

*This opinion is nonprecedential except as provided by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
A24-0035**

State of Minnesota,
Respondent,

vs.

Antonio Carlos Boyd,
Appellant.

**Filed December 15, 2025
Reversed and remanded
Worke, Judge
Dissenting, Johnson, Judge**

Carlton County District Court
File No. 09-CR-22-339

Keith Ellison, Attorney General, Lydia Villalva Lijó, Assistant Attorney General, St. Paul, Minnesota; and

Jeffrey L.H. Boucher, Carlton County Attorney, Carlton, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Laura G. Heinrich, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Reyes, Presiding Judge; Worke, Judge; and Johnson, Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant challenges his first-degree drug-possession and obstructing-legal-process convictions, arguing that the district court erred by denying his motion to suppress evidence

because law enforcement failed to meet the anticipatory warrant's triggering condition before its execution. We agree, and reverse and remand.

FACTS

The Bureau of Criminal Apprehension (BCA) investigated appellant Antonio Carlos Boyd for selling methamphetamine. Law enforcement conducted controlled buys using a confidential and reliable informant (CRI). Law enforcement corroborated information provided by the CRI, including Boyd's residence and the vehicles he drove.

On or about March 1, 2022, the CRI informed the BCA that, within 24 hours, Boyd would be traveling from his Duluth residence to transport methamphetamine to D.B.'s residence in Cloquet. A judge granted an anticipatory search warrant with the condition precedent:

Anticipating that surveillance units (law enforcement officials) observe BOYD leave the city of Duluth on March 1, 2022[,] and travel toward[] Cloquet, MN, your Affiant is requesting the court[']s permission to conduct a traffic stop in Carlton County and search the vehicle BOYD is driving, as well as his person.

Soon after the judge issued the warrant, officers observed Boyd traveling south on Interstate 35 (I-35) from Duluth. Officers stopped Boyd on I-35 approximately one mile before an exit leading toward Cloquet. Law enforcement searched Boyd's vehicle and found multiple baggies of methamphetamine.

Boyd moved the district court to suppress the evidence, arguing that, because he had not exited I-35, the triggering condition necessary to execute the anticipatory warrant did not occur. The district court denied the motion, finding that the "triggering event is not

exiting the freeway to Cloquet[,] it is the [d]efendant leaving Duluth and *traveling toward* [] *Cloquet* on March 1, 2022.”

A jury found Boyd guilty of first-degree drug possession and obstructing legal process, and the district court sentenced Boyd to 98 months in prison. This appeal followed.

DECISION

Boyd argues that the district court erred by denying his motion to suppress evidence. In a pretrial suppression order, when the facts are not in dispute, we review the suppression decision de novo. *State v. Lugo*, 887 N.W.2d 476, 484 (Minn. 2016).

The United States and Minnesota Constitutions require a warrant based on probable cause for governmental searches and seizures. *State v. Holiday*, 749 N.W.2d 833, 839 (Minn. App. 2008). Probable cause exists when the totality of the circumstances, articulated in the affidavit, indicates a fair probability that contraband or evidence of a crime will be found in the place to be searched. *Id.* It cannot be based on uncertain or vague information, nor mere suspicion. *State v. Ward*, 580 N.W.2d 67, 71 (Minn. App. 1998). A district court must exclude from trial evidence seized during an unconstitutional search. *See, e.g., State v. Zanter*, 535 N.W.2d 624, 634 (Minn. 1995).

An anticipatory warrant recognizes that probable cause does not yet exist, but that it will arise once a condition precedent—a triggering condition—occurs. *United States v. Grubbs*, 547 U.S. 90, 94 (2006). “If the government were to execute an anticipatory warrant before the triggering condition occurred, there would be no reason to believe the

item described in the warrant could be found at the searched location” *Id.* The affidavit, not the issued warrant, identifies the triggering condition. *Id.*

No Minnesota caselaw addresses anticipatory warrants. A handful of nonprecedential opinions exist on anticipatory warrants, which are persuasive and guide our analysis. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c) (stating nonprecedential opinions may be cited as persuasive authority). In those cases, we recognized that the triggering condition must be “explicit, clear, and narrowly drawn so as to avoid misunderstanding or manipulation by government agents.” *State v. Hughes*, No. C7-02-1624, 2003 WL 1702140, at *1 (Minn. App. Apr. 1, 2003) (quoting *United States v. Garcia*, 882 F.2d 699, 703-04 (2d Cir. 1989))¹; *see also State v. Beasley*, No. A23-1476, 2024 WL 3493888, at *5 (Minn. App. July 22, 2024) (recognizing that, despite a warrant’s “admittedly expansive” scope, its triggering condition was appropriately specific), *rev. denied* (Minn. Oct. 30, 2024). We have stated:

[I]f the [anticipatory] warrant is executed after some aspect of the triggering condition is satisfied, we are left with the question of whether enough of the condition has been met to permit the belief that contraband or evidence of a crime will be found. If that question can be answered in the affirmative, then probable cause to support the warrant and the search exists.

¹ The dissent questions the nonprecedential *Hughes* opinion. To be clear, the Supreme Court’s discussion in *Grubbs* concerned the magistrate’s duties in issuing an anticipatory warrant—not the affiant’s obligations in drafting the supporting affidavit. *Grubbs*, 547 U.S. at 97-98. The overall purpose of an “explicit, clear, and narrowly drawn” triggering condition is to avoid premature execution through “misunderstanding or manipulation by government agents.” *Garcia*, 882 F.2d at 703-04. Although the validity of the triggering condition is not at issue, the principle is equally relevant: had law enforcement articulated a more specific triggering condition, the present dispute would not have arisen.

State v. Hansen, No. A09-1700, 2010 WL 2572521, at *3 (Minn. App. June 29, 2010). We also noted that the triggering condition must support a nexus between the evidence sought and the place searched. *See State v. Dixon*, No. A24-1164, 2025 WL 2029901, at *7 (Minn. App. July 21, 2025) (concluding that parcel of drugs, addressed to specific residence, with triggering condition preventing execution until someone brought the parcel into the home, “provided a sufficient nexus between the home and suspected drug activity”).

Here, the triggering condition, “travel toward[] Cloquet,” is ambiguous because reasonable minds could differ as to when it is satisfied. *Cf. State v. Pakhnyuk*, 926 N.W.2d 914, 920 (Minn. 2019) (stating that when a statute is “subject to more than one reasonable interpretation,” it is ambiguous). Multiple dictionary definitions define toward as “in the direction of.” *See, e.g., Black’s Law Dictionary* 1795 (11th ed. 2019); *American Heritage Dictionary of the English Language* 1838 (5th ed. 2018); *Merriam-Webster’s Collegiate Dictionary* 1322 (11th ed. 2014); *The New Oxford American Dictionary* 1832 (3d ed. 2010). Under the definition of *toward*, police could stop Boyd at any point within Carlton County on the theory that, regardless of his actual destination, he could divert onto a connecting road leading to Cloquet. That is precisely what occurred here. Boyd was stopped on I-35, an interstate that does not itself enter Cloquet, before he reached any exit that would have taken him into Cloquet. Nonetheless, because he could have intended to take an upcoming exit toward Cloquet, he was deemed to be “traveling toward” Cloquet. Ambiguity arises not only when a term carries multiple definitions, but also when a definition fails to impose discernible limits on the conduct at issue. *Cf. In re Welfare of*

B.A.H., 845 N.W.2d 158, 164 (Minn. 2014) (“[A] statute is unconstitutionally vague if it affords no guidance to enforcement officials limiting their discretion in determining whether certain conduct is allowed or prohibited.” (quotation omitted)). However, the parties do not dispute the warrant’s validity. And we grant “great deference” to the issuing court’s factual findings related to probable cause. *State v. Rochefort*, 631 N.W.2d 802, 804 (Minn. 2001). Consequently, we look to the warrant’s supporting affidavit to discern the point at which the issuing judge believed the “travel[ing] toward Cloquet” condition would be satisfied to support probable cause for the stop and search. *See Grubbs*, 547 U.S. at 97.

The affidavit stated that the CRI had conducted controlled buys from Boyd and had provided information, corroborated by law enforcement, about where Boyd lived and what vehicle he drove.² However, the affidavit did not specify where those controlled buys occurred. Moreover, the only portion of the affidavit supporting the assertion that Boyd transported drugs in his car was the CRI’s statement that Boyd “would be travelling from his residence to a residence in Cloquet.” That statement, describing travel *to* Cloquet, not merely *toward* Cloquet, was the linchpin connecting Boyd’s anticipated travel to the transportation of drugs. *See State v. Souto*, 578 N.W.2d 744, 748-50 (Minn. 1998) (finding insufficient nexus where affidavit lacked information showing the defendant was a drug trafficker, “much less that she performed such acts from her home”). In other words, the probable-cause determination in the warrant rested on the condition that Boyd was

² A subsequent warrant for Boyd’s cellphone data raised questions about whether law enforcement corroborated the vehicles Boyd drove. Boyd’s attorney did not reopen the omnibus to address the question. Because of counsel’s failure to reopen the omnibus, Boyd also raises an ineffective-assistance-of-counsel claim on appeal.

traveling *to* D.B.’s home in Cloquet, not simply driving in Cloquet’s general direction. Viewing the totality of the affidavit, it follows that, without a substantial inference that Boyd was traveling to Cloquet, the triggering condition identified in the affidavit could not have been fulfilled.

When law enforcement stopped Boyd before any of the I-35 exits leading to Cloquet, they lacked a substantial basis to infer that Boyd was destined for Cloquet. And without that basis, not “enough of the condition has been met to permit the belief that contraband or evidence of a crime will be found.” *See Hansen*, 2010 WL 2572521, at *3. The district court therefore erred in not suppressing the evidence because law enforcement executed the warrant without sufficient probable cause. Based on this conclusion, we do not need to consider Boyd’s ineffective-assistance-of-counsel claim. *See State v. Hill*, 23 N.W.3d 824, 837 (Minn. 2025).

Reversed and remanded.

JOHNSON, Judge (dissenting)

The anticipatory search warrant in this case was subject to a condition precedent that law-enforcement officers “observe Boyd leave the city of Duluth on March 1, 2022 and travel towards Cloquet,” in which event officers were authorized “to conduct a traffic stop in Carlton County and search the vehicle.” On March 1, 2022, Boyd left Duluth in a Buick Lucerne driven by his girlfriend and traveled in the southbound lane of interstate highway 35 until law-enforcement officers stopped the car in Carlton County shortly before it reached the first of two exits that lead to Cloquet. Law-enforcement officers justifiably executed the warrant because the condition precedent had been satisfied. Therefore, I respectfully dissent from the opinion of the court.

A.

At the outset, it is important to clarify what is and is not at issue on appeal. In short, Boyd does not challenge the *issuance* of the search warrant. Rather, he challenges only the *execution* of the search warrant.

First, Boyd expressly disclaims “any issues with the probable cause underlying the search warrant.” Boyd asserts that “information as to why law enforcement believed there would be drugs in the car on that particular date . . . does not go to whether the triggering condition occurred.” Similarly, Boyd asserts that information about “whether the triggering condition was likely to occur . . . is not the issue presented to this court.” Accordingly, it is unnecessary to consider “where . . . controlled buys occurred,” *see supra* 6, or whether there is a “nexus between the evidence sought and the place

searched,”” *see supra* 5 (citing *State v. Dixon*, No. A24-1164, 2025 WL 2029901, at *7 (Minn. App. July 21, 2025)).

Second, Boyd expressly disclaims any argument “that the triggering condition was overbroad.” Accordingly, it is unnecessary to consider whether the condition precedent is sufficiently ““explicit, clear, and narrowly drawn so as to avoid misunderstanding or manipulation by government agents.”” *See supra* 4 (quoting *State v. Hughes*, No. C7-02-1624, 2003 WL 1702140, at *1 (Minn. App. Apr. 1, 2003) (quoting *United States v. Garcia*, 882 F.2d 699, 703-04 (2d Cir. 1989))).¹

Third, neither Boyd nor the state argues that the condition precedent was only partially satisfied or partially triggered. Accordingly, it is unnecessary for the court to consider “whether enough of the condition has been met to permit the belief that

¹The *Hughes* opinion is nonprecedential and, thus, not binding. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c). In any event, *Hughes* should not be read to recognize a rule that an anticipatory search warrant may be deemed invalid if the condition precedent is not “explicit, clear, and narrowly drawn.” 2003 WL 1702140, at *1 (quotation omitted). Such a rule should not be derived from *Hughes* because, in making that statement, *Hughes* quoted a statement in *Garcia* that is mere *dicta*. *See id.* The primary issue in *Garcia* was whether anticipatory warrants are *per se* unconstitutional. 882 F.2d at 702-04. The *Garcia* court held that they are not. *Id.* at 703. After reaching that conclusion, the *Garcia* court proactively cautioned magistrates to “protect against . . . premature execution” by imposing conditions that “avoid misunderstanding or manipulation by government agents.” *Id.* at 703-04. That cautionary statement was not necessary to the resolution of the issue presented by the parties. The leading Supreme Court opinion on anticipatory warrants, which was decided after *Garcia*, does not say that a search conducted pursuant to an anticipatory warrant is invalid if the condition precedent is not explicit, clear, or narrowly drawn. *See United States v. Grubbs*, 547 U.S. 90, 94-99 (2006).

contraband or evidence of a crime will be found.’’ See *supra* 4 (quoting *State v. Hansen*, No. A09-1700, 2010 WL 2572521, at *3 (Minn. App. June 29, 2010)).²

In Boyd’s principal brief, he makes a single, narrow argument with respect to the anticipatory warrant: “The state failed to prove that the triggering event . . . occurred.” In his reply brief, Boyd clarifies that his argument boils down to a single, narrow issue: “whether the triggering condition occurred.” Thus, the court need consider only one issue: whether the condition precedent was triggered. If so, the search is valid; if not, the search is invalid.

B.

The anticipatory search warrant authorized a stop and a search of the Buick Lucerne in Carlton County if law-enforcement officers were to “observe Boyd leave the city of Duluth on March 1, 2022 and travel towards Cloquet.” The court concludes that the condition precedent was not triggered. See *supra* 5-7.

As an initial matter, the court reasons that the word “towards” is ambiguous. See *supra* 5. But multiple lay dictionaries provide the same primary definition of “toward” or

²The *Hansen* opinion is nonprecedential and, thus, not binding. See Minn. R. Civ. App. P. 136.01, subd. 1(c). The appellant in that case argued that the triggering event had not occurred. 2010 WL 2572521, at *2, 3. It is questionable whether the *Hansen* court properly considered the issue of probable cause and properly allowed the existence of probable cause to overcome the fact that only “some aspect of the triggering condition is satisfied.” *Id.* at *3. The *Hansen* opinion cites no authority for the proposition that, “if the warrant is executed after some aspect of the triggering condition is satisfied, we are left with the question of whether enough of the condition has been met to permit the belief that contraband or evidence of a crime will be found,” and that, “[i]f that question can be answered in the affirmative, then probable cause to support the warrant and the search exists.” *Id.*

“towards” when used as a preposition: “[i]n the direction of.” *See The American Heritage Dictionary of the English Language* 1838 (5th ed. 2018); *Merriam-Webster’s Collegiate Dictionary* 1322 (11th ed. 2014); *New Oxford American Dictionary* 1832 (3d ed. 2010). Another lay dictionary explains that the word “denotes the relation of direction or approach *without arrival or attainment*.” *Webster’s New International Dictionary* 2678 (2d ed. 1950) (emphasis added). The ordinary meaning of the word “towards” easily may be applied to the facts of this case.

At the omnibus hearing in the district court, the sole witness (a special agent of the bureau of criminal apprehension) identified two driving routes from Duluth to Cloquet, which appear to be the most direct routes and, thus, the routes most likely to be taken by a person wishing to drive from Duluth to Cloquet. Both routes make use of interstate highway 35, which generally runs southwest from Duluth. A driver taking the first route from Duluth to Cloquet would turn off interstate highway 35 at exit 239 and drive north on county road 45 through the city of Scanlon before entering the city of Cloquet. A driver taking the second route would drive past exit 239, turn off interstate highway 35 at exit 237, and drive north on state highway 33 before entering the city of Cloquet.

When law-enforcement officers stopped and searched the Buick Lucerne, it had left Duluth, was in Carlton County, was traveling in the southbound lane of interstate highway 35, and was approaching exits 239 and 237. Boyd plainly was traveling “towards Cloquet” because he was driving in the direction of, and on a course leading to, Cloquet, even though he had not yet arrived there. *See American Heritage Dictionary, supra*, at 1838; *Merriam-*

Webster's Collegiate Dictionary, supra, at 1332; *New Oxford American Dictionary, supra*, at 1832; *Webster's New International Dictionary, supra*, at 2678.

The conclusion that the condition precedent was *not* triggered can be obtained only by adding language to the condition precedent, or substituting language, to make the condition precedent more restrictive. For example, Boyd repeatedly argues that law-enforcement officers did not have reason to believe that he was traveling “to” Cloquet. But the condition precedent does not use the word “to”; it uses the word “towards.” Similarly, the court, in essence, rewrites the condition precedent to require that Boyd travel *to* Cloquet. *See supra* 6-7. The condition precedent does *not* require that Boyd travel towards Cloquet *and only Cloquet*. That the Buick Lucerne was traveling towards Cloquet *and* multiple other places that lie beyond exits 239 and 237 does not negate the fact that the car was traveling towards Cloquet.

It is true that the warrant application could have been written to describe a more restrictive condition precedent. *See, e.g., State v. Beasley*, No. A23-1476, 2024 WL 3493888, at *1 (Minn. App. July 22, 2024) (anticipatory search warrant to be triggered if agents observe “that Beasley and/or [accomplice] are traveling northbound towards Bemidji . . . *and the vehicle arrives into Beltrami County*”) (emphasis added), *rev. denied* (Minn. Oct. 30, 2024). But the officer who applied for the warrant did not do so, and the issuing judge approved the warrant without a more restrictive condition precedent. The question presented in this appeal is not whether a more restrictive condition precedent would have been more appropriate. The pertinent question is whether the condition precedent was triggered. Given its plain language, the condition precedent was triggered

before the warrant was executed because Boyd left Duluth, was in Carlton County, and was traveling towards Cloquet.

Before concluding, it is worth noting that, if it were relevant, the record would support a conclusion that both the “travel towards Cloquet” language and the execution of the warrant were reasonable. *See State v. Brown*, 932 N.W.2d 283, 288-89 (Minn. 2019) (reviewing search conducted pursuant to warrant and stating that “ultimate touchstone of the Fourth Amendment is reasonableness”) (quotation omitted). The BCA special agent, who prepared the warrant application, testified that there were “tactical” reasons why law-enforcement officers chose to execute the warrant on interstate highway 35, before the Buick Lucerne took either exit that leads to Cloquet. Specifically, the BCA special agent testified that “our operational plan” was to stop the car on interstate highway 35 instead of waiting until the car had exited because it is less dangerous to conduct a traffic stop on a four-lane highway and because the roadways between the exits and Cloquet would be “more congested” with “more vehicles.” The BCA special agent also testified that the segment of county road 45 between exit 239 and Cloquet includes “one of the busiest” intersections in the county, with two gas stations, a liquor store, a trucking yard, and a restaurant nearby. The special agent’s testimony indicates that the location of the execution of the warrant was the result of deliberation and caution, not impatience or manipulation.

For these reasons, I would affirm the district court’s denial of Boyd’s motion to suppress evidence.