NOT DESIGNATED FOR PUBLICATION

No. 125,386

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

CITY OF SALINA,
Appellee,

v.

RALPH JEFFERSON BENNETT,
Appellant.

MEMORANDUM OPINION

Appeal from Saline District Court; PATRICK H. THOMPSON, judge. Opinion filed September 8, 2023. Affirmed.

Roger D. Struble, of Blackwell & Struble, LLC, of Salina, for appellant.

Brock R. Abbey, assistant city prosecutor, and *Christina Trocheck*, city prosecutor, for appellee.

Before SCHROEDER, P.J., MALONE, J., and MARY E. CHRISTOPHER, S.J.

PER CURIAM: Ralph Jefferson Bennett moved to suppress all evidence obtained by law enforcement officers, claiming the officers transformed a public safety stop into an investigatory detention in violation of his constitutional rights under the Fourth Amendment to the United States Constitution. The district court denied the motion, and a jury ultimately convicted Bennett of driving under the influence of alcohol. As we explain below, we find the district court did not err in denying the motion, and we affirm.

FACTS

Law enforcement received a report of a person who appeared to be passed out in a truck outside a McDonald's in Salina. The Salina Police Department dispatched officers Cody Way and Jesse Christmas to conduct a welfare check. Upon arriving at the scene around 3 a.m. on February 16, 2020, the officers located a red truck with the driver asleep in his seat. The truck's engine was running, and the truck matched the reported description—a red Chevrolet Silverado. Both officers observed the sound of loud revving coming from the engine, indicating the driver's foot was pushing on the gas pedal.

Way testified he approached the truck first to determine whether the driver needed assistance. As he approached, Way saw a man, later identified as Bennett, who appeared to be sleeping in the driver's seat. His hands were not on the wheel, and he was holding a bag from McDonald's in his lap. When Way opened the truck's door, Bennett looked at him with a blank stare and mumbled a few words. Way testified that after determining Bennett was awake and verbal, Bennett did not appear to need any medical attention. Way requested Bennett remove his foot from the gas pedal, and then Way shut off the truck's ignition and removed the keys.

Way testified he removed the keys from the truck because he suspected Bennett was under the influence of alcohol and did not want Bennett to drive away. In addition to the early morning hours, the sleeping body, and the revving engine, Way smelled an odor of alcohol emanating from inside the truck after he opened the door. Christmas, like Way, observed Bennett's unintelligible, slow responses to questions and comments made by the officers.

Based on his observations of Bennett, Way asked him to step out of the truck, and Bennett complied. Christmas then requested Bennett participate in field sobriety testing, observing an odor of alcohol coming from Bennett's person while they conversed.

Christmas requested a preliminary breath test, which Bennett declined. After completing the field sobriety tests, Bennett told Christmas he drove to the McDonald's, went through the drive through, and drove to where he was found by the officers.

Based on the evidence collected, Christmas arrested Bennett for driving under the influence of alcohol. The officers transported Bennett to the Saline County Jail, where Bennett provided a breath test showing the alcohol concentration in his breath was .097.

Bennett was convicted of driving under the influence, in violation of a Salina city ordinance, at the Salina Municipal Court. Bennett then appealed his guilty verdict to the Saline County District Court.

Before trial, Bennett moved to suppress "any and all items seized by law enforcement on February 16, 2020." Bennett argued the officers implicated his constitutional protections under the Fourth Amendment when the officers transformed a welfare check into an extended, investigatory detention. And, as a result, he claimed the officers did not have probable cause to request the breath test and field sobriety tests. At the hearing held on May 13, 2021, the City claimed the officers had probable cause to investigate whether Bennett was operating his truck under the influence of alcohol. The district court denied Bennett's motion to suppress.

At Bennett's jury trial, he was convicted of operating a vehicle while under the influence of alcohol to a degree that rendered him incapable of safely driving a vehicle. The district court ordered Bennett serve 180 days' imprisonment at the county jail but granted 12 months' probation.

ANALYSIS

The District Court Did Not Err in Denying Bennett's Motion to Suppress

Bennett argues the district court erred when it denied his motion to suppress because the officers infringed upon his Fourth Amendment protections when they transformed a public safety stop into an investigatory detention. Notably, Bennett only challenges the district court's denial of his motion on this ground. At the district court, he also argued the stop was unlawfully prolonged and that he was arrested and subjected to a breath test without probable cause. Although Bennett has incidentally raised these points throughout his brief, those points were not argued therein and, therefore, we deem them waived or abandoned. See *State v. Meggerson*, 312 Kan. 238, 246, 474 P.3d 761 (2020).

In response, the City makes two arguments. First, the City relies on Kansas Supreme Court briefing rules to argue Bennett failed to preserve this argument for appeal because he did not provide a citation to the record showing he lodged a contemporaneous objection to the admission of this evidence at trial. Second, and alternatively, the City argues the officers had the lawful authority to transform the public safety stop into an investigatory detention because they had reasonable suspicion of criminal conduct.

The objection was sufficiently contemporaneous.

The City correctly argues K.S.A. 60-404 generally precludes an appellate court from reviewing an evidentiary challenge absent a timely and specific objection made on the record. *State v. Dupree*, 304 Kan. 43, 62, 371 P.3d 862 (2016). Put another way, any pretrial objection to the admission or exclusion of evidence must be preserved by contemporaneously objecting at trial, which can be accomplished through a standing objection. *State v. Richard*, 300 Kan. 715, 721, 333 P.3d 179 (2014). The Kansas Supreme Court recently reiterated that evidentiary objections "must be both timely and

specific [in order] to give the district court 'the opportunity to conduct the trial without using . . . tainted evidence, and thus avoid possible reversal and a new trial.' *Baker v. State*, 204 Kan. 607, 611, 464 P.2d 212 (1970)." *State v. Alfaro-Valleda*, 314 Kan. 526, 532-33, 502 P.3d 66 (2022).

Under Supreme Court Rule 6.02(a)(5) (2023 Kan. S. Ct. R. at 36), each issue in an appellant's brief "must begin with citation to the appropriate standard of appellate review and a pinpoint reference to the location in the record on appeal where the issue was raised and ruled on." The City provides a litany of cases where our Supreme Court has declined to address an appellant's argument when the appellant fails "to develop the record below or, at least, cite to the record." *State v. Reed,* 300 Kan. 494, 513, 332 P.3d 172 (2014).

Relying on the contemporaneous objection rule and the requirements under Rule 6.02(a)(5), the City argues Bennett cannot show he met these burdens. The City is correct. Bennett did not provide a pinpoint citation to the record establishing Bennett lodged a contemporaneous objection sufficient to show he preserved the issue. Nor did he attempt to show he made such objection.

But, even so, the Kansas Supreme Court has refused to strictly apply the contemporaneous-objection rule in certain contexts upon finding the underlying purpose of the rule has been satisfied. See, e.g., *State v. Hart*, 297 Kan. 494, 510-11, 301 P.3d 1279 (2013); *State v. Spagnola*, 295 Kan. 1098, 1102-03, 289 P.3d 68 (2012); *State v. Breedlove*, 295 Kan. 481, 490-91, 286 P.3d 1123 (2012). In this vein, our Supreme Court has characterized the rule as a "prudential rather than jurisdictional obstacle to appellate review." *State v. Gaona*, 293 Kan. 930, 956, 270 P.3d 1165 (2012).

Here, the trial transcript shows Bennett's defense counsel made a continuing objection toward the beginning of Christmas' testimony. Prior to this testimony, the City called Wayne Pruitt and Dalton Gibson to testify. Pruitt, the custodian of phone calls with

the Salina Police Department Emergency Communications Center, did not testify to any evidence related to Bennett's claim for suppression. Gibson, the former assistant general manager of the McDonald's, testified about obtaining security footage and providing the footage to police. Gibson also testified that police showed him a picture of the vehicle they were looking for—the red truck—which Gibson was able to identify on the security footage.

The City called Christmas next. Christmas testified about his employment and training as a police officer before testifying about being dispatched to the McDonald's at 3 a.m. on February 16, 2020. Prior to defense counsel's objection, Christmas testified that when he arrived at the scene, he "observed a red pickup truck parked . . . in between McDonald's and the Verizon store, running with the male occupant inside and the male occupant's foot was pressing on the gas pedal, making the engine rev." Christmas also testified that he noticed the person was asleep when he approached the truck. He and Way contacted the occupant, Bennett, by opening the truck's door and asking Bennett to wake up.

After asking Christmas about field sobriety testing and signs of impairment, the City questioned whether Christmas noticed any signs of impairment when he first made contact with Bennett. Christmas testified Bennett "had watery eyes and when I asked him to step out and walk back to the rear of the vehicle, he leaned up against the truck." And then defense counsel objected. Specifically, defense counsel stated: "Your Honor, at this point, we're going to impose an objection and refer specifically to our written motion, which had previously been filed and ruled upon." The district court responded: "Court will note the continuing objection. I'll overrule that objection, but there is a continuing objection."

The Kansas Supreme Court has found a defendant failed to preserve an evidentiary challenge when defense counsel did not make a contemporaneous objection to the

evidence supporting the material the defendant wished to suppress. *Dupree*, 304 Kan. at 62-63. In *Dupree*, the defendant sought to suppress a statement he made during a custodial interview. But our Supreme Court found Dupree's counsel

> "did not object at any point during the testimony of the interviewing detective who told the jury that Dupree admitted to having made the [statement] . . . . Instead, in a recess following the testimony, Dupree's counsel asserted he had 'two continuing ongoing objections to these statements . . . based on the previous motions we argued.'" 304 Kan. at 62.

The *Dupree* court found defense counsel did not preserve the issue of the voluntariness of the defendant's statements because counsel did not lodge a timely objection to the detective's testimony. "Despite defense counsel's request to make a contemporaneous record during trial when the statements were admitted into evidence, counsel did not contemporaneously object during the lengthy direct examination in which the statements came into evidence. He objected only during a recess after the jury already heard the evidence." 304 Kan. at 63.

Applicable here, our Supreme Court has found objections voiced after the complained of evidence is already admitted are not timely under K.S.A. 60-404. *State v. Hilt*, 299 Kan. 176, 192, 322 P.3d 367 (2014). And "it is not sufficient for a defendant to object on one ground and argue another ground on appeal." *State v. George*, 311 Kan. 693, 701, 466 P.3d 469 (2020); see *State v. Garcia-Garcia*, 309 Kan. 801, 810, 441 P.3d 52 (2019) ("The contemporaneous objection rule is not satisfied by objecting on one ground at trial and arguing another ground on appeal because it would undercut the statute's purpose."); *State v. Richmond*, 289 Kan. 419, 429, 212 P.3d 165 (2009) ("[T]he trial court must be provided the specific objection so it may consider as fully as possible whether the evidence should be admitted and therefore reduce the chances of reversible error.").

Here, again, Bennett's defense counsel lodged a contemporaneous objection referencing his motion to suppress evidence. In his motion, Bennett argued the officers' welfare check improperly transformed into an investigatory detention and sought to suppress "all evidence seized herein." Notably, his motion alleged facts underlying the transformation of the stop from a welfare check to investigatory. Bennett alleged that "[w]ithout any further effort to determine if [he] needed assistance, he was ordered out of the truck to submit to a DUI investigation." And he concluded: "[T]he officers jumped into a DUI investigation even though Bennett indicated he was just tired and not in need of assistance."

Defense counsel allowed some relevant testimony—Christmas saw Bennett asleep in the red truck and observed the engine revving before Way opened the door and asked Bennett to wake up—before making the contemporaneous objection. And such objection was not specific to any ground or evidence.

However, the transcript suggests the district court was aware of which objections defense counsel was making. Given the same judge presided over both the suppression hearing and the trial, the district court was likely aware of the vague grounds lodged by defense counsel. We determine the objection was sufficiently contemporaneous to allow the trial court to "consider as fully as possible whether the evidence should be admitted and therefore reduce the chances of reversible error." *Richmond*, 289 Kan. at 429.

Officers May Transform a Public Safety Check into an Investigatory Detention if the Officers Have Reasonable Suspicion of Criminal Activity

As stated, Bennett argues the district court erred in denying his motion to suppress because the officers impermissibly transformed a public safety stop into an investigatory detention. As a result, Bennett contends, all evidence resulting from the stop must be suppressed. The City agrees the officers were initially conducting a public safety check

but argues the officers permissibly transformed the stop given their observations which supported reasonable suspicion to believe Bennett was driving under the influence.

"On a motion to suppress, an appellate court generally reviews the district court's findings of fact to determine whether they are supported by substantial competent evidence and reviews the ultimate legal conclusion de novo." *State v. Cash*, 313 Kan. 121, 125-26, 483 P.3d 1047 (2021). Similarly, "[w]hether reasonable suspicion exists is a question of law, and appellate courts review this question with a mixed standard of review, determining whether substantial competent evidence supports the district court's factual findings, while the legal conclusion is reviewed de novo." *City of Wichita v. Molitor*, 301 Kan. 251, 264-65, 341 P.3d 1275 (2015).

Substantial competent evidence refers to legal and relevant evidence that a reasonable person could accept as being adequate to support a conclusion. *State v. Smith*, 312 Kan. 876, 887, 482 P.3d 586 (2021). In reviewing the factual findings, an "appellate court does not reweigh the evidence or assess the credibility of witnesses." *State v. Hanke*, 307 Kan. 823, 827, 415 P.3d 966 (2018). The City carries the burden to prove the search and seizure were lawful. See *Cash*, 313 Kan. at 126.

There are generally four types of encounters between individuals and police: (1) voluntary or consensual encounters, (2) investigatory detentions, (3) public safety stops, and (4) arrests. *State v. Cleverly*, 305 Kan. 598, 605, 385 P.3d 512 (2016). The Fourth Amendment guarantees "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend. IV. The Kansas Supreme Court has found it reasonable to seize an individual to protect public safety. See *State v. Vistuba*, 251 Kan. 821, 824, 840 P.2d 511 (1992), *disapproved of in part on other grounds by State v. Field*, 252 Kan. 657, 847 P.2d 1280 (1993). "[A]s long as there are objective, specific, and articulable facts from which an experienced law enforcement officer would suspect that a citizen needs help or is in peril, the officer has

the right to stop and investigate." *State v. Ellis*, 311 Kan. 925, 929-30, 469 P.3d 65 (2020).

"However, a safety stop must be "'divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute."'" *State v. Messner*, 55 Kan. App. 2d 630, 631, 419 P.3d 642 (2018). "[A]s with any other police encounter, the scope of the detention during a public safety stop cannot exceed the justifications for the stop." *State v. Gonzales*, 36 Kan. App. 2d 446, 455, 141 P.3d 501 (2006). In applying the public safety rationale to justify a police-citizen encounter, courts carefully scrutinize the facts "so the protections of the Fourth Amendment are not emasculated." 36 Kan. App. 2d at 455.

Conversely, a traffic stop is considered a seizure of the driver that implicates the Fourth Amendment. *City of Atwood v. Pianalto*, 301 Kan. 1008, 1011, 350 P.3d 1048 (2015); see *Vistuba*, 251 Kan. at 823 ("The stop of a vehicle being driven on the streets always constitutes a seizure."). A police-citizen encounter, such as a traffic stop, can transform from a welfare check "into an investigative detention if the police conduct changes." *Ellis*, 311 Kan. at 930. "In order for an officer to go beyond a . . . public safety check and detain a person for further investigation, the officer must have "'reasonable suspicion the seized individual is committing, has committed, or is about to commit a crime or traffic infraction. [Citations omitted.]"'" 311 Kan. at 931.

The Kansas Supreme Court has explained:

> "Reasonable suspicion is a lower standard than probable cause, and '[w]hat is reasonable depends on the totality of circumstances in the view of a trained law enforcement officer.' *State v. Martinez*, 296 Kan. 482, 487, 293 P.3d 718 (2013). In determining whether reasonable suspicion exists, the court must judge the officer's conduct in light of common sense and ordinary human experience under the totality of the circumstances. This determination is made with deference to a trained officer's 'ability

> to distinguish between innocent and suspicious circumstances,' while recognizing that it represents a 'minimum level of objective justification' and is 'considerably less than proof of wrongdoing by a preponderance of the evidence.' *Pianalto*, 301 Kan. at 1011 (quoting *Martinez*, 296 Kan. at 487)." *State v. Sharp*, 305 Kan. 1076, 1081, 390 P.3d 542 (2017).

Notably, the City makes an important point in its brief: Bennett concedes the purpose of the initial contact by law enforcement was proper. In Bennett's brief, he states: "[I]t is uncontested the officer was properly responding for a welfare check." Given Bennett's admission the initial contact was a proper welfare check, we are presented with the limited question of whether the officers obtained reasonable suspicion to transform the stop to an investigatory detention. We find they did.

Reasonable suspicion existed to transform the stop into an investigatory detention.

Bennett's argument before us largely ignores the applicable standards for transforming a public safety stop into an investigatory detention. His argument seems to suggest the officers had to conclude the stop upon determining Bennett did not need assistance. He argues:

> "Upon contact, Mr. Bennett explained the situation and declined assistance. At that point, being ordered out of the vehicle was going too far and any evidence subsequently obtained should have been suppressed. At no time during the initial contact did Officer Way offer assistance. Although he found Mr. Bennett asleep, the officer never knocked on the window. He never asked for the keys, or for Mr. Bennett to shut the vehicle off. He just opened the door and entered the vehicle even though Mr. Bennett was responsive to commands."

The City responds the sequence of events described above by Bennett differ from the evidence presented at the suppression hearing and trial. Notably, the sequence of events offered by Bennett also differ from the district court's factual findings at the

suppression hearing. Bennett argues he assured the officers he did not need assistance upon contact, seeming to contend he provided this assurance before the officers opened the truck door. But at the suppression hearing, the district court found Way determined Bennett did not need assistance after opening the truck door, turning off the engine, and observing Bennett exit the truck. The district court stated, "Officer Way indicated he didn't seek to do anything else in the way of a welfare check, because [Bennett] was awake, he was verbal, he didn't need assistance to the car, and he believed he was okay at that point."

The district court's factual findings are supported by substantial competent evidence. At the suppression hearing, Way testified he opened the truck door because he "wanted to make sure that this person that was seated in the driver's seat was okay and if he needed assistance or not." Way determined Bennett did not need medical attention:

> "Upon me opening the door and seeing that he was—that he woke up, he was alert, he was verbal, it did not appear to me that he was in need of medical attention. I didn't observe any injuries to him. After he stepped out of the truck, he—he exited on his own, he didn't need assistance. So based on that I determined that he was not in need of medical attention."

On cross-examination, Way again stated his observations reflected Bennett did not need medical attention because he woke up, was verbal, and could stand on his own upon stepping out of the vehicle.

Once the officers determined Bennett did not need assistance, in order to transform the welfare check into an investigatory detention, they needed to "'have a reasonable and articulable suspicion, based on fact, that the person stopped has committed, is committing, or is about to commit a crime.'" *Pianalto*, 301 Kan. at 1011. Our Supreme Court adopted a three-part test to determine justification for a public safety stop:

> "First, as long as there are objective, specific, and articulable facts from which an experienced law enforcement officer would suspect that a citizen needs help or is in peril, the officer has the right to stop and investigate. Second, if the citizen needs aid, the officer may take appropriate action to render assistance. Third, once the officer is assured that the citizen is not in peril or is no longer in need of assistance, any actions beyond that constitute a seizure, implicating the protections provided by the Fourth Amendment." *Ellis*, 311 Kan. at 929-30.

Bennett argues the officers' conduct violated the third step by transforming the safety stop into an investigatory stop. But the City responds that nothing in our caselaw suggests an officer must ignore evidence of a crime discovered during the public safety stop. And this conclusion is supported by the three-part test in *Ellis* that suggests an officer may pursue actions beyond the welfare check, but such actions will implicate Fourth Amendment protections.

By the time the officers determined Bennett did not need assistance, they had reasonable and articulable suspicion Bennett had committed or was about to commit a crime—driving under the influence. See *Pianalto*, 301 Kan. at 1011. The officers knew Bennett was asleep in the driver's seat of the truck while parked at a McDonald's at 3 a.m. Bennett's truck was running, and the engine was revving due to Bennett's foot pressing on the gas pedal. Upon opening the truck door, Way observed an odor of alcohol emanating from the truck. Bennett gave him a blank stare, mumbled some words, had watery eyes, and provided slow responses to statements and questions made by officers. When Way reached for the truck keys in the ignition, he noticed the smell of alcohol emanating from Bennett's breath.

The district court compared this case to *Nickelson v. Kansas Dept. of Revenue*, 33 Kan. App. 2d 359, 367, 102 P.3d 490 (2004), wherein a panel of our court found a public safety stop can be extended into an investigatory detention when the facts exist to support further investigation. In *Nickelson*, a trooper with the Kansas Highway Patrol conducted a

public safety stop in a rural area after observing a vehicle turn off the highway onto a "'farm plug,'" or driveway, then the driver turn off the vehicle's lights. "There were no farm buildings, outbuildings, businesses, or residences in the area where Nickelson parked his vehicle." 33 Kan. App. 2d at 360. Like the officers here, the trooper approached the vehicle with the intent to check on the driver's welfare, but the trooper testified he also found the driver's activity suspicious.

The trooper parked in a way that blocked Nickelson's access to the highway. The trooper turned on his spotlight, approached the vehicle, and asked Nickelson if he was okay. Nickelson responded affirmatively. The trooper testified he immediately smelled alcohol when Nickelson rolled down the window in order to respond, which prompted him to asked Nickelson if he had been drinking. When Nickelson denied drinking, his speech was not slurred. The trooper then asked Nickelson to step out of the vehicle and immediately noticed the odor of alcohol emanating from Nickelson's person. The trooper conducted field sobriety tests and ultimately arrested Nickelson for driving under the influence.

On appeal, the panel found the trooper had grounds to extend the stop because he "immediately smelled a strong odor of alcohol upon approaching Nickelson's vehicle." 33 Kan. App. 2d at 367. To reach this conclusion, the panel relied on *City of Norton v. Stewart*, 31 Kan. App. 2d 645, 649, 70 P.3d 707 (2003), where another panel of our court found the odor of alcohol was a sufficient reason to extend the scope and duration of a public safety stop. Notably, the *Nickelson* panel found the officer in *Stewart* "was not obligated to ignore the odor of alcohol even though this was not the reason for the initial stop." 33 Kan. App. 2d at 367.

The district court did not err in comparing the actions of the trooper in *Nickelson* to the actions of the officers here. Here, the officers observed many of the same grounds for suspicion as the trooper in *Nickelson*—the late time of night (or early in the morning)

and an odor of alcohol emitting from the person—plus, the officers knew the person in the driver's seat was asleep; the truck was running with the engine revving; and the driver had watery eyes and provided mumbled, slow responses upon initial contact by the officers. The officers had reasonable suspicion to believe Bennett had committed or was about to commit a crime, which permitted the officers to go beyond the public safety check and detain Bennett for further investigation. See *Ellis*, 311 Kan. at 931.

Bennett avoids the application of *Nickelson* and claims his case is similar to *Messner*, *Gonzales*, and *Ellis*. The City responds those cases are distinguishable. In *Messner*, the panel found the officer exceeded the scope of the public safety stop when the officer took Messner's driver's license, returned to the patrol car, and ran a warrant check. 55 Kan. App. 2d at 636-37. Notably, the officer pursued these actions while conducting the public safety check, and the officer did not provide grounds for reasonable suspicion to extend the stop. Conversely, here, Way and Christmas provided reasonable and articulable grounds for suspecting criminal activity prior to transforming the stop into an investigatory detention.

The same is true for Bennett's comparison to *Gonzales.* There, the panel found the officer exceeded the scope of the public safety stop when he "began an investigative action immediately upon approaching the vehicle by asking about the ownership of the truck and asking for the occupants' driver's licenses." 36 Kan. App. 2d at 456. Unlike the officers here, the officer in *Gonzales* did not have reasonable suspicion of any criminal activity when he requested the occupants' driver's licenses and extended the stop.

Finally, Bennett argues *Ellis* provides additional support for his position. But again, the facts in *Ellis* show the officer behaved in a way that transformed the public safety check into an investigatory detention without having reasonable suspicion of criminal activity. Our Supreme Court reasoned:

> "[The officer] testified that he saw no evidence of criminal activity and that Ellis assured him that she was not in need of assistance. [The officer] nevertheless retained her license and placed a call to dispatch for the express purpose of extending his investigation into whether she had any outstanding warrants. He directed her to go outside and call for someone to pick her up, and he interrogated her about drug use and told her he wanted to search her belongings. All of these activities broke the chain of lawful conduct that began when he responded to a welfare call." 311 Kan. at 932.

Bennett suggests the officers should have terminated the public safety stop upon determining he did not need assistance. Bennett's argument on this point is unpersuasive. Bennett is essentially asking us to find the officers had to ignore their suspicions of criminal activity even though objective facts existed supporting those suspicions. Put another way, under Bennett's rationale, the officers would be required to let him drive away despite their reasonable and articulable suspicion he would be driving under the influence. Such a response would be contrary to the underlying purpose of checking on the welfare of an individual in a public safety stop.

Here, the officers had reasonable and articulable grounds for suspecting criminal activity sufficient to transform the initial public safety stop into an investigatory detention. The district court did not err in denying Bennett's motion to suppress.

Affirmed.