

*This opinion is nonprecedential except as provided by  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  
A24-0793**

State of Minnesota,  
Respondent,

vs.

Jeffrey Lawrence Jennings,  
Appellant.

**Filed July 14, 2025  
Affirmed  
Smith, Tracy M., Judge**

Hennepin County District Court  
File No. 27-CR-23-20598

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

Mary F. Moriarty, Hennepin County Attorney, Shannon M. Harmon, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Davi E. Axelson, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Worke, Presiding Judge; Johnson, Judge; and Smith, Tracy M., Judge.

**NONPRECEDENTIAL OPINION**

**SMITH, TRACY M., Judge**

In this appeal from a final judgment of conviction for unlawful possession of a firearm, appellant challenges the district court's denial of his motion to suppress evidence, asserting that the police obtained the evidence as the result of an unconstitutional seizure

and arrest. Because we conclude that the evidence was not obtained in violation of appellant's rights, we affirm.

## **FACTS**

Following a jury trial, appellant Jeffrey Lawrence Jennings was convicted of (1) felony possession of a firearm or ammunition after a juvenile adjudication for a crime of violence in violation of Minnesota Statutes section 624.713, subdivision 1(2) (Supp. 2023); (2) felony fifth-degree drug possession in violation of Minnesota Statutes section 152.025, subdivision 2(1) (Supp. 2023); and (3) misdemeanor giving a false name to a peace officer in violation of Minnesota Statutes section 609.506, subdivision 1 (2022). Before trial, Jennings moved to suppress evidence. An evidentiary hearing was held, at which three law enforcement officers—Officer Patino, Officer Simonett, and a sergeant—testified. The following facts are drawn from the evidence presented at that hearing.

On an afternoon in September 2023, a Minneapolis police officer received information from a paid confidential informant (CI) that an individual in the area of 22nd Avenue and East Lake Street in Minneapolis was in unlawful possession of a firearm. The CI described the individual (later identified by police as J.E.) as a Black man wearing a red hat and a red and black letterman jacket. The CI also provided information about another man (later identified by police as Jennings) who was with J.E., stating that the man was “known to work together” with J.E. selling narcotics.

The officer who received the information from the CI relayed it to a sergeant. The sergeant accessed and monitored live surveillance footage of the area where the CI had reported that J.E. and Jennings were located. According to the sergeant, the area is “known

as an open-air drug market” where fentanyl and illegal weapons are frequently sold. In the live surveillance footage, the sergeant observed a man matching the CI’s description of J.E. The sergeant took still photos of J.E. from the live surveillance footage, provided them to other officers, and received confirmation that the person was J.E. The sergeant watched J.E. engage in what appeared to be a narcotics transaction on the street level below the Lake Street light-rail station. Jennings did not appear during the transaction. But, after the first transaction, Jennings appeared “within arm’s length” of J.E. as J.E. engaged in what the sergeant suspected were two more “narcotics-related transaction[s].” The sergeant then watched J.E. and Jennings walk together on the sidewalk on Lake Street toward a nearby liquor store. The surveillance footage appears to show that, as J.E. and Jennings walked up Lake Street, Jennings was counting currency.

As the sergeant was observing the live surveillance footage, officers staged several squad cars within two to three blocks of J.E. and Jennings’s location. The CI informed the police that Jennings now had the firearm that the CI had initially reported was in J.E.’s possession. The police then moved into the area in their squad cars.

Officer Patino approached the liquor store from the west via Lake Street. As his squad car approached, Officer Patino saw Jennings walking around the corner of the building toward the squad car. Jennings stopped when he noticed Officer Patino’s squad car. Officers activated the car’s emergency lights, and Officer Patino exited with his firearm drawn and ran toward Jennings, directing him not to run. Ignoring Officer Patino’s directive, Jennings ran around the corner he had come from, heading north.

At around the same time, a squad car containing Officer Simonett approached the liquor store from the north. Officer Simonett got out of the squad car and approached J.E., who was standing on the sidewalk. She identified herself as a police officer and said, “Let me see your hands. Come here. You’re under arrest. Come here.” Close to that moment, Jennings, who was actively fleeing Officer Patino, turned the corner and ran toward Officer Simonett. Officer Simonett yelled at Jennings to stop. As Jennings continued to run toward Officer Simonett and her partner, Jennings pulled a firearm from his waistband and threw it to the ground. When Jennings ran to within Officer Simonett’s reach, Jennings attempted to veer off the sidewalk to evade the officers, but Officer Simonett and her partner brought Jennings to the ground and restrained him. Officer Simonett shouted to other officers that the firearm was “over there,” and said to Jennings that he had thrown a firearm “right in front of [her],” which Jennings denied.

Officers asked Jennings for his name; he provided two false names before giving his real name. Officers conducted a search of Jennings’s person, uncovering narcotics in his pocket.

Following the evidentiary hearing, the district court filed an order denying Jennings’s motion to suppress. The case proceeded to a jury trial, and the jury found Jennings guilty of all three offenses. The district court sentenced him to 60 months in prison for the felon-in-possession conviction and concurrent lesser sentences for the other two offenses.

Jennings appeals.

## DECISION

The Minnesota and United States Constitutions prohibit unreasonable government searches of persons or their property. U.S. Const. amend. IV; Minn. Const. art. I, § 10. “Warrantless searches and seizures are generally unreasonable.” *State v. Taylor*, 965 N.W.2d 747, 752 (Minn. 2021). There are, however, “specifically established and well-delineated exceptions” to the warrant requirement. *State v. Diede*, 795 N.W.2d 836, 846 (Minn. 2011) (quotation omitted). One exception is for an investigative seizure that is justified by reasonable, articulable suspicion of wrongdoing. *See Terry v. Ohio*, 392 U.S. 1, 16, 21-22 (1968); *Diede*, 795 N.W.2d at 842. Another exception is for an arrest that is supported by probable cause. *State v. Williams*, 794 N.W.2d 867, 871 (Minn. 2011). The state bears the burden to establish that an exception to the warrant requirement applies. *State v. Licari*, 659 N.W.2d 243, 250 (Minn. 2003). Evidence obtained as a result of a seizure for which police cannot articulate reasonable suspicion “is suppressible.” *In re Welfare of E.D.J.*, 502 N.W.2d 779, 783 (Minn. 1993).

Appellate courts “review the district court’s legal conclusions on the constitutionality of searches and seizures de novo.” *State v. Westrom*, 6 N.W.3d 145, 153 (Minn. 2024). The district court’s factual findings regarding the search or seizure are reviewed for clear error. *State v. Wiegand*, 645 N.W.2d 125, 129 (Minn. 2002).

Jennings argues, first, that reasonable, articulable suspicion did not justify his seizure when the police initially approached him. He argues, second, that his seizure became an arrest when Officer Simonett yelled to J.E., “You’re under arrest. Come here[.]” and that the arrest was not supported by probable cause. The state counters that Jennings

was subjected only to an investigative seizure, which was supported by reasonable, articulable suspicion and that, even if Jennings was arrested, the arrest was supported by probable cause. We address each of Jennings's arguments in turn.

**I. The officers had reasonable, articulable suspicion to seize Jennings on their initial approach.**

"A seizure occurs 'when the officer, by means of physical force or show of authority, has in some way restrained the liberty of a citizen.'" *State v. Cripps*, 533 N.W.2d 388, 391 (Minn. 1995) (quoting *Terry*, 392 U.S. at 19 n.16). Under the Minnesota Constitution, a person is seized when, in light of the totality of the circumstances, a "reasonable person" would not feel free "to disregard the police questions" or "to terminate the encounter." *Id.* The district court concluded that the police seized Jennings when squad cars approached Jennings with lights activated. Jennings argues that that seizure was not supported by reasonable, articulable suspicion. We disagree.

Police may conduct a limited, investigative stop without a warrant if they have an objectively reasonable, articulable suspicion that a suspect is engaged in criminal activity. *Taylor*, 965 N.W.2d at 752. This type of stop is referred to as a *Terry* stop. *See, e.g., State v. Balenger*, 667 N.W.2d 133, 137 (Minn. App. 2003), *rev. denied* (Minn. Oct. 21, 2003). Reasonable suspicion to support a *Terry* stop requires "specific, articulable facts" sufficient for an officer "to articulate . . . a particularized and objective basis for suspecting the seized person of criminal activity." *Diede*, 795 N.W.2d at 842-43. "In determining whether the reasonable suspicion standard is met, [appellate courts] consider the totality of the circumstances." *Taylor*, 965 N.W.2d at 752. "[A] trained police officer is entitled to draw

inferences and deductions ‘that might well elude an untrained person.’” *State v. Lugo*, 887 N.W.2d 476, 487 (Minn. 2016) (quoting *United States v. Cortez*, 449 U.S. 411, 418 (1981)). Information provided by a sufficiently reliable informant may also be considered to determine whether there is a reasonable suspicion to seize an individual. *State v. Timberlake*, 744 N.W.2d 390, 393-94 (Minn. 2008). Reasonable suspicion is a less demanding standard than probable cause or a preponderance of the evidence, although “it requires at least a minimal level of objective justification for making the stop.” *Id.* at 393 (quotation omitted). A district court’s determination that the factual findings support a reasonable suspicion of criminal activity to justify a police search or seizure is subject to de novo review. *Id.*

Jennings contends that the police lacked reasonable, articulable suspicion to conduct an investigative seizure when they first approached him because they did not establish the basis of knowledge for the CI’s claims or corroborate the claims.

Information from an informant may provide the basis needed for a *Terry* stop if the information “bear[s] indicia of reliability that make the alleged criminal conduct sufficiently likely to justify an investigatory stop by police.” *Id.* at 393-94. In *State v. Mosley*, the supreme court addressed the standard for evaluating the existence of probable cause when an informant’s tip is at issue. 994 N.W.2d 883, 889 (Minn. 2023). The supreme court applied a totality-of-the circumstances test that includes, as relevant considerations, the reliability and basis of knowledge of the informant. *Id.* at 890-92.

Applying the totality-of-the-circumstances test here, we conclude that reasonable, articulable suspicion was present. At the time that Officer Patino’s squad car approached

Jennings, the police had received a tip about criminal activity from a CI who had provided reliable information to the police in other investigations over a two-month period. The CI described J.E., provided information about Jennings, and identified the location of both men. The police viewed live surveillance footage of that location and saw two men matching the CI's report. The police observed Jennings appearing to assist J.E. in two narcotics transactions in a location the police knew to be a notoriously high-crime area. *See Lugo*, 887 N.W.2d at 487. We conclude that the totality of these circumstances, including the CI's reliability and the corroboration of information by the police, established that the CI's report bore sufficient indicia of reliability to support a reasonable, articulable suspicion of wrongdoing justifying an investigative seizure. *See Timberlake*, 744 N.W.2d at 393-94.

We are not persuaded otherwise by Jennings's argument that the police lacked a basis for suspecting anyone other than J.E. of criminal activity. Jennings cites *Diede*, in which the supreme court explained that "[m]ere proximity to, or association with, a person who may have previously engaged in criminal activity is not enough to support reasonable suspicion." 795 N.W.2d at 844. Here, however, the police received a tip involving Jennings and the police contemporaneously observed Jennings likely assisting J.E. in drug activity. This case does not involve mere proximity or association to another person who previously engaged in criminal activity.

**II. Even if Jennings was subjected to arrest, rather than an investigative stop, when the officer said to J.E. that he was “under arrest,” the arrest was supported by probable cause.**

Jennings contends that he was arrested when Officer Simonett said to J.E., “You’re under arrest[,]” and that the arrest was not supported by probable cause. The state disagrees and contends that Jennings was not arrested until after he discarded the firearm and that, even if he was arrested before that point, the arrest was supported by probable cause. Although Jennings’s argument that he was arrested, rather than merely seized, before he dropped the firearm may not be compelling, we assume for purposes of argument that it is correct and evaluate whether probable cause supported an arrest.

Probable cause to arrest exists when investigating officers “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). When determining whether there is probable cause, the question is “whether the totality of the facts and circumstances known would lead a reasonable officer to entertain an honest and strong suspicion that the suspect has committed a crime.” *State v. Koppi*, 798 N.W.2d 358, 363 (Minn. 2011) (quotation omitted). The inquiry is objective and not based on the officer’s subjective view. *Id.* “[W]e look to the information that police took into consideration when making the arrest, not what they uncovered thereafter.” *State v. Cook*, 610 N.W.2d 664, 667 (Minn. App. 2000), *rev. denied* (Minn. July 25, 2000).

Applying these principles to the facts here, we conclude that Jennings’s arrest was supported by probable cause because the totality of the circumstances would have led a reasonable officer to honestly and strongly suspect that Jennings had committed at least one crime. *See Koppi*, 798 N.W.2d at 363. The CI’s tip and the live surveillance footage

provided a sufficient, objective basis for officers to strongly suspect that Jennings was involved in the sale of narcotics and illegally possessed a firearm. The CI had previously provided reliable information, the police were able to corroborate certain details about J.E.'s appearance from the tip, and the police observed Jennings likely assisting J.E. in two narcotics transactions. *Cf. Mosley*, 994 N.W.2d at 893 (determining that probable cause for warrantless search was present in case involving informant's tip that was corroborated by police).

Contrary to Jennings's argument, this case is not like *Cook*, in which we found probable cause lacking when police arrested Cook based on a confidential reliable informant's tip, which stated that Cook was selling cocaine at a gym and provided a description of Cook and his car. 610 N.W.2d at 666. The police arrested Cook immediately upon seeing him leave the gym and get in his car. *Id.* We concluded that the tip was insufficient to provide probable cause when the police corroborated only innocuous details about Cook's physical description, car, and location at the gym. *Id.* at 669. Here, in contrast, the police watched Jennings and J.E. in real time via surveillance video. They observed J.E. engage in apparent drug transactions, saw Jennings in close proximity to J.E. during two transactions, and observed Jennings counting cash as he walked away from the location of the apparent drug transactions. During that time, the police heard from the CI that possession of the firearm had been transferred from J.E. to Jennings. These facts distinguish this case from *Cook*.

In addition to the informant's tip and the police's observations from the live surveillance footage, probable cause was also supported by Jennings's flight from police

following Officer Patino directing him to stop, which occurred before Officer Simonett directed J.E. to stop because he was “under arrest.”<sup>1</sup> Evasive action by an individual can contribute to the totality of circumstances leading police to suspect a crime. *See State v. Camp*, 590 N.W.2d 115, 119 (Minn. 1999).

In sum, even assuming that Jennings was arrested before he discarded the firearm, given the totality of the circumstances, the police had probable cause to arrest him without a warrant. The district court therefore properly denied Jennings’s motion to suppress evidence.

**Affirmed.**

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<sup>1</sup> Surveillance footage shows that Officer Simonett made this statement to J.E. at a point when Jennings was turning the corner of the building after having begun his flight from Officer Patino.