

*This opinion is nonprecedential except as provided by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
A24-1202**

State of Minnesota,
Respondent,

vs.

Timothy Kurtis Lindquist,
Appellant.

**Filed July 7, 2025
Affirmed
Larson, Judge**

Carlton County District Court
File No. 09-CR-22-1994

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

Lauri Ketola, Carlton County Attorney, Carlton, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Joseph McInnis, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Larkin, Presiding Judge; Larson, Judge; and Bentley, Judge.

NONPRECEDENTIAL OPINION

LARSON, Judge

Appellant Timothy Kurtis Lindquist challenges his conviction for fifth-degree possession of a controlled substance under Minn. Stat. § 152.025, subd. 2(1) (2022).

Broadly, he challenges whether respondent State of Minnesota established a sufficient chain-of-custody for the controlled substance. We affirm.

FACTS

The state charged Lindquist with fifth-degree possession of a controlled substance under Minn. Stat. § 152.025, subd. 2(1), for events that occurred in November 2022. The matter proceeded to a jury trial in March 2024. The district court heard testimony from a security guard, security supervisor, police officer, police sergeant, and a scientist from the Bureau of Criminal Apprehension (BCA). Without objection, the district court also received several exhibits into the record, including a BCA report. The following facts were elicited at trial.

In November 2022, Lindquist walked around the slot-machine area of a casino and a small, white object fell from his person onto the floor. The object remained untouched for roughly 15 minutes before a blackjack dealer noticed the object and called over a security guard. Approximately one minute later, the security guard picked up the object and identified it as a small bag containing a “white powdery substance.” The security guard carried the bag to the security office, placed it on a napkin on the security supervisor’s desk, and called the security supervisor. The security supervisor called the surveillance department to determine who dropped the bag and, after surveillance confirmed Lindquist was still in the building, the security supervisor called law enforcement.

Upon arrival, the responding officer and sergeant reviewed the surveillance footage, observed the bag “contain[ing] a white crystal-like substance,” recognized the substance in the bag as methamphetamine, and approached Lindquist. The officer and sergeant asked

Lindquist about the bag, and Lindquist appeared nervous. The officer, then, took Lindquist into custody, and the sergeant secured the bag. The security supervisor, officer, and sergeant offered slightly inconsistent testimonies regarding this series of events. But the security supervisor believed that one or both law-enforcement personnel collected the bag the security guard found on the floor, and the officer and sergeant agreed that the sergeant, specifically, collected the bag.

Relevant to this appeal, the sergeant testified regarding chain-of-custody procedures for the bag. The sergeant testified that he brought the bag to the police department where the substance inside the bag field-tested positive for methamphetamine. After weighing and taking pictures of the bag, the sergeant put the bag within another clear plastic bag, sealed the second plastic bag, “initial[ed] the seal on both sides partly on the closed section and partly on the bag itself,” and placed the bag into a temporary evidence locker that only the investigators could access. The sergeant testified that his chain-of-custody report reflected that he placed the bag in temporary locker eight. The sergeant then explained that police-department policy dictated that evidence cannot spend more than 48 hours in the temporary evidence lockers before it must be processed and moved to the main evidence lockers, where it should remain until sent to another agency or destroyed.

The officer also testified regarding chain-of-custody procedures for the bag. The officer testified that he completed the BCA evidence-submission form. The officer also submitted the evidence form, which enabled the investigators to locate the evidence in its temporary locker. The officer indicated on the evidence form that the sergeant placed the

bag in temporary locker ten. But the officer testified that the sergeant handled the bag and had the responsibility to ensure the forms were properly completed.

The BCA scientist also offered chain-of-custody testimony. She first testified to general procedures the lab used when receiving evidence. She then confirmed that she performed the requested test on the substance inside the bag she received from the police department on July 27, 2023—eight months after the sergeant collected the bag. Following the testing, the BCA scientist concluded the bag contained approximately 0.662 grams of methamphetamine. The BCA report reflected the same information.

Following its deliberation, the jury found Lindquist guilty of fifth-degree possession of a controlled substance. The district court convicted Lindquist and sentenced him to twelve months and one day in prison, with credit for four days' time served, and stayed the remaining sentence pending three years of supervised probation.

Lindquist appeals.

DECISION

On direct appeal, Lindquist challenges his conviction on the ground that the state did not establish a sufficient chain-of-custody for the controlled substance. Lindquist separates his challenge into two arguments: (1) sufficiency of the evidence and (2) inadequate chain-of-custody. The state argues that, because Lindquist did not make a chain-of-custody objection at trial, we should follow the approach from our nonprecedential decision in *State v. Pribyl* and construe these two arguments as a single

argument contesting chain-of-custody. *See* No. A06-418, 2007 WL 738681, at *3-4 (Minn. App. Mar. 13, 2007). We agree.

In *State v. Eli*, Eli argued that there was insufficient evidence “to prove he had a blood alcohol concentration over .10 because the [s]tate failed to prove that the blood sample analyzed was in fact Eli’s blood.” 402 N.W.2d 627, 630 (Minn. App. 1987). There, because Eli did not object, the state only offered into evidence “the information card accompanying the blood sample when it arrived at the BCA lab that identified Eli as the donor and the testimony of the lab analyst who tested the blood sample.” *Id.* We determined that Eli’s “challenge to the identity of the donor of the blood sample was a foundational objection that should have been raised at the time the test results were introduced.” *Id.* We then concluded that “defense counsel’s failure to object when the evidence was introduced preclude[d] further review by this court.” *Id.*; *see also State v. Fitzgerald*, No. C8-95-1675, 1996 WL 175521, at *1 (Minn. App. Apr. 16, 1996) (citing *Eli* in a sufficiency-of-the-evidence case where appellant stipulated to chain-of-custody); *Pribyl*, 2007 WL 738681, at *3-4 (construing sufficiency-of-the-evidence argument as chain-of-custody challenge and applying plain-error review).¹

Here, we agree with the state that Lindquist’s chain-of-custody argument is a foundational objection that should have been raised at trial. *See Eli*, 402 N.W.2d at 630. Thus, we construe Lindquist’s sufficiency-of-the-evidence argument as a challenge to the chain-of-custody. *See Pribyl*, 2007 WL 738681, at *3.

¹ These cases are nonprecedential and, therefore, not binding. We cite nonprecedential opinions as persuasive authority only. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c).

Regarding chain-of-custody, Lindquist asserts that the district court plainly erred when it admitted the BCA scientist's testimony and the BCA report (collectively, the BCA evidence) due to the inconsistencies in the chain-of-custody testimony between the security guard, security supervisor, officer, and sergeant. "Evidentiary rulings rest within the sound discretion of the district court," and generally "we will not reverse an evidentiary ruling absent a clear abuse of discretion." *State v. Ali*, 855 N.W.2d 235, 249 (Minn. 2014). But Lindquist did not object to the admission of the BCA evidence at trial, so we apply plain-error review. *See State v. Vasquez*, 912 N.W.2d 642, 649-50 (Minn. 2018). "In order to meet the plain error standard, a . . . defendant must show that (1) there was an error, (2) the error was plain, and (3) the error affected the defendant's substantial rights." *State v. Myhre*, 875 N.W.2d 799, 804 (Minn. 2016) (citing *State v. Griller*, 583 N.W.2d 736, 740 (Minn. 1998)). Even when a defendant satisfies these prongs, we will not exercise our discretion to grant relief unless the "failure to do so will cause the public to seriously question the fairness and integrity of our judicial system." *Pulczynski v. State*, 972 N.W.2d 347, 359 (Minn. 2022).

Here, we do not discern that Lindquist has demonstrated plain error. "An error is plain if it is clear or obvious, which is typically established if the error contravenes case law, a rule, or a standard of conduct." *State v. Webster*, 894 N.W.2d 782, 787 (Minn. 2017) (quotation omitted). The chain-of-custody rule "require[s] the prosecution to account for the whereabouts of physical evidence connected with a crime from the time of its seizure to its offer at trial." *State v. Johnson*, 239 N.W.2d 239, 242 (Minn. 1976); *see also* Minn. R. Evid. 901(a) ("The requirement of authentication or identification as a condition

precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.”). There is “no rigid formulation of what showing is necessary in order for a particular item of evidence to be admissible.” *Johnson*, 239 N.W.2d at 242. Rather, the district court “must be satisfied that, in all reasonable probability, the item offered is the same as the item seized and is substantially unchanged in condition.” *Id.* This does not require the state to eliminate all possibility of tampering or substitution—the state need only show that it is reasonably probable that the evidence has not been tampered-with or substituted. *State v. Bailey*, 677 N.W.2d 380, 394 (Minn. 2004).

Lindquist has failed to establish that the district court plainly erred when it allowed the unobjected-to admission of the BCA evidence. Although the testimony about chain-of-custody may not be as detailed as Lindquist would like, his failure to object gave the state no basis to rectify the issues he now identifies with the witnesses’ testimony. *See Pribyl*, 2007 WL 738681, at *4 (reaching the same conclusion). Additionally, we are not aware of any caselaw or rule that would clearly indicate the district court needed to intervene in this circumstance. *Cf. Johnson*, 239 N.W.2d at 242 (stating chain-of-custody is sufficient when district court is “*satisfied*” that the evidence is the same, substantially unchanged, item (emphasis added)). And considering that chain-of-custody is a fact-intensive inquiry, *id.* (“no rigid formulation”), we cannot reliably predict how the district court would have addressed a chain-of-custody objection at trial.

For this reason, we conclude the district court did not plainly err when it admitted the BCA evidence.

Affirmed.