

*This opinion is nonprecedential except as provided by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
A21-1254**

State of Minnesota,
Respondent,

vs.

Chris Allen Rivas,
Appellant.

**Filed July 18, 2022
Affirmed
Klaphake, Judge***

Steele County District Court
File No. 74-CR-20-1418

Keith Ellison, Attorney General, Edwin Stockmeyer, Assistant Attorney General, Linnea Van Pilsum-Bloom (certified student attorney), St. Paul, Minnesota; and

Daniel McIntosh, Steele County Attorney, Owatonna, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Abigail H. Rankin, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bryan, Presiding Judge; Gaïtas, Judge; and Klaphake,
Judge.*

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

NONPRECEDENTIAL OPINION

KLAPHAKE, Judge

Appellant was convicted of unlawful possession of a firearm and first-degree burglary. He argues that his convictions must be reversed because the district court erred by concluding that police had probable cause to arrest him and by denying his motion to suppress evidence discovered as a result of his arrest. Because we conclude that the officers had probable cause to arrest appellant, we affirm.

DECISION

Appellant Chris Allen Rivas was arrested following a reported theft of a vehicle and a case containing two handguns from a home in Medford. After Rivas's arrest, police observed a handgun in plain view in the car that Rivas had just occupied and obtained the consent of the car's owner to search the vehicle. Police recovered one of the stolen handguns from the car. Rivas later moved to suppress the evidence relating to the handgun. Following a contested omnibus hearing, the district court denied the motion. The case then proceeded to a jury trial, after which Rivas was convicted of unlawful possession of a firearm in violation of Minn. Stat. § 624.713, subd. 1(2) (2020), and first-degree burglary of an occupied dwelling in violation of Minn. Stat. § 609.582, subd. 1(a) (2020).

Rivas contends that the district court erred by denying his motion to suppress evidence because police lacked probable cause to arrest him. In examining a pretrial order on a motion to suppress, we review the district court's determination of probable cause de novo. *State v. Milton*, 821 N.W.2d 789, 798 (Minn. 2012). Our review of a probable-cause determination involves "an independent review of the facts to determine

the reasonableness of the police officer's actions.” *State v. Camp*, 590 N.W.2d 115, 118 (Minn. 1999) (quotation omitted).

A warrantless arrest is reasonable under the United States and Minnesota Constitutions if it is supported by probable cause. *State v. Williams*, 794 N.W.2d 867, 871 (Minn. 2011). Probable cause to arrest exists when police “have a reasonable belief that a certain person has committed a crime.” *In re Welfare of G.M.*, 560 N.W.2d 687, 695 (Minn. 1997). The existence of probable cause must be evaluated “from the point of view of a prudent and cautious officer on the scene at the time of the arrest.” *State v. Olson*, 342 N.W.2d 638, 640 (Minn. App. 1984) (quotation omitted). When more than one police officer was involved in an investigation, Minnesota courts apply the “collective knowledge” approach to determine whether probable cause existed, under which “the *entire* knowledge of the police force is pooled and imputed to the arresting officer.” *State v. Riley*, 568 N.W.2d 518, 523 (Minn. 1997) (quotation omitted).

Here, the following facts support the district court's conclusion that the police had probable cause to arrest Rivas. The day after the theft, and prior to Rivas's arrest, the victim obtained video footage of the incident from a neighbor's security camera and identified Rivas to law enforcement as the man in the video. The video shows a man exit the victim's house carrying a case, open and enter a car parked in the driveway, and drive off down the street. The victim reported that he knew Rivas from previous interactions and recognized him from the way he walked, his mannerisms, and his appearance. The victim further told law enforcement that Rivas is “hard to forget.” Based on the victim's identification, law enforcement issued a probable-cause-to-arrest notice to other law

enforcement agencies. Later that afternoon, police located Rivas in Faribault. When the officers first saw him, Rivas was leaning into the back cargo area of a hatchback vehicle that was parked in a driveway. After Rivas made eye contact with the officers, and as the officers approached on foot, Rivas dove over the rear seats of the car and maneuvered himself into the footwell of the front passenger seat. The officers then removed Rivas from the car via the front passenger-side door and arrested him.

Based on these facts, sufficient probable cause existed for Rivas's arrest. The victim's certain identification of Rivas from the security camera video combined with Rivas's evasive behavior immediately before his arrest could cause police to have a reasonable belief that Rivas committed the burglary and thefts. *See State v. Carter*, 697 N.W.2d 199, 206 (Minn. 2005) ("Statements from citizen witnesses may provide a basis for probable cause when the witness is credible."); *Camp*, 590 N.W.2d at 118-19 (determining that "evasive action" by individual with defendant, when combined with other observations, supported probable cause for arrest).

Rivas's arguments do not persuade us otherwise. Rivas first contends that we may not consider his attempt to evade the police in our evaluation of probable cause because the state did not identify that fact to the district court as a circumstance supporting probable cause for his arrest, the district court did not consider his evasive conduct in its probable-cause analysis, and the arresting detective testified at the contested omnibus hearing that he arrested Rivas based solely on the probable-cause-to-arrest notice. On these grounds, Rivas contends that our review on appeal must be narrowly limited to the district

court's determination that the victim's identification of Rivas supplied probable cause for his arrest.

This argument is not persuasive for two reasons. First, it fails to recognize that our review of the district court's probable-cause determination involves "an independent review of the facts to determine the reasonableness of the police officer's actions." *Id.* at 118 (quotation omitted). This independent review is not limited to those facts identified by the state to the district court or relied upon by the district court in its order. Second, the probable-cause inquiry is *objective*, meaning "[t]he actual, subjective beliefs of the officer are not the focus" in evaluating the reasonableness of the officer's actions. *State v. Koppi*, 798 N.W.2d 358, 363 (Minn. 2011). Here, the objective circumstances that were collectively known to law enforcement at the time of Rivas's arrest included *both* the victim's identification of Rivas *and* Rivas's attempt to evade police as they approached him in the driveway. Our review of the record demonstrates that both events occurred prior to Rivas's arrest. Accordingly, based on our independent review of the facts, we have no trouble concluding that Rivas's evasive behavior prior to his arrest was one of the circumstances supporting probable cause for arrest.

Rivas next argues that the police were not entitled to rely on the victim's identification based on the security camera video. He contends that the victim's identification was not reliable because the video was low quality and blurry; the security camera was located approximately 50 feet away from the victim's house; the man in the video did not have a distinctive walk, appearance, or mannerisms; and the video depicts the suspect unobstructed from view for only approximately 15 seconds. Rivas further

emphasizes that, when the victim identified Rivas to law enforcement, he also remarked that he had interacted with Rivas “a long time ago.” Again, we are unpersuaded. As the district court found, the suspect’s face is blurry throughout the video, but the video captures the suspect’s general appearance and manner of walking. Based on those characteristics and the victim’s prior interactions with Rivas, the victim expressed certainty that Rivas was the man in the video. It was therefore reasonable for law enforcement to rely on the victim’s identification. Combined with the officers’ observations of Rivas’s evasive conduct before his arrest, this information provided sufficient probable cause for arrest.

As a final point, we note that the district court concluded that the police lawfully searched the car and recovered the stolen handgun based both on their observation of the handgun in plain view following Rivas’s arrest and the car owner’s consent to the search. We discern no error in either basis for the district court’s conclusion.

We therefore affirm the district court’s decision to deny Rivas’s motion to suppress evidence.

Affirmed.