

*This opinion is nonprecedential except as provided by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
A24-1221**

State of Minnesota,
Respondent,

vs.

Antoine Kenneth James Adkins,
Appellant.

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

Hennepin County District Court
File No. 27-CR-23-15108

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

Mary F. Moriarty, Hennepin County Attorney, Elizabeth Scoggin, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Andrew J. Nelson, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Larson, Presiding Judge; Bentley, Judge; and Kirk, Judge.*

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

NONPRECEDENTIAL OPINION

BENTLEY, Judge

In this direct appeal from a conviction for unlawful possession of a firearm, appellant Antoine Kenneth James Adkins argues that the district court erred in failing to suppress the evidence against him because police unlawfully seized him without reasonable suspicion. We conclude that the police had a particularized and objective basis to suspect Adkins of criminal activity based on the totality of the circumstances. We therefore affirm.

FACTS

The following factual summary is derived from the evidence and testimony admitted at a contested omnibus hearing. On the morning of July 18, 2023, a Brooklyn Center 911 dispatcher received a tip about a man with a gun at a Speedway gas station. The 911 caller reported seeing a gun in the man's pocket and said that the man was walking in and out of the gas station. He was described as a Black man wearing gray clothing and red tennis shoes. The GPS location of the caller was about a block away from the Speedway. The caller did not identify themselves.

Two Brooklyn Center police officers responded within minutes.¹ Officer S testified that the reported behavior was concerning because it could mean that the man was “thinking of robbing” the store. He described how there were “multiple shootings and also homicides at that location, so it’s a very high-crime area.”

¹ We refer to the testifying police officers as Officer S and Officer X instead of their real names in accordance with our rules of public access. *See* Minn. R. Pub. Access to Recs. of Jud. Branch 8, subd. 2(b)(5) (recommending that appellate opinions limit disclosure of witness identities “to what is necessary and relevant”).

Officer X arrived at the gas station first, but he saw no one matching the description. Officer S then advised him over the radio that a person matching the description was walking northbound half a block away. As Officer X drove his marked squad car northbound on the street, he saw a “party matching the description of the call” with red tennis shoes and “dingy” black pants walking northbound on the east side of the sidewalk. He drove north past the man (who was later identified as Adkins), drove his car onto the sidewalk a short distance in front of the man, activated his emergency lights, exited his car, and advised the man to keep his hands up. As Officer X was exiting his vehicle, he saw Adkins “reaching for his right pocket.” In that moment, Officer S drove his squad car next to Adkins and said, “Get your hand out of your pocket.” As he opened the door to his squad car, Officer S saw the butt or handle of a handgun. He removed the handgun from Adkins’s pocket. Officer S later asked Adkins if he had a permit to carry the handgun, and Adkins said no.

The state charged Adkins with possession of a firearm by an ineligible person, in violation of Minnesota Statutes section 624.713, subdivision 1(2) (2022). Adkins requested an evidentiary hearing to present a motion to suppress the firearm.

At the evidentiary hearing, Adkins argued that evidence of the firearm should be suppressed because the tip lacked sufficient indicia of reliability and the arrest lacked probable cause. The state argued that the tip was sufficiently reliable because it included a location and description of the individual and the officers located him within six minutes. The state also argued that Officer S had probable cause to arrest Adkins because he observed the firearm in plain view before Adkins was detained.

The district court denied the motion. It determined that the officers had a “reasonable[,] articulable suspicion” to make a brief investigatory stop because Adkins appeared to match the description provided by the 911 caller, he was located a mere block away, and “there was suspicious activity of walking in and out of the gas station with a gun visible from his pocket.” The court also decided that the officers were justified in further detaining Adkins because he was reaching for the gun in his pocket and that the officers ultimately had probable cause to arrest Adkins when he admitted that he did not have a permit to carry the firearm.

The parties proceeded with a stipulated-evidence trial under Minnesota Rule of Criminal Procedure 26.01, subdivision 4, after agreeing that the pretrial ruling was dispositive. The district court found Adkins guilty of one count of possession of a firearm by an ineligible person. It convicted Adkins and sentenced him to 60 months’ imprisonment.

Adkins appeals.

DECISION

Adkins seeks review of the pretrial order denying his motion to suppress evidence of the firearm he was convicted of being ineligible to possess. He argues that the district court erred by determining that the police had reasonable, articulable suspicion to conduct an investigatory stop because the anonymous 911 call was unreliable. The state argues that Adkins forfeited any argument about the legality of the investigatory stop. And even if that issue is properly before the court, the state maintains that the tip was sufficiently reliable to render the stop constitutionally permissible.

In considering a pretrial order on a suppression motion, this court reviews the district court's factual findings for clear error and its legal conclusions de novo. *State v. Wilde*, 947 N.W.2d 473, 476 (Minn. App. 2020), *rev. denied* (Minn. Sept. 29, 2020). One of the legal conclusions reviewed de novo is “a district court’s determination of reasonable suspicion of illegal activity.” *State v. Smith*, 814 N.W.2d 346, 350 (Minn. 2012). “A factual finding is clearly erroneous if it does not have evidentiary support in the record or if it was induced by an erroneous view of the law.” *State v. Ezeka*, 946 N.W.2d 393, 403 (Minn. 2020) (quotation omitted). Appellate courts “may independently review facts that are not in dispute, and determine, as a matter of law, whether the evidence need be suppressed.” *State v. Gauster*, 752 N.W.2d 496, 502 (Minn. 2008) (quotation omitted).

I

We first address whether Adkins preserved his challenge to the stop. The state argues that, before the district court, Adkins only noticed and argued the issue about whether the officers had probable cause to arrest him and did not seek to suppress evidence based on the illegality of the initial stop. Adkins contends that he preserved his challenge to the stop because it was argued by both parties and decided by the district court. We are persuaded that Adkins’s arguments on appeal are properly before this court.

A defendant may appeal a “dispositive, pretrial ruling” by agreeing to proceed with a stipulated evidence trial. *State v. Myhre*, 875 N.W.2d 799, 802 (Minn. 2016); *see also* Minn. R. Crim. P. 26.01, subd. 4. Appellate review “is expressly limited to the pretrial ruling by the district court.” *State v. Marsh*, 931 N.W.2d 825, 829 (Minn. App. 2019), *rev. denied* (Minn. Sept. 17, 2019).

At the pretrial hearing, the district court ruled that the information provided by the 911 caller, combined with Officer X's observation of Adkins near the Speedway, provided "reasonable[,] articulable suspicion that criminal activity was occurring . . . that would justify an initial investigatory stop." In reaching that decision, the court considered arguments presented by both parties on the reasonable-suspicion issue and analyzed reasonable-suspicion caselaw.

Nevertheless, the state maintains that it did not have adequate notice of the reasonable-suspicion argument that Adkins raises on appeal. It relies on *State v. Needham*, in which the supreme court stated, "[A] pretrial motion to suppress should specify, with as much particularity as is reasonable under the circumstances, the grounds advanced for suppression in order to give the state as much advance notice as possible as to the contentions it must be prepared to meet at the hearing." 488 N.W.2d 294, 296 (Minn. 1992). In that case, the district court suppressed a confession on a basis that the defendant raised for the first time in simultaneous briefing following an omnibus hearing. *Id.* The supreme court determined, in that circumstance, that the state did not have an adequate opportunity to respond. *Id.* Here, in contrast, Adkins's motion to suppress argued that an unreliable anonymous tip cannot support an investigatory stop and that "[t]he sole basis of the officers' seizure of [Adkins] was a 911 call with an anonymous caller." The state did not file any responsive briefing, but it argued at the hearing that "the anonymous information" supplied the officers with reasonable suspicion to frisk Adkins. The state also referenced several reasonable-suspicion cases. Thus, unlike in *Needham*, the record here shows that the state had sufficient notice of the issue of the legality of the stop at the time of the

omnibus hearing. And because the district court considered those arguments and decided that the officers had reasonable suspicion to stop Adkins, we conclude that issue is fairly before this court.²

II

Adkins argues that the police officers seized him based on an anonymous tip that was not sufficiently reliable to provide reasonable, articulable suspicion under the United States and Minnesota Constitutions. He therefore contends that evidence of the firearm should be suppressed as fruit of the poisonous tree. *See State v. Leonard*, 943 N.W.2d 149, 161 (Minn. 2020). The state maintains that the tip was reliable and that the officers had reasonable, articulable suspicion to stop Adkins.

The United States and Minnesota Constitutions protect individuals from unreasonable searches and seizures by the government. U.S. Const. amend. IV; Minn. Const. art. I, § 10.³ “Searches and seizures conducted without warrants are presumptively unreasonable,” but an officer may “conduct a brief, investigatory stop when the officer has

² In a footnote in the facts section of its response brief, the state questions whether a seizure even occurred when Officer X pulled his squad car in front of Adkins and activated the emergency lights. In the state’s view, there is “nothing in the record to support the proposition that [Adkins] did not feel free to leave.” Typically, arguments not adequately briefed are forfeited. *Meriwether Minn. Land & Timber, LLC v. State*, 818 N.W.2d 557, 564, 570 (Minn. App. 2012). In any event, because we ultimately determine that Officer X had a particularized and objective basis to suspect Adkins of criminal activity at the time he pulled his squad car in front of Adkins and activated the emergency lights, we assume without deciding that a seizure occurred at that moment.

³ Adkins does not argue that there is any daylight between the United States and Minnesota Constitutions with respect to the issues on appeal. We therefore consider his arguments under the presumption that the legal rules are the same under both constitutions.

a reasonable, articulable suspicion that criminal activity is afoot.” *State v. Lugo*, 887 N.W.2d 476, 486 (Minn. 2016) (quotation and citation omitted).

Reasonable suspicion is “‘a particularized and objective basis’ for suspecting the particular person stopped of criminal activity.” *Id.* (quoting *Ornelas v. United States*, 517 U.S. 690, 696 (1996)). In assessing reasonable suspicion, an officer must consider “the totality of the circumstances,” and a trained police officer may draw inferences and deductions “that might well elude an untrained person.” *Id.* at 486-87 (citation omitted) (quoting *United States v. Cortez*, 449 U.S. 411, 417-18 (1981)). “The reasonable-suspicion standard is not high.” *Id.* at 486 (quotation omitted).

Officer X testified that he stopped Adkins based on the anonymous tip, so we turn to whether the tip provided reasonable suspicion to justify the seizure at the time Officer X pulled in front of Adkins and activated the emergency lights. *State v. Hunter*, 857 N.W.2d 537, 543 (Minn. App. 2014) (noting that reasonable suspicion “must be present at the moment a person is seized” (quotation omitted)).

“[P]olice can base an investigative stop on an informant’s tip if it has sufficient indicia of reliability.” *In re Welfare of G.M.*, 560 N.W.2d 687, 691 (Minn. 1997). This inquiry considers two nondispositive factors. *Cf. Rose v. Comm’r of Pub. Safety*, 637 N.W.2d 326, 328 (Minn. App. 2001) (holding that the reasonable-suspicion inquiry in the context of traffic stops based on informant tips focuses “on two factors: (1) identifying information provided by the informant; and (2) the facts supporting the informant’s assertion that a driver is [engaged in criminal activity]”), *rev. denied* (Minn. Mar. 19, 2002).

First, law enforcement may consider whether the informant provided identifying information about themselves that would allow the officers to follow-up on the tip. *City of Minnetonka v. Shepherd*, 420 N.W.2d 887, 890-91 (Minn. 1988) (holding that informant’s disclosure that they work at specific gas station enhanced their reliability). When the informant provides police with information that police could use to identify them, the tip is presumed to be reliable. *Id.* at 890. But, even if the informant did not give identifying information, reliability may also be enhanced if the informant uses the 911 emergency system. “[A] reasonable officer could conclude that a false tipster would think twice before using such a system” given the potential criminal consequences of misuse. *Navarette v. California*, 572 U.S. 393, 399-401 (2014).

Second, law enforcement may consider whether the facts that were provided support the informant’s belief that the suspect is engaging in unlawful activity. *Rose*, 637 N.W.2d at 328; *see also Olson v. Comm’r of Pub. Safety*, 371 N.W.2d 552, 556 (Minn. 1985) (noting that even an anonymous tip may be reliable if it provides “specific and articulable facts to support the bare allegation of criminal activity”). These facts may include predictions about a person’s movements that police could corroborate, *Alabama v. White*, 496 U.S. 325, 331 (1990), a claim of personal observation of criminal activity, or a roughly contemporaneous report, *Navarette*, 572 U.S. at 399-401. But a tip that merely identifies a specific person without providing police with any means to corroborate the accusation of wrongdoing may not bear sufficient indicia of reliability. *Florida v. J.L.*, 529 U.S. 266, 272, (2000).

Applying these considerations to the facts of this case, we first note that the 911 caller provided no identifying information about themselves. As a result, the tip is not presumptively reliable. *Cf. State v. Davis*, 732 N.W.2d 173, 182-83 (Minn. 2007) (presuming reliability where informant reported where they worked); *Balenger*, 667 N.W.2d at 138 (holding that anonymous face-to-face tip was presumptively reliable). We must therefore determine whether the tip otherwise contained sufficient indicia of reliability to justify the seizure. *See Navarette*, 572 U.S. at 397-98.

The 911 caller's tip has several indicia of reliability. To begin, the caller reported that they personally saw Adkins walking in and out of the Speedway with a gun in his pocket.⁴ That constitutes an eyewitness report of criminal activity, because possession of a firearm in a public place without a permit is a crime. *See* Minn. Stat. § 624.714, subd. 1a (2024); *see also State v. Timberlake*, 744 N.W.2d 390, 394-95 (Minn. 2008) (holding that police officers have reasonable suspicion to stop a person if a reliable informant has alleged that the person has a firearm). Further, the report was roughly contemporaneous with the caller's observation of criminal activity. Only about six minutes passed between the call

⁴ The district court found that the caller reported a gun "in the right pocket." Adkins argues that this finding was clearly erroneous because the 911 recording reveals that the caller stated the gun was in the man's "front" pocket. We cannot consider the transcript of the 911 call, however, because it was not presented at the suppression hearing, and a ruling on a suppression motion may be based only "[u]pon the record of the evidence elicited at the time of such hearing[.]" *State ex rel. Rasmussen v. Tahash*, 141 N.W.2d 3, 6 (Minn. 1965). And, at the suppression hearing, Officer X testified that the 911 dispatcher reported the gun was in the individual's "right" pocket. Therefore, reasonable evidence supported the district court's finding. *State v. Evans*, 756 N.W.2d 854, 870 (Minn. 2008) (noting that findings of fact are not clearly erroneous if they are supported by "reasonable evidence" (quotation omitted)). That said, we would reach the same conclusion regardless of whether the caller specified the front pocket or the right pocket.

and the officers' response to the gas station. The caller's GPS coordinates also placed them near the Speedway (one block away) and, in turn, relatively close to where the officers saw a person matching the description provided by the caller. Finally, the caller used the 911 emergency system, which, as we explained above, enhances the reliability of the tip because the caller exposed themselves to consequences of placing a false tip. Together, these factual findings support a determination that the tip was reliable and established reasonable suspicion to stop Adkins. *See Navarette*, 572 U.S. at 399-401 (holding that a claim of eyewitness knowledge, use of the 911 emergency system, and a contemporaneous report are indicia of an anonymous informant's reliability).

Adkins argues that the caller's description of the gun-carrying man was not reliable because it lacked additional descriptive details. He notes that the caller did not describe the person's weight, height, or age; did not identify other items of clothing that Adkins was wearing, such as the hat and sagging pants; did not describe the firearm; and did not say whether the person was carrying a brown paper bag, as Adkins was. The state responds that the caller provided adequate details.

We are not persuaded that the caller's description of Adkins's physical appearance undermines our conclusion that the officers had reasonable suspicion to stop Adkins. In *J.L.*, the U.S. Supreme Court noted that reasonable suspicion "requires that a tip be reliable in its assertion of illegality, *not just* in its tendency to identify a determinate person." 529 U.S. at 272 (emphasis added). Here, the caller stated that the person was a Black man wearing gray clothing and red tennis shoes. Those details, and particularly the emphasis on the red tennis shoes, were sufficient to identify a specific person who was at or near the

Speedway gas station at the time of the call. Considering the totality of the circumstances, including the specific and articulable facts that supported the allegation of criminal activity, *Olson*, 371 N.W.2d at 556, the omission of additional descriptive details did not weaken the existence of reasonable suspicion.

Adkins also argues that the 911 caller was unreliable because the caller purportedly “lied” about being at the Speedway when the 911 location data suggested the caller was a block away. Adkins maintains that from the caller’s location, their view of the Speedway was “potentially obstruct[ed]” by several trees. But the record before the district court at the suppression hearing does not support Adkins’s factual challenge. The officers’ descriptions of the 911 call did not represent that the caller was at the Speedway gas station when making the call.⁵ Nor was there testimony from the officers that the view from where the call was made was blocked by trees. Officer X affirmed only that there were “some trees” between the locations.

Based on the totality of the circumstances, we conclude that the caller’s anonymous tip provided reasonable, articulable suspicion for the stop. The district court therefore did not err in suppressing the evidence obtained from the stop.⁶

Affirmed.

⁵ Adkins may be referring to the recording of the 911 call. As we explained in a prior footnote, the 911 call recording was not part of the record at the pretrial hearing. Because our review is limited to the pretrial ruling, *Marsh*, 931 N.W.2d at 829, we may not consider matters that were not “elicited at the time of such hearing.” *Tahash*, 141 N.W.2d at 6.

⁶ Because we conclude that the stop was supported by reasonable suspicion based on the tip, we do not reach the state’s arguments relating to the plain-view and inevitable-discovery doctrines.