

*This opinion is nonprecedential except as provided by  
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A24-1038**

State of Minnesota,  
Respondent,

vs.

Romelio Balderas, Jr.,  
Appellant.

**Filed June 9, 2025  
Affirmed  
Slieter, Judge**

Olmsted County District Court  
File No. 55-CR-23-5827

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

Michael Walters, Olmsted County Attorney, James E. Haase, Senior Assistant County Attorney, Rochester, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Julia Q. Brady, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Cochran, Presiding Judge; Slieter, Judge; and Kirk,  
Judge.\*

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

## **NONPRECEDENTIAL OPINION**

**SLIETER**, Judge

In this direct appeal from the judgment of conviction of being an ineligible person in possession of a firearm, appellant argues that the district court erred by denying his motion to suppress evidence because the officer unlawfully expanded the traffic stop. Because the officer possessed a reasonable, articulable suspicion of criminal activity to expand the traffic stop, we affirm.

### **FACTS**

Respondent State of Minnesota charged appellant Romelio Balderas Jr. with possession of a firearm by an ineligible person in violation of Minn. Stat. § 624.713, subd. 1(2) (2022), arising from a vehicle search following the expansion of a traffic stop. The following facts derive from the suppression hearing.

On June 8, 2023, Balderas was the passenger in a motor vehicle that was stopped by an officer who was aware that the driver had a suspended driver's license. The officer was familiar with the driver because the officer previously had a number of "drug-related contacts" with him. The officer testified that he has approximately five years of law enforcement experience, including over two years as a sheriff's deputy and almost three years as a Rochester police officer, which resulted in various interactions with individuals involved with controlled substances.

When the officer approached the driver's door, he observed a passenger in the front seat, who was identified as Balderas, as well as a passenger sitting in the back seat. The officer observed that all three occupants in the vehicle began smoking cigarettes soon after

the stop. The officer testified that the occupants may have been smoking to “cover odors” presumably associated with illegal drugs. The officer testified that all three occupants appeared to be visibly sweating, and that Balderas removed his sweatshirt. The officer stated that he thought this was unusual due to the mild late-spring temperature. The officer testified that visibly sweating could be indicative of illegal substance use.

The officer next asked the driver to step out of the vehicle and answer a few questions regarding where they had come from and where they were going. The driver, in response to one of the officer’s questions, denied the presence of any illegal items in the vehicle. The officer then asked Balderas to step out of the vehicle to answer similar questions. The officer testified that their answers were substantially different which, when added to his other observations, led him to suspect illegal drug activity.

While visiting with Balderas outside the vehicle, the officer asked him if there was anything illegal in the vehicle. The officer testified that Balderas responded by indicating that he had “weed” and some drug paraphernalia. Upon being asked by the officer, the driver consented to the officer’s search of the vehicle. The officer seized a loaded 9mm handgun from a black backpack on the floor of the front passenger seat where Balderas had been seated.

The district court denied Balderas’ motion to suppress. The case proceeded to a stipulated-evidence court trial pursuant to Minn. R. Crim. P. 26.01, subd. 4. The district court adjudicated Balderas guilty of being an ineligible person in possession of a firearm in violation of Minn. Stat. § 624.713, subd. 1(2), and imposed an executed prison sentence of 60 months’ imprisonment.

Balderas appeals.

## DECISION

Balderas contests the officer's expansion of the stop to include a controlled-substance investigation. "[U]nder Article I, Section 10, of the Minnesota Constitution any expansion of the scope or duration of a traffic stop must be justified by a reasonable articulable suspicion of other criminal activity." *State v. Fort*, 660 N.W.2d 415, 419 (Minn. 2003). When the facts are not in dispute, we review a pretrial order on a motion to suppress evidence *de novo*. *State v. Williams*, 794 N.W.2d 867, 871 (Minn. 2011).

The reasonable-suspicion showing is "not high." *State v. Bourke*, 718 N.W.2d 922, 927 (Minn. 2006) (quotation omitted). "Reasonable suspicion must be based on specific, articulable facts that allow the officer to be able to articulate . . . that he or she had a particularized and objective basis for suspecting the seized person of criminal activity." *State v. Morse*, 878 N.W.2d 499, 502 (Minn. 2016) (quotations omitted). When determining whether an officer has reasonable, articulable suspicion of criminal activity supporting the search or seizure, appellate courts consider the totality of the circumstances. *State v. Taylor*, 965 N.W.2d 747, 752 (Minn. 2021). Further, because of their specialized training, officers are permitted to make inferences and deductions that might elude an untrained person when articulating a reasonable suspicion. *State v. Flowers*, 734 N.W.2d 239, 251-52 (Minn. 2007).

Balderas argues that the officer's expansion of the traffic stop to include questioning about controlled substances is not supported by reasonable, articulable suspicion of additional criminal activity. We are not persuaded.

Prior to the officer expanding the vehicle stop by asking Balderas if there were any illegal items in the vehicle, the officer made several observations to support that expansion. The officer was familiar with the driver and his past controlled-substance use. And while we agree with Balderas that this fact alone cannot be a basis to assume Balderas also used controlled substances, the officer made other observations unrelated to the driver's history that supported such suspicion. The officer observed that all three occupants began smoking soon after the officer approached the vehicle which, the officer testified, was a possible attempt to mask illegal drug odors. The officer also observed that Balderas removed his sweatshirt and that all three occupants were abnormally sweating, especially given the mild temperature that morning. The officer testified that this may be a sign of controlled-substance use. Finally, upon separately inquiring of the driver and Balderas as to their travel locations, their answers significantly varied.

Based upon these observations, the officer possessed an objectively reasonable, articulable suspicion of criminal activity sufficient to expand the traffic stop by asking Balderas if there was anything illegal in the vehicle. *See State v. Lugo*, 887 N.W.2d 476, 486-87 (Minn. 2016) (reiterating that, when forming reasonable, articulable suspicion, an officer may “draw inferences and deductions that might well elude an untrained person,” though it requires “more than an unarticulated hunch” (quotations omitted)). Because the expansion of the stop, which occurred when the officer asked Balderas if there was anything illegal in the vehicle, was legally justified, the district court properly denied Balderas' motion to suppress evidence seized during the search of the vehicle.

**Affirmed.**