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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1462**

State of Minnesota,
Respondent,

vs.

Jeremy Douglas Brandt,
Appellant.

**Filed August 25, 2025
Affirmed
Wheelock, Judge**

Douglas County District Court
File No. 21-CR-23-2044

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

Chad M. Larson, Douglas County Attorney, Alexandria, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, St. Paul, Minnesota; and

Ryan C. Young, Nathan A. Rice, Special Assistant Public Defenders, Fredrikson & Byron,
P.A., Minneapolis, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Ross, Judge; and Wheelock,
Judge.

NONPRECEDENTIAL OPINION

WHEELOCK, Judge

In this direct appeal from his judgment of conviction for possession of a controlled substance, appellant challenges the district court's denial of his motion to suppress

evidence, arguing that the deputy did not have reasonable, articulable suspicion for the initial stop of the vehicle or the pat-frisk of his person. We affirm.

FACTS

In December 2023, respondent State of Minnesota charged appellant Jeremy Douglas Brandt with one count of first-degree sale of a controlled substance in violation of Minn. Stat. § 152.021, subd. 1(1) (Supp. 2023), and one count of first-degree possession of a controlled substance in violation of Minn. Stat. § 152.021, subd. 2(a)(1) (Supp. 2023). Brandt moved to suppress the evidence seized from the stop, and after a contested omnibus hearing, the district court denied the motion. The state amended the complaint to remove the two first-degree charges and added a charge for felony third-degree possession of a controlled substance in violation of Minn. Stat. § 152.023, subd. 2(a)(1) (Supp. 2023). Brandt then waived his right to a jury trial and agreed to proceed to a bench trial on stipulated evidence consistent with Minn. R. Crim. P. 26.01, subd. 4, to preserve the pretrial suppression issue for appeal. We take the facts below from the contested omnibus hearing and supplement with procedural history from the district court record.

Around 3:30 a.m. on December 4, 2023, a deputy with the Douglas County Sheriff's Department observed a vehicle parked outside "a huge drug house" that had not been there when he drove by the house only a few minutes earlier. The deputy recognized the house from his work on the drug task force. The vehicle had a dealer's license plate from North Dakota, and no temporary permit was visible on the rear of the vehicle. The deputy notified an Alexandria police officer, who confirmed that he, too, had recently driven by the house and had not seen the vehicle. The deputy and officer parked their squad cars and watched

as someone came out of the house, went to the vehicle, and returned to the house. After the person returned to the house, the deputy exited his squad car, walked up to the vehicle, found the vehicle identification number (VIN) on the dashboard through the windshield, and returned to his squad car. Running the VIN through law-enforcement databases, the deputy learned that the vehicle was registered and not reported stolen.

The deputy then observed someone grab a scooter from the vehicle and ride the scooter around in front of the house for a while; after a few minutes, the vehicle departed from the house. The deputy testified that he believed the person riding the scooter was “checking for law enforcement vehicles before [a group] left the residence.” The vehicle drove away; the deputy followed in his squad car, did not observe any driving violations, and initiated a traffic stop a short distance from the house. The vehicle pulled into a gas-station parking lot and stopped. The deputy approached the vehicle with his flashlight and saw three people sitting inside—one in the driver’s seat, one in the front passenger’s seat, and a third in the back seat behind the front passenger’s seat—and immediately identified the two passengers from prior interactions and ongoing investigations related to controlled-substance crimes. While approaching the vehicle,¹ the deputy observed a

¹ The district court erroneously found that “[i]t was not until after [the deputy] spoke with the driver and believed her to be intoxicated that he observed the improperly placed temporary registration.” The record does not support this finding. Accordingly, we do not consider it in our analysis. *See State v. Davis*, 910 N.W.2d 50, 54 (Minn. App. 2018) (concluding that analysis of whether a stop was constitutional could not rely on clearly erroneous facts found by the district court); *see also In re Welfare of C.T.B.*, ___ N.W.3d ___, ___, 2025 WL 2326841, at *4 (Minn. Aug. 13, 2025) (concluding that, when the district court did *not* find a fact, “[n]o officer testified to that fact and nothing else in the record supports that fact,” this court could not rely on that fact).

temporary permit taped to the rear passenger window on the driver's side and noted that it was incorrectly placed.

The driver rolled down her window, and the deputy observed the following: the driver "had bloodshot, watery eyes, a lower tone of voice," and dilated pupils, "her carotid artery [was] pulsing," she "appeared to have facial tremors and her head was . . . shaking." From his training as a certified drug-recognition evaluator, the deputy suspected that the driver had recently taken methamphetamine or another stimulant. The driver asked whether she had done something wrong, and the deputy replied, "Yeah, you have no license plates." The deputy asked for her driver's license and registration, and Brandt leaned over from where he sat in the front passenger's seat and told the deputy that he had recently purchased the vehicle and did not have insurance because he believed that the person from whom he purchased had insurance that stayed with the vehicle when Brandt purchased it.

The deputy asked the driver to step out of the vehicle and sit in the front passenger seat of his squad car. After she complied, he began conducting sobriety tests that revealed that she had a "slowed pupil area reaction to the white light, [and] she also exhibited rebound dilation in both eyes, . . . like the eye [was] pulsing." The deputy also observed that she had "eyelid tremors and facial tremors" and that "her taste buds" on her tongue were "enlarged," which can result from the "high heat" used to smoke methamphetamine. The driver eventually admitted to smoking methamphetamine in the last day and a half and, when asked, produced two grams of a substance that later tested positive for methamphetamine from her pocket.

Brandt remained in the front passenger seat of his vehicle during the deputy's investigation of the driver. The deputy had prior knowledge of Brandt's involvement with controlled substances and determined that, based on his observations of the group, the vehicle departing from a known drug house, and the driver's possession of two grams of methamphetamine, he would search the vehicle. The deputy asked Brandt to step out of the vehicle, informed him that he was not under arrest, and instructed him to put his hands on the top of the vehicle so that the deputy could conduct a pat-frisk search for weapons. The deputy testified that he was concerned that Brandt would have weapons because he knew Brandt had been robbed twice and knocked unconscious from assaults that occurred when others were stealing controlled substances from him.²

The deputy began patting down the front of Brandt's coat and paused to say, "You got a big bag of meth in your pocket." In his report, the deputy described feeling "shards that appeared to be packed tightly together in a baggie" and stated that he "immediately recognized the shards as methamphetamine, as there is no other item that has a similar, plain touch feeling." The deputy then placed Brandt in handcuffs and removed bagged methamphetamine from Brandt's pocket. The total weight of the methamphetamine found in Brandt's pocket was 22.7 grams. The deputy continued his search and removed a hypodermic needle and a knife from Brandt's pockets.

The officers later searched the vehicle. In the glove box, they found a large bag of methamphetamine. In a backpack on the front passenger floorboard—where Brandt's feet

² The district court erroneously found that the deputy also knew that Brandt carried a knife. The record does not support this finding, and we do not consider it. *See supra* note 2.

had been—they found a digital scale, jar of THC wax, baggie with marijuana, jar with marijuana, and a ledger indicating contacts and prices. In the trunk of the vehicle, officers found a black lockbox that contained another ledger and hypodermic needles. Between the methamphetamine seized from Brandt’s pocket and the glove box, officers found a total of 109.7 grams of methamphetamine.

After the contested omnibus hearing, the district court denied Brandt’s motion to suppress evidence and dismiss the charge. The district court determined that the state had proved that the initial investigatory stop was supported by reasonable, articulable suspicion because the deputy saw the vehicle driving without license plates or a temporary permit in the rear window; it also determined that the pat-frisk of Brandt was supported by reasonable, articulable suspicion because the deputy knew from previous contacts that Brandt might have a weapon and was reasonably concerned for officer safety.

After the stipulated-evidence trial, the district court found Brandt guilty of third-degree possession of a controlled substance and sentenced him to 49 months in prison, consistent with the sentencing guidelines.

Brandt appeals.

DECISION

Brandt asserts that the district court erred by denying his motion to suppress because the evidence was seized in violation of his Fourth Amendment rights. First, he argues that the deputy did not have reasonable, articulable suspicion to conduct an investigatory stop once he observed the temporary permit in the rear passenger window on the driver’s side. Second, he argues that the deputy unlawfully expanded the stop when he conducted a

pat-frisk search of Brandt because the expansion was not supported by reasonable, articulable suspicion.³ With the exception of the facts we identify as erroneous above, Brandt does not dispute the factual findings on appeal.⁴

The United States and Minnesota Constitutions prohibit “unreasonable searches and seizures.” U.S. Const. amend. IV; Minn. Const. art. I, § 10. “Generally, if evidence is seized in violation of the constitution, it must be suppressed.” *State v. Taylor*, 965 N.W.2d 747, 752 (Minn. 2021). “When reviewing a district court’s pretrial order on a motion to suppress evidence, [appellate courts] review the district court’s factual findings under a clearly erroneous standard and the district court’s legal determinations de novo.” *State v. Gauster*, 752 N.W.2d 496, 502 (Minn. 2008) (quotation omitted). If the facts are not disputed on appeal, the pretrial order is reviewed de novo to “determine whether the police articulated an adequate basis for the search or seizure at issue.” *State v. Flowers*, 734 N.W.2d 239, 247-48 (Minn. 2007).

³ Brandt filed a citation of supplemental authority after oral argument to provide us with additional cases not discussed in his briefs but in response to questions raised during oral argument. Because this filing included responses to questions asked at oral argument, it is not consistent with the scope of the rule, and we do not consider it. *See* Minn. R. Civ. App. P. 128.05 (explaining that supplemental authority may be filed if it is identified after filing a brief or oral argument, should include only the case citation and the brief’s relevant page or specific question in oral argument, and may not include argument).

⁴ The parties’ arguments on appeal acknowledge that the district court clearly erred in its finding of certain facts and do not rely on those facts.

A. The deputy had reasonable, articulable suspicion for the investigatory stop of Brandt's vehicle.

Brandt first argues that the deputy's justification for the stop ended when he saw the temporary permit in the rear passenger window on the driver's side. The state asserts that the initial reasonable basis for the stop was the failure to display a license plate or temporary registration in the proper location in violation of Minn. Stat. § 168.092, subd. 1 (2022), which states that a temporary permit must be displayed "where a license plate would normally be affixed, and plainly visible."

The right to be free from unlawful searches and seizures is subject to an exception for an officer to "conduct a brief, investigatory stop when the officer has a reasonable, articulable suspicion that criminal activity is afoot." *State v. Timberlake*, 744 N.W.2d 390, 393 (Minn. 2008) (quotation omitted). An officer may conduct a brief stop and investigation only if they have reasonable, articulable suspicion of criminal activity, meaning that the stop cannot be "the product of mere whim, caprice or idle curiosity." *State v. Pike*, 551 N.W.2d 919, 921-22 (Minn. 1996). To have reasonable, articulable suspicion for an investigatory stop, the officer must be able to point to "specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." *Id.* (quoting *Terry v. Ohio*, 392 U.S. 1, 21 (1968)).

An officer may conduct a brief, investigatory stop when they observe a violation of traffic laws. *See State v. George*, 557 N.W.2d 575, 578 (Minn. 1997) ("Ordinarily, if an officer observes a violation of a traffic law, however insignificant, the officer has an objective basis for stopping the vehicle."). Minnesota law requires that a motor vehicle

operating on public streets display a license plate; if the motor vehicle is newly purchased, it may be operated without plates if the permit is displayed as authorized by section 168.092—“where a license plate would normally be affixed, and plainly visible.” Minn. Stat. §§ 168.09, subd. 1, .092, subd. 1 (2022). A violation of chapter 168 of the Minnesota Statutes is a misdemeanor. Minn. Stat. § 168.36, subd. 1 (2022).

Here, it is undisputed that the deputy initiated the stop after having observed the vehicle with only dealer license plates and that the temporary permit was not in the location prescribed by law—it was affixed to the rear passenger window on the driver’s side instead of where a license plate would be. Because this was a traffic violation that the deputy observed, the initial stop was supported by specific, articulable facts.

Brandt argues that the deputy’s observation of the temporary permit dispelled any reasonable, articulable suspicion of criminal activity and that we must reverse the district court’s order because the facts in his case are similar to those in *State v. Hickman*, 491 N.W.2d 673 (Minn. App. 1992), *rev. denied* (Minn. Dec. 15, 1992). In that case, the officer initiated a traffic stop because the vehicle had an expired registration, but as the officer approached the vehicle, he saw a valid temporary permit in the rear window. *Hickman*, 491 N.W.2d at 674. The officer nevertheless asked the driver for his license, and this court held that the officer’s continued detention of the driver was “an unlawful intrusion because [the officer’s] suspicions about the vehicle’s registration had been dispelled before he approached the driver.” *Id.* at 675. Although the initial stop was constitutional, the officer could not expand the stop to ask for the driver’s license once the initial suspicion was dispelled upon seeing the valid temporary permit in the rear window.

Id. But *Hickman* is distinguishable because, in that case, the temporary permit was properly placed according to the law at the time, and therefore, the vehicle complied with the relevant law.⁵ Here, Brandt’s temporary permit was not posted where the statute required it to be, and therefore, the deputy had a lawful basis to stop the vehicle for the traffic violation.

Even if the incorrect placement of the temporary permit were not, in itself, a traffic violation, we determine that the facts in this case are more similar to those in *State v. Lopez*, 631 N.W.2d 810 (Minn. App. 2001), *rev. denied* (Minn. Sept. 25, 2001), than to those in *Hickman*. In that case, the officer observed a vehicle being driven without license plates and initiated a traffic stop. *Lopez*, 631 N.W.2d at 812. When the officer approached the vehicle, she noticed the proper permit posted to the inside of the rear window, informing her that there was no violation related to the permit. *Id.* The officer proceeded to approach the driver and explain the reason for the stop, but while speaking with the driver, the officer smelled alcohol coming from the interior of the vehicle. *Id.* This court held that “the validity of the original stop continues at least long enough for the officer to approach the car and inform the driver [they are] free to go.” *Id.* at 814. Ultimately, the officer’s observation of the alcohol odor provided her with new reasonable, articulable suspicion to continue the stop and investigate whether there was criminal activity. *Id.*

⁵ Prior to 2020, the statute required that the temporary permit “be posted upon the left side of the inside rear window of the vehicle.” Minn. Stat. § 168.092, subd. 1 (2018). The placement of the temporary permit in Brandt’s vehicle did not comply with the previous version of the statute or the current version. Brandt asserted during oral argument that the placement of the permit complied with North Dakota law, but there are no facts in the record to support this claim; therefore, we do not address it.

We determine that the facts of Brandt’s case are similar: the deputy stopped the vehicle after observing a traffic violation—operating the vehicle without a license plate or a visible temporary permit—and later noticed that the vehicle had an incorrectly placed temporary permit. At a minimum, *Lopez* permitted the deputy to speak with the driver and inform her that the temporary permit was incorrectly placed. The deputy’s testimony supports that, upon engaging with the driver, he suspected that she was impaired, and this observation justified his expansion of the stop to ask for her license and registration.⁶

Because the deputy observed that the vehicle did not have license plates or a properly placed temporary permit, the deputy had reasonable, articulable suspicion to initiate the traffic stop and communicate with the driver.

B. The deputy had reasonable, articulable suspicion to conduct a pat-frisk of Brandt.

Brandt next argues that the deputy unlawfully expanded the stop when he conducted a pat-frisk of Brandt. Brandt asserts that the state failed to provide evidence to support that the deputy had a particularized basis for suspecting Brandt of criminal activity because the deputy’s finding of methamphetamine on the driver did not permit a search of Brandt.

⁶ Brandt asks us to apply a holding from *State v. Engel*, 18 N.W.3d 540, 549 (Minn. App. 2025), *petition for rev. granted* (Minn. June 17, 2025), in which our court stated that, if an officer is unsure whether the person had violated a traffic law, that observation cannot, on its own, provide reasonable, articulable suspicion of criminal activity to justify an investigatory stop. However, the facts in Brandt’s case are markedly different. In *Engel*, the officer noticed that the appellant’s van did not have a rear license plate and could see a “paper posted to the lower-left corner of the van’s rear window,” but could not read the paper to determine whether it was a temporary permit, so he initiated a traffic stop of the van. 18 N.W.3d at 546. Here, when he initiated the traffic stop, the deputy had observed that Brandt’s vehicle did not have a properly displayed license plate or temporary permit and did not see any paper as in *Engel*. We thus determine that *Engel* is distinguishable.

Brandt contends that the deputy's knowledge that Brandt had previously been involved in controlled-substance sales was incorrect because he was the victim of crimes related to sales and that did not permit the deputy's suspicion that Brandt would have a weapon. He also asserts that the stop had continued for 30 minutes before the deputy conducted the pat-frisk and, therefore, there was no reasonable concern for officer safety.

The state argues that the pat-frisk search was justified because the deputy knew that Brandt had been involved with controlled-substance sales and that he was robbed and assaulted on previous occasions because others were attempting to steal controlled substances from him. The state highlights that the deputy's experience identifying controlled substances permitted the rational suspicion that Brandt would have a weapon and allowed him to easily identify the methamphetamine through Brandt's coat.

The state's argument is persuasive. The Minnesota Supreme Court has held that *Terry* principles apply to traffic stops. *State v. Askerooth*, 681 N.W.2d 353, 363 (Minn. 2004). "[E]ach incremental intrusion during a stop must be strictly tied to and justified by the circumstances which rendered the initiation of the stop permissible . . . unless there is independent probable cause or reasonableness to justify that particular intrusion." *Id.* at 364 (quotations and citation omitted) (citing *Terry*, 392 U.S. at 20-21).

The deputy lawfully expanded the stop for no rear license plate or temporary permit to investigate the driver for impaired driving, during which investigation the deputy learned that the driver had used methamphetamine. After the deputy seized methamphetamine from the driver and placed her under arrest for driving while impaired, the deputy returned

to search Brandt's vehicle.⁷ Before he could search the vehicle, the deputy needed Brandt to exit the front passenger compartment. Based on the deputy's training and experience, he knew that Brandt might have a weapon, and he determined that it would be necessary to conduct a pat-frisk of Brandt for officer safety. During the pat-frisk of Brandt, the deputy immediately identified methamphetamine in the pocket of Brandt's coat based on the object's plain feel, and he placed Brandt in handcuffs before removing the object and continuing his weapons search.

Officers may conduct a pat-frisk of "a person when (1) they have a reasonable, articulable suspicion that a suspect might be engaged in criminal activity and (2) the officer reasonably believes the suspect might be armed and dangerous." *Flowers*, 734 N.W.2d at 250 (quoting *State v. Dickerson*, 481 N.W.2d 840, 843 (Minn. 1992)). In determining whether police "had a particularized and objective basis for suspecting the particular persons stopped of criminal activity . . . the court should consider the totality of the circumstances." *State v. Kvam*, 336 N.W.2d 525, 528 (Minn. 1983). Whether officers have reasonable, articulable suspicion to conduct a pat-frisk is reviewed "from the perspective of a trained police officer, who may make inferences and deductions that might well elude an untrained person." *State v. Lemert*, 843 N.W.2d 227, 230 (Minn. 2014) (quotation omitted). Furthermore, courts may consider the collective knowledge of officers at the time of the search when determining whether the officer had a reasonable belief that the pat-frisk was justified. *Id.* at 231 n.2. "If, during the course of this protective pat-frisk,

⁷ Brandt does not challenge the search of the vehicle on appeal.

an officer locates what he immediately and without further manipulation has probable cause to believe is evidence of a crime, then the officer may legally seize that evidence.” *State v. Harris*, 590 N.W.2d 90, 104 (Minn. 1999) (citing *Minnesota v. Dickerson*, 508 U.S. 366, 375-76 (1993)).

Here, the totality of the circumstances demonstrates that the deputy had reasonable, articulable suspicion of criminal activity, a reasonable belief that Brandt might be armed, and concern for officer safety that justified the pat-frisk of Brandt. The deputy’s personal knowledge and the knowledge of Brandt held by other officers at the time of the pat-frisk included that the deputy was surveilling a known drug house where the unknown vehicle without a license plate was parked, the driver of the vehicle had methamphetamine on her person when she was arrested, Brandt and the vehicle’s other passenger had been involved in controlled-substance crimes, and Brandt had been robbed and attacked by others trying to steal controlled substances from him. These circumstances, together with the deputy’s training and reasonable inferences, provided reasonable, articulable suspicion that Brandt may have had a weapon and a reasonable concern for officer safety. We therefore conclude that the pat-frisk of Brandt after the deputy asked him to exit the vehicle was not an unlawful expansion of the stop.

This case is similar to *Lemert*, in which the officer’s pat-frisk of the defendant occurred after the driver was arrested for a controlled-substance crime. 843 N.W.2d at 229. The supreme court concluded that the totality of the circumstances supported the pat-frisk because the defendant was the passenger in a vehicle with a person whom officers had just arrested for suspected sale of controlled substances, officers knew that it was likely

the defendant either was involved in selling controlled substances with the driver or was a customer of the driver, the vehicle had been used in a prior controlled buy with the driver, and officers knew that controlled substances had been purchased in the home from which the defendant left with the driver. *Id.* at 232. Furthermore, the court reasoned, a “substantial nexus” between controlled-substance sales and violence supported the reasonableness of the pat-frisk. *Id.*

This case is also similar to *Dickerson*, in which the officer’s pat-frisk of the defendant occurred after the defendant left a “building with a history of drug activity” and turned around “abruptly” and walked the other way after seeing a police squad car. 481 N.W.2d at 842-43. The supreme court concluded that the defendant’s evasive behavior and the building’s “history of drug activity” justified a pat-frisk. *Id.* at 843.

Here, the facts that support the deputy’s pat-frisk of Brandt are remarkably similar to those in *Lemert* and *Dickerson*: the deputy had just arrested the driver for a controlled-substance crime, knew that Brandt had been involved with controlled-substance crimes, suspected that Brandt had sold the methamphetamine seized from the driver, knew that the vehicle had just left “a huge drug house,” and knew that Brandt previously had been attacked by others trying to steal controlled substances from him. Furthermore, the deputy’s training and experience informed him that controlled-substance crimes often involve violence, and he suspected that Brandt would carry a weapon to protect himself as a result of his being the victim of previous crimes related to controlled-substance sales. All of these facts and inferences demonstrate that the totality of the circumstances provided the

deputy with reasonable, articulable suspicion of criminal activity and reasonable fear for officer safety, justifying the pat-frisk.

Because the initial stop of Brandt's vehicle was prompted by the temporary permit's improper placement on the vehicle, the initial investigatory stop was supported by reasonable, articulable suspicion. Furthermore, the facts presented and the reasonable inferences that the deputy drew from them demonstrate that the pat-frisk of Brandt was supported by reasonable, articulable suspicion and concern for officer safety. Because the initial stop and the pat-frisk were constitutional, the district court did not err by denying Brandt's motion to suppress the evidence seized as a result of the pat-frisk.

Affirmed.