This opinion is nonprecedential except as provided by Minn.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
A25-0053

State of Minnesota,
Respondent,

vs.

Danny Markeith Jones,
Appellant.

Filed February 17, 2026
Affirmed in part, reversed in part, and remanded
Smith, Tracy M., Judge

Dakota County District Court
File No. 19HA-CR-22-2556

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

Kathryn M. Keena, Dakota County Attorney, Caitlyn M. Prokopowicz, Assistant County Attorney, Hastings, Minnesota (for respondent)

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

Considered and decided by Smith, Tracy M., Presiding Judge; Harris, Judge; and Kirk, Judge.[*]

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

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

Appellant Danny Markeith Jones appeals from the judgment of conviction of two counts of second-degree sex trafficking, arguing that the district court erred for four reasons. First, Jones argues that the district court erred by denying his motion to suppress evidence that he argues was the fruit of an unlawful warrantless arrest. Second, he contends that the district court erred by denying his motion to suppress evidence that was obtained from warranted searches of hotel rooms and cell phones because the search warrants were not supported by probable cause. Third, in a pro se supplemental brief, Jones reiterates the arguments for suppression made in his counseled brief and also argues that evidence should have been suppressed because an inquiry by the police into a hotel guest registry was an unconstitutional search. Finally, in the alternative, Jones argues that the district court erred when it ordered him to register as a predatory offender.

We conclude that the district court did not err by denying Jones's motions to suppress evidence and affirm his convictions. But, because the order to register as a predatory offender was incorrect, we reverse and remand to the district court for correction of the warrant of commitment.

FACTS

The following factual summary is derived from the record of the contested omnibus hearing on Jones's suppression motions, including stipulated-to exhibits, as well as other district court records helpful to understanding the procedural history.

On July 5, 2022, Eagan police received a phone call from a woman who, according to the police report, reported that she was forced into prostitution by a man who was staying at a particular hotel in Eagan. Officer Ratzloff responded to the call and met the woman, identified as C.B., in a parking lot near the hotel. C.B. told Officer Ratzloff that she met a man named "Justin" online four to five weeks earlier and "began a friendship/relationship" with him. C.B. stated that one to two weeks earlier, Justin approached her with what he called a "business proposition"—which C.B. stated meant prostitution. C.B. said that she "willingly and voluntarily" decided to engage in prostitution to make money. But, C.B. told the officer, she had recently gotten a job offer and no longer needed the money and she was upset because Justin was taking too much of the money. C.B. said she wanted to report this to the police so that Justin could be on the police department's radar because he was "pimping out" other women in the metro area. C.B. stated that she did not know Justin's last name or if Justin was his real name. She reported seeing a Venmo card in a hotel room that belonged to Justin with the name "Danny Jones Bey." C.B. provided the officer with two phone numbers that she knew to belong to Justin.

C.B. described Justin as a "heavyset light skinned male who was approximately 6' tall, in his 30's to 40's, with a shaved head, full beard" and that he "would be wearing a baseball cap." C.B. told the officer that there were currently two rooms (rooms 205 and 206) under her name at the hotel and that Justin was there. C.B. said that there was another woman there whom she knew as "Snow" and whom C.B. described as short with red hair and in her mid-twenties. C.B. also told the officer that Justin would regularly delete all evidence of prostitution from her phone, so she had no evidence to show him.

Following the conversation with C.B., Officer Ratzloff and another officer went to the hotel. The officers spoke with a man in room 206 who fit C.B.'s description of Justin. Officer Ratzloff told the man that he needed to put his name on the hotel registry since the person who was renting the room was no longer staying in the room. The man agreed to do so. In his police report, Officer Ratzloff wrote, "I had no reason to force him to identify himself at that time due to [C.B.] telling me she had no evidence other than her word that she was being pimped out by this person."

Later that evening, police officers returned to the hotel and the front desk staff advised that the man in room 206 had put his name on the registry as "Danny Jones." Officer Ratzloff ran the name through a database and found a driver's license for "Danny Markeith Jones," whose driver's license photo appeared to match the man with whom he had interacted earlier in the evening.

The following day, two different officers went to the hotel to follow up. The front desk staff told the officers that Jones had not reserved an additional night and had not yet checked out of the hotel. The officers went back up to the room, spoke with Jones, and asked him for identification. There was a woman (E.H.) in room 206 with Jones, who police noted matched the description C.B. had given of "Snow," and another woman (N.C.) in room 205, who was not registered to the room.

The officers handcuffed Jones in the hallway of the hotel and searched his person, finding a cell phone and $846 in cash. The officers did not have a warrant for Jones's arrest. The officers then brought Jones to the Eagan police station. At the station, Detective Spiess read Jones his *Miranda* rights and Jones stated that he did not wish to speak to Detective

Spiess. In his report, Detective Spiess stated, "At this time, I did not believe I had enough probable cause to arrest Jones, particularly because I had not been able to speak yet with [C.B]."

That same day, July 6, officers obtained a search warrant for the hotel rooms and searched both rooms, recovering five cell phones, a digital scale, heroin, and a large number of condoms. On July 7, officers obtained a search warrant for data on the cell phones recovered from Jones's person and from the hotel rooms and thereafter searched the contents of those phones. The phones contained photos that were used in advertisements for prostitution as well as text messages, images, and web activity that linked Jones with the phones and with potential sex-trafficking activities.

By amended complaint, Jones was charged with two counts of second-degree sex trafficking, with two victims, in violation of Minnesota Statutes section 609.322, subdivision 1a(4) (2022). Jones later filed motions to suppress evidence. Relevant here, he argued that his arrest was illegal and the pieces of evidence seized upon his arrest were fruit of the poisonous tree, and he argued that the search warrants for the hotel rooms and cell phones lacked probable cause. Following the contested omnibus hearing, the district court denied Jones's motions, determining that there was probable cause for Jones's warrantless arrest and probable cause for the search warrant.

Jones waived his right to a jury trial and agreed to a trial on stipulated evidence under Minnesota Rule of Criminal Procedure 26.01, subdivision 3. The stipulated evidence included online advertisements; records of money transfers to and from Jones's accounts; hotel booking records; and statements from C.B. and another woman, who both accused

Jones of profiting from their prostitution. The stipulated evidence also included data from the seized cell phones, including emails from websites linked to sex-trafficking advertising, text messages containing common sex-trafficking terms, photographs of Jones, and history of the phones connecting to various hotel networks. The district court found Jones guilty of both counts of sex trafficking.

The district court imposed executed concurrent sentences of 100 months on the first count and 153 months on the second court. The sentencing order states that Jones is required to register predatory offender.

Jones appeals.

DECISION

Jones raises four arguments. First, he argues that the district court erred by denying his motion to suppress evidence that was the fruit of his warrantless arrest because the arrest lacked probable cause. Second, he argues that the district court erred by denying his motion to suppress evidence obtained from the warranted searches of the hotel room and cell phones because the search warrants were not supported by probable cause. Third, Jones argues in his supplemental brief that the district court should have suppressed evidence because law enforcement's inquiry into the hotel guest registry was an unconstitutional search. Finally, and in the alternative, Jones challenges the district court's order that he register as a predatory offender. We address each argument in turn.

I. Probable cause supported Jones's arrest, and the evidence obtained as a result was not fruit of the poisonous tree.

Jones argues that police lacked probable cause to arrest him for sex trafficking and that the evidence obtained as a result of the unlawful arrest should have been suppressed. Specifically, he contends that the contents of a cell phone and the large amount of cash that were found on his person, the incriminating statement that he made to the police while in custody, and the contents of a cell phone of Jones's that was found in the hotel room search all should have been suppressed.

The United States and Minnesota Constitutions prohibit unreasonable searches and seizures. U.S. Const. amend. IV; Minn. Const. art. I, § 10. Generally warrantless searches and seizures are unreasonable unless a recognized exception to the warrant requirement applies. *Katz v. United States*, 389 U.S. 347, 357 (1967); *State v. Horst*, 880 N.W.2d 24, 33 (Minn. 2016). Generally, evidence obtained from an unlawful search or seizure must be suppressed. *State v. Jackson*, 742 N.W.2d 163, 178 (Minn. 2007).

"Police may arrest a felony suspect without a warrant in any public place provided they have probable cause." *State v. Cook*, 610 N.W.2d 664, 667 (Minn. App. 2000) (footnote omitted), *rev. denied* (Minn. July 25, 2000). Probable cause exists if "a person of ordinary care and prudence, viewing the totality of circumstances objectively, would entertain an honest and strong suspicion that a specific individual has committed a crime." *State v. Williams*, 794 N.W.2d 867, 871 (Minn. 2011) (emphasis omitted) (quotation omitted). To constitute probable cause, the facts must justify "more than mere suspicion but less than the evidence necessary for a conviction." *Id*. Probable cause "requires only a probability or substantial chance of criminal activity, not an actual showing of such activity." *State v. Harris*, 589 N.W.2d 782, 790-91 (quotation omitted).

When considering a district court's pretrial order on a motion to suppress evidence, appellate courts review a district court's factual findings for clear error and the district court's legal determinations, including probable cause, de novo. *State v. Diede*, 795 N.W.2d 836, 849 (Minn. 2011); *State v. Glover*, 4 N.W.3d 124, 132 (Minn. 2024).

Jones argues that probable cause for his arrest was lacking because it depended on the reliability of a tip from C.B., whom he characterizes as an informant, and the tip was not reliable. For an informant's tip to sustain probable cause for a warrantless arrest, the tip must have "sufficient indicia of reliability." *Cook*, 610 N.W.2d at 667; *see also State v. Mosley*, 994 N.W.2d 883, 892 (Minn. 2023) (holding that informant's tip supplied probable cause for warrantless search of a vehicle under the automobile exception). "When assessing reliability, courts examine the credibility of the informant and the basis of the informant's knowledge in light of all the circumstances." *Cook*, 610 N.W.2d at 667. To evaluate the basis of an informant's knowledge, courts consider "the quantity and quality of detail" in the informant's report and "whether police independently verified important details of the informant's report." *Id.* at 668. Deficiencies in one indication of reliability may be compensated for by a strong showing of other indicia of reliability, including "identifying oneself to police, providing statements against interest, and corroboration of facts in the [statement]." *State v. Wiggins*, 4 N.W.3d 138, 149 (Minn. 2024) (citations omitted); *see also Mosley*, 994 N.W.2d at 890.

Jones asserts that C.B.'s tip was unreliable for several reasons. He argues that C.B. was a participant in the criminal behavior, which means that her credibility could not be presumed as reliable as it would be if she were a first-time citizen informant. *See State v. Siegfried*, 274 N.W.2d 113, 114-15 (Minn. 1978). He also asserts that C.B. had no track record of reliability, unlike informants in other cases who had a history of providing reliable information to the police. *See Mosley*, 994 N.W.2d at 891. He contends that C.B. had a motive to provide inaccurate information because she was upset that Jones brought other women around. And he argues that the police failed to corroborate any "important details" of C.B.'s assertions, arguing that the details that the police did corroborate—for example, that Jones was in the hotel room with a woman—constituted commonplace and innocuous behavior, which can be insufficient to corroborate a tip. *See Cook*, 610 N.W.2d at 668.

Jones's argument is unpersuasive. As an initial matter, we are not convinced that C.B. should be treated as an informant, much less a criminal actor, when she was a person subjected to sex trafficking. We previously considered the distinction between an accomplice and victim in a sex-trafficking case in the context of whether an accomplice jury instruction was required. *State v. Ivy*, 902 N.W.2d 652, 657 (Minn. App. 2017), *rev. denied* (Minn. Dec. 19, 2017). In *Ivy*, we held that a woman who was recruited by the defendant for what he represented as help running "the business" was a victim, not an accomplice, because the defendant used similar tactics on her that the defendant had used on other sex-trafficking victims. *Id.* at 662. Similarly, here, though C.B. told police that she had "voluntarily" agreed to have sex for money, she reported that she was not getting paid enough and that Jones was "pimping her out." C.B. also stated her concern about other women who were being trafficked. Additionally, C.B. sought out police to make a report on her own volition, as opposed to, for example, providing information as part of a deal related to criminal charges. Given these facts, C.B. is more properly considered a victim of the crime of sex trafficking.

In any event, the existence of probable cause—including when an informant's tip is involved—depends on the totality of the circumstances, *Mosley*, 994 N.W.2d at 892-93, and, here, the totality of the circumstances provided probable cause of criminal activity by Jones. C.B. voluntarily contacted the police and reported her firsthand knowledge of sex trafficking. She identified herself to the police and provided some detail as to how she had gotten involved with Jones and where the alleged sex trafficking was occurring. C.B. described behaviors that the officer recognized as prevalent in sex trafficking, such as that Jones controlled the flow of money, C.B. developed romantic feelings toward her trafficker, two hotel rooms were used, and the rooms were put in C.B.'s—rather than the alleged trafficker's—name. C.B. provided a physical description of Jones and told the police that he would be found in room 205 or 206 of a particular hotel, with another woman.

In addition, the police corroborated details of C.B.'s report. The police verified that a person matching the description given by C.B. was at the hotel and in a room that C.B. said he would be in. They also corroborated that the two rooms were registered in C.B.'s name. Jones argues that the corroboration here is no more significant than the corroboration in *Cook*, where we found an informant's tip insufficient to support probable cause. 610 N.W.2d at 669. There, the informant reported that Cook was selling drugs at a gym and described Cook's appearance and location. *Id.* The police went to the gym and saw a person matching the description of Cook at the place where the informant said he would be. *Id.* Here, the police corroborated that a person matching C.B.'s description of Jones was at the hotel where C.B. said he would be. But, unlike the details in *Cook*, the details here were not "entirely innocuous" or lacking in "incriminating aspects." *Id.* at 668. Jones had two rooms at the hotel. He and E.H., who identified herself as Jones's girlfriend, were in one room, and another woman, N.C., was in the other room. Jones was initially not registered to either room. Police knew that common tactics of sex traffickers include reserving the room in another person's name to avoid identification and reserving one room to live in and another room for sex acts. The facts corroborated by the police went beyond innocuous details easily obtainable by anyone because the corroborated facts are linked to the crime of sex trafficking.

In sum, the totality of the circumstances here justified an "honest and strong suspicion" that Jones committed a crime. *Williams*, 794 N.W.2d at 871. The police therefore had probable cause for Jones's warrantless arrest.

To convince us otherwise, Jones points to the statement by Detective Spiess in his police report that, when Jones was first brought into the police station, Detective Spiess did not believe that he had probable cause to arrest him. But the reasonableness of an officer's actions is "an objective inquiry" and the "actual, subjective beliefs of the officer are not the focus in evaluating reasonableness." *State v. Koppi*, 798 N.W.2d 358, 363 (Minn. 2011) (emphasis omitted) (quotation omitted). Instead, "the probable cause standard asks whether the totality of the facts and circumstances known would lead a reasonable officer 'to entertain an honest and strong suspicion' that the suspect has committed a crime." *Id.* (quoting *Harris*, 589 N.W.2d at 791). As we have explained, that standard is met.

Because Jones's warrantless arrest was not unconstitutional, the district court did not err by denying suppression of the evidence challenged by Jones as the fruit of an unlawful arrest.

II. Probable cause supported the search warrants.

Jones argues that the July 6 and 7 warrants to search the hotel rooms and the cell phones were not supported by probable cause and, therefore, the district court erred by failing to suppress the evidence obtained from the searches.

The United States and Minnesota Constitutions require that search warrants be supported by probable cause. U.S. Const. amend. IV; Minn. Const. art. I, § 10. "[W]hen reviewing a district court's probable cause determination made in connection with the issuance of a search warrant, an appellate court should afford the district court's determination great deference."[1] *State v. Rochefort*, 631 N.W.2d 802, 804 (Minn. 2001).

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[1] Jones argues that this typically deferential standard "should not apply in the atypical circumstances here, because the warrant applications that will be reviewed by this court are *different* from the warrant applications that were presented to the signing magistrate." It is true that the warrant applications in the record for our review are slightly different from the applications that the magistrate would have relied on because the state conceded that there was a potentially unlawful warrantless search of a hotel room where an officer observed suspected drugs and that information from the search was included in the warrant applications. The parties agreed to redact the drug-related information from the search warrant applications. As further explained below, however, the appropriate appellate response is not to apply a different standard of review, but instead to consider whether the affidavit, "redacted of tainted information, independently provides probable cause for the

To determine whether a warrant was supported by probable cause, appellate courts consider whether the issuing judge had a "substantial basis for concluding that probable cause existed" based on the information in the warrant application and supporting affidavits. *Id.*; *Wiggins*, 4 N.W.3d at 145 (quotation omitted). Appellate courts afford deference to the issuing judge, "recognizing that doubtful or marginal cases should be largely determined by the preference to be accorded to warrants." *Wiggins*, 4 N.W.3d at 145-46 (quotation omitted).

Probable cause exists if "there is a fair probability that contraband or evidence of a crime will be found." *State v. Yarbrough*, 841 N.W.2d 619, 622 (Minn. 2014) (quoting *Illinois v. Gates*, 462 U.S. 213, 238 (1983)). "A sufficient 'nexus' must be established between the evidence sought and the place to be searched. However, direct observation of evidence of a crime at the place to be searched is not required. A nexus may be inferred from the totality of the circumstances." *Id.* (citation omitted). Among the circumstances that a court considers in weighing probable cause are (1) information linking the crime to the place to be searched, (2) the freshness of the information, (3) the reliability of the source of the information, (4) the type of the crime, (5) the nature of the items sought, (6) the extent of the suspect's opportunity for concealment, and (7) the normal inferences as to where the suspect would usually keep the items. *State v. Souto*, 578 N.W.2d 744, 747 (Minn. 1998) (articulating circumstances (1) through (3)); *Harris*, 589 N.W.2d at 788 (articulating circumstances (4) through (7)).

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warrant's issuance." *State v. Lozar*, 458 N.W.2d 434, 439 (Minn. App. 1990), *rev. denied* (Minn. Sept. 28, 1990).

The July 6 warrant to search the hotel rooms and the July 7 warrant to search Jones's phones are at issue. Before addressing whether the two search warrants were supported by probable cause under the standard just described, we must address a preliminary issue arising from redactions in the warrant applications. Prior to the issuance of the July 6 warrant, an officer illegally searched one of the hotel rooms and found evidence of drugs.[2] The state agreed to redact the information obtained via that search from the warrant applications.

Appellate courts may uphold a warrant if "the affidavit supporting the instant warrant, redacted of tainted information, independently provides probable cause for the warrant's issuance"—i.e., is an independent source of probable cause. *Lozar*, 458 N.W.2d at 439. The independent-source doctrine permits admission of "evidence obtained pursuant to a warrant that is genuinely independent of a prior unlawful search and would have been obtained even if what actually happened had not occurred." *State v. Lieberg*, 553 N.W.2d 51, 55 (Minn. App. 1996) (quotation omitted).

The independent-source doctrine requires a two-step analysis. *Lozar*, 458 N.W.2d at 439-40. Appellate courts determine "(1) whether the decision of the issuing magistrate was 'affected' by the tainted information, and (2) whether that information prompted law enforcement officials to seek the warrant." *Lieberg*, 553 N.W.2d at 55.

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[2] The state draws a distinction that it did not concede that an officer illegally searched one of the hotel rooms but instead "conceded that one of the officers had a developing *Brady* issue" and, rather than delay to investigate and litigate the *Brady* issue, "conceded the issue and agreed not to use this evidence." Regardless, the state conceded that it would not use the evidence and agreed to redact it from the warrant applications reviewed in the district court.

We address each warrant in turn below.

A. July 6 Hotel Rooms Search Warrant

As an initial matter, we consider whether the independent-source doctrine is met. We conclude that it is. First, it is unlikely that the issuing magistrate would have been affected by the tainted information in the warrant application. Evidence of sex trafficking, not drug crimes, was the main focus of the warrant. The July 6 hotel room search warrant application and subsequent search warrant listed six potential items associated with sex trafficking—one of which was "controlled substances and drug paraphernalia." Additionally, the warrant application stated that C.B. had "advised there would be drugs in the hotel room," providing an alternative basis to suspect drugs.

Second, it is also unlikely that an officer's discovery of drugs or money during a warrantless search is what prompted police to seek the warrant. The police were primarily investigating sex trafficking. The warrant application provided details about C.B.'s report of sex trafficking, including circumstances at the hotel that, based on officer experience, were suspicious for sex trafficking. Therefore, the evidence obtained pursuant to the July 6 hotel room search warrant is independent of the officer's prior unlawful search and would have been obtained without the previous illegal search. *See Lieberg*, 553 N.W.2d at 55.

We turn to the general probable-cause analysis, evaluating whether, with the redaction, the affidavit provides a "substantial basis" to find probable cause. *Wiggins*, 4 N.W.3d at 145. The affidavit summarized C.B.'s report to Officer Ratzloff. It explained that a man, whom she described, recruited C.B. to engage in prostitution; that he set up encounters with sex buyers; and that he collected money for the sexual encounters. It further explained that C.B. and the man were staying in rooms 205 and 206 at the hotel; that the man had put the rooms in her name, which, the affiant knew from training and experience was a common practice of sex traffickers; and that a man matching the description given by C.B. was at the hotel with a woman. The affidavit further explained that officers had gone to the hotel rooms, detained the male, and found a large amount of cash on him. It also stated that officers encountered two women in the rooms with the man.

Jones argues that this information was insufficient to support probable cause because the affidavit did not establish C.B.'s reliability or the officers' corroboration of her report. But that argument is unpersuasive for the same reasons we explained above.

We conclude that the application provided probable cause for the warrant. The application sought evidence of sex trafficking, including cell phones, sex toys, currency, and information related to sex buyers. A nexus existed between the evidence sought and the place to be searched because C.B. reported that sex trafficking was occurring in the hotel rooms. The information was fresh, since C.B. had made the report the day before and the police had encountered a male matching C.B.'s description shortly thereafter. And, as indicated in the affidavit, C.B. was relaying first-hand information as the victim of a crime. Considering the totality of these circumstances, there was a fair probability that contraband or evidence of a crime would be found in the hotel rooms and, as a result, the July 6 hotel room search warrant was supported by probable cause. The district court therefore did not err by denying the motion to suppress evidence obtained from the search of the hotel rooms.

B. July 7 Cell Phones Search Warrant

Jones argues that the July 7 phone search warrant to search cell phones also was not supported by probable cause because it contained information recovered pursuant to the July 6 warrant. Jones does not make any specific arguments as to why the July 7 warrant lacked probable cause on its own. Accordingly, Jones's argument fails because the July 6 warrant was supported by probable cause. The district court therefore did not err by denying the motion to suppress evidence obtained from the search of the cell phones.

III. Jones's argument in his pro se supplemental brief fails.

In his pro se supplemental brief, Jones argues that evidence should have been suppressed because law enforcement's initial inquiry into the hotel guest registry was an unconstitutional search. Government inspection of a hotel guest registry is a search under the Minnesota Constitution, and "law enforcement officers must at least have reasonable, articulable suspicion to search the sensitive location information in a guest registry." *State v. Leonard*, 943 N.W.2d 149, 160 (Minn. 2020). Jones's argument fails because law enforcement had reasonable, articulable suspicion to search the registry based on C.B.'s report—particularly the detail that the man who was sex-trafficking her had put the hotel rooms in her name.

IV. The warrant of commitment erroneously states that Jones is required to register as a predatory offender and must be corrected.

Jones argues that the directive in the warrant of commitment that he register as a predatory offender is not authorized by law because it conflicts with the predatory-registration statute. He asserts that we should remand with directions to remove the provision from the warrant of commitment.

The sentencing worksheet prepared before sentencing stated that the offenses require registration. At the sentencing hearing, the district court noted that it was imposing a predatory-offender-registration requirement: “I’ll further order as conditional terms in both files, again, you’re to register as a predatory offender.” And the warrant of commitment states that predatory-offender registration is required. Jones did not raise an argument related to the predatory-offender-registration requirement in district court.

Under the predatory-offender statute, a person is required to register as a predatory offender if they have been charged with one of the offenses enumerated by the statute and have been convicted of that offense or of another offense arising out of the same set of circumstances. Minn. Stat. § 243.166, subd. 1b(a) (2022). A district court has no authority to impose a predatory-registration requirement for an offense that does not qualify for registration. *State v. Jedlicka*, 747 N.W.2d 580, 584 (Minn. App. 2008).

Jones was charged with and convicted of two counts of second-degree sex trafficking in violation of Minnesota Statutes section 609.322, subdivision 1a(4). That offense is not included in the list of enumerated offenses in the predatory-offender-registration statute. *See* Minn. Stat. § 243.166, subd. 1b(a). The only section 609.322 offense on the list of enumerated offenses is “solicitation, inducement, or promotion of the prostitution of a minor or engaging in the sex trafficking of a minor in violation of section 609.322.” *Id.*, subd. 1b(a)(2)(iii). That offense is a first-degree offense, prohibited by

Minnesota Statutes section 609.322, subdivision 1(a)(4). Jones was not charged with sex trafficking of a minor in violation of that statute.

Nevertheless, the state opposes correction of the warrant of commitment. It argues that registration is proper because the state could have charged Jones under Minnesota Statutes section 609.322, subdivision 1(b)(4) (2022), which provides for an enhanced sentence if "the offense involved more than one sex trafficking victim." It is true that the complaint identifies two separate adult victims. But, as Jones points out, the statutory provision advanced by the state is not on the list of enumerated offenses. *See* Minn. Stat. § 243.166, subd. 1b. In any event, the registration statute requires that a person be *charged* with an enumerated crime—and Jones has not been charged with or convicted of any enumerated crime. *Id.*, subd. 1b(a)(1), (2). The state's argument that registration was properly ordered is without merit.

The state asserts, though, that because Jones did not challenge the registration requirement in the district court, it is at least entitled to remand for the opportunity to develop a record on the issue. It cites *State v. Outlaw*, where we permitted the state on remand to develop a record on the defendant's criminal-history score when the defendant had not challenged the score in the district court. 748 N.W.2d 349, 356 (Minn. App. 2008), *rev. denied* (Minn. July 15, 2008). But, as Jones points out, the state has not asserted any fact that, if proved, would require Jones to register. As a result, an evidentiary hearing is unnecessary and remand to the district court with instructions to correct the requirement that Jones register as a predatory offender is the appropriate remedy. Accordingly, we reverse and remand for correction of the warrant of commitment to reflect that predatory-offender registration is not required.

Affirmed in part, reversed in part, and remanded.