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**STATE OF MINNESOTA
IN COURT OF APPEALS
A16-1291**

State of Minnesota,
Respondent,

vs.

Jacob Lee Kivela-Sandnas,
Appellant.

**Filed May 22, 2017
Affirmed
Connolly, Judge**

St. Louis County District Court
File No. 69VI-CR-15-500

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

Mark S. Rubin, St. Louis County Attorney, Sharon N. Chadwick, Assistant County Attorney, Duluth, Minnesota (for respondent)

Kirk M. Anderson, Anderson Law Firm, PLLC, Minneapolis, Minnesota (for appellant)

Considered and decided by Peterson, Presiding Judge; Cleary, Chief Judge; and
Connolly, Judge.

UNPUBLISHED OPINION

CONNOLLY, Judge

Appellant challenges his conviction of second-degree controlled-substance crime—
possession, arguing that the district court erred in denying his motion to suppress the

evidence because (1) the police officer lacked a reasonable articulable suspicion to justify either the stopping of appellant's vehicle or the expansion of the stop into continued detention of appellant and (2) the warrantless search of appellant's vehicle violated his right to be free from unreasonable searches and seizures. Because we see no error in the denial of appellant's motion to suppress the evidence, we affirm.¹

FACTS

In April 2015, two parole officers informed a police officer that appellant Jacob Kivela-Sandnas was on parole, might have assaulted his girlfriend, was driving a red Mitsubishi Eclipse, and was wanted by the parole officers, who could not find either the girlfriend or the car. The parole officers asked the police officer to stop and hold appellant if the opportunity arose.

Later that night, the police officer saw a vehicle exit appellant's girlfriend's parking lot and move very quickly to one street, turn on to another street at a speed that appeared to be over the 30-mile-per-hour limit, then turn on to a highway at a speed that appeared to be over the 55-mile-per-hour limit. The police officer pursued and stopped the vehicle, a red Mitsubishi Eclipse that was registered to someone other than appellant.

¹ In an untimely pro se brief, appellant argued that the 2016 Drug Sentencing Reform Act applies to reduce the degree of his 2015 crimes. Because appellant filed no notice of appeal of this issue within 90 days after final judgment in violation of Minn. R. Crim. P. 28.02, subd. 4(3)(a), and no brief concerning the issue within 60 days after delivery of the transcript in violation of Minn. R. Crim. P. 28.02, subd. 10, we dismiss his appeal of the issue. See Minn. R. Crim. P. 28.02, subd. 4(1) ("The defendant's failure to take any step other than timely filing the notice of appeal does not affect the validity of the appeal, but permits action the Court of Appeals deems appropriate, including dismissal.")

Appellant appeared nervous to the police officer: his hands shook as he produced his driver's license and insurance information. He told the police officer he had been driving fast; in response to the police officer's questions, appellant repeatedly said he was not on probation or parole. The police officer informed the parole officers that he had found and detained appellant in a traffic stop; a parole officer said he would come to the scene. Appellant then acknowledged to the police officer that he was on parole.

The police officer's search of appellant revealed a smoking pipe that smelled of marijuana in a one-hitter box in appellant's hand. The parole officers arrived and searched appellant's car, where they found three syringes, a digital scale with a white powdery residue, a plastic tube containing a white powdery substance, three baggies containing a white crystalline substance, one baggie containing seven pills, one baggie containing a solid white rock substance, and one baggie containing a white crystal rock substance. The pills were later found to be hydromorphone; the crystalline substance was 13.661 grams of methamphetamine. Appellant was charged with first-degree controlled-substance crime—sale and second-degree controlled-substance crime—possession.

Appellant moved to suppress the evidence obtained as the result of the search of the vehicle. The district court denied his motion, and he entered a plea pursuant to Minn. R. Crim. P. 26.01, subd. 4, to the second-degree possession charge in exchange for dismissal of the first-degree sale charge.

Appellant was sentenced to 88 months in prison. He challenges his conviction, arguing that the district court erred in denying his motion to suppress the evidence found in his vehicle.

DECISION

“When reviewing a pretrial order on a motion to suppress evidence, we review the district court’s factual findings under our clearly erroneous standard. We review the district court’s legal determinations, including a determination of probable cause, de novo.” *State v. Milton*, 821 N.W.2d 789, 798 (Minn. 2012) (citations omitted).

Appellant argues that the officers lacked a reasonable, articulable suspicion to stop him and to expand the stop by detaining him and that the warrantless search of his vehicle violated his right to be free from unreasonable searches and seizures.

1. Reasonable, articulable suspicion existed for the stop

Any specific, articulable facts establishing a reasonable suspicion of a traffic violation will satisfy the requirement for an investigatory stop of a motor vehicle. *State v. Battleson*, 567 N.W.2d 69, 70 (Minn. App. 1997). The police officer testified:

I know the time that it took [appellant’s] vehicle to get from where I initially saw it to where it got out of the parking lot and I saw it on 15th Avenue . . . it was mere seconds. . . . [I]t had to have been speeding. I observed that it was . . . mere seconds from the time I [saw] it the first time until I [saw] it on 15th Avenue. My first thought was, wow, he is going fast.

The police officer also testified that he himself drove over the limit twice in order to pursue appellant’s vehicle as it travelled from a 30-mph zone on to a 55-mph highway. The police officer’s redirect examination concluded:

Q: And so what was the basis for the stop here?
A: The driving conduct.
Q: Meaning?
A: How fast [appellant] got from . . . one point to the next.
I mean . . . from my observations, it was . . . very fast.
Q: And in your observations, was it over the speed limit?

A: Yes.

The police officer had a reasonable, articulable suspicion that the driver of the vehicle was violating the law by driving over the speed limit. Appellant argues that the police officer “initiated the stop without having any legitimate basis for suspecting that the vehicle was speeding,” but does not explain why the police officer’s own observation of how fast the vehicle travelled between various points was not a legitimate basis for the stop.

2. Reasonable articulable suspicion existed for extending the stop

A few hours before seeing appellant’s car, the police officer had been informed that appellant was wanted by parole officers, was suspected of domestic violence, and was driving a red Mitsubishi Eclipse. When the police officer turned onto the highway in pursuit of appellant’s vehicle, he activated his lights, the vehicle pulled over, and the police officer saw that the vehicle was a red Mitsubishi Eclipse. He asked the driver for identification and learned that the driver was the person whom the parole officers had asked the police officer to detain. The police officer then notified the parole officers that he had found appellant. Appellant told the police officer that he knew he was driving fast and, when asked why, said his mother had been in a car accident in Hibbing and he was going to the hospital there. He also said the vehicle contained no drugs, firearms, or large amounts of cash. In response to repeated questions, appellant first said he was not on probation or parole. He then finally admitted he was on parole, confirming what the parole officers had earlier told the police officer. Thus, the police officer knew that appellant had a felony conviction, had been incarcerated, and had lied about his parole status.

The police officer searched appellant for weapons and contraband and found in his hand a pipe with what he thought was marijuana. Once that was found, the police officer had the right to search appellant's person and vehicle. *See State v. Bigelow*, 451 N.W.2d 311, 311 (Minn. 1990) (holding that "[t]he lawful discovery of drugs or other contraband in a motor vehicle gives the police probable cause to believe that a further search of the vehicle might result in the discovery of more drugs or other contraband"). When the parole officers arrived, they searched the vehicle.

Appellant argues that the police officer should have ignored the parole officers' instructions to detain appellant and should have let him go "once the basis for the stop [i.e., the speeding] was over" because parole officers do not have authority to ask a police officer to detain a suspect. But,

[w]hen more than one officer is involved in an investigation, Minnesota uses the "collective knowledge" approach to determine whether probable cause existed. Under this approach, the entire knowledge of the police force is pooled and imputed to the arresting officer for the purpose of determining if sufficient probable cause existed for an arrest.

State v. Riley, 568 N.W.2d 518, 523 (Minn. 1997) (emphasis omitted) (citation and quotation omitted). If the knowledge of other police officers about a suspect can be imputed to a police officer, the knowledge of the suspect's parole officers can be imputed. Once the police officer knew appellant's identity, he knew he was dealing with someone who was in violation of parole, had been convicted of a crime and incarcerated, had lied about his parole status, and was wanted in connection with the investigation of a domestic

assault and the violation of parole. The fact that appellant was no longer speeding was not an adequate basis for ignoring the parole officers' request to detain him until they arrived.

3. Warrantless search was permitted

One condition of appellant's parole was that he submit to a search of his person or vehicle upon request. The police officer, knowing that appellant was on parole and that his parole officers had the right to search both his person and his vehicle at any time, had no basis to deny the parole officers' request that, if the police officer found appellant, he would detain him and enable the parole officers to carry out the search. Appellant does not challenge the right of the parole officers to search his vehicle.

The police officer had a reasonable, articulable suspicion both for stopping appellant's vehicle and for detaining appellant, and the warrantless search did not violate appellant's right to be free from unreasonable searches and seizures.

Affirmed.