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Minn. Stat. § 480A.08, subd. 3 (2018).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-0498**

State of Minnesota,
Respondent,

vs.

Jeremy Scott Blahowski,
Appellant.

**Filed January 22, 2019
Affirmed
Connolly, Judge**

Anoka County District Court
File No. 02-CR-16-7319

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

Anthony C. Palumbo, Anoka County Attorney, Robert I. Yount, Assistant County Attorney, Anoka, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, John Donovan, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

UNPUBLISHED OPINION

CONNOLLY, Judge

Appellant stipulated to respondent's case pursuant to Minn. R. Crim. P. 26.01, subd. 4, to obtain review of the denial of his motion to suppress the evidence that resulted in his conviction of one count of first-degree possession of a controlled substance. He challenges his conviction on the ground that he was stopped in an area outside the jurisdiction of the officer who stopped him. Because we see no error in the denial of appellant's motion to suppress, we affirm. In a pro se brief, appellant raises issues that are not properly before us, and we decline to address them.

FACTS

In November 2016, an Anoka County deputy noticed a car that had one taillight covered with red tape, a license plate that the deputy's computer indicated was "not on file," and possibly expired registration stickers. The deputy followed the car from Anoka County into Washington County, where the car changed lanes without signaling. The deputy then stopped the car. The driver, appellant Jeremy Blahowski, was holding a plastic bag of a crystalline substance the deputy believed to be methamphetamine. Appellant got out of the car and began running; the deputy pursued and eventually caught and arrested him. Two bags of methamphetamine were seized.

Appellant was charged with first-degree possession of a controlled substance, fleeing a police officer, and, because there was a child in the car at the time, child endangerment. Appellant moved to suppress the evidence on the ground that the deputy

had not noticed any illegal conduct within Anoka County and therefore lacked authority to stop appellant in Washington County. The district court denied the motion.

Appellant stipulated to respondent State of Minnesota's evidence on the charge of possession of a controlled substance under Minn. R. Crim. P. 26.01, subd. 4, and the state dismissed the other charges. The district court found him guilty and sentenced him to 128 months in prison.

Appellant challenges his conviction, arguing that the district court erred in denying his motion to suppress the evidence and, in a pro se brief, raising constitutional and factual issues.

D E C I S I O N

1. Motion to Suppress Evidence

Whether an officer had authority to stop a motorist outside the officer's jurisdiction is a legal question. *State v. Tilleskjaer*, 491 N.W.2d 893, 894 (Minn. 1992) (reversing this court's determination that Minn. Stat. § 629.40, subd. 3 (1991) "'does not express any legislative intent to extend the authority' of police officers outside their jurisdictions," concluding that the district court erred in suppressing breath-test results, and remanding for trial). In *Tilleskjaer*, a city police officer who saw a car weaving within its lane checked the license and signaled the driver to stop; he was unsure whether he had seen the weaving inside or outside the city limits. 491 N.W.2d at 894. A peace officer outside of his or her jurisdiction "in the course and scope of employment or in fresh pursuit . . . is serving in the regular line of duty as fully as though the service was within the [peace officer]'s

jurisdiction.” Minn. Stat. § 629.40, subd. 3 (2018). *Tilleskjaer* held that this statute “clearly gave the officer all the authority he needed to act as he did.” 491 N.W.2d at 894.

Here, the deputy was acting within the course and scope of his employment when he followed appellant into Washington County. The district court found that:

[The deputy’s] police report indicates that as he followed [appellant’s] vehicle eastbound on Lake Drive NE, he noticed the taillight covered in red tape, discovered that the license plate number was not on file, and that [appellant’s] registration might have been expired. After [the deputy made] those observations, the report indicates that [appellant] then continued eastbound on Lake Drive, now Highway 97, into the City of Forest Lake. Thus, [the deputy’s] observations regarding the fact that the license was not on file and the possible expired registration occurred before the vehicle entered Washington County. . . .
. . . Like the officer in *Tilleskjaer*, [the deputy here] did not possess reasonable articulable suspicion to stop the vehicle until he was outside [county] limits.

Appellant argues that the “not on file” license plate and the apparently expired registration stickers do not support the deputy’s stop of appellant because the deputy “did not cite either of these circumstances as the reasons he continued into Washington County” and “merely noted them as facts.” But appellant provides no support for his view that an officer must identify a particular fact as his reason for continuing a pursuit in order to have authority for the pursuit or a subsequent arrest. Moreover, while the reason for a stop must be more than a hunch, insignificant violations of the law may provide an objective basis for stopping a vehicle. *State v. George*, 557 N.W.2d 575, 578 (Minn. 1997) (citing *State v. Pleas*, 329 N.W.2d 329, 333-34 (Minn. 1983) (upholding stop based on officer’s observation of broken windshield, no front license plate, and rear plate upside down); *State*

v. Barber, 241 N.W.2d 476, 477 (1976) (upholding stop based on officer’s observation that license plate was wired on rather than bolted on)).

Tilleskjaer was cited in *State v. Bunde*, 556 N.W.2d 917, 920 (Minn. App. 1996) for the proposition that Minn. Stat. § 629.40, subd. 3, “requir[es] a holding that [the officer] acted lawfully in the course and scope of his employment when he arrested [a driver], even though he was outside his municipality at the time—and even though . . . his mission also commenced outside [the city].” *Bunde* reversed a district court’s determination that a city police officer who was patrolling three miles outside the city lacked authority to arrest the underage, inebriated driver of a car stopped on the side of the road. 556 N.W.2d at 919-20. Appellant attempts to distinguish *Bunde* on the ground that, in that case, the state submitted affidavits showing that the officers regularly patrolled outside the city and no affidavits were submitted here. But this distinction is irrelevant: here, the officer’s mission did not commence outside his jurisdiction, and there was no need for affidavits indicating officers regularly patrol within their jurisdiction.

2. Appellant’s Pro Se Issues

Appellant’s pro se brief raises issues as to the violation of his rights under the First, Fourth, Fifth, Eighth, Ninth, and Tenth Amendments, as well as to “encroachment”; he also raises factual issues that might, or might not, have been resolved at trial. None of these issues is properly before us, and we do not address them. *See State v. Riley*, 667 N.W.2d 153, 158 (Minn. App. 2003) (“[W]hen a case is submitted on stipulated facts to obtain review of a pretrial ruling . . . , appellate review is limited, and the defendant may

not, on appeal, challenge the sufficiency of the evidence to support his conviction.”),
review denied (Minn. Oct. 21, 2003).

Affirmed.