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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1359**

State of Minnesota,
Respondent,

vs.

Sarah Kuichtoch,
Appellant.

**Filed July 14, 2025
Affirmed
Bentley, Judge**

Steele County District Court
File No. 74-CR-23-1314

Keith Ellison, Attorney General, Peter Magnuson, Assistant Attorney General, St. Paul, Minnesota; and

Robert Jarrett, Steele County Attorney, Owatonna, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jennifer Workman Jesness, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

NONPRECEDENTIAL OPINION

BENTLEY, Judge

In this direct appeal from a conviction for first-degree drug possession, appellant Sarah Kuichtoch argues (1) the district court erred in denying her motion to suppress because the evidence against her was discovered pursuant to a warrantless search not

authorized by the inventory exception to the warrant requirement and (2) the district court erred by admitting unredacted footage of the search of her vehicle, which included statements by an officer implying that she was a drug-dealer and misstating her driving history. We conclude that the district court did not err in determining that the inventory search was reasonable and that the district court's admission of the challenged footage does not constitute reversible plain error because it did not affect Kuichtoch's substantial rights. Therefore, we affirm.

FACTS

This case arises out of a traffic stop. After a Blooming Prairie police officer pulled over Kuichtoch on suspicion of driving with a canceled driver's license, he placed her under arrest and impounded her car. The officer searched the car and discovered more than 50 grams of suspected methamphetamine. As a result, respondent State of Minnesota charged Kuichtoch with first-degree possession of a controlled substance, Minn. Stat. § 152.021, subd. 2(a)(1) (2022), and driving after cancellation, Minn. Stat. § 171.24, subd. 3 (2022).

Kuichtoch moved to suppress the evidence recovered in the search of her car, arguing that her arrest and the search were unreasonable under the United States and Minnesota Constitutions. She presented evidence and argued in support of the motion at a contested omnibus hearing.

Contested Omnibus Hearing

The state called the arresting officer to testify at the hearing. Kuichtoch presented portions of the officer's body-worn camera footage from the night of the arrest. This evidence is summarized as follows.

Around 11 p.m. on August 29, 2023, the officer observed a car driving on the highway and ran the license plate. He discovered that the car was registered to Kuichtoch and that Kuichtoch's driver's license was canceled. The officer briefly followed the car and continued to watch it as it pulled into a gas station. As the car left, the officer saw that the driver's side headlight was out. The officer then pulled Kuichtoch over, and she came to a stop in a turn lane on the highway.

The officer approached the car and spoke with Kuichtoch. He told her that he pulled her over because he believed her driver's license was canceled, although he would check again to confirm. Assuming she was not authorized to drive, he asked if someone could drive her car away within the next ten minutes, as it was parked in the turn lane. She said that someone could get her car, but it would take more than ten minutes for them to arrive. The officer gave Kuichtoch a moment to reach out to people as he returned to his squad car to run her driver's license.

When the officer ran Kuichtoch's license, he confirmed that it had been canceled. He also learned that she had received two tickets for driving with a revoked license and one ticket for driving with a canceled license, all within one year of the traffic stop. Because of Kuichtoch's driving history, the officer arrested her and placed her in the back of his

squad car. While there, Kuichtoch told the officer that she had found someone to move her car.

After a few minutes passed without anyone arriving, the officer asked if he could call the person who had agreed to take control of the car or get Kuichtoch's phone so that she could make the call. Kuichtoch stated that she had left her phone in her car, she did not know the person's phone number, and she did not consent to the officer retrieving the phone. When no one arrived after about 20 minutes, the officer called a towing company based in Austin, Minnesota.

Shortly before the tow truck arrived, the officer conducted an inventory search of Kuichtoch's car. He opened the driver's side door, looked in the side pocket, and immediately saw a clear plastic bag containing suspected methamphetamine. As he continued searching the vehicle, he found a fast-food hamburger box on the passenger seat with a large, crystallized rock of suspected methamphetamine; paraphernalia; and "packaging material."

At the hearing, the officer also testified about his department's policy on impounded vehicles. He stated that the policy permitted him to release the vehicle to a responsible person at the scene but it does not provide an amount of time that an officer must wait before a responsible person can arrive to take control of the vehicle. Instead, the policy affords the officer discretion. A copy of the impoundment policy was received into evidence. The policy sets forth "Conditions for Impoundment," which include "[w]hen there is no valid driver present," "[w]hen the owner or driver (if the owner is not present or competent) is arrested," and "[a]ny vehicle which must be towed for a parking or other

traffic violation which constitutes a public hazard.” The policy also clarifies that the officer may release the vehicle “to a responsible person at the scene if the owner wants and authorizes the person to take the vehicle and the vehicle or contents are not needed for evidence.”

Kuichtoch argued that it was unreasonable to impound the vehicle. She contended that the officer could have stopped her at the gas station but that he instead waited until her car left the parking lot so “it would have to be inventory searched.” The district court ruled that the impoundment was reasonable because the car, which was illegally parked “in a turn lane on a dark highway,” posed a traffic hazard. As a result, the court determined that the officer’s inventory search of the vehicle was reasonable.

Trial and Sentencing

The district court held a one-day jury trial in March 2024. The state introduced two unredacted clips of the officer’s body-worn camera footage from the traffic stop. The first clip spanned about four minutes and depicted the initial traffic stop. The second clip spanned about twenty minutes and depicted the officer’s search of Kuichtoch’s car.

In the second clip, the footage included statements by the arresting officer made to himself and to the tow truck driver. Some of the officer’s statements expressed surprise at the size of the suspected methamphetamine rock, including, “That’s the biggest fricking rock . . . I’ve ever seen” and “I found a crap ton of meth.” The officer also told the tow truck driver that it was “the biggest one [he’s] ever seen in six years” and that he would shake the tow truck driver’s hand but he did not “know if there’s stuff on this meth or what, so [he has] just been extremely cautious.” The tow truck driver replied, “That sh-t will kill

you,” and the officer said “I know. My left hand was tingling after I touched the bag. . . . I was starting to freak out, but the feeling went away.” As the officer continued to search, he told the tow truck driver that Kuichtoch “already had five prior [canceled-license] tickets in the past however many years” and stated that she has “all panels removed” from inside her vehicle, “so [he is] assuming there’s stuff stashed everywhere.” As the officer pulled out a pack of small, clear bags, he referred to them as “dealing bags.”

The arresting officer also testified at trial. His trial testimony was similar to his testimony at the suppression hearing. He testified that he found a backpack in the front passenger seat containing small, clear bags, a scale, a glass pipe, a torch, a work ID with Kuichtoch’s photograph on it, and some toiletries. The officer stated that he believed, from his training and experience, that the pipe contained methamphetamine residue and that the small bags were associated with the sale of controlled substances.

Finally, a forensic scientist with the Bureau of Criminal Apprehension (BCA) testified that he analyzed a sample of one of the substances seized from Kuichtoch’s car. He determined that the sample contained about 56 grams of methamphetamine.

The jury found Kuichtoch guilty on both counts. The district court entered convictions at a later sentencing hearing and sentenced Kuichtoch to 65 months’ imprisonment for the drug-possession offense.

Kuichtoch appeals.

DECISION

Kuichtoch argues that her conviction should be reversed because the district court erred in denying her motion to suppress evidence obtained from the inventory search of

her car. In the alternative, she argues that she is entitled to a new trial because the district court plainly erred by admitting unredacted footage containing prejudicial and irrelevant statements. The state maintains that the district court properly ruled that the inventory search was reasonable and that Kuichtoch is not entitled to a new trial because the challenged footage did not substantially affect the verdict or result in a miscarriage of justice. We address Kuichtoch's arguments in turn.

I

We begin with Kuichtoch's challenge to the denial of her motion to suppress evidence obtained from the inventory search of her car. In considering the denial of a suppression motion, we review 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). "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). "We 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).

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. "A search conducted without a warrant is unreasonable unless it satisfies 'one of the well-delineated exceptions to the warrant requirement.'" *State v. Barrow*,

989 N.W.2d 682, 685 (Minn. 2023) (quoting *State v. Munson*, 594 N.W.2d 128, 135 (Minn. 1999)).¹

One well-delineated exception to the warrant requirement is an inventory search of an automobile that is being impounded by the government. *Gauster*, 752 N.W.2d at 502. “Inventory searches are considered reasonable because of their administrative and caretaking functions. These functions ‘serve to protect an owner[’]s property while it is in the custody of the police, to insure against claims of lost, stolen, or vandalized property, and to guard the police from danger.’” *Id.* (citation omitted) (quoting *Colorado v. Bertine*, 479 U.S. 367, 372 (1987)). But an officer must conduct an inventory search “pursuant to a standard police procedure prior to lawfully impounding an automobile” for the search to be “not unconstitutional.” *Id.* (quoting *State v. Goodrich*, 256 N.W.2d 506, 510 (Minn. 1977)).

An inventory search is unreasonable if the impoundment for which it was conducted was unreasonable. *State v. Rohde*, 852 N.W.2d 260, 264 (Minn. 2014). An impoundment is not unreasonable if the state’s interest in impoundment “outweighs the individual’s Fourth Amendment right to be free of unreasonable searches and seizures.” *Id.* (quotation omitted). The Minnesota Supreme Court has explained that “the authority of the police to impound vehicles is ‘beyond challenge’” in several situations, including “when there has been a vehicle accident, to permit the uninterrupted flow of traffic, or when vehicles have

¹ Kuichtoch does not argue that there is any difference between the United States and Minnesota Constitutions with respect to the issues on appeal. We therefore consider the arguments on appeal with the assumption that the legal rules are the same under both constitutions.

violated parking ordinances and thus jeopardize the public safety and the efficient movement of traffic.” *Id.* at 265 (quoting *South Dakota v. Opperman*, 428 U.S. 364, 369 (1976)).

Kuichtoch argues that the impoundment was unreasonable because the officer could have taken less drastic action, such as moving the car himself, waiting longer, or pulling Kuichtoch over at the gas station before she pulled back on to the road. She maintains that those actions would have been permitted under the department’s impoundment policy.

The state contends that the impoundment was justified because the district court found that the car threatened public safety based on the officer’s testimony that others may not see it if it remained unattended in the turn lane. And the state argues that moving the car would not have been feasible: Kuichtoch may not have allowed it, given that the officer would have inevitably discovered the methamphetamine; and it would have required him to leave an arrestee alone in his car. The state also argues that 20 minutes was a reasonable amount of time to wait before conducting an inventory search and that the officer did not pull Kuichtoch over at the gas station because he had not yet seen the burned-out headlight. The state emphasizes that no other police officers were on duty in the city at the time, so it was not unreasonable to proceed with impoundment rather than explore alternatives.

We conclude that the district court did not err in denying Kuichtoch’s motion to suppress. Kuichtoch concedes that the department’s policy permitted impoundment, even if impoundment was not required. And she does not dispute the district court’s finding that the car was a traffic hazard, which is an established situation that allows officers to impound vehicles. *Id.* Kuichtoch’s argument about alternatives to impoundment does not

persuade us that impoundment was unreasonable. She did not provide authority stating that an officer must explore alternatives. And even if she had, we are persuaded by the state's arguments about the unreasonableness of each proposed alternative. Accordingly, we hold that the district court did not err in determining that the impoundment—and, by extension, the inventory search—was not unreasonable.

II

We turn next to Kuichtoch's challenge to the officer's body-worn camera footage. Kuichtoch did not object to this footage at trial, so we review her challenge for plain error. *See State v. Matthews*, 779 N.W.2d 543, 548 (Minn. 2010) (providing that courts may review unobjected-to evidentiary challenges for plain error). "Under the plain-error test, an appellant must show that there was (1) an error, (2) that is plain, and (3) the error must affect substantial rights." *Id.* "If all three prongs of the test are met, we then determine whether we 'should address the error to ensure fairness and the integrity of the judicial proceedings.'" *Id.* at 549 (quoting *State v. Griller*, 583 N.W.2d 736, 740 (Minn. 1998)).

Kuichtoch argues that the footage should not have been admitted for three reasons.

First, the challenged footage contains several comments that, according to Kuichtoch, support an impermissible inference that she was a drug dealer. The officer stated, with surprise, that it was a "big freaking rock," used the term "dealing bags," commented on "stuff" being "stashed" in loose car panels, and affirmed that it was a "big bust." *See State v. Williams*, 525 N.W.2d 538, 547 (Minn. 1994) (explaining that "evidence that a defendant has traits shared by those who in the past have acted as drug couriers" is akin to inadmissible character evidence).

Second, Kuichtoch argues that the video confused and misled the jury when the officer stated that Kuichtoch “had five prior canceled tickets in the past however many years,” even though he testified at trial that she had only “three tickets for not having a license” in the past year. *See* Minn. R. Evid. 403 (providing that “evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence”).

Third, Kuichtoch argues that the footage contains statements that are “substantially more prejudicial than probative”: the officer commented on there being “stuff on this meth” which caused his hands to tingle, and the tow truck driver said, “That sh-t will kill you.”

The state agrees that the “comments about the size of the rock found inside the [fast-food] container, along with comments made during the conversation between the officer and the tow truck driver, were irrelevant because [Kuichtoch] was charged with drug possession, not drug sale.” It nevertheless maintains that the error did not affect Kuichtoch’s substantial rights. For the reasons explained below, we agree. We therefore “need not consider the other factors” of the plain-error test. *State v. Goelz*, 743 N.W.2d 249, 258 (Minn. 2007).

To determine whether erroneously admitted evidence significantly affected the verdict, we may consider nonexclusive factors including: (A) “the manner in which the party presented the evidence,” (B) “whether the party who offered the evidence used it in closing argument,” (C) “whether the evidence was highly persuasive,” and (D) “whether the defense effectively countered the evidence.” *State v. Bigbear*, 10 N.W.3d 48, 54 (Minn.

2024) (quoting *State v. Smith*, 940 N.W.2d 497, 505 (Minn. 2020)) (stating the factors for the harmless-error analysis); *see also State v. Matthews*, 800 N.W.2d 629, 634 (Minn. 2010) (noting that the harmless-error analysis is “equivalent” to analysis under the third prong of the plain-error test). We also consider (E) the strength of the evidence of the defendant’s guilt. *Bigbear*, 10 N.W.3d at 59.

A. Manner of Presentation

To evaluate whether a party presented evidence in a manner that is likely to affect the verdict, we examine, “among other things, the relative number of transcript pages that the evidence occupies.” *Id.* at 56. Kuichtoch contends that the video was the “focal point” of the “short, one-day trial.” She notes that the transcription of the video spans 13 pages, which is “about half the length of the officer’s entire direct testimony.” The challenged portion of it, however, appears on only five pages, which comprise less than a quarter of the officer’s direct testimony. By contrast, the trial transcript spanned 138 pages. Even still, we agree that the video played an important role in the state’s case. Balancing the relative length of the challenged footage against its prominence as one of only a few exhibits introduced by the state, we conclude that this factor weighs slightly in favor of the state.

B. Closing Argument

Like our analysis on the manner of presentation, we consider “whether and how the offering party used the erroneously admitted evidence in closing argument.” *Id.* at 59. This includes the number of times the challenged evidence is referenced. *Id.* Kuichtoch contends that the state capitalized on the challenged footage in closing argument by describing the officer’s “surprise” at the methamphetamine. We disagree.

In closing argument, the challenged portion of the video is only mentioned once. The prosecutor was describing the portion of the video where the officer searched the car:

[H]is attention was drawn to this hamburger container. He kind of said, well, what is this and opened it, and you could hear his surprise or reaction that it was not a hamburger inside. It was a—quite a substantial amount of what later turned out to be tested and was methamphetamine.

The only portion of this statement that was solely derived from a challenged part of the video is the officer’s surprised reaction to the amount of methamphetamine. Kuichtoch does not challenge the officer’s testimony that he found a “roundish rock” of methamphetamine in a hamburger box or the methamphetamine’s weight. Nor does she explain why the officer’s surprise was, standing alone, particularly prejudicial. Because the prosecutor referenced the video “in closing argument primarily for evidence that was also introduced by other witnesses and exhibits,” this factor favors concluding that Kuichtoch’s substantial rights were not violated. *Id.*

C. Persuasiveness

Inadmissible evidence may be more persuasive when it contains additional details of the relevant event. *Id.* at 57. Kuichtoch argues that the challenged footage was highly persuasive because it “illustrated in vivid detail” the officer’s account of the stop, “conveyed a sense of peril[,] and suggested that Kuichtoch was involved in a drug-dealing scheme.” The state responds that the video was so long that “the jurors were just as likely to have tuned out the video as to give it any prominence,” and they did not have a transcript to follow along.

This factor favors Kuichtoch, and the state's argument to the contrary is not persuasive. The challenged footage includes details that were not present in the officer's testimony, including his conversation with the tow truck driver about the hazard of handling the bags and excited utterances about the size of the rock. Those details were engaging and likely persuasive, and we decline to infer that the jury "tuned out the video," as the state suggests.

D. Opportunity to Counter

If a party "did not effectively counter the inadmissible evidence," it is more likely that the evidence violated their substantial rights. *Id.* at 59. Kuichtoch argues that she had no opportunity to counter without highlighting the evidence and "furthering its damage." The state agrees, as do we. This factor favors concluding that Kuichtoch's substantial rights were violated.

E. Strength of the Evidence

"[O]verwhelming evidence of guilt is a factor, often a very important one, in determining whether the error has no impact on the verdict." *Id.* (quotation omitted). Kuichtoch concedes that the state's evidence of drug possession and driving with a canceled license was strong, but she maintains that it was "undoubtedly strengthened by the significant prejudice of the irrelevant and improper character evidence as well as the inaccurate driving history."

As to the drug-possession offense, the state needed to prove that Kuichtoch "unlawfully possesse[d] one or more mixtures of a total weight of 50 grams or more containing cocaine or methamphetamine." Minn. Stat. § 152.021, subd. 2(a)(1). The officer

testified that he found bags of suspected drugs in Kuichtoch's car, both in the driver-side door pocket and in a fast-food hamburger box in the passenger seat. A BCA laboratory report determined that one of those bags contained 56 grams of methamphetamine. Registration information for the car that Kuichtoch was driving showed that she was the sole registered owner, and no one else was in the car at the time. This is strong evidence that Kuichtoch was guilty of possessing more than 50 grams of methamphetamine.

As to the offense of driving with a canceled license, the state needed to prove that Kuichtoch's (1) driver's license or driving privilege had been canceled, (2) that she had been given notice or reasonably should have known of the cancellation, and that (3) she operated "any motor vehicle, the operation of which requires a driver's license, while [her] license or privilege [was] canceled." Minn. Stat. § 171.24, subd. 3. The district court admitted a certified copy of a notice provided by the Minnesota Department of Public Safety stating that Kuichtoch's driving privileges were canceled as of January 31, 2023. The officer testified that the notice was mailed to Kuichtoch at the same address listed on Kuichtoch's identification card. He also testified that he pulled over Kuichtoch while she was driving. This is strong evidence that Kuichtoch was guilty of driving with a canceled license.

Considering all the factors, we conclude that the challenged footage did not affect Kuichtoch's substantial rights. Although the challenged evidence was persuasive, "[s]trong evidence of guilt undermines the persuasive value of wrongly admitted evidence." *Smith*, 940 N.W.2d at 505. And the unchallenged evidence here was overwhelmingly strong, making it a "very important" factor in our consideration of all the factors. *Bigbear*,

10 N.W.3d at 59 (quotation omitted). Ultimately, the challenged evidence was featured in a small subset of the trial as a whole and mentioned in the prosecutor's closing argument only once. And even if Kuichtoch had effectively countered the challenged footage, she likely would still have been found guilty given the overwhelming strength of the unchallenged evidence. Thus, Kuichtoch has failed to show that the challenged footage affected her substantial rights.

Affirmed.