

*This opinion is nonprecedential except as provided by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
A22-1326**

State of Minnesota,
Respondent,

vs.

Luke Adam Eckman,
Appellant.

**Filed August 14, 2023
Affirmed
Kirk, Judge***

Cass County District Court
File No. 11-CR-21-960

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

Benjamin T. Lindstrom, Cass County Attorney, Chelsea Langton, Assistant County Attorney, Walker, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Melissa A. Haley, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Larkin, Presiding Judge; Wheelock, Judge; and Kirk,
Judge.

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

NONPRECEDENTIAL OPINION

KIRK, Judge

Appellant Luke Adam Eckman appeals directly from his conviction for second-degree burglary, challenging the district court’s pretrial denial of his motion to suppress evidence against him. Because police had a reasonable articulable suspicion justifying an investigative stop of appellant, we affirm.

FACTS

On June 12, 2021, at around 3:15 p.m., J.E. called¹ 911 to report a possible burglary at the cabin of his cousin, R.E.² J.E. gave his name and date of birth to the 911 operator. J.E.’s family-owned land was adjacent to R.E.’s land and J.E. would routinely check on R.E.’s property when J.E. was in the area. Around 1:45 p.m., he visited R.E.’s property and found the cabin’s front door open, two pickup trucks in the yard, and several people—specifically, one adult woman, two adult men, and a young child. When J.E. approached, appellant introduced himself as “Luke Eckman,” stated the parties had permission to be on the property, and that they were performing yard work at R.E.’s request. J.E. initially believed appellant’s statements and returned to his land, but became suspicious and contacted R.E. to confirm appellant’s statements. After R.E. told J.E. that no one was supposed to be at the property, J.E. contacted 911.

¹ J.E.’s mother placed the first call, but J.E. spoke with 911 dispatch during subsequent calls that day and interacted in person with responding officers. For simplicity, we refer to J.E.’s communications with law enforcement.

² Although appellant shares a surname with J.E. and R.E., the record is unclear whether there is a familial relationship. R.E. told officers he did know appellant, and that if there was any familial relationship then “they would be [third] or fourth cousins.”

J.E. told the 911 operator that there were two vehicles on the property: one “was an old maroon Ford [that was] [r]usted [and] probably around early 90s, mid 90s,” and the other was a “black Chevy Avalanche.” He described the woman on the property as “Caucasian[,]” “[m]id build[,]” in her late 20s, and that she had “[b]lack braces on both of her legs.” He described appellant as mid to late 20’s, with blonde hair, “scruff on his face[,]” and between five-foot-nine and five-foot-ten. He described the second man as around six feet tall, Caucasian, “[m]issing his front tooth[,]” and with a “light beard.”

Around 3:30 p.m., 911 dispatch radioed to police that there was a “possible burglary in progress, maroon early to mid 90s pickup Ford truck very rusty, black [C]hevy [A]valanche, 2 males and 1 female[,]” and that the “female had two knee braces on.” Within ten minutes, officers arrived at the cabin property, found no one except J.E., and took J.E.’s statement.³ J.E. told law enforcement it had been about one-and-one-half hours since he observed the parties on the property. Dispatch radioed this lag time to officers.

Around 4:30 p.m., an officer (the first officer) checked appellant’s registered residence, but appellant was not there. The officer began a stationary patrol on a main road nearby until around 5:00 p.m. when he saw a black Chevrolet Avalanche. He called the vehicle in to dispatch, which advised the officer to identify the vehicle’s occupants. At approximately 5:30 p.m., the officer initiated a stop of the vehicle. The stop took place 26

³ According to J.E., appellant said he was R.E.’s cousin and that appellant’s father used to work for R.E.’s father. This appears to be how appellant either had keys to the property or knew where to find hidden keys on the property.

miles from the cabin, 0.8 miles from appellant's residence, and three-and-three-quarter hours after J.E. discovered appellant on R.E.'s property.

The officer identified the driver as appellant and the passengers as the woman and young child J.E. had reported. A second officer arrived on the scene and arrested appellant. The first officer searched the vehicle and located, in relevant part, three "collectible looking" watches and a wooden sign which appellant had taken from R.E.'s property.

The state charged appellant with second-degree burglary. Appellant filed a pretrial motion to suppress evidence resulting from the stop. The district court denied the motion, finding that:

First, there was reason to believe that a crime was committed as [appellant] had been personally named by the informant; second, the officers were searching for (and located) the vehicle in the vicinity of [appellant's] residence; and third, the vehicle matched the description provided by the informant. These circumstances together provide the officer with an articulable suspicion that [appellant] was the person driving the vehicle and a limited investigatory stop is permissible to confirm that suspicion. Though [the first officer] did not possess all of the information to create the articulable suspicion at that time, the instructions he was receiving through dispatch were issued with this knowledge.

Appellant waived a jury trial and the parties agreed to a trial on stipulated evidence so appellant could preserve for appeal his challenge to the denial of suppression. The district court convicted appellant and sentenced him to four years' supervised probation.

Appellant challenges the district court's pretrial denial of his motion to suppress the evidence resulting from the vehicle stop.

DECISION

Appellant argues the district court erred when it denied his pretrial motion to suppress evidence resulting from the investigative stop of the vehicle he was driving.

When reviewing a stipulated-evidence trial pursuant to Minn. R. Crim. P. 26.01, subd. 4, our review “is limited to the pretrial order that denied the motion to suppress.” *State v. Sterling*, 782 N.W.2d 579, 581 (Minn. App. 2010). We may independently review the facts and determine, as a matter of law, whether the district court erred in its suppression ruling. *See State v. Harris*, 590 N.W.2d 90, 98 (Minn. 1999). “When reviewing a district court’s pretrial order on a motion to suppress evidence, we review the district court’s factual findings under a clearly erroneous standard and the district court’s legal determinations de novo.” *State v. Gauster*, 752 N.W.2d 496, 502 (Minn. 2008) (quotation omitted).

The United States and Minnesota Constitutions prohibit “unreasonable searches and seizures” by the government. U.S. Const. amend. IV; Minn. Const. art. I, § 10. An officer may initiate a limited, investigative seizure without a warrant if the officer has reasonable articulable suspicion of criminal activity. *Terry v. Ohio*, 392 U.S. 1, 21-22 (1968); *State v. Diede*, 795 N.W.2d 836, 842 (Minn. 2011). Evidence obtained during an unconstitutional search or seizure must be suppressed. *Diede*, 795 N.W.2d at 842.

To determine whether a search or seizure is unreasonable, appellate courts examine the specific police conduct at issue. *See State v. Davis*, 732 N.W.2d 173, 178 (Minn. 2007) (explaining that “what constitutes an unreasonable search must be assessed based on the facts of each particular case”). “Police must be able to articulate more than an inchoate

and unparticularized suspicion or hunch of criminal activity[;] [t]hey must articulate a particularized and objective basis for suspecting the particular person stopped of criminal activity.” *State v. Timberlake*, 744 N.W.2d 390, 393 (Minn. 2008) (quotations omitted). The factual basis for the stop may be minimal; “[a]ll that is required is that the stop be not the product of mere whim, caprice, or idle curiosity.” *State v. McKinley*, 232 N.W.2d 906, 911 (Minn. 1975) (quotation omitted).

“In reviewing the validity of investigative stops, the courts have balanced several factors, including: the reliability of the informant, the description of the vehicle, the reported location of the vehicle, the officer’s observation of traffic violations, and the time lag between the report of criminal activity and the stop.” *State v. Warren*, 404 N.W.2d 895, 897 (Minn. App. 1987). “The reliability of the informant varies from an anonymous telephone tipster to a known citizen’s face-to-face meeting with police officers.” *Id.* “The vehicle description varies from minimal to very detailed.” *Id.* “The reported location of the vehicle varies from pinpoint accuracy to a general direction of travel.” *Id.* “The shorter the time lag [between the informant’s report and the stop], the more likely the stop is valid.” *Id.* An officer may rely on information from another officer under the “collective knowledge” doctrine, which imputes the entire knowledge of the police force to all officers. *Magnuson v. Comm’r of Pub. Safety*, 703 N.W.2d 557, 559-60 (Minn. App. 2005) (“Under the doctrine of collective knowledge, the factual basis justifying the investigatory stop need not be known to the officer acting in the field.”); *see also Rancour v. Comm’r of Pub. Safety*, 355 N.W.2d 462, 464 (Minn. App. 1984) (“The factual basis for stopping a vehicle may arise from information supplied by someone other than the arresting officer.”). When

the factual basis supporting a stop is supplied by another person, “the information must be reliable and credible.” *Warren*, 404 N.W.2d at 896. The reliability of a private citizen is presumed. *Id.* The reliability and credibility of an informant’s information is increased when the informant interacts face-to-face with officers. *E.g.*, *State v. Davis*, 393 N.W.2d 179, 181 (Minn. 1986). An officer is justified in assuming an informant is being truthful when the informant provides enough identifying information that law enforcement could hold the informant accountable for providing false information. *Playle v. Comm’r of Pub. Safety*, 439 N.W.2d 747, 748 (Minn. App. 1989). “Stops based upon informant’s tips have been found valid upon a showing that there was a basis for the informant’s knowledge.” *Id.*

Appellant argues that proximity to his registered address and the make, model, and color of his vehicle, without more, did not provide the first officer with a reasonable articulable suspicion to justify an investigative stop.⁴

We first note that J.E. provided police with numerous specific facts regarding appellant and appellant’s suspected criminal activity. *See Warren*, 404 N.W.2d at 897 (reviewing caselaw upholding stops made based on “specific facts” reported). J.E. described to police in detail: appellant’s appearance, the appearance of appellant’s associates, how the cabin property was open, how the cabin’s condition suggested a

⁴ As a threshold issue, the state correctly argues that reasonable articulable suspicion is an objective standard that incorporates what the entire police department knew at the time of the stop. *E.g.*, *Magnuson*, 703 N.W.2d at 559-60. Appellant, therefore, misplaces emphasis on what the first officer subjectively knew at the time he stopped appellant. Under the collective-knowledge doctrine, the reasonable-articulable-suspicion inquiry also considers what Pine River Police Department knew at the time of the stop.

possible burglary, and the make, model, and color of the vehicles on the property. J.E. also provided police the name by which appellant introduced himself. This degree of detail substantially exceeds the detail provided in cases where we have concluded an informant failed to provide specific facts. *Cf. State v. Teigen*, 381 N.W.2d 529, 530-31 (Minn. App. 1986) (invalidating a stop from an anonymous informant reporting a “possible” drunk driver in a black Nissan pickup).

Additionally, dispositive factors identified in *Warren* reveal that caselaw has upheld investigative stops made on similarly robust knowledge about an informant, a suspect, the suspect’s vehicle, and his general direction of travel. 404 N.W.2d at 897. J.E. was a highly reliable informant. He gave his name and date of birth to police, he explained how he came to know what he was reporting, and he met face-to-face with responding officers to give a statement. This is substantially more identifying information than the supreme court approved of in *City of Minnetonka v. Shepherd*, where the only manner of holding an informant accountable was that the informant told police his place of employment. 420 N.W.2d 887, 887 (Minn. 1988); *Playle*, 439 N.W.2d at 748 (stating an officer may rely on an informant’s statement when the informant gives enough identifying information to be held accountable for providing false information). And while J.E. failed to capture or report the license plate numbers of the vehicles he found on R.E.’s property, he identified the make, model, and color of the vehicle appellant drove at the time of the stop. Lastly, like in *Warren*, police here had a reasonable inference regarding appellant’s direction of travel. In *Warren*, police were informed by Warren’s wife that he was “possibly” headed to White Earth from Detroit Lakes because Warren’s mother lived there. Police pulled

Warren over on this travel path. 404 N.W.2d at 897. Here, although no one informed police of appellant's expected travel route, police reasonably inferred that because the reported vehicles had left the property by the time responding officers arrived, appellant might have been driving in the vicinity of his registered address.

Appellant argues that police lacked a reasonable articulable suspicion to stop him because they did not observe the occupants of the vehicle before the stop. But caselaw contains no such requirement under similar circumstances. In *State v. Waddell*, police had a detailed description from reliable informants of the race, height, weight, and clothing of two suspects, as well as a description of the body-type of the car they drove. 655 N.W.2d 803, 809 (Minn. 2003). The supreme court upheld police's investigative stop, which was made "[t]wo-and-one-half hours after" the crime and "approximately 6-8 miles" from where it happened, without noting that police observed the occupants of the vehicle before stopping it. *Id.* at 807, 810. Similarly, in *State v. Ferraro*, police sighted a "white window van" in a mall parking lot that, "[b]ut for one digit in the license number, . . . matched the description of a vehicle involved in the theft of a chair from a local department store four days earlier." 290 N.W.2d 177, 178 (Minn. 1980). The vehicle left the mall before police could "maneuver into a better observation position," but after a description of the vehicle was broadcast, it was pulled over on an interstate highway. *Id.* at 178. After officers observed that "defendant substantially matched the description of the suspect in the earlier theft," police arrested him. *Id.*

Here, police had a detailed description of appellant and his female passenger, their vehicle, and reasonably inferred that appellant might be driving near his registered address

approximately one-and-one-half hours after responding officers arrived at R.E.'s property to discover that the vehicles J.E. observed had departed. In these circumstances, as in *Waddell* and *Ferraro*, police's failure to observe the occupants of the vehicle prior to an investigative stop did not vitiate reasonable articulable suspicion.

Therefore, the district court did not err in denying appellant's motion to suppress evidence obtained as a result of the investigative stop.

Affirmed.