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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1164**

State of Minnesota,
Respondent,

vs.

Amon Linton Dixon, Jr.,
Appellant.

**Filed July 21, 2025
Affirmed
Bratvold, Judge
Dissenting, Harris, Judge**

Hennepin County District Court
File No. 27-CR-24-3836

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

Mary F. Moriarty, Hennepin County Attorney, Robert I. Yount, Assistant County Attorney,
Minneapolis, Minnesota (for respondent)

Michael Berger, Fourth District Public Defender, Sarah Anne Koziol, Assistant Public
Defender, Minneapolis, Minnesota (for appellant)

Considered and decided by Bjorkman, Presiding Judge; Bratvold, Judge; and Harris,
Judge.

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

In this direct appeal from the final judgment of conviction for unlawful possession
of a firearm, appellant argues that the district court erred by denying his motion to suppress

evidence obtained from law enforcement's search of his home. He argues that the anticipatory warrant authorizing the search was not supported by probable cause and that the information in the warrant affidavit did not establish a sufficient nexus between the suspected crime, the evidence sought, and the place to be searched. We conclude, based on the totality of the circumstances, that the search warrant was supported by probable cause and that the affidavit established a sufficient nexus between the home and suspected drug activity. Therefore, we affirm.

FACTS

In February 2024, respondent State of Minnesota charged appellant Amon Linton Dixon Jr. with one count of unlawful possession of a firearm under Minn. Stat. § 624.713, subd. 1(2) (Supp. 2023). Law enforcement recovered a gun from Dixon's bedroom while searching his home on Xerxes Avenue in Minneapolis pursuant to a warrant.

The challenged warrant application and accompanying affidavit concerned a parcel intercepted at the airport. The accompanying affidavit attested to these facts: The affiant was a Minneapolis police officer who had served since 2015 and "has experience in street level sales of narcotics, and undercover narcotics operations." The parcel was sent from an address in Glendale, Arizona, and was addressed to "Alexis Dickson" at a Xerxes Avenue residence. The Minneapolis police officer received "information due to a previous warrant obtained" by an airport police officer about a parcel at the airport. "In that warrant, a dog sniff was conducted for the package" and the "dog gave a positive alert for the odor of narcotics emitting from the parcel." The "parcel was seized and brought to the Airport Police Criminal Investigations Office." The Minneapolis police officer also "received

information” from the airport police officer “that there was going to be a controlled delivery of” the parcel to the Xerxes Avenue residence on February 15, 2024, and that “the package contained approximately 20,000 pills of fe[n]tanyl.”

The warrant application requested a search warrant to enter the Xerxes Avenue residence “after the controlled delivery has occurred and surveillance observes . . . the specified package go into the address.” The warrant authorized a search for narcotics, narcotics paraphernalia, electronic devices used to facilitate the communications of narcotics dealings, documents, and other media that show a crime has been committed. A district court judge signed the warrant at 3:28 p.m. on February 15, 2024, and it was executed the same day at 5:45 p.m.

Dixon moved to suppress evidence of the firearm found in his bedroom during the search. Dixon argued that the search-warrant application lacked probable cause and did not establish a sufficient nexus between the home and suspected drug activity.

The state opposed the motion to suppress. The state argued that the warrant affidavit stated the parcel addressed to the Xerxes Avenue residence contained 20,000 fentanyl pills and that the “warrant application was conditional on the package containing the 20,000 fentanyl pills being delivered and brought inside the” Xerxes Avenue residence. The state reasoned that, once the package entered the Xerxes Avenue residence, “there was a fair probability that evidence would be found at this specific site to be searched.” The state

attached to its opposition the warrant application and affidavit from the previous search warrant referenced in and issued before the challenged warrant.¹

After a hearing, the district court issued an order that first addressed the record before the court, stating that it would base its decision on “the four corners” of the warrant application. As to probable cause, the district court stated that “it is clear that the reason the [Minneapolis police officer] knows there are approximately 20,000 pills of fentanyl in the box is because after a dog sniff, police obtained a search warrant to open the box, and the warrant was executed where the 20,000 pills were seen.” The district court observed that the affidavit “does not specifically say the words that ‘the warrant was executed and the 20,000 pills of fentanyl were seen,’” but the Minneapolis police officer averred that he knew “this information due to a previous warrant obtained.”

The district court also determined that “there is a clear nexus between the [home] and the drugs being sought.” The district court reasoned that the parcel was specifically addressed to the Xerxes Avenue residence. The district court also emphasized that “this was an anticipatory warrant meaning that the warrant would not be executed until after the controlled delivery had occurred . . . meaning that the warrant would be executed at the specific address when the 20,000 fentanyl pills were observed going into the specific address.”

The district court denied the motion to suppress, determining that “the totality of the circumstances in the search warrant application and supporting affidavit support a fair

¹ The district court signed the prior warrant at 10:51 a.m. on February 15, 2024. The prior warrant was not attached to the challenged warrant.

probability that the evidence sought would be found at the Xerxes Avenue address.” The district court held a stipulated-evidence trial, found Dixon guilty of unlawful possession of a firearm, and imposed a stayed 60-month sentence.

Dixon appeals.

DECISION

The United States and Minnesota Constitutions protect individuals from unreasonable searches and seizures and provide that “no Warrants shall issue, but upon probable cause.” U.S. Const. amend. IV; *accord* Minn. Const. art. I, § 10 (stating that “no warrant shall issue but upon probable cause”). “Generally, a search is valid, with a few exceptions, only if conducted pursuant to a valid warrant.” *State v. Papadakis*, 643 N.W.2d 349, 355 (Minn. App. 2002). “A search warrant must be supported by probable cause and be issued by a neutral and detached magistrate.” *Id.* Probable cause is based on a “totality of the circumstances test.” *State v. Wiley*, 366 N.W.2d 265, 268 (Minn. 1985) (quotation omitted). “The issuing [magistrate’s] task is to make a practical, common-sense decision” as to whether “there is a fair probability that contraband or evidence of a crime will be found.” *State v. Yarbrough*, 841 N.W.2d 619, 622 (Minn. 2014) (quotation omitted).

Appellate courts reviewing search warrants must determine “if the issuing judge had a substantial basis for concluding that probable cause existed.” *State v. Wiggins*, 4 N.W.3d 138, 145 (Minn. 2024) (quotations omitted). A substantial basis means a “fair probability” under the totality of the circumstances “that contraband or evidence of a crime will be found in a particular place.” *State v. Zanter*, 535 N.W.2d 624, 633 (Minn. 1995) (quotation omitted). “When [appellate courts] perform a totality of the circumstances analysis on a

warrant application, [appellate courts] defer to the issuing magistrate, recognizing that doubtful or marginal cases should be largely determined by the preference to be accorded to warrants.” *Wiggins*, 4 N.W.3d at 145-46 (quotation omitted).

To determine whether the issuing magistrate had a substantial basis for concluding that probable cause supported the search warrant, an appellate court “review[s] only the warrant application and supporting affidavits.” *Id.* at 145. In other words, when a “search-warrant application is clear and unambiguous,” appellate courts “do not look beyond the four corners of the document.” *State v. McGrath*, 706 N.W.2d 532, 539 (Minn. App. 2005), *rev. denied* (Minn. Feb. 22, 2006).

Dixon argues that the district court erred by determining that the challenged search warrant was supported by probable cause because (1) the district court improperly relied on information outside the warrant affidavit and unsupported assertions in the warrant affidavit and (2) the warrant affidavit did not establish a sufficient nexus between the suspected criminal activity and his home. The state argues that the issuing magistrate had a substantial basis to conclude that evidence of a crime would likely be found at the Xerxes Avenue residence and, in the alternative, that this court should adopt the “contemporaneous-warrant doctrine” and consider the affidavit submitted for the prior search warrant executed by the airport police. We address these arguments in turn.

I. The district court did not err by relying on the facts set out in the warrant affidavit along with reasonable inferences from those facts.

First, Dixon argues that the district court erred by denying his suppression motion because the district court’s probable-cause determination relied on facts that are not stated

in the warrant affidavit. Specifically, Dixon contends that the affidavit does not assert that “20,000 fentanyl pills” were inside the parcel. Dixon maintains that, while the Minneapolis police officer refers to “a previous warrant” and “a dog sniff” with “a positive alert,” these facts are insufficient because “dogs cannot count.” The state counters that the “information contained in the four corners of [the officer’s] affidavit was more than sufficient to support [the district court’s] conclusion that there was a fair probability of discovering contraband at the [home].”

When determining whether an executed search warrant is supported by probable cause, a district court may consider affidavits and materials that are “physically attached” to the warrant and incorporated by reference in the warrant application. *State v. Bonyng*, 450 N.W.2d 331, 335 (Minn. App. 1990), *rev. denied* (Minn. Feb. 21, 1990).² A district court also may consider reasonable inferences drawn from the information in the warrant affidavit. *See Yarbrough*, 841 N.W.2d at 622 (stating that “direct observation of evidence of a crime at the place to be searched is not required” and “nexus may be inferred from the totality of the circumstances” based on the facts in the warrant affidavit); *Novak v. State*, 349 N.W.2d 830, 833 (Minn. 1984) (determining that a “magistrate was justified in issuing [a search] warrant” based on “all the information contained in the [warrant] affidavit and reasonable inferences therefrom”).

² A magistrate issuing a search warrant may receive oral testimony to supplement an otherwise deficient warrant application to determine whether probable cause supports the warrant. *State v. Meizo*, 297 N.W.2d 126, 127-28 (Minn. 1980). No oral testimony was received here.

The record does not support Dixon's first argument because the district court referred only to facts in the accompanying affidavit along with common-sense inferences derived from those facts. The district court's memorandum specifically noted that it "relie[d] on the four corners" of the warrant application and declined to consider other information submitted by the state. And the district court also explicitly inferred that the Minneapolis police officer knew that the parcel contained 20,000 fentanyl pills because the parcel "was opened."

Second, Dixon argues that the warrant affidavit did not explain how the officer knew the pills were illegal drugs, specifically fentanyl. While the dog sniff resulted in "a positive alert for the odor of narcotics emitting from the parcel," Dixon points out that this fact "cannot illustrate identity and measurement of a substance."

We disagree because Dixon appears to assume that the previous warrant was for a dog sniff—a position reiterated during oral argument to this court. But the district court inferred that the airport police obtained the prior warrant to open the parcel *after* the dog alerted to the parcel. The district court explained that Dixon's argument asked it to "set common sense aside and pretend" that the Minneapolis police officer "believed" 20,000 fentanyl pills were in the parcel "due to a dog sniff." The district court rejected Dixon's argument as "an incorrect reading" of the affidavit, which "makes it clear that the 20,000 pills were discovered upon execution of the previous warrant."

The record supports the district court's inference. The Minneapolis police officer averred that, (1) in the "previous warrant," "a dog sniff was conducted for the package" and that, (2) "[a]fter the parcel alert, the parcel was seized and brought to the Airport Police

Criminal Investigations Office.” (Emphasis added.) It is reasonable to infer, as the district court did, that the airport police opened the parcel pursuant to “the previous warrant,” which allowed the airport police to investigate the parcel’s contents. *See Yarbrough*, 841 N.W.2d at 622 (upholding the validity of a warrant to search a home based on reasonable inferences from the warrant affidavit); *Novak*, 349 N.W.2d at 833 (affirming a probable-cause determination based on the facts in a warrant affidavit and reasonable inferences drawn from those facts).³

Although Dixon is correct that the warrant application “did not describe any other investigation such as . . . testing the drugs,” this does not persuade us that the search warrant lacks support for the reasonable inference that the parcel contained 20,000 fentanyl pills. The Minneapolis police officer attested that he “has experience in street level sales of narcotics” and that he “received information that the package contained approximately 20,000 pills of fentanyl.” This establishes a fair probability that the pills were illegal drugs. *See State v. Anderson*, 439 N.W.2d 422, 426 (Minn. App. 1989) (concluding that an “officer’s experience” with drug cases supported probable cause), *rev. denied* (Minn. June 21, 1989).

Third, Dixon argues that the district court’s decision was based on “bare bones assertion[s].” To the contrary, the affidavit stated that the Minneapolis police officer

³ Our caselaw has recognized that a warrantless search of a package at the airport may be constitutionally valid. *See State v. Eichers*, 840 N.W.2d 210, 220 (Minn. App. 2013), (concluding “that the narcotics dog sniff” of a package at the airport “was a search that required reasonable, articulable suspicion that the package contained contraband”), *aff’d on other grounds*, 853 N.W.2d 114 (Minn. 2014).

learned about the parcel contents from a named airport police officer who obtained a previous warrant after a positive dog-sniff alert for narcotics “emitting” from the parcel and that the parcel was seized and brought to the investigations office. The airport police officer also informed the Minneapolis police officer that the “package contained approximately 20,000 pills of fe[n]tanyl.” And the parcel was addressed to the Xerxes Avenue residence. These statements in the affidavit, and the reasonable inference that the airport police officer opened the parcel pursuant to the prior warrant, are more than bare assertions. It would have helped this court’s review if the affidavit had expressly stated that the airport police opened the parcel and counted or field-tested the pills. Still, the facts in the affidavit and the reasonable inferences from those facts established probable cause for the warrant.

Finally, Dixon argues, with reference to the dog sniff, that the “affidavit must explain a dog’s qualifications in order to support probable cause,” relying on federal caselaw. Dixon points out that the warrant affidavit fails to satisfy this federal caselaw. Some federal caselaw indicates that a search warrant resting on an affidavit about a dog-sniff alert is supported by probable cause if the affidavit avers that the dog is trained to detect narcotics. *See Florida v. Harris*, 568 U.S. 237, 248 (2013) (“If the State has produced proof from controlled settings that a dog performs reliably in detecting drugs . . . the court should find probable cause.”); *United States v. Kennedy*, 131 F.3d 1371, 1376-77 (10th Cir. 1997) (“[A]s a general rule, a search warrant based on a narcotics canine alert will be sufficient on its face if the affidavit states that the dog is trained and certified

to detect narcotics.”). But Dixon does not provide Minnesota authority establishing that a dog’s “qualifications” are *required* to support probable cause.

Also, the dog-sniff alert described in the affidavit did not itself establish the substantial basis for probable cause that the search warrant would yield evidence of drug activity at the Xerxes Avenue residence. Information about the dog-sniff alert was included as background in the affidavit. But probable cause to search for drugs and related evidence at the Xerxes Avenue residence was based on facts that the parcel contained 20,000 fentanyl pills and was specifically addressed to the Xerxes Avenue residence. In other words, the reliability of the dog-sniff alert is not consequential because the specific quantity and type of illegal drugs inside the parcel, along with the specific address, are independent facts that together show a fair probability that evidence of a drug crime would be found at the Xerxes Avenue residence.

II. The warrant affidavit established a sufficient nexus between the evidence of a drug crime and the Xerxes Avenue residence.

A valid search warrant must have “a direct connection, or nexus, between the alleged crime and the particular place to be searched, particularly in cases involving the search of a residence for evidence of drug activity.” *State v. Souto*, 578 N.W.2d 744, 747-48 (Minn. 1998). This nexus does not require “direct observation of evidence of a crime at the place to be searched” and “may be inferred from the totality of the circumstances.” *Yarbrough*, 841 N.W.2d at 622. For example, the Minnesota Supreme Court concluded that a warrant was supported by a sufficient nexus when the affiant

attested that a controlled drug purchase from the defendant occurred at the home to be searched. *State v. Cavegn*, 356 N.W.2d 671, 674 (Minn. 1984).

Dixon argues that there is no authority stating “that a package from an unknown source which police suspect may contain drugs, amounts to probable cause to search that package’s entire address.” The state argues that the “nexus here was clear: a parcel with a wholesale-amount of narcotics was being delivered to [Dixon’s] address,” pointing out that law enforcement “applied for an anticipatory warrant,” meaning “the officers would not execute the search warrant unless or until a resident inside the [home] accepted the parcel and brought it inside.”

As a preliminary matter, Dixon contends that an “unknown package sender is akin to an anonymous tipster” and relies on caselaw related to anonymous tipsters.⁴ The state argues that anonymous-tipster caselaw is “a poor comparison” because “the incriminating evidence that [law enforcement] had in their possession was not an uncorroborated report” from an anonymous person, but “rather corroborated proof that a large amount of narcotics were travelling through the mail system to [Dixon’s] house.”

We agree with the state. The sender of the parcel is unknown, but the facts in the warrant affidavit come from *known sources*—the airport police officer and the Minneapolis

⁴ Dixon cites *State v. Gabbert*, in which this court affirmed a district court’s order suppressing evidence obtained from a search warrant issued without probable cause. 411 N.W.2d 209, 212-13 (Minn. App. 1987). This court reasoned that it must “look first to the credibility of the informant” who provided information recited in the warrant affidavit. *Id.* at 212. We concluded that, “[b]ecause the anonymous tipster’s information was insufficiently corroborated, the issuing judge did not have probable cause to issue the search warrant.” *Id.*

police officer. And the affidavit recites corroboration for the information that the parcel contained a large amount of illegal drugs. Therefore, the fact that the parcel's sender is anonymous does not impact our analysis.

As to nexus, our analysis focuses on three facts averred in the warrant affidavit: (1) the large quantity of fentanyl in the parcel; (2) the parcel was addressed and delivered to the Xerxes Avenue residence; and (3) the condition precedent that the "specified package" must be received by someone who "go[es] inside the address."⁵ We examine each fact in turn.

First, the parcel contained 20,000 fentanyl pills. Although the warrant affidavit did not state that 20,000 pills of fentanyl is indicative of trafficking, Minnesota caselaw instructs that possession of a "large quantity of drugs" is evidence of an intent to distribute drugs. *State v. White*, 332 N.W.2d 910, 912 (Minn. 1983); *see also* Minn. Stat. § 152.021, subd. 2(a)(3) (Supp. 2023) ("A person is guilty of a controlled substance crime in the first degree if . . . the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more, or 100 dosage units or more, containing heroin or fentanyl."). In *Novak*, the supreme court concluded that a search warrant for Novak's home was supported by probable cause because the warrant affidavit averred that Novak possessed a large amount of marijuana outside of his home and sold it to an undercover officer. 349 N.W.2d at

⁵ The warrant affidavit states: "Your affiant, and or other Minneapolis Officers under your Affiant's control, will execute the warrant after the controlled delivery has occurred and surveillance observes Case, or someone else with the specified package go inside the address." Nothing in the record explains to whom "Case" refers. This does not alter our analysis, however, because the condition precedent is that the parcel must be received by someone who then takes the parcel inside the Xerxes Avenue residence.

832-33. The supreme court reasoned that the “fact that [Novak] dealt in large quantities increased the likelihood that police would find marijuana in a search of his residence.” *Id.*

Here, the large quantity of fentanyl in the parcel suggested that evidence of criminal drug activity would be found at the Xerxes Avenue residence. The warrant affidavit attested that the parcel contained about 20,000 pills of fentanyl. The quantity of drugs was not an inference drawn by the reviewing district court, but a fact established by the affidavit from which a reasonable inference of criminal activity may be drawn.⁶ *See also Yarbrough*, 841 N.W.2d at 623 (stating that “it may be reasonable to infer that drug wholesalers keep drugs at their residences, but such an inference, without more, is unwarranted for casual users” and upholding a search warrant on the inference that the appellant was a drug wholesaler based on, among other things, the fact that he had possessed “a large amount of crack cocaine”).

Second, the parcel was addressed and delivered to the Xerxes Avenue residence. The supreme court considered similar facts and upheld a search warrant in *State v. Braasch*, in which a warrant affidavit averred that “customs officials . . . lawfully opened a letter which . . . was addressed to” Braasch at a post-office box along a rural route and discovered that it contained hashish. 316 N.W.2d 577, 578 (Minn. 1982). Customs officials brought the envelope to the local sheriff’s department, which gave the envelope to the U.S. Postal

⁶ The district court inferred that airport police opened the package pursuant to the prior warrant, examined the contents, and identified the quantity of fentanyl. As discussed above, a district court may make reasonable inferences from facts averred in a search-warrant application. *Id.* at 833. But, here, the facts supporting nexus were directly stated and not inferred.

Service for delivery and then conducted surveillance of the rural post-office box listed on the envelope. *Id.* Officers saw “a young female remove[] the envelope from the box and return[] to the northerly portion of a green duplex.” *Id.* at 579. Law enforcement obtained a search warrant for Braasch’s duplex based on the delivery of the envelope and information from a confidential informant about meeting Braasch at the duplex. *Id.* at 578-79. The supreme court concluded that “the affidavit was adequate to establish probable cause to believe that the substance in the envelope was hashish and that the hashish would be found in the described premises.” *Id.* at 579. Here, similarly, the parcel containing 20,000 fentanyl pills was addressed and delivered to the Xerxes Avenue residence, which established a nexus between the residence and evidence of illegal drugs.

Third, the execution of the anticipatory warrant was contingent on the controlled delivery and receipt of the parcel. “An anticipatory warrant is a warrant based upon an affidavit showing probable cause that at some future time (but not presently) certain evidence of crime will be located at a specified place.” *United States v. Grubbs*, 547 U.S. 90, 94 (2006) (quotation omitted). “Most anticipatory warrants subject their execution to some condition precedent other than the mere passage of time—a so-called ‘triggering condition.’” *Id.*

The warrant affidavit stated that law enforcement “will execute the warrant after the controlled delivery has occurred and surveillance observes” someone “with the specified package go inside the address.” Accordingly, the condition precedent to the executed search was someone bringing the parcel into the Xerxes Avenue residence. Once the parcel entered the home, someone in the home possessed a large quantity of illegal drugs—itsself

a crime and also evidence of an intent to distribute. *See* Minn. Stat. §§ 152.02, subd. 2(b)(75), .021, subd. 2(a)(3) (possession of 25 grams or 100 dosage units of fentanyl constitutes the crime of possession of a Schedule I controlled substance) (Supp. 2023); *see White*, 332 N.W.2d at 912 (“Evidence tending to show such intent [to distribute] includes evidence as to the large quantity of drugs possessed, evidence as to the manner of packaging, and other evidence.”).

We conclude that these three facts—the parcel contained 20,000 fentanyl pills, the parcel was addressed to the Xerxes Avenue residence, and the anticipatory warrant would not be executed until after someone brought the parcel into the home—provided a sufficient nexus between the home and suspected drug activity.

Dixon points out, and we acknowledge, that the package was addressed to “Alexis Dickson,” not Amon Dixon, and that the affidavit did not attest that the Xerxes Avenue residence or its occupants had been involved in illegal drug sales. Dixon relies on *Souto*, in which the supreme court affirmed the suppression of evidence because the warrant application did not include facts showing a sufficient nexus between Souto’s home and illegal drug activities. 578 N.W.2d at 749-51. There, the record showed that (1) a package containing illegal drugs was sent to Souto’s residence, (2) Souto never received the package, which was returned to the postal inspector, (3) “an informant stated that [a] suspected drug dealer”—not Souto—received methamphetamine in packages that were mailed to “other friends,” (4) Souto bought illegal drugs from an informant, who also stated that Souto used illegal drugs, and (5) Souto’s home phone made “numerous” calls to a

suspected drug dealer. *Id.* at 746, 748 (quotation marks omitted).⁷ Dixon argues that, “[if] *Souto* demanded suppression, [then] the weaknesses here emphasize the same result.” And he specifically stresses that the warrant affidavit does not include controlled drug buys or any witnesses to drug transactions at the Xerxes Avenue residence and that there is “zero corroborative effort by the police.”

We disagree with Dixon’s conclusion. It is correct that the warrant in *Souto* was supported by contextual information about illegal drug purchases and use by Souto in her home and that this warrant application has no similar facts about the Xerxes Avenue residence. But there is a key difference between the facts in *Souto* and the facts attested to in this warrant application. Here, police *knew* that the parcel was addressed to the Xerxes residence and contained 20,000 fentanyl pills, and police had to *see* someone take the parcel *into* the Xerxes Avenue residence *before* executing the search warrant. This difference makes this warrant similar to a search warrant based on a controlled drug purchase at a home or a large drug supply outside the home, both of which the supreme court has held provide a sufficient nexus. *Cavegn*, 356 N.W.2d at 674 (stating that “the objects-place nexus is clearer” with facts showing a controlled drug buy at the home “where there is direct information . . . to connect the [drug] items to the place”); *Novak*, 349 N.W.2d at 832-33 (stating that the appellant’s known “deal[ing] in large quantities” of

⁷ The warrant affidavit in *Souto* also stated that the affiant knew “through information received” from informants and law-enforcement officers that Souto was “involved in the possession and/or distribution of methamphetamine, and/or marijuana on a wide scale.” *Id.* at 746. The supreme court held that this statement “was too vague and conclusory to bolster the state’s position that Souto was a drug dealer.” *Id.* at 749.

illegal drugs outside his home “increased the likelihood that police would find marijuana in a search of his residence”).⁸

We conclude, based on the totality of the circumstances, that the challenged warrant application established a sufficient nexus between the suspected drug activity and the Xerxes Avenue residence. Because the issuing magistrate had a substantial basis to determine both that probable cause existed and that there was a sufficient nexus between the suspected crime and the place to be searched, the district court did not err by denying Dixon’s motion to suppress evidence obtained through the warrant.⁹

Affirmed.

⁸ Even if we were to assume that the nexus was marginal between the drug evidence sought and the Xerxes Avenue residence, “marginal cases should be largely determined by the preference to be accorded to warrants.” *Wiggins*, 4 N.W.3d at 145-46 (quotation omitted).

⁹ Given that the district court signing the warrant had a substantial basis to conclude that the challenged warrant was supported by probable cause, we need not address the state’s alternative argument that we “should adopt the contemporaneous-warrant doctrine.” We also observe that this issue was not raised during district court proceedings, and we “generally will not decide issues which were not raised before the district court.” *Roby v. State*, 547 N.W.2d 354, 357 (Minn. 1996). And the state asks us to adopt a new doctrine, which is more properly addressed to the supreme court. *See State v. Thomas*, 890 N.W.2d 413, 420 (Minn. App. 2017) (“The task of extending existing laws falls to the supreme court or the legislature, but it does not fall to this court.” (quotation omitted)), *rev. denied* (Minn. Mar. 28, 2017).

HARRIS, Judge (dissenting)

I respectfully dissent. I believe that even though, as a reviewing court, we must pay great deference to the magistrate's determination of probable cause, the affidavit supporting the warrant in this case provided insufficient facts to support a nexus between the drugs and Dixon's home and is the sort of bare bones, conclusory document which the Fourth Amendment does not permit. *See Illinois v. Gates*, 462 U.S. 213, 239 (1983). The factual allegations of a search warrant application must "establish a direct connection between the alleged criminal activity and the site to be searched." *State v. Souto*, 578 N.W.2d 744, 749 (Minn. 1998). Review of whether a search warrant application contained a "substantial basis for concluding that probable cause existed" is appropriate. *State v. Papadakis*, 643 N.W.2d 349, 355 (Minn. App. 2002). On the facts presented here, I do not believe that the search warrant application and supporting affidavit establish the required "sufficient nexus" between drug activity and Dixon's home. *See Souto*, 578 N.W.2d at 749. Moreover, the factual allegations contained in the affidavit would not lead a reasonable person to believe that there was a "fair probability" that evidence of the crime would be found in Dixon's home. *Gates*, 462 U.S. at 238.

The state and federal constitutions protect an individual's right "to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures[.]" Minn. Const. art. I, § 10; *see also* U.S. Const. amend. IV. It is well settled that a search warrant may not be issued unless the district court finds probable cause. *Id.* To determine whether probable cause exists, a judge must look at the totality of the circumstances and "make a practical, common-sense decision whether, given all the circumstances set forth in the

affidavit before [the judge] . . . there is a fair probability that contraband or evidence of a crime will be found in a particular place.” *State v. Wiley*, 366 N.W.2d 265, 268 (Minn. 1985) (quoting *Gates*, 462 U.S. at 238). The Minnesota Supreme Court has historically required a direct connection, or nexus, between the alleged crime and the particular place to be searched, particularly in cases involving the search of a residence for evidence of drug activity. *See, e.g., State v. Cavegn*, 356 N.W.2d 671, 674 (Minn. 1984) (holding that clear “objects-place nexus” between drug dealing and residence searched was established by the fact that the sale actually occurred at the residence). The nexus between the crime and the place to be searched is clear where direct information connects an item to a location. *See id.* (stating that nexus was clear that drugs would be found in an apartment where there was direct information that a drug sale occurred there).

The state argues that there was a nexus between the criminal drug activity and the place to be searched because (1) there were 20,000 fentanyl pills in the parcel and (2) someone at the Xerxes Avenue residence received the package and went inside. The affidavit in support of the application for a warrant here provided, in relevant part:

- Officer Spee was assigned as an Investigator to the Minneapolis Police Department Gun Investigations Unit.
- Officer Spee received information from Officer Irvin of the airport police that there was going to be a controlled delivery of a package (parcel) to 1831 Xerxes Ave. N., Minneapolis, MN 55411.
- The delivery would occur any time before 7:00 p.m. on 02/15/2024.
- Officer Spee received information that the package contained approximately 20,000 pills of fentanyl.
- The name on the package was Alexis Dickson.

- The sender's address was 9524 W. Camelback Rd., Glendale, AZ 85305-3112.
- The address on the package was 1831 Xerxes Ave. N., Minneapolis, MN 55411.
- Officer Spee knew this information due to a previous warrant obtained by Officer Irvin of the airport police signed on 02/15/2024 by a magistrate.¹

Officer Spee requested the search warrant "to search the above-described premises for the described property and thing(s)."² On February 15, the magistrate signed the warrant.

The district court concluded that the connection or "nexus" is the address on the package. The district court drew a reasonable inference that the package contained 20,000 fentanyl pills, which provides a further nexus. I agree that a judge may "draw common-sense and reasonable inferences from the facts and circumstances set forth in an affidavit." *State v. Brennan*, 674 N.W.2d 200, 204 (Minn. App. 2004) (quotation omitted), *rev. denied* (Minn. Apr. 20, 2004). But the law requires something more than an inference to support a nexus between the alleged crime and the place to be searched. We do not have that here.

¹ The application states that in the previous warrant a dog sniff was conducted for the package and the package number was 1Z2R0390134558939. The dog gave a positive alert for the odor of narcotics emitting from the parcel. After the parcel alert, the parcel was seized and brought to the criminal investigations office of the airport police.

² In addition to a number of typographical errors, the affidavit notes that law enforcement would enter the property after the delivery of a package, and surveillance observed an individual named "Case" or someone else with the package going into the address. The affidavit does not identify the individual named "Case."

Dixon argues that the lack of nexus between drug activities and his residence is comparable to the circumstances in *Souto*, in which the Minnesota Supreme Court concluded the search warrant lacked a nexus between the defendant's residence and the suspected criminal activity. 578 N.W.2d at 751. I agree. *Souto* involved a home where police had already established the presence of drugs. *Id.* And in *Souto*, the affidavit supporting the warrant described: (1) a large package of known drugs that was mailed to the defendant's home ten months earlier; (2) numerous phone calls between Souto's residence and the residence of known drug dealers; and (3) police and informants both knew she was a drug dealer. *Id.* at 748. The supreme court held, however, that the affidavit "did not indicate that [defendant] ever arranged drug deals, sold, or distributed drugs, much less that she performed such acts from her home." *Id.*

In contrast, the district court here granted the search warrant based on the following limited facts prior to the execution of the search warrant: a package containing drugs was mailed from Glendale, Arizona, addressed to "Alexis Dickson" at the Xerxes Avenue North, Minneapolis address and was intercepted by the airport police, which is significantly less than what was contained in *Souto*. And unlike *Souto*, the affidavit here never established the presence of drugs or drug activity at the residence.

The majority cites *Novak v. State*, 349 N.W.2d 830, 832-33 (Minn. 1984), noting that "[t]he fact that [Novak] dealt in large quantities increased the likelihood that police would find marijuana in a search of his residence." The majority's analysis, however, extends *Novak* beyond its holding. While the fact that Novak dealt in large quantities of drugs may have "increased the likelihood" that police would find evidence in his home,

the court did not decide that possession alone provided conclusive evidence for a probable cause determination. *Id.* at 833. Moreover, the warrant application in *Novak* provided significantly more evidence linking Novak’s drug activity on the street to his home. For example, the affidavit in support of the warrant noted that Novak was involved in the drug business as a wholesaler; that police had recorded his telephone conversation from his home with an undercover narcotics agent; that during the conversation, Novak agreed to deliver six pounds of marijuana to the agent; and that officers observed him leave his house, drive around Austin, and drive to Albert Lea to make the sale. *Id.* at 832. In contrast, the affidavit here did not indicate that Dixon or anyone at the Xerxes Avenue North, Minneapolis address ever arranged drug deals, sold, or distributed drugs, much less that Dixon performed such acts from his home.

The majority also cites *State v. Yarbrough*, 841 N.W.2d 619, 623-24 (Minn. 2014) to support its contention that the large quantity of fentanyl in the parcel is evidence of an intent to distribute drugs. The majority’s reliance on *Yarbrough* is misplaced. *Yarbrough* discusses the nexus between drug wholesalers and their residences that was developed in *Harris* and *Novak*. *Id.* at 623-24; *see also State v. Harris*, 589 N.W.2d 782, 789 (Minn. 1999) (noting that under certain circumstances probable cause can be permissibly found in home of “drug wholesaler”); *Novak*, 349 N.W.2d at 832-33 (concluding that an affidavit established defendant as drug wholesaler due to drug transaction and known drug suspicion, which significantly contributed to likelihood of finding drugs at his residence).

Dixon’s case is easily distinguished from *Yarbrough*. First, the warrant application in *Yarbrough* stated that the appellant “previously had been arrested for possession of a

controlled substance with intent to distribute.” *Yarbrough*, 841 N.W.2d at 623-24. By comparison, the warrant application in this case presents no information about the drug-wholesaler status of Dixon, Alexis Dickson, or any resident of the Xerxes Avenue North, Minneapolis address. Second, in *Yarbrough*, a confidential informant had reported that the appellant “was a crack cocaine dealer.” *Id.* at 624. Again, by comparison, the warrant application in this case presents no case for drug-wholesaler status as it provided no information about Dixon or any resident of the Xerxes Avenue North, Minneapolis address engaging in any drug activity. Third, in *Yarbrough*, the warrant application stated that the appellant previously had possessed “a large amount of crack cocaine.” *Id.* The warrant application in this case provided no information that Dixon or any resident of the Xerxes Avenue North, Minneapolis address was selling fentanyl. In short, *Yarbrough*’s drug-related activities had already been established when the reasonable inference was made that drug wholesalers keep drugs at their residences; thus, the presence of a large amount of drugs is not what identified him as a drug wholesaler and subjected his home to a search warrant. *Id.* at 623.

The majority also relies on *State v. White*, 332 N.W.2d 910, 912 (Minn. 1983) for the proposition that possession of a large quantity of drugs is evidence of an intent to distribute drugs. However, *White* noted “[i]ntent to sell or distribute is usually proved circumstantially. Evidence tending to show such intent includes evidence as to the large quantity of drugs possessed, evidence as to the manner of packaging, and other evidence.” *Id.* at 912 (citing 28 C.J.S. Supp., *Drugs and Narcotics* § 211 (1974)). In *White*, law enforcement officers found over 100 pounds of marijuana after searching White’s farm.

332 N.W.2d at 911. The court noted that the quantity far exceeded what was “needed for personal use.” *Id.* at 912. The mere presence of large amounts of marijuana did not create the intent to distribute. White was already known to be connected to the drugs because they were found on his property and bore his first name or initial. *Id.* at 911-12. His intent to distribute was established “[u]nder all these circumstances” and not mere presence of large quantities of drugs alone. *Id.* at 912.

What is missing here is the existence of any evidence that Dixon’s residence was used for drug transactions, or any known or historical drug suspicion. This affidavit completely lacked any police corroboration that drug activity was linked to Dixon or the Xerxes Avenue North, Minneapolis address. The warrant affidavit made no effort to identify the sender of the suspected drugs. The warrant affidavit made no effort to identify the package recipient as Alexis Dickson or if Alexis Dickson lives at the address. The affidavit does not identify any information that Dixon or the other occupant of the home, his grandmother, was involved in drug trafficking. The warrant affidavit also did not include any observations about the home to be searched to suggest ongoing evidence of drug activity or sales. It includes no information about people involved in drug trafficking surveilled at the home. There were no facts or investigation about the package’s address at all. Finding probable cause due to the mere presence of large quantities of drugs is not consistent with the facts found in *White*, *Novak*, or *Yarbrough*.

Next, the majority cites *State v. Braasch*, 316 N.W.2d 577, 578 (Minn. 1982) to support the proposition that the parcel containing drugs addressed to the Xerxes Avenue address establishes a nexus between the residence and evidence of illegal drugs. In

Braasch, a letter was addressed by name to Braasch at her father's home and was found to contain hashish while still in transit. *Id.* The letter's delivery was lawfully observed, whereupon Braasch drove up to retrieve the letter and then drove back to her residence. *Id.* An affidavit for a search warrant included these details as well as information from a confidential informant with information about Braasch's drug activity. *Id.* at 578-79. Dixon's case is distinguishable from *Braasch* for three reasons found in the affidavit: (1) the package was not addressed to Dixon, (2) Dixon did not travel to retrieve the package, and (3) there was no information from a confidential informant's information regarding drug suspicions included in the affidavit. *Id.* at 578. The affidavit had adequate probable cause and directly connected the resident and residence to the drug-related activity. *Id.* at 579. The evidence of drug suspicion in *Braasch*'s affidavit is missing in Dixon's affidavit. Unlike *Braasch*, no nexus was created between the residents and residence, and package, beyond the address. *Id.*

Finally, I agree with the majority that the district court analyzed Dixon's argument to suppress as if an anticipatory search warrant had been issued. "An anticipatory warrant is a warrant based upon an affidavit showing probable cause that at some future time (but not presently) certain evidence of crime will be located at a specific place." *U.S. v. Grubbs*, 547 U.S. 90, 94 (2006) (quotation omitted). "Most anticipatory warrants subject their execution to some condition precedent . . . a so-called 'triggering condition.'" *Id.* The most important feature of an anticipatory search warrant is that when the anticipatory warrant is signed by a magistrate, "by definition, the triggering condition which establishes probable cause has not yet been satisfied." *Id.* The triggering event here is the package

being delivered and taken into the home. The Fourth Amendment specifically protects the sanctity of the home: “physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed.” *Payton v. New York*, 445 U.S. 573, 585-86, (1980) (quoting *United States v. United States District Court*, 407 U.S. 297, 313 (1972)). The right to be secure in one’s own home is a fundamental right. *See Payton*, 445 U.S. at 589-90. Given the significance of this right, the privacy of the home should only be invaded if the police have a warrant issued by a neutral judge upon a finding of probable cause. *See State v. Nolting*, 254 N.W.2d 340, 343 (Minn. 1977). Because there are considerable shortcomings in the search warrant application discussed above, the totality of the circumstances alleged did not establish the required connection, and to allow a full search of a private home on so little would directly contradict the United States and Minnesota Constitutions. Even deferring to the signing judge as we are required to do, there was not a substantial basis to conclude that the search warrant application satisfied the nexus requirement.

The state requested that we should adopt a contemporaneous-warrant doctrine. I agree with the majority that given that this was not raised during district court proceedings and because we generally do not address arguments that were not presented to the district court, I would decline to adopt the contemporaneous-warrant doctrine argument.

There are not sufficient facts in the affidavit connecting drugs, drug paraphernalia, or drug activity to Dixon’s home. Because the affidavit supporting the search warrant was devoid of information establishing a nexus between the alleged illegal activity and Dixon’s home, I believe that the district court erred in issuing the search warrant.