why the deputy stopped Dahlin's vehicle.

Because the district court analyzed the issue in its order, the state established a record about the issue, and both parties have fully briefed the issue on appeal, we discern no unfair surprise to the state. Thus, we next turn to a substantive review of the legality of the stop.

B. Law enforcement was justified in stopping Dahlin's vehicle based on reasonable, articulable suspicion of a traffic violation.

Dahlin maintains that Deputy B.G. did not have reasonable, articulable suspicion to justify the initial stop of his vehicle. We are not persuaded.

"The United States and Minnesota Constitutions prohibit unreasonable searches and seizures." *State v. Taylor*, 965 N.W.2d 747, 752 (Minn. 2021) (citing U.S. Const. amend.

IV; Minn. Const. art. I, § 10). "Warrantless searches and seizures are generally unreasonable." *Id.* A law enforcement officer may, however, "conduct a brief investigatory stop if they have reasonable, articulable suspicion that 'criminal activity may be afoot.'" *Birkland v. Comm'r of Pub. Safety*, 940 N.W.2d 822, 825 (Minn. App. 2020) (quoting *Terry v. Ohio*, 392 U.S. 1, 30 (1968)).

"Reasonable suspicion must be particularized and based on specific and articulable facts, which taken together with rational inferences from those facts, reasonably warrant that intrusion." *Taylor*, 965 N.W.2d at 752 (quotation omitted). "Reasonable suspicion requires more than a mere hunch but is considerably less than proof of wrongdoing by a preponderance of the evidence, and obviously less than is necessary for probable cause." *Id.* (quotation omitted). "An officer must have a particularized and objective basis for suspecting the person stopped of criminal activity to justify an investigatory stop." *State v. Battleson*, 567 N.W.2d 69, 71 (Minn. App. 1997). "[I]f 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).

We conclude that Dahlin's barely illuminated and nonfunctioning taillight sufficiently supports the district court's determination that reasonable, articulable suspicion of criminal activity justified the traffic stop.[1] Minnesota Statutes section 169.48,

[1] Dahlin also argues that the district court erred by determining "that Deputy [B.G.'s] stop was justified by Dahlin's failure to signal" because the turn-signal violation occurred after the deputy "activated his squad lights to stop Dahlin." At oral argument, the state conceded that, because Dahlin's failure to signal occurred after he was seized by law enforcement, we cannot rely on it as a justification for the traffic stop that had already been initiated. We agree. *Cf. Sibron v. New York*, 392 U.S. 40, 63 (1968) ("It is axiomatic that an incident

subdivision 1 (2022), provides that every vehicle "upon a highway . . . at any time from sunset to sunrise . . . shall display lighted headlamps [and] lighted tail lamps." Deputy B.G. had an objective basis for suspecting Dahlin of violating that statute—which required Dahlin's vehicle to display lighted tail lamps—because the deputy observed a taillight that was "barely illuminated and not fully operational."

Dahlin nevertheless asserts that, although the district court's finding that his taillight was partially illuminated and not functioning is supported by the record, "the district court's legal determination that the traffic law was violated was incorrect." He maintains that the district court "did not find, nor does the record reflect, that the taillight was not visible from 500 feet to the rear or that it was not activated upon the application of the brakes and visible from 100 feet." Dahlin therefore asserts that "the district court incorrectly found that [he] violated the cited traffic laws."

It is true that Minnesota Statutes section 169.50, subdivision 1 (2022), provides that every vehicle "must be equipped with at least one tail lamp, exhibiting a red light plainly visible from a distance of 500 feet to the rear." Similarly, Minnesota Statutes section 169.57, subdivision 1 (2022), requires a vehicle to be equipped with at least two rear stop lamps, which shall be visible from a distance of 100 feet. And Dahlin is correct that the record does not reflect that the taillight was not visible from 500 feet to the rear or visible from 100 feet after activation.

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search may not precede an arrest and serve as part of its justification."). And we therefore do not consider Dahlin's failure to signal in analyzing whether the stop was lawful.

But the district court's task was to determine only whether reasonable, articulable suspicion justified the stop, not that Dahlin had, in fact, violated a traffic law. As the Minnesota Supreme Court explained in *Taylor*, "[r]easonable suspicion requires more than a mere hunch but is considerably less than proof of wrongdoing by a preponderance of the evidence, and obviously less than is necessary for probable cause." 965 N.W.2d at 752 (quotation omitted). Indeed, the supreme court "has held that, to make a lawful traffic stop, a law enforcement officer must have a 'particularized and objective basis for *suspecting* the particular persons stopped of criminal activity.'" *George*, 557 N.W.2d at 578 (quoting *Berge v. Comm'r of Pub. Safety*, 374 N.W.2d 730, 732 (Minn. 1985)) (explaining that the supreme court's "cases . . . do not require much of a showing in order to justify a traffic stop"). Here, Deputy B.G.'s observation of a taillight on Dahlin's vehicle that was "barely illuminated and not fully operational" sufficiently satisfies the low bar required to establish reasonable suspicion that Dahlin had violated sections 169.48 and 169.57.[2]

[2] Dahlin further asserts that, although Minnesota Statutes section 169.55, subdivision 1 (2022), "requires only one red light to be visible from 500 feet to the rear," the district court found only that "the driver-side light was partially illuminated and not functioning properly, which is not a violation of" the statute. Subdivision 1 of section 169.55 provides that, "[a]t the times when lighted lamps on vehicles are required[,] each vehicle . . . must be equipped with . . . a lamp or lantern exhibiting a red light visible from a distance of 500 feet to the rear." As mentioned in the preceding text, Minnesota Statutes section 169.50, subdivision 1, similarly provides that every vehicle "must be equipped with at least one tail lamp, exhibiting a red light plainly visible from a distance of 500 feet to the rear." But even assuming without deciding that sections 169.50 and 169.55 did not require Dahlin's vehicle to have more than one taillight, Minnesota Statutes section 169.48, subdivision 1, nonetheless does mandate "lighted tail lamps." As discussed above, section 169.57, subdivision 1, likewise requires a vehicle to be equipped with at least two rear stop lamps. Because Deputy B.G. had reason to believe Dahlin was driving a vehicle in violation of sections 169.48 and 169.57, we reject Dahlin's contention that only one lighted tail lamp

Based on the facts in the record establishing a particularized basis for reasonable, articulable suspicion of a traffic violation—"however insignificant"—we conclude that the district court did not err in determining that the stop of Dahlin's vehicle was lawful. *Id.*

II. The district court did not err in determining that the expansion of the traffic stop into a warrantless search of Dahlin's vehicle was lawful.

"An initially valid stop of a vehicle may become invalid if it becomes intolerable in its intensity or scope." *State v. Sargent*, 968 N.W.2d 32, 38 (Minn. 2021) (quotation omitted). "The tolerable duration of police inquiries in the traffic-stop context is determined by the seizure's mission—to address the traffic violation that warranted the stop and attend to related safety concerns." *Id.* (quotation omitted). "An officer seeking to expand the duration or scope of the traffic stop beyond its original justification may only do so if he or she had a particularized and objective basis for suspecting the seized person of criminal activity." *Id.* (quotation omitted). "Each incremental intrusion during a stop must be strictly tied to and justified by the circumstances which rendered the initiation of the stop permissible." *Id.* (quotation omitted). In other words, "each step of an officer's investigation must be tied to and justified by one of the following: (1) the original legitimate purpose of the stop, (2) independent probable cause, or (3) reasonableness." *Id.* (quotation omitted).

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was required and instead conclude that the deputy had sufficient reasonable, articulable suspicion to stop Dahlin's vehicle. *See George*, 557 N.W.2d at 578.

Below, we analyze whether the expansion of the traffic stop was justified by (a) probable cause or (b) a reasonable belief that Dahlin was dangerous and could gain immediate control of a weapon.

A. Law enforcement had probable cause to search Dahlin's vehicle.

Dahlin contends that Deputy B.G. lacked probable cause to search his vehicle based on observing indicia of drug use.[3] This claim does not warrant reversal.

Law enforcement may conduct a warrantless search of a vehicle "if there is probable cause to believe the search will result in a discovery of evidence or contraband." *State v. Lester*, 874 N.W.2d 768, 771 (Minn. 2016) (quotation omitted). "Probable cause exists when there are facts and circumstances sufficient to warrant a reasonable prudent person to believe that the vehicle contains contraband." *Id.* (quotation omitted). "Probable cause is an objective inquiry that depends on the totality of the circumstances in each case." *Id.* "[T]he totality of the circumstances 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." *Id.*

Contrary to Dahlin's contention that "the sole factor observed by Deputy [B.G.], prior to the search of the vehicle, was Dahlin's indicia of drug use," the probable cause to

[3] Dahlin also argues that the odor of marijuana could not support probable cause because Deputy B.G. did not detect it until after the vehicle search began. At oral argument, the state conceded that, based on the timing of Deputy B.G.'s detection of the marijuana odor, we cannot consider the smell as part of our probable cause analysis. As with the failure-to-signal issue discussed above, we again agree. *Cf. Sibron*, 392 U.S. at 63. And we therefore do not consider the odor of marijuana in deciding whether there was probable cause to justify the vehicle search.

search Dahlin's vehicle was not based only on facts about Dahlin's apparent impairment. It is true that Deputy B.G. observed that Dahlin was speaking quickly, that his pupils were constricted, that he was "fidgety," and that his mood was inconsistent. And the deputy did understand these indicia as "signs of [Dahlin] being under the influence of a controlled substance." But Deputy B.G. also observed Dahlin make several furtive movements after the traffic stop. Dahlin exited his vehicle immediately after the deputy stopped him. Then, following compliance with Deputy B.G.'s instruction that he reenter the vehicle, Dahlin moved around inside "as if he was grabbing something or moving something underneath his driver's seat." Furthermore, the deputy recognized the driver as Dahlin, whom Deputy B.G. knew as "a violent offender" who "had served time in prison for an assault involving a weapon." All of this occurred *before* the deputy began the search.

As Dahlin acknowledges in his brief, "Minnesota courts have routinely held probable cause to conduct a warrantless search of a vehicle exists when indicia of drug use is accompanied by other factors." We agree. *See, e.g.*, *State v. Gallagher*, 275 N.W.2d 803, 808 (Minn. 1979) (holding that probable cause supported a lawful search based on "the totality of the circumstances," which included an "officer observ[ing] defendant's exit from his car and the passenger's furtive gestures attempting to shield [the officer's] view[,] . . . coupled with his observations of defendant's and his passenger's 'widely-staring' eyes," which "indicated the possible use of a controlled substance"). The same is true of furtive movements. *See, e.g.*, *State v. Munoz*, 385 N.W.2d 373, 375–77 (Minn. App. 1986) (holding that probable cause supported a lawful search based on, among other things, an

officer's "personal knowledge of appellant," including "appellant's previous felony convictions," as well as "appellant's furtive movements").

We therefore conclude that, taken together, these specific circumstances would warrant a reasonably prudent person to believe that Dahlin's vehicle contained contraband. As a result, the district court did not err in determining that the expansion of the traffic stop into a warrantless search of Dahlin's vehicle was lawfully based on probable cause.

B. Law enforcement was justified in conducting a protective search of Dahlin's vehicle.

Finally, Dahlin argues that the district court erred in determining that Deputy B.G. "possessed a reasonable belief based on specific and articulable facts that Dahlin was dangerous and may gain immediate control of weapons." We disagree.[4]

"A protective search of the passenger compartment of the vehicle, limited to those areas in which a weapon may be placed or hidden, is permissible if the officer possesses a reasonable belief, based on specific and articulable facts, that the suspect is dangerous and may gain immediate control of a weapon." *State v. Waddell*, 655 N.W.2d 803, 810 (Minn. 2003). Generally, whether a suspect is under police control during a protective search is immaterial to the legality of the search because, "if the suspect is not placed under arrest, he will be permitted to reenter his automobile, and he will then have access to any weapons inside." *Michigan v. Long*, 463 U.S. 1032, 1051–52 (1983).

[4] Although we need not address Dahlin's protective-search argument because we have already concluded that the search was justified by probable cause, we do so because, even if probable cause did not support the intrusion, it was nonetheless a lawful protective search.

The district court did not err in determining that Deputy B.G. possessed a reasonable belief based on specific facts that Dahlin was dangerous and could have gained immediate control of a weapon. As just discussed, Deputy B.G. knew Dahlin "to be a violent offender" and "was aware that [Dahlin] had served time in prison for an assault involving a weapon." The Minnesota Supreme Court has upheld a protective search when the defendant "was known to carry firearms, and he had been connected with a homicide in which a firearm was apparently used." *State v. Gilchrist*, 299 N.W.2d 913, 917 (Minn. 1980). Together with his knowledge about Dahlin's background, the deputy also observed several furtive movements by Dahlin, including Dahlin's immediate exit from the vehicle after being pulled over and his subsequent conduct inside the vehicle, which suggested that he was grabbing or relocating something. And Deputy B.G. observed that Dahlin was fidgety and that his mood was inconsistent. These specific and articulable facts bolstered the reasonableness of the deputy's belief that Dahlin was dangerous and might gain immediate control of a weapon. *Cf. State v. Alesso*, 328 N.W.2d 685, 688–89 (Minn. 1982) (holding that an officer was justified in conducting a protective search of a defendant in a vehicle because the officer "noticed that [the] defendant was either trying to conceal or remove an object of some sort from his right pocket," which was "a furtive movement" that the Minnesota Supreme Court concluded "justified" the search).

Although he acknowledges that he made furtive movements, Dahlin nonetheless asserts that a protective search was not justified because he "had been removed from the vehicle, the vehicle door[s] had been closed, he had been *Terry* searched for weapons, and he was under the control of both" deputies at the time of the search. Dahlin claims that the

only way he would have returned to his vehicle is if the deputies allowed him to do so, an outcome that Dahlin maintains "is simply not believable" because he had exhibited signs of controlled substance use. Thus, Dahlin challenges as clearly erroneous the district court's finding that "it was likely that the defendant would have been cited and released at the conclusion of the stop and interaction with Deputy [B.G.] but for the discovery of the drugs and drug-related contraband."

We conclude that the district court's finding was not clearly erroneous because we are not "left with the definite and firm conviction that a mistake occurred." *Diede*, 795 N.W.2d at 846–47. In his report, Deputy B.G. wrote that he intended "to have . . . Dahlin take a seat back in [Dahlin's] vehicle and continue with [the deputy's] routine traffic stop." The district court implicitly credited this statement by the deputy. *See State v. Jones*, 755 N.W.2d 341, 348–49 (Minn. App. 2008) (recognizing that "the district court made an implicit credibility finding"), *aff'd*, 772 N.W.2d 496 (Minn. 2009). More specifically, in determining that Deputy B.G. acted reasonably by conducting a protective search of Dahlin's vehicle, the district court adopted "all of the facts recited by" the state in its brief opposing Dahlin's motion, including that the deputy planned to return Dahlin to the vehicle. As mentioned previously, we must defer to the district court's credibility determinations. *See Klamar*, 823 N.W.2d at 691. We also note that Deputy B.G.'s statement mirrors the deputy's decision to instruct Dahlin to return to his own vehicle when Dahlin first exited at the outset of their roadside encounter.

Moreover, the district court did not affirmatively rule that Dahlin would have been cited and released. Instead, the district court determined that citation and release was a

likely outcome had the deputy not discovered drugs and related contraband. And this finding is not clearly erroneous because it is reasonably supported by Deputy B.G.'s assertion to that effect in his report. Thus, we are not left with the definite and firm conviction that a mistake occurred. *See Diede*, 795 N.W.2d at 846–47.

In sum, Deputy B.G. had reasonable, articulable suspicion of a traffic violation to support the vehicle stop. And the expansion of the stop into a search of the vehicle was supported both by probable cause and by a reasonable belief that Dahlin was dangerous and could gain immediate control of a weapon. Thus, the district court did not err in denying Dahlin's motion to suppress evidence and dismiss the charges.

Affirmed.