STATE OF MINNESOTA IN DISTRICT COURT

COUNTY OF ITASCA NINTH JUDICIAL DISTRICT
Case Type: Criminal

State of Minnesota, Court File 31-CR-24-3008

Plaintiff,

vs.

ORDER

Cynthia Arlene Martin,

Defendant.

The above-entitled matter came before the undersigned Judge of District Court on July 21, 2025, pursuant to Defendant's Amended Notice of Motion and Motion to Dismiss based upon lack of probable cause, pursuant to *State v. Florence*, 239 N.W.2d 892, 902 (Minn. 1976); *State v. Al-Naseer*, 734 N.W.2d 679, 686-88 (Minn. 2007); and *State v. Al-Naseer*, 788 N.W.2d 469, 480-481 (Minn. 2010). The Defendant also sought to suppress all evidence after the seizure of Ms. Martin, based upon a violation of her constitutional rights, in that Trooper McCabe lacked the necessary facts to lawfully manifest reasonable, articulable suspicion to expand the stop of the Defendant into an investigation of impaired driving and conduct a DRE investigation.

The Court also addressed the issue of defense's motion to change venue. The parties agreed that the written arguments and submissions filed previously on this issue were sufficient, and no further argument needed. The Court considers this issue taken under advisement as of July 21, 2025. The Court issued an order on the change of venue motion, and said order was filed on August 20, 2025.

Regarding the motion to dismiss and suppress evidence, the parties agreed to a briefing schedule, wherein the defense shall serve and file its written arguments on or before 11:59 p.m. on August 18, 2025, and the State shall serve and file its written arguments on or before September 8, 2025, at 11:59 p.m. Therein, the matter shall be deemed taken under advisement. The defense noted its waiver of timelines for the Court to issue its order; there was no waiver made by the State.

Testimony was taken from Trooper McCabe. The parties agreed to a Florence packet, which was downloaded to MNDES, and an amended cover sheet was to be filed by the State and confirmed by the defense. Defendant agreed that confirmation of the amended cover sheet can be conducted by e-mail to the Court by counsel, without the Defendant's presence.

Therefore, based upon the testimony of Trooper McCabe, the documents contained in the Florence packet, as identified in the amended itemized list of documents, and the arguments of counsel, the Court makes the following:

ORDER

1. Defendant's motion to dismiss for lack of probable cause is hereby DENIED.
2. Defendant's motion to suppress evidence and dismiss, based upon lack of reasonable articulable suspicion, is DENIED.
3. The attached Memorandum is incorporated herein.
4. The parties shall appear for a remote plea hearing on November 5, 2025, at 8:45 AM.
5. Court Administration shall send Notice of Remote Hearing.

Dated October 8, 2025

BY THE COURT:

Chandler, Heidi
2025.10.08 12:55:10 -05'00'

Hon. Heidi M. Chandler
Judge of District Court

MEMORANDUM

Facts

The facts, considered for the purposes of this Motion only, are as follows:

Defendant was charged by Summons and Complaint with one count of Criminal Vehicular Homicide, pursuant to Minnesota Statute § 609.2112, Subd. 1 (a) (7), with reference to § 609.2112, Subd. 1 (a). The maximum sentence is 10 years in prison, a $20,000 fine, or both. It is alleged to have occurred on or about July 3, 2024, in Itasca County, Minnesota. The State alleges the Defendant caused the death of a human being as a result of operating a motor vehicle and left the scene of the collision, in violation of § 169.09, Subd. 1, or § 169.09, Subd. 6.

Testimony was taken from Rachel McCabe, a trooper with the Minnesota State Patrol. Trooper McCabe has been a licensed peace officer since April of 2020. She has been a certified drug recognition expert for approximately four years. She has been employed by the Minnesota State Patrol for approximately five years. Her typical duties include patrolling the roadways of the state for safety and to enforce traffic laws. Her day-to-day duties include patrolling in a specified area, as well as responding to calls and conducting investigations. She has passed the requirements to be a Minnesota State Patrol trooper in that she has obtained a degree, has passed the law enforcement skills course, and passed the POST test. She has received additional trainings provided by the Minnesota State Patrol, including the certified drug recognition evaluation training since 2021.

Trooper McCabe was working a dayshift on July 4, 2025. Dayshift begins at 6:00 a.m. and ends at 4:00 p.m. On that morning, she received a call from Trooper Klatt regarding an incident which occurred the previous night. Trooper McCabe did not know the details, other than Klatt reporting to her that someone called in believing that he/she was involved in an incident the evening prior. Klatt asked McCabe to meet him at the caller's residence located on Gary Drive in Grand Rapids, Itasca County, Minnesota. McCabe drove to that residence, pulled into the driveway, and observed a single-family home. On the left side of the property, she observed Trooper Klatt's squad, as well as an Itasca County Deputy Sheriff's vehicle, parked in front of the home. On the right side, she observed a white SUV, which was parked straight, and a teal-colored Tahoe, which was parked "crooked". The way the vehicle was parked stood out to McCabe right away. McCabe walked around the vehicles and observed damage on the teal vehicle on the front right side, showing damage to the area of the headlight, the headlight itself, the hood, and the windshield. She observed that the windshield was broken in a circular manner, in that it had "spiderwebbed". She also noticed that a piece of black fabric, which was approximately three inches long, was stuck between the hood and the frame of the vehicle. McCabe observed that this fabric was thick, cottonlike material, with jagged edges.

Trooper McCabe, while she pulled in, observed Itasca County Deputy Sheriff Jake Olson speaking with a woman, who was later identified as the Defendant. McCabe and Klatt later spoke with the Defendant outside of her home.

In speaking with the Defendant, the troopers learned she drove the teal-colored vehicle the previous night, and she had been in two parades the day prior, both in Gilbert and Aurora. The troopers learned the Defendant was driving home late in the evening on July 3rd. While on U.S. Highway 169, Defendant believes she hit an owl or a turkey, seeing the object hit her windshield. When asked, Defendant denied any use of alcohol before driving, during driving, or after driving. Upon asking the Defendant about the consumption of any substances, the troopers learned she has a prescription for Hydrocodone, as well as Ibuprofen and a high blood pressure medication. Defendant told the troopers she takes the Ibuprofen and the high blood pressure medication daily. Defendant told the troopers the Hydrocodone is for pain with her knee, and she is prescribed to take it as needed. When asked if she took Hydrocodone on July 3rd, Defendant stated she took one-half of a pill before the first parade on July 3rd and another half of a pill after the second parade on July 3rd. McCabe confirmed, by looking at the prescription bottle, a half pill equals five milligrams.

The troopers learned from the Defendant that she learned, after arriving home, that what she hit was something other than an owl or a turkey. Defendant then contacted law enforcement that morning of July 4th.

McCabe observed the Defendant to be distraught, crying, and upset at times. She also observed the Defendant relating "nice stories" about a turkey who was a service animal. Throughout her interactions with the Defendant that morning, McCabe observed mood swings exhibited by the Defendant. Based upon the mood swings, the damage to the teal motor vehicle, her admission that she took Hydrocodone, McCabe decided to conduct a DWI investigation. Also contributing to McCabe's decision to conduct a DWI investigation was that the Defendant did not stop and call and report what she believed to be the hitting of an owl or a turkey, and the damage it caused. Based upon her training and experience, McCabe testified that people who choose not to call in such a collision usually do so because they are trying to hide something. Despite the Defendant's call to law enforcement even hours later, this does not dispel McCabe's concern.

McCabe spoke with the Defendant both outside and inside the Defendant's home. Prior to going into the home, the Defendant was notified that her phone was being seized as evidence. McCabe suggested and allowed the Defendant to retrieve some telephone numbers from her phone prior to law enforcement removing the phone from the scene. The Defendant then went into her home with the phone and McCabe followed. Defendant had earlier invited law enforcement into the home and offered coffee to the officers. McCabe eventually did accept the offer for coffee.

McCabe, during her interactions with Defendant, did not observe any signs of use of alcohol. Specifically, she did not smell alcohol coming from the Defendant's person; Defendant was not slurring her words; Defendant did not have bloodshot or watery eyes; Defendant was cooperative throughout. McCabe also did not observe any signs of impairment from the use of a controlled substance, such as slurred speech or stumbling; Defendant was, again, cooperative. Defendant did not appear to be confused when McCabe and Klatt were speaking with her.

McCabe's Body Worn Camera video footage shows a discussion between McCabe and Klatt at 35 minutes and 45 seconds, where McCabe asks a Klatt, "What time was the call?" Klatt writes an answer on a notepad. At about 40 minutes, McCabe expresses to Klatt she does not know if a judge would sign a search warrant due to the fact that Defendant only took one Hydrocodone pill in total, where the prescription is for one pill every four hours as needed. The video footage also shows a phone conversation between McCabe and Lieutenant Burch at about 42 minutes, where McCabe tells Burch that Defendant did not drink last night, took half a Hydrocodone pill at 5:00 p.m., and took the other half of the pill at 7:00 p.m. McCabe tells Burch that the instructions on the pill bottle state to use care when operating a vehicle because the pill may cause dizziness or drowsiness. McCabe asks Burch, "Just based off of that, should we run her through fields? I'm not seeing anything at this point." At about 70 minutes into the video footage, Burch calls McCabe and instructs her to conduct field sobriety tests based off Defendant's admitted used of Hydrocodone.

McCabe conducted Standardized Field Sobriety Tests and a Drug Recognition Evaluation on Defendant. A search warrant was obtained, and a sample of Defendant's blood was sent to the Bureau of Criminal Apprehension. Defendant's vehicle was seized and processed pursuant to a search warrant, and blood was found on the front passenger wiper arm and the backside of the passenger side mirror.

Investigators ran Crash Data Retrieval software on Defendant's vehicle's computer, showing that the vehicle traveled at 59 miles per hour for eight seconds prior to impact. One second prior to impact, the brakes on Defendant's vehicle engaged. The speed limit on the section of Highway 169 where Decedent was hit is 65 miles per hour.

Surveillance footage was collected from Sinclair gas station located several hundred yards away from the collision. The time stamp on the video footage was roughly six minutes and forty seconds behind the actual time. The video footage shows the single headlight of a vehicle stop around 11:10:37 p.m. on July 3, 2024, according to the time stamp. The vehicle begins moving again at 11:10:53. The vehicle stops again at 11:10:59, and a second vehicle approaches behind the first vehicle. After the second vehicle passes, the first vehicle starts moving again at 11:11:26. When the first vehicle passes in front of the surveillance camera, it appears as a dark-colored SUV. A third vehicle approaches the place the first vehicle stopped for the second time

and stops at 11:11:33 p.m. That vehicle remains stopped for the duration of the video footage. A fourth vehicle approaches, drives past the stopped vehicle, then makes a right turn onto the road next to the Sinclair gas station.

According to the probable cause portion of the Complaint, the driver of the third vehicle, M.J., noticed Decedent's body lying in the roadway. He pulled to the side of the road, put his vehicle's hazard lights on, and called 911. M.J. saw another vehicle swerve to avoid hitting M.J.'s vehicle, causing the vehicle to run over Decedent's body. That driver, A.T., pulled into the Sinclair gas station before returning to the side of the roadway and waiting for law enforcement to arrive.

On July 4, 2024, at 5:54 a.m., Defendant called 911 and reported she may have been involved in the accident near Nashwauk.

Midwest Medical Examiner's Office conducted an autopsy, identifying Decedent's cause of death as "extensive blunt force injury, including fracture at the base of the skull with transection of the cervical spine, aortic transection with extensive soft tissue hemorrhage, and a large avulsion pocket of the lower back involving the buttocks and sacrum." A large part of Decedent's scalp was partially torn away.

Legal Analysis

Probable Cause

"The test of probable cause is whether the evidence worthy of consideration . . . brings the charge against the [defendant] within reasonable probability." *State v. Florence*, 239 N.W.2d 892, 896 (1976) (quotation omitted); *see also* Minn. R. Crim. P. 11.04, subd. 1(a) ("The court must determine whether probable cause exists to believe that an offense has been committed and that the defendant committed it."). The trial court is to make an independent assessment of probable cause on the entire record, including the use of reliable hearsay in whole or in part. Minn. R. Crim. P. 11.04; *Florence*, 239 N.W.2d at 900. Probable cause is required for every element of the crime charged. *State v. Lopez*, 778 N.W.2d 700, 704 (Minn. 2010). A charge should not be dismissed for lack of probable cause if there is a fact question on an element of the offense. *Id.* at 704.

A motion to dismiss for lack of probable cause should be denied where the facts appearing on the record, including reliable hearsay, would preclude the granting of a motion for a directed verdict of acquittal if proved at trial. *Florence*, 239 N.W.2d at 903. A motion for judgment of acquittal is properly denied where the evidence, viewed in the light most favorable to the State, is sufficient to sustain a conviction. *State v. Simion*, 745 N.W.2d 830, 841 (Minn. 2008).

Defendant argues the State has failed to present a question fact for each element of the charge. Defendant argues Minnesota Statute Section 169.09, subdivisions 1 and 6 require the State to prove that Defendant reasonably investigated what was struck and that Defendant knew or had reason to know that she collided with a person.

The relevant statutory provisions of Minnesota Statute Section 169.09 are as follows:

> Subdivision 1. Driver to stop for collision; injury or death. The driver of any motor vehicle involved in a collision shall immediately stop the vehicle at the scene of the collision, or as close to the scene as possible, and reasonably investigate what was struck. If the driver knows or has reason to know the collision resulted in injury to or death of another, the driver in every event shall remain at the scene of the collision until the driver has fulfilled the requirements of this section as to the giving of information. The stop must be made without unnecessarily obstructing traffic.
>
> Subd. 6. Notice of personal injury. The driver of a vehicle involved in a collision resulting in bodily injury to or death of another shall, after compliance with this section and by the quickest means of communication, give notice of the collision to the local police department if the collision occurs within a municipality, to a State Patrol officer if the collision occurs on a trunk highway, or to the office of the sheriff of the county.

Defendant relies on *State v. Al-Naseer*, 734 N.W.2d 679, 684 (Minn. 2007) to support her position that the State must prove the Defendant had knowledge she had been in an accident with a person or another vehicle. *See Defendant's Brief* at 5-7. The older version of this statute, in effect when the Supreme Court of Minnesota issued the opinion in *Al-Naseer* until 2014, is as follows:

> The driver of any motor vehicle involved in an accident resulting in immediately demonstrable bodily injury to or death of any individual shall immediately stop the vehicle at the scene of the accident, or as close to the scene as possible but shall then return to and in every event shall remain at the scene of the accident, until the driver has fulfilled the requirements of this section as to the giving of information. The stop must be made without unnecessarily obstructing traffic.

When interpreting a statute, the court must first determine whether the language of the statute is ambiguous. *State v. Pakhnyuk*, 926 N.W.2d 914, 920 (Minn. 2019). "The plain language of the statute controls when the meaning of the statute is unambiguous." *Id.* (quoting *State v. Boecker*, 893 N.W.2d 348, 351 (Minn. 2017). To determine the plain meaning of a statute, the words and phrases in the statute are construed according to rules of grammar and according to their common and approved usage. Minn. Stat. § 645.08.

"A statute is ambiguous only if it is subject to more than one reasonable interpretation." *500, LLC v. City of Minneapolis*, 837 N.W.2d 287, 290 (Minn. 2013). If the language is ambiguous because it is susceptible to more than one reasonable interpretation, courts apply other canons of

construction to ascertain and effectuate the intent of the Legislature. *KSTP-TV v. Ramsey Cty*, 806 N.W.2d 785, 788 (Minn. 2011). Such canons include: (1) the occasion and necessity for the law; (2) the circumstances under which it was enacted; (3) the mischief to be remedied; (4) the object to be attained; (5) the former law, if any, including other laws upon the same or similar subjects; (6) the consequences of a particular interpretation; (7) the contemporaneous legislative history; and (8) legislative and administrative interpretations of the statute. Minn. Stat. § 645.16.

Defendant argues that although the Legislature redrafted certain subdivisions of the statute to begin with "The driver of any motor vehicle involved in a collision shall immediately stop the vehicle," calling into question whether a driver is required to stop when involved in *any* collision, other subdivisions, such as subdivision 5, do not. *Defendant's Brief* at 5-6. Defendant notes that the *mens rea* element of the statute was added by the Supreme Court of Minnesota in *Al-Naseer*, establishing that the State must prove the defendant had knowledge that the collision involved a person or a vehicle. *Id.* at 6. Defendant argues that seven years after *Al-Naseer*, in 2014, the Legislature changed the language of Section 169.09 to include a criminal negligence standard. Defendant argues that now the State must show that an objective, reasonable person under the circumstances would have known that the collision involved a person. Defendant argues the "leaving the scene" statute has never imposed any duty on drovers involved in collisions with wild animals or the like. *Id.* at 5-6, n.1.

This Court disagrees with Defendant's position that the State must prove the Defendant had knowledge she had been in an accident with a person or another vehicle. The plain meaning of the statute imposes two distinct duties on drivers involved in a collision, as demonstrated by the first two sentences of Section 169.09, subdivision 1. The first sentence states that a "driver of any motor vehicle involved in a collision shall immediately stop the vehicle at the scene of the collision . . . and reasonably investigate what was struck." This language does not expressly identify any mens rea standard but implies a duty to stop if the driver knew that there was a *collision*.

The second sentence of Section 169.09, subdivision 1 specifies a mens rea element that "[i]f the driver knows or has reason to know the collision resulted in injury to or death of another, the driver in every event shall remain at the scene[.]" This language outlines a second duty that follows naturally from the first: If, after stopping and investigating what was struck, the driver knows or has reason to know the collision resulted in injury to or death of another, the driver has a duty to remain at the scene of the collision.

Thus, to prove vehicular homicide, the State must prove the following elements: (1) the death of the alleged victim; (2) the defendant caused the death of the victim as a result of operating a motor vehicle; (3) the defendant left the scene without reasonably investigating what was struck, or if the defendant knew or had reason to know the collision resulted in injury to or death of

another, the defendant failed to remain at the scene to give information to law enforcement; and (4) the offense occurred on or about July 3, 2024, in Itasca County.

There is evidence of Decedent's death. The Decedent was found deceased on Highway 169.

There is evidence Defendant caused the Decedent's death as a result of operating a motor vehicle. Defendant admitted to operating a motor vehicle on July 3, 2024, and parts of Defendant's vehicle were found in the debris field at the scene of the accident. Defendant's vehicle is captured on surveillance footage. Decedent's cause of death was extensive blunt force injury and severance of the spinal cord. Defendant's vehicle had extensive damage the morning after Decedent's death, including a broken headlight, damage to the hood, and a "spiderwebbed" windshield. Blood was found on Defendant's vehicle. Defendant admitted to being involved in a collision on a bridge near Nashwauk, the location where Decedent's body was found.

There is evidence Defendant either left the scene without reasonably investigating what was struck or that Defendant knew or should have known the collision resulted in injury to or death of another and failed to stay to provide information. In her statement to law enforcement, Defendant claimed she believed she hit an owl or turkey and did not stop to investigate. Surveillance footage from the Sinclair gas station shows Defendant did stop, but all that is visible of the scene in the footage is Defendant's single headlight. It is impossible to determine what Defendant is doing while she is stopped. The State argues, and this Court agrees, that whether Defendant's investigation was reasonable is one of the central fact questions of this case, and there is sufficient evidence in the record to present such a fact question.

If a jury determines Defendant's investigation was reasonable, there is the question of whether Defendant knew or should have known the collision resulted in injury to or death of another and failed to remain on the scene. Despite Defendant's statements to law enforcement, there is sufficient evidence that Defendant knew or should have known the collision resulted in injury to or death of another, given the height of Decedent and the extent of the damage to Defendant's vehicle. This question goes to Defendant's credibility, which is a question of fact for the jury.

Finally, there is evidence the alleged offense occurred on July 3, 2024, in Itasca County.

There is probable cause that a crime was committed, and that Defendant committed it. It is reasonable to require Defendant to stand trial.

Reasonable Suspicion

A police officer cannot expand the scope of an investigatory stop beyond the original purpose of the stop without "at least a reasonable suspicion of additional criminal activity." *State v. Serbus*, 957 N.W.2d 84, 91 (Minn. 2021) (citing *State v. Smith*, 814 N.W.2d 346, 350 (Minn. 2012)); see

also Minn. Const. art. I, § 10 (prohibiting unreasonable searches). To justify an investigative stop, a police officer "must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." *Terry v. Ohio*, 392 U.S. 1, 21 (1968).

The officer makes an assessment based on "all the circumstances" and "draws inferences and makes deductions-inferences and deductions that might well elude an untrained person." *United States v. Cortez*, 449 U.S. 411, 418 (1981). These circumstances include the officer's general knowledge and experience, the officer's personal observations, information the officer has received from other sources, the nature of the offense suspected, the time, the location, and anything else that is relevant. *Appelgate v. Commissioner of Public Safety*, 402 N.W.2d 106, 108 (Minn. 1987).

Article I, Section 10 of the Minnesota Constitution requires that each incremental intrusion during a traffic stop 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, as defined in *Terry v. Ohio*. *State v. Askerooth*, 681 N.W.2d 353, 365 (Minn. 2004).

For example, observations of the driver sweating, having dilated pupils, anxious behavior, eyelid and body tremors is sufficient to expand the traffic stop into a DWI investigation. *State v. Prax*, 686 N.W.2d 45, 49 (Minn. Ct. App. 2004). The odor of alcohol alone has been found to be sufficient to provide reasonable suspicion to continue the detention and investigate. *State v. Lopez*, 631 N.W.2d 810, 814 (Minn. Ct. App. 2001).

Defendant argues law enforcement did not possess reasonable suspicion to extend the detention of Defendant into an impaired driving investigation, and all evidence gathered thereafter should be suppressed. Defendant argues law enforcement arrived several hours after Defendant had operated her vehicle, reported no odor of alcohol on Defendant and no slurring or mumbling of Defendant's speech. Defendant argues she was cooperative, and her account and recollection of the previous evening was clear, chronological, and succinct. Defendant argues she repeatedly stated she was unaware she may have hit an individual and explained her lack of awareness regarding the incident was attributed to poor roadway lighting and the unexpected presence of a pedestrian in the fast lane on a motor vehicle bridge.

Further, Defendant argues that although Trooper McCabe testified under oath that she expanded the seizure to investigate whether Defendant was impaired due to the way the vehicle was parked, Defendant's mood fluctuations, and her initial failure to contact law enforcement, a review of McCabe's body worn camera shows McCabe was instructed to expand the seizure of Defendant by a lieutenant who was not present at Defendant's home and had not had any direct interaction with Defendant.

Defendant is correct that Burch instructed McCabe to expand the scope of the stop. However, McCabe had been in communication Burch and had provided her information about Defendant's use of medication the night before. McCabe was seeking confirmation of whether to "run [Defendant] through fields," and she received confirmation from Burch. McCabe testified about the extensively damaged vehicle parked crooked in Defendant's driveway. McCabe testified about Defendant's dramatic mood swings and stated the inconsistency between the damage to Defendant's vehicle and Defendant's statement she hit a bird made McCabe concerned about Defendant's possible impairment.

Although Defendant argues there were no physical indica of intoxication, "no bright line rule requires an officer to observe one of the physical indicia of intoxication to establish either probable cause or the lower standard of reasonable, articulable suspicion[.]" *State v. Taylor*, 965 N.W.2d 747, 758 (Minn. 2021). And regarding Defendant's explanations for her mood swings and crooked vehicle, "even lawful activity can serve as the basis for reasonable suspicion." *Id.* at 754.

Based on all the circumstances and the inferences and deductions by McCabe, there was reasonable, articulable suspicion to expand the investigation into a DWI investigation given the nature of the case; extensive damage to Defendant's vehicle contrasted with her statement she hit a bird; the way Defendant's vehicle was parked; Defendant's mood swings; and Defendant's admitted use of Hydrocodone. Therefore, Defendant's constitutional rights were not violated, and the evidence obtained after the expansion need not be suppressed.

HMC