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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1470**

State of Minnesota,
Respondent,

vs.

James Michael Peters, III,
Appellant.

**Filed September 8, 2025
Reversed and remanded
Smith, Tracy M., Judge**

Polk County District Court
File No. 60-CR-23-913

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

Greg Widseth, Polk County Attorney, Scott A. Buhler, First Assistant County Attorney,
Crookston, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Benjamin J. Butler, Assistant
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Considered and decided by Smith, Tracy M., Presiding Judge; Worke, Judge; and
Johnson, Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

In this direct appeal from the judgment of conviction for third-degree drug possession and third-degree driving while impaired (DWI), appellant James Michael Peters, III, argues that (1) the district court erred by denying his suppression motion on the

ground that Peters lacked standing to challenge his own seizure, (2) the evidence is insufficient to prove that he knowingly possessed a controlled substance, (3) the district court violated the Minnesota Rules of Evidence and Peters’s rights under the Confrontation Clause by admitting certain out-of-court statements related to his past convictions for drug-related offenses, and (4) the district court erred by sentencing him separately for multiple offenses because they arose from a single behavioral incident. We determine that the district court erred by denying Peters’s suppression motion. We also determine that the evidence presented by the state at trial was sufficient to prove the knowledge element of the drug-possession offense. We therefore reverse the convictions and remand for further proceedings consistent with this opinion. Because we are reversing and remanding, we do not reach Peters’s evidentiary or sentencing arguments.

FACTS

The following facts are derived from the testimony and exhibits admitted at Peters’s omnibus hearing and jury trial.

On the morning of June 17, 2023, a police corporal was patrolling East Grand Forks in a squad car when he noticed a vehicle parked in an alley alongside a residence that the police suspected was a location where narcotics were being sold. As he drove past the vehicle, the corporal observed a man—later identified as Peters—in the driver’s seat. The corporal saw Peters look at him and then “slouch[] very low into the vehicle” in what the corporal believed was an attempt to hide from view. The corporal waited for Peters to pull out of the alley and onto the street and then followed Peters.

The corporal followed Peters as he drove for several blocks, took multiple left turns, and parked in front of a church. During that drive, Peters drove past a school.

The corporal parked next to the vehicle, exited his squad car, and walked to the driver's side of the vehicle, where he spoke with Peters. The corporal told Peters that he was approaching him because of "the suspicious route" that Peters had driven and his "suspicious . . . behavior." Peters told the corporal that he was looking for his niece who had been missing since the previous evening. He also stated that he was visiting a friend at the residence where the corporal first saw him. The corporal was familiar with the friend whom Peters said he had visited, because the police suspected that person of dealing drugs. Peters also told the corporal that his driver's license was suspended, that he could not find the vehicle's registration or his proof of insurance, and that he was on probation in North Dakota.

During this conversation, the corporal, who had been a certified drug-abuse-recognition officer for about five years, observed that Peters was making rapid movements with his eyes and body, clenching his jaw, and speaking quickly. He also noticed that Peters had rotten and missing teeth, scabs on his arm, and sunken cheeks. Based on these observations and his training and experience, the corporal believed Peters was under the influence of narcotics. The corporal asked Peters to step out of the vehicle and asked when Peters had last used a controlled substance. Peters replied that it had been seven or eight months. The corporal then performed a field sobriety test on Peters and concluded that Peters was under the influence of a stimulant and marijuana.

Two more police officers arrived at the scene; one brought a certified drug-detection canine. The canine sniffed the exterior of the vehicle, alerting the police to the odor of a controlled substance on the driver's side. The officers conducted a search of the vehicle, during which they found an unused syringe in the driver's side door, a used syringe on the floor under the driver's seat, and a syringe cap on the floor near the passenger-side door. The corporal determined that the syringe from under the seat had been used because there was a visible "water-like residue" inside of it. The corporal field-tested the syringe, and it returned a positive result for methamphetamine. During the search, the officers also found a bag of items typically used for intravenously injecting drugs and a container of fake urine. According to the corporal, fake urine is often found during drug-related traffic stops because individuals use it to pass urine drug tests.

After the field test, the corporal arrested Peters and took him to the police station. Peters denied that the syringes in the vehicle belonged to him and told the corporal that he did not use needles. The corporal then interrogated Peters. During the interrogation, Peters repeated the story that he had previously provided to the corporal—that he was in East Grand Forks to find his niece. He also reiterated that he had visited the friend whom the police suspected of dealing drugs.

At the corporal's request, Peters provided a urine sample. Before he consented to provide the sample, Peters told the corporal that, despite his earlier statement that it had been seven or eight months since he last used drugs, he had in fact used methamphetamine the previous day and so his test result would be positive. Peters's urine sample tested positive for methamphetamine, amphetamine, and THC.

Three days later, respondent State of Minnesota charged Peters with third-degree possession of a controlled substance in a prohibited zone, in violation of Minnesota Statutes section 152.023, subdivision 2(a)(6) (2022), and third-degree DWI, in violation of Minnesota Statutes sections 169A.20, subdivision 1(7), and 169A.26 (2022).

Suppression Motion and Hearing

Peters filed a suppression motion asserting that the state's evidence against him was obtained as the result of an illegal warrantless seizure because the police lacked reasonable suspicion of wrongdoing, in violation of his rights under the Fourth Amendment to the U.S. Constitution and article I, section 10 of the Minnesota Constitution. The parties appeared for the scheduled contested omnibus hearing.

At the start of the hearing, the prosecutor asserted that Peters was required to first establish standing for his suppression motion before the state could be put to its burden to prove the constitutionality of the seizure, stating:

[B]efore I go forward on my case . . . I'll require the defendant to meet his burden to establish that he's got standing in this case. It isn't my burden to prove he doesn't have standing. That's a firm obligation incumbent upon every defendant who files a motion to suppress on Fourth Amendment grounds, same under Article I, Section 10 of the Minnesota Constitution.

The state contended that Peters lacked standing to challenge his seizure because he was in Minnesota in violation of a North Dakota court order requiring written permission to leave the state. The state then introduced three exhibits: the judgment of conviction from a 2022 North Dakota case, reflecting that a condition of Peters's related probation was that he must obtain the written permission of his probation officer before leaving North Dakota; Peters's

driver's license record, reflecting that his license was suspended; and the registration record of the vehicle that Peters was driving on the morning of his arrest, reflecting that the vehicle was not registered to Peters but instead to an individual from Rochester.

Defense counsel said that there was no objection to admitting the records because they appeared to be certified. But defense counsel said that he had been unaware that the state was going to raise an issue about standing and asked for a recess to talk with Peters. When the hearing resumed, defense counsel called Peters to testify. Peters testified that his probation officer had told him that he was allowed go to East Grand Forks without written permission. The state cross-examined Peters, asking questions highlighting the probation condition that Peters was required to obtain written permission from his probation officer before leaving North Dakota. After Peters's testimony, defense counsel suggested continuing the hearing to bring Peters's probation officer to testify. The state opposed a continuance. It argued that Peters should have been prepared to call all his witnesses that day, emphasized that the state had its witness—a police officer—present to testify, and suggested that continuing the hearing to permit Peters to call the probation officer would be “a second bite of the apple.” The district court decided to hold the record open for the testimony of the probation officer. The district court then asked the state if it wanted to call the officer to testify. The state declined, stating, “The law's clear until [the court] make[s] a ruling on standing, [the state does not] have any obligation to justify anything.” The hearing was adjourned.

The hearing resumed several weeks later, and Peters's probation officer testified about standard procedures and policy regarding travel to East Grand Forks, Minnesota, by

probationers living in Grand Forks, North Dakota. He testified that, in his view, travel to Minnesota without written permission for short periods of time would not have violated Peters's probation conditions. No other witnesses were called to testify. The parties thereafter submitted memoranda of law addressing the state's argument that Peters lacked standing to challenge the constitutionality of his seizure.

In December 2023, the district court filed an order denying Peters's suppression motion. The district court expressly adopted the state's statement of the facts and the legal argument presented in its memorandum. It concluded that, because Peters was subject to a probation condition that required him to obtain written approval before leaving the state of North Dakota and because he was subject to the Interstate Commission for Adult Offender Supervision rules,¹ he was "unlawfully in the State of Minnesota" at the time of his arrest because he lacked written permission. On that basis, the district court concluded that Peters "had no reasonable expectation of privacy" related to any search or seizure under the Fourth Amendment to the U.S. Constitution or article 1, section 10 of the Minnesota Constitution. It concluded that Peters therefore had not demonstrated that he had "sufficient standing to contest any relevant search or seizure."

Jury Trial, Convictions, and Sentences

The matter proceeded to a jury trial. The state called as witnesses three police officers, including the corporal, who were involved in Peters's case and the forensic

¹ Both Minnesota and North Dakota are members of the Interstate Compact for Adult Offender Supervision, which created the commission and authorizes the promulgation of rules governing the interstate movement of adults on probation or otherwise under state supervision. *See* Minn. Stat. §§ 243.1605-.161 (2024); N.D. Cent. Code § 12-65-01 (2025).

scientist with the Minnesota Bureau of Criminal Apprehension (BCA) who tested the contents of the syringe found under the driver's seat of the vehicle. Among other exhibits, the district court admitted into evidence the BCA report from the forensic scientist's examination of the syringe contents, in which the BCA concluded that the syringe contained methamphetamine.

The jury found Peters guilty of all counts charged. The district court sentenced him to a prison term of 39 months for the third-degree possession offense and a concurrent jail sentence of 364 days for the third-degree DWI offense.

Peters appeals.

DECISION

We begin with Peters's argument that the district court erred by denying his suppression motion. We then consider whether the state presented evidence sufficient to establish that Peters knowingly possessed a controlled substance. Because we conclude, after analyzing those two issues, that Peters's convictions must be reversed and the matter remanded for further proceedings, we do not reach Peters's remaining arguments regarding the admission of evidence of his past convictions and the imposition of multiple sentences.

I. The district court erred by denying the suppression motion.

Peters argues that the district court erred by ruling that he lacked "standing" to challenge the constitutionality of the warrantless seizure of his person and that, because the state failed to prove that the evidence was constitutionally obtained, the district court erroneously denied his suppression motion and his convictions must be reversed. The state responds that the district court did not err by denying the suppression motion because

Peters failed to prove that he had standing to assert a Fourth Amendment violation and because Peters failed to prove that he was seized.

When reviewing a district court's ruling on a pretrial suppression motion, appellate courts apply the clear-error standard of review to factual findings and de novo review to legal determinations. *State v. Leonard*, 943 N.W.2d 149, 155 (Minn. 2020). The district court's conclusions deciding constitutional issues involving searches and seizures are reviewed de novo. *State v. Carbo*, 6 N.W.3d 114, 121 (Minn. 2024).

The Fourth Amendment to the United States Constitution and article I, section 10 of the Minnesota Constitution prohibit unreasonable searches and seizures by the government, both guaranteeing “[t]he right of the people to be secure in their persons, houses, papers, and effects.” A warrantless seizure is presumptively unreasonable. *State v. Ture*, 632 N.W.2d 621, 627 (Minn. 2001). “The state bears the burden of establishing an exception to the warrant requirement.” *Id.*

A. The district court erred by denying the suppression order on the ground that Peters lacked standing.

Peters argues that the district court erred by concluding that he lacked standing to bring his motion to suppress evidence under the Fourth Amendment.

The district court determined that, by North Dakota court order, Peters was required to obtain written approval to leave North Dakota and that any oral permission provided by Peters's probation officer was not in compliance with the Interstate Commission for Adult Offender Supervision rules. It concluded that Peters was therefore unlawfully in the state of Minnesota when he traveled to East Grand Forks and, as a result, “had no reasonable

expectation of privacy in relation to any relevant search or seizure.” The district court ruled that Peters thus had not demonstrated sufficient standing to contest any relevant search or seizure and denied his motion to suppress evidence.

The term “standing” for Fourth Amendment purposes is a “shorthand for capturing the idea that a person must have a cognizable Fourth Amendment interest in the place searched before seeking relief for an unconstitutional search.” *Byrd v. United States*, 584 U.S. 395, 410 (2018). “The concept of standing [under the Fourth Amendment] focuses on whether the person seeking to challenge the legality of a search as a basis for suppressing evidence was himself the ‘victim’ of the search or seizure.” *Rakas v. Illinois*, 439 U.S. 128, 132 (1978). The concept reflects that the rights guaranteed by the Fourth Amendment may not be asserted vicariously by a third party who was not personally aggrieved by an unconstitutional search or seizure. *Jones v. United States*, 362 U.S. 257, 260-61 (1960).

Peters argues that the standing concept does not apply to his motion because he was asserting his own personal right against an unconstitutional seizure, not the rights of another person. Peters is plainly correct that, by arguing that he—not a third party—was the victim of an unlawful seizure, he was invoking his own constitutional right. In his suppression motion, Peters asserted that he “was illegally seized in violation of” his state and federal constitutional rights because the police lacked reasonable suspicion to believe he violated any laws. Peters was not vicariously asserting the Fourth Amendment rights of another person.

The state argues, though, that Peters nevertheless lacked standing to challenge his seizure because he had no “reasonable expectation of privacy” while he was in Minnesota

because he was in the state unlawfully. It argues that a person whose presence at a location is “unlawful” has no protections under the Fourth Amendment or article I, section 10 of the Minnesota Constitution with respect to the person’s seizure. The state’s argument is unpersuasive, and the district court erred by adopting it.

As Peters recognizes, the concept of “standing” can be relevant to a Fourth Amendment issue. It comes into play when there is an issue whether the defendant had a reasonable expectation of privacy in a place that was searched. *See, e.g., Minnesota v. Carter*, 525 U.S. 83, 85, 90-91 (1998) (holding that defendants present in another’s apartment for several hours for purpose of packaging illegal drugs did not have legitimate expectation of privacy in the apartment). The state argues that reasonable expectation of privacy is relevant not just to a search of a place but also to a seizure of a person. To support its argument, the state cites numerous cases that apply the concepts of “standing” and “reasonable expectation of privacy”² in the context of federal Fourth Amendment and state article I, section 10 claims. *See, e.g., Rakas*, 439 U.S. at 130-34, 142-48 (discussing “standing” and “legitimate expectation of privacy” in context of motion to suppress evidence obtained from a car search “on the ground that the search violated the Fourth . . . Amendment[.]”); *State v. McBride*, 666 N.W.2d 351, 359-64 (Minn. 2003) (discussing “standing” and “legitimate expectation of privacy” in context of motion to suppress evidence seized as the result of search of a home). But the cases that the state cites address these concepts in the context of claims of searches of places and the seizure of evidence

² We note that the cases cited by the state frequently discuss the second of these concepts as a “legitimate expectation of privacy.”

during those searches, not the seizure of the person who is asserting a violation of their constitutional rights. Applying these cases to Peters's claim that his person was unlawfully seized is misguided.

We are not persuaded otherwise by the state's reliance on this court's decision in *State v. Stephenson*, 760 N.W.2d 22 (Minn. App. 2009), *rev. denied* (Minn. Apr. 21, 2009). In that case, a homeowner who was prohibited from entering his home by an order for protection obtained by his wife challenged the constitutionality of a warrantless search of their home. *Stephenson*, 760 N.W.2d at 23-24. We concluded that the homeowner did not have a reasonable expectation of privacy in the home under the circumstances because there was a valid legal order prohibiting his presence in the home at the time that the police officer conducted the search. *Id.* at 23. *Stephenson* involved the search of a place, so the defendant's reasonable expectation of privacy in the place searched was at issue. Because Peters does not challenge the lawfulness of a search of a place, *Stephenson* is inapposite.

We conclude that the district court erred by denying Peters's motion to suppress on the ground that Peters lacked standing to challenge his seizure.

B. The state failed to prove that the evidence was constitutionally obtained.

We next evaluate whether the denial of Peters's suppression motion was nevertheless proper. The district court did not address the merits of the question whether Peters was lawfully seized. The state argues that denial of the suppression motion was proper because Peters had the burden to prove that he was seized and there is no evidence that he was. Peters, on the other hand, argues that denial of the motion was erroneous because the state failed to meet its burden to prove that Peters was lawfully seized. We

conclude that the state had the burden to prove that the challenged evidence was constitutionally obtained and that it failed to do so. The suppression motion therefore was erroneously denied.

When a defendant brings a motion to suppress evidence, the defendant must provide “the grounds advanced for suppression in order to give the state as much advance notice as possible” regarding the arguments that the defendant plans to present at the motion hearing. *State v. Needham*, 488 N.W.2d 294, 296 (Minn. 1992). Peters met this obligation when he asserted that he was subjected to a warrantless seizure unsupported by reasonable suspicion of wrongdoing. In the omnibus hearing that followed, the state was then obligated “to proceed first . . . [,] identifying the evidence which will be offered against the defendant and showing that the circumstances under which it was obtained were consistent with constitutional requirements.” *State ex rel. Rasmussen v. Tahash*, 141 N.W.2d 3, 13-14 (Minn. 1965); *see also State v. Pauli*, 979 N.W.2d 39, 49 (Minn. 2022) (applying *Rasmussen* to pretrial suppression hearing).

Applying *Rasmussen*, we conclude that the state failed to meet its burden to show that the circumstances under which the evidence against Peters was obtained “were consistent with constitutional requirements.” *Rasmussen*, 141 N.W.2d at 13-14. On the day of the initially scheduled omnibus hearing, the state declined to call the police officer who was present to testify about the interaction with Peters. The only evidence that the state introduced on that day were exhibits that it argued demonstrated Peters’s lack of standing to challenge his seizure. On the second day of the omnibus hearing, the state did not ask to introduce any evidence. Having produced no evidence during the omnibus hearing

regarding the circumstances surrounding the police's encounter with Peters, the state failed to carry its burden of proving that the evidence against Peters was constitutionally obtained. The district court therefore erred by denying the motion to suppress evidence. *See State v. Bergerson*, 659 N.W.2d 791, 797 (Minn. App. 2003) ("Evidence obtained through an illegal seizure is inadmissible to support a conviction."). We next turn to the question of what remedy is required.

C. The district court should not hold another omnibus hearing on Peters's motion.

The state argues that, if we conclude that the suppression order was erroneously denied, we should remand the matter to the district court with the direction that the district court hold an evidentiary hearing on the merits of the suppression motion. We disagree.

Under *Rasmussen*, the state was required to meet its burden to show that the evidence that it would present at trial was constitutionally obtained. 141 N.W.2d at 13-14. Apart from its challenge to Peters's standing, the state presented no argument or evidence aimed at meeting that burden. The state asserts that it did not do so because the "parties had agreed" to bifurcate the proceedings to address the standing issue first and that it therefore should be given the opportunity to proceed with its evidence. The argument is unconvincing. The record does not reflect an agreement between the parties. Rather, the state announced at the start of the omnibus hearing that, before it would go forward with its case, it would "require [Peters] to meet his burden to establish that he[] [had] standing." Peters thereafter produced two witnesses to address the standing issue, but we see no

agreement on his part that the state was relieved of its burden until the district court ruled on that issue.

Nor does the record reflect that the district court agreed that the state was relieved of its burden to put in its evidence. On the first day of the omnibus hearing, after Peters testified, the district court asked the state if it would like to call the officer to testify. Although the officer was present, the state declined to call him, informing the district court that “[t]he law’s clear” that, until the district court ruled on standing, the state did not have any obligation to go forward. Contrary to the state’s assertion, the law does not support the proposition that the state has the right to demand a ruling from the district court on a threshold legal issue before the state proceeds with presenting its evidence in response to the defendant’s suppression motion.³ The state made the choice not to call its witness to testify regarding the constitutionality of the seizure at the omnibus hearing, and we see no basis for the record to be reopened to permit the state another opportunity to do so. We therefore conclude that the suppression motion should have been granted and deny the state’s request to be allowed another opportunity to oppose the motion.⁴

³ We do not disagree with the state that a district court has the discretion to bifurcate issues for separate hearings if it chooses to do so. But, here, the district court expressly asked the state if it wished to proceed with its witness during the scheduled omnibus hearing and the state declined.

⁴ We remand this case not for another hearing on the suppression motion but for further proceedings consistent with this opinion, observing that Peters also moved to dismiss the charges if the district court granted his suppression motion.

II. The state presented sufficient evidence to prove that Peters knowingly possessed a controlled substance.⁵

Peters argues that his drug-possession conviction is not supported by sufficient evidence. Constitutional due process requires the state to prove each element of a charged offense beyond a reasonable doubt. *Paulson*, 22 N.W.3d at 150. When reviewing the sufficiency of the evidence, appellate courts engage in “a painstaking analysis of the record to determine whether the evidence, when viewed in the light most favorable to the conviction, was sufficient to permit the jurors to reach the verdict which they did.” *State v. Ortega*, 813 N.W.2d 86, 100 (Minn. 2012).

A heightened standard of review applies when analyzing the sufficiency of the evidence to support a conviction that is based on circumstantial evidence. *State v. Al-Naseer*, 788 N.W.2d 469, 473 (Minn. 2010). This analysis contains two steps. *State v. Lehman*, 3 N.W.3d 875, 878 (Minn. 2024). At the first step, appellate courts “identify the circumstances proved.” *State v. Hassan*, 977 N.W.2d 633, 640 (Minn. 2022). Appellate courts “assume that the jury resolved any factual disputes in a manner that is consistent with the jury’s verdict.” *State v. Moore*, 846 N.W.2d 83, 88 (Minn. 2014). At the second step, appellate courts “independently examine the reasonableness of all inferences that might be drawn from the circumstances proved,” giving no deference to the fact-finder’s selection among competing reasonable inferences. *Lehman*, 3 N.W.3d at 878 (quotation

⁵ Because we are reversing Peters convictions and remanding, we must address Peters’s argument that the evidence is insufficient to support his drug-possession conviction in order to determine whether that alleged offense may be subject to further proceedings. *See State v. Paulson*, 22 N.W.3d 144, 150 (Minn. 2025) (observing that Double Jeopardy Clause precludes retrial when judgment of conviction is reversed for insufficient evidence).

omitted). “[C]ircumstantial evidence is sufficient when the reasonable inferences are consistent with the hypothesis that the accused is guilty and inconsistent with any rational hypothesis other than guilt.” *Hassan*, 977 N.W.2d at 640. The evidence is considered as a whole, rather than being examined in “a piecemeal fashion.” *Lehman*, 3 N.W.3d at 878-79 (quotation omitted).

“A person is guilty of [a] controlled substance crime in the third degree if: . . . the person unlawfully possesses one or more mixtures containing methamphetamine or amphetamine in a school zone” Minn. Stat. § 152.023, subd. 2(a)(6). “[T]o convict a defendant of unlawful possession of a controlled substance, the state must prove that defendant consciously possessed, either physically or constructively, the substance and that defendant had actual knowledge of the nature of the substance.” *State v. Florine*, 226 N.W.2d 609, 610 (Minn. 1975) (discussing an analogous, though since-repealed, statute governing unlawful drug possession). “The presence of a controlled substance in a passenger automobile permits the fact finder to infer knowing possession of the controlled substance by the driver or person in control of the automobile when the controlled substance was in the automobile.” Minn. Stat. § 152.028, subd. 2 (2022).

Peters argues that the state failed to prove beyond a reasonable doubt the element that he had actual knowledge of the nature of the substance. Because “[k]nowledge is customarily determined from circumstantial evidence,” *State v. Ali*, 775 N.W.2d 914, 919 (Minn. App. 2009), *rev. denied* (Minn. Feb. 16, 2010), the circumstantial-evidence standard applies to Peters’s sufficiency challenge. Peters does not dispute that the circumstances proved could support the inference that he knew that “a miniscule amount

of methamphetamine remained in the syringe.” Instead, he contends that the circumstances proved also support a rational hypothesis other than guilt: that he did not know that the syringe contained methamphetamine.

Applying the first step, assuming that the jury credited the state’s witnesses, we identify the following circumstances proved relevant to knowledge. On June 17, 2023, Peters was parked in an alley alongside an East Grand Forks residence that was suspected of being a location where drugs were illegally sold. The corporal was observing Peters. When Peters noticed the corporal watching him, Peters slouched down in the driver’s seat. The corporal believed that Peters was trying to avoid detection. Peters drove away from the residence taking a “suspicious route” and, when Peters again parked, the corporal parked near him, exited his squad car, and spoke with Peters. During this exchange, Peters told the corporal that he had visited a friend, whom the corporal suspected to be a drug dealer. Peters also told the corporal that he had previously used controlled substances, but that it had been seven or eight months since his last use. Based on the corporal’s experience and training as a certified drug-abuse-recognition officer, he observed that Peters was showing signs of recent narcotics use, including rapid movement of his eyes and body, jaw-clenching, and speaking quickly. He also observed signs of prolonged narcotics use, including rotten and missing teeth, scabbed arms, and sunken cheeks. The corporal conducted a field sobriety test on Peters and concluded that Peters was under the influence of a stimulant. A police drug-detection canine alerted the corporal and two other officers at the scene that there was the odor of a controlled substance on the driver’s side of the vehicle.

The police conducted a search of the vehicle, finding an unused syringe in the driver's side door, a used syringe on the floor under the driver's seat, a container of fake urine, and a bag containing items used to take drugs intravenously. The corporal observed a "residue throughout" the used syringe that was found on the floor. The police field-tested that syringe, and the test was positive for methamphetamine. Officers later sent the contents of that syringe to the BCA, where further testing confirmed that it contained methamphetamine. On the day of his arrest, Peters consented to a police request to provide a urine sample, and he told the corporal that he remembered that he had used methamphetamine the previous day. Peters provided a urine sample, which was positive for methamphetamine.

Turning to the second step, we consider the reasonable inferences that may be drawn from the circumstances proved. The state contends that the only reasonable inference to be drawn is that Peters knowingly possessed the methamphetamine residue in the syringe found under the driver's seat. Peters argues that there is another reasonable inference that may be made from the circumstances proved—namely, that he "did not know that a trace, non-weighable amount of methamphetamine remained in the syringe." He argues that this is "[t]he most logical inference" because "Peters would have wanted to use all of the drugs loaded into the syringe and would not knowingly have left any amount behind."

The alternative inference proposed by Peters seems to focus on whether he was able to identify the presence of any remaining methamphetamine in the syringe. But the alternative inference is irrational because it is inconsistent with the corporal's testimony that he was able to "see residue throughout [the syringe]." The presence of visible residue

supports that Peters knew that some amount of methamphetamine remained in the syringe, and that fact, together with the other circumstances proved, makes his proposed alternative inference of lack of knowledge irrational.

To convince us otherwise, Peters encourages us to look to cases from foreign jurisdictions in which courts have determined that circumstantial evidence of an individual's possession of small amounts of drugs may be insufficient to show knowing possession. *E.g.*, *Harbison v. State*, 790 S.W.2d 146, 150-51 (Ark. 1990); *People v. Leal*, 413 P.2d 665, 666-71 (Cal. 1966); *Hudson v. State*, 30 So. 3d 1199, 1206-07 (Miss. 2010); *State v. Kopp*, 325 S.W.3d 466, 472-73 (Mo. Ct. App. 2010); *State v. Polk*, 529 S.W.2d 490, 494 (Mo. Ct. App. 1975); *State v. Reed*, 964 P.2d 113, 115-16 (N.M. 1998). He acknowledges that Minnesota law does not require possession of a “usable” amount of a controlled substance to show knowing possession, *see State v. Siirila*, 193 N.W.2d 467, 473 (Minn. 1971), but he contends that constructive possession of the syringe coupled with the trace amount of methamphetamine is sufficient to support a rational inference that he did not know he possessed the methamphetamine in the residue. Peters is correct that his offense involved the possession of only a “tiny amount[] of drugs,” but, for the reasons we already discussed, we conclude that it would be irrational to infer his lack of knowledge of the methamphetamine in the syringe, and we therefore decline his invitation to look to foreign jurisdictions to resolve the issue.

In sum, we conclude that the evidence is sufficient to support Peters's drug-possession conviction.

Reversed and remanded.