

*This opinion is nonprecedential except as provided by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
A25-0131**

State of Minnesota,
Respondent,

vs.

Michelle Lee Weisen,
Appellant.

**Filed January 12, 2026
Affirmed
Frisch, Chief Judge**

Cass County District Court
File No. 11-CR-23-958

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

Benjamin T. Lindstrom, Cass County Attorney, Chelsea Langton, Assistant County Attorney, Walker, Minnesota (for respondent)

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

Brayanna J. Smith, Special Assistant Public Defender, Minneapolis, Minnesota (for appellant)

Considered and decided by Frisch, Chief Judge; Cochran, Judge; and Kirk, Judge.*

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

NONPRECEDENTIAL OPINION

FRISCH, Chief Judge

Appellant Michelle Lee Weisen challenges her conviction of first-degree drug possession following a stipulated-evidence trial, arguing that the district court erred in denying her motion to suppress her confession and methamphetamine found on her person. Weisen also argues that her arrest was not supported by probable cause. Because we conclude that Weisen voluntarily confessed and consented to the search of her person, and that officers had ample probable cause to arrest Weisen, we affirm.

FACTS

The following facts are derived from stipulated evidence submitted to the district court pursuant to Minn. R. Crim. P. 26.01, subd. 4.

A deputy initiated a traffic stop following a tip from narcotics investigators regarding an individual driving through Cass County. As the deputy approached the car, the driver lit a cigarette and asked the reason for the stop. The deputy told the driver that he was speeding. The driver then admitted that his license was not valid. Weisen, who was sitting in the passenger seat, told the deputy that the car did not belong to her or the driver. The driver admitted that he had an active warrant for his arrest, and the deputy confirmed that the driver had two outstanding warrants. The driver exited the vehicle, and the deputy placed the driver under arrest and moved the driver to the deputy's squad car.

The deputy returned to the vehicle to speak with Weisen. Weisen told the deputy that she and the driver had been visiting the driver's friends' house in a nearby city. Weisen described the friend's house as "whitish gray." The deputy observed that Weisen was

fidgety and appeared nervous. Weisen exited the vehicle at the deputy's request. The deputy then returned to the squad car and asked the driver who they had visited. The driver responded that he did not know anyone at the house, which he described as a light-brown trailer. After the driver consented to a vehicle search, the deputy again spoke with Weisen:

DEPUTY: Is there anything in that truck I should know about?

WEISEN: Nope, there's nothing in there. Nothing.

DEPUTY: Anything on you that I should be aware of?

WEISEN: No. You can look, it's okay—I mean you can, because there's nothing in there, zero. No, go ahead, I'm serious.

DEPUTY: I'm just—I'm asking.

WEISEN: This makes me all nervous because . . . I'm not used to this and I'm not around the best people, so it's my own fault.

DEPUTY: . . . So you're saying there's nothing in the vehicle? There's nothing on your person?

WEISEN: No. Uh-uh. No. You can search, honestly.

DEPUTY: Any narcotics in the vehicle?

WEISEN: No, none. None.

DEPUTY: Cocaine?

WEISEN: What?

DEPUTY: Coke?

WEISEN: No, none. There's nothing. I mean honestly, I give you permission to search. You can . . . I'm not kidding, there's nothing.

DEPUTY: Heroin?

WEISEN: Nope, . . . honestly—do you want . . . to go search? I mean, I'm okay with that.

The deputy deployed a K-9 to sniff around the outside of the vehicle. The K-9 indicated narcotics on the passenger side and rear of the vehicle. The deputy asked Weisen if there was any reason that the K-9 would indicate on the vehicle. Weisen said no and offered, “Honestly, there's nothing in there. . . . He shouldn't be indicating, honestly.” The deputy told Weisen: “[The K-9] indicated on the car, so at this point in time, you are not free to

leave. Your property is going to be searched.” The deputy again asked Weisen if there was anything on her person or in her purse that the officers should know about. Weisen appeared to say no. Without any prompting, Weisen voluntarily handed her purse to the deputy. The officers searched Weisen but did not discover any contraband. After the search, Weisen requested to make a phone call. An officer on site said: “No phone calls right now. If you need a smoke, you can do that.” Weisen explained that she left her cigarettes in the car, and the deputy retrieved a cigarette for her.

The deputy searched the vehicle but did not discover any contraband. The deputy then deployed the K-9 to search inside the vehicle. The K-9 indicated in the center console and the passenger seat. The deputy returned to Weisen. Unprompted, Weisen told the deputy that the only reason her story may be different from the driver’s story is because she cannot lie. Weisen volunteered that she and the driver were at the friend’s house looking for methamphetamine, but only the driver went into the house. Weisen also offered that she did not know if the driver bought any methamphetamine, but he did smoke it. The deputy told Weisen that the dog was focused on where she sat in the vehicle. The deputy then said:

My question is, you can either be honest now and tell me if you have it on your person, or I would ask that if you’d be willing to go down to the Crow Wing jail and do a body scan to prove that you don’t have anything on you.

Weisen repeated several times that she had nothing on her person and volunteered that if anyone had drugs, it was the driver. The deputy again asked Weisen if she was willing to go to the jail and submit to a body scan. Weisen asked why she would do that,

and the deputy stated that the K-9 indicated inside the vehicle. Weisen volunteered that she was driving earlier that night and, because she was tired, switched sides with the driver on their way back from the friend's house. Weisen then offered: "I admit, I hang out with not good people. I've done really sh-tty stuff before. But would you please talk to him? Please ask him. Please."

Another officer arrived at the scene and asked Weisen if anyone had searched her purse. Weisen said she did not know. The officer asked, "Would you consent to a search of your purse?" Weisen responded, "Oh, that's fine. Go ahead. Yes, I'm okay with that."

As a second nearby officer walked away to obtain gloves, the officer said to Weisen:

If there's something on your person, they're gonna find it one way or another. So, I'm telling you, before those guys get back . . . I just got here. But, before those guys get back, better be open and honest with it. If you have something—just hear me out—if you have something on your person that the body scanner's gonna catch, kay? It's not like they're going to go in your pants and grab it, but body scanner will catch anything that's on your or whatever. Anywhere, whatever. Yeah so, why don't you just be honest with us? You can tell me. I'll go back and tell them, and tell them. . . . Based on your reaction here, there's something here that you're not telling us.

Weisen said she did not want the driver to be mad at her. The officer replied: "Don't worry about him being mad at you. Right now you have to be looking out for yourself. Why don't you look out for yourself and be honest with us, is it on you or is it on him?" Weisen stated, "He gave it to me." The officer then asked, "Okay, so where is it?" Weisen pointed to her left leg and responded, "It's right here." The officer clarified, "It's in your pants?" Weisen confirmed, "It is." The officer handcuffed Weisen, briefly walked away to obtain gloves, then returned and asked Weisen: "Would you be willing to go in your

pants and get it for us?” Weisen immediately consented, “Yeah, that’s fine.” The officer removed Weisen’s handcuffs, administered a *Miranda* warning, and asked Weisen if she understood her rights. Weisen clearly indicated her understanding. The officer again asked Weisen if she would be willing to remove the substance from her pants. Weisen said yes and removed the contraband herself.

The substance tested positive for methamphetamine with a weight of over 80 grams. Respondent State of Minnesota charged Weisen with first-degree drug possession, 50 grams or more, in violation of Minn. Stat. § 152.021, subd. 2(a)(1) (2022). Before trial, Weisen moved to suppress the methamphetamine and her confession, alleging that her confession was involuntary and that she did not consent to a search. The district court denied Weisen’s motion. To preserve these issues for appeal—which the parties agree are dispositive—the parties stipulated to the state’s case to obtain review of the pretrial ruling pursuant to Minn. R. Crim. P. 26.01, subd. 4. The district court found Weisen guilty of the singular count. Weisen appeals.

DECISION

I. The district court did not err in denying Weisen’s motion to suppress her voluntary confession.

Weisen argues that the district court erred in refusing to suppress her confession to having methamphetamine on her person because (1) the confession was obtained in violation of her *Miranda* rights and (2) the confession was not voluntary.

We begin by setting forth the scope of this appeal. Our appellate review of pretrial rulings is limited to the pretrial issues decided by the district court. Minn. R. Crim.

P. 26.01, subd. 4; *State v. Ortega*, 770 N.W.2d 145, 147 n.1, 149 (Minn. 2009) (stating that review of a Rule 26.01, subdivision 4 proceeding is limited to the dispositive pretrial ruling). In her pretrial suppression motion, Weisen argued only that her confession was involuntary, specifically stating: “For the same reason that the defendant’s ‘consent’ was invalid, her admissions to police were involuntary.” Weisen did not argue, and the district court did not rule on, the separate issue of whether her confession was obtained in violation of her *Miranda* rights. And that issue is not identified in the parties’ stipulation in preserving pretrial issues for appeal. Because this issue was not argued to or decided by the district court and preserved for appeal pursuant to Minn. R. Crim. P. 26.01, subd. 4, the matter is not properly before us.

Turning to the issue that was decided by the district court and preserved for appeal, we review de novo the district court’s legal determination that a confession was voluntary. *State v. Zabawa*, 787 N.W.2d 177, 182 (Minn. 2010). We accept the district court’s findings of fact unless they are clearly erroneous. *Id.* The state bears the burden to prove the voluntariness of a confession by a preponderance of the evidence. *Id.* In determining whether a confession is voluntary, the central question is “whether the defendant’s will was overborne at the time he confessed.” *State v. Nelson*, 886 N.W.2d 505, 509 (Minn. 2016) (quotation omitted). Our inquiry focuses on whether actions of law enforcement, together with circumstances surrounding the interrogation, “were so coercive, so manipulative, so overpowering that [the appellant] was deprived of [their] ability to make an unconstrained and wholly autonomous decision to speak as [they] did.” *State v. Pilcher*, 472 N.W.2d 327, 333 (Minn. 1991). We consider the length of the interview, whether warnings were

given, the adequacy of such warnings, whether the defendant's physical needs were met or ignored, and whether the defendant was denied access to friends. *Zabawa*, 787 N.W.2d at 183 (citing *Pilcher*, 472 N.W.2d at 333). Based on our review of the entire record, we conclude that the totality of the circumstances do not support a determination that Weisen's will was overborne such that her confession was involuntary.

We are not persuaded that the length of interrogation establishes that the confession was involuntary. While the traffic stop lasted over an hour, the exchange between Weisen and law enforcement spanned less than 15 minutes. The length of their dialogue does not indicate involuntariness. *See State v. Wilson*, 535 N.W.2d 597, 603-04 (Minn. 1995) (concluding that confession was voluntary when appellant was questioned for approximately an hour and a half); *see also State v. Jungbauer*, 348 N.W.2d 344, 346-47 (Minn. 1984) (determining that a confession was voluntary when the defendant was not subject to prolonged interrogation).

We are also not persuaded that police used coercive tactics during the interaction with Weisen. Although Weisen asserts that the officer's statement that a body scanner would find anything on her person was coercive, the officer's statement was "not the kind of statement[] that would make an innocent person confess." *State v. Williams*, 535 N.W.2d 277, 288 (Minn. 1995). The isolated statement that a hypothetical search would reveal contraband would have no coercive effect on an innocent person. That is particularly true given the totality of the circumstances, including that Weisen repeatedly volunteered information, handed over her purse, and made forthcoming statements untethered to any particular question by law enforcement. And we have concluded that circumstances

arguably more coercive than those presented here did not render a confession involuntary. *See State v. Slowinski*, 450 N.W.2d 107, 112 (Minn. 1990) (explaining that police statements that they had influence with the county attorney “were not the kind of statements that would make an innocent man confess”); *see also State v. Jones*, 566 N.W.2d 317, 326 (Minn. 1997) (reasoning that confession was voluntary where the defendant was led to believe surveillance video of crime existed, but police did not inform defendant after police discovered no video existed).

In addition, the circumstances surrounding Weisen’s confession “hardly meet the standard of stress-inducing techniques required to invalidate a confession.” *See Williams*, 535 N.W.2d at 288 (concluding that officer did not engage in coercive tactics when appellant was held in detention cell for over six hours, detective hypothesized about what type of physical evidence might be discovered, called appellant a liar, and without a factual basis, told appellant that one of the surviving victims could identify him); *cf. State v. Garner*, 294 N.W.2d 725, 727 (Minn. 1980) (holding that confession elicited from an intoxicated accused who had been intentionally lied to, threatened with excess criminal charges, and physically approached in an intimidating way was involuntary); *cf. Haynes v. Washington*, 373 U.S. 503, 514 (1963) (holding that written confession elicited from accused held in incommunicado detention and induced by promise of communication with his wife was involuntary). In determining that Weisen’s confession was not coerced, the district court found that “[t]here was no indication that [Weisen] felt threatened by the officer and she remained engaged and mostly cooperative.” We cannot conclude that the district court’s finding is clearly erroneous. *See Zabawa*, 787 N.W.2d at 182. The video

footage confirms that Weisen repeatedly offered information to police, handed her purse over without being asked, and affirmatively invited and consented to searches of the car and her person.

Given the totality of circumstances, law enforcement did not coerce Weisen's confession. Because the state met its burden to demonstrate that Weisen's confession was voluntary, the district court did not err in denying Weisen's motion to suppress her confession.

II. The district court did not err in denying Weisen's motion to suppress the methamphetamine because Weisen consented to the search of her person.

Weisen asserts that the district court erred in denying her motion to suppress methamphetamine found on her person by improperly applying the consent exception to the warrant requirement.

In reviewing whether there exists a valid exception to the warrant requirement to justify a warrantless search or seizure, we review the district court's factual findings for clear error and its legal conclusions de novo. *State v. Stavish*, 868 N.W.2d 670, 677 (Minn. 2015). Because the question of whether a consent to search is voluntary or stemmed from duress or coercion is one of fact, the "clearly erroneous standard controls our review of a district court's finding of voluntary consent." *State v. Diede*, 795 N.W.2d 836, 846 (Minn. 2011) (quotation omitted).

Under the Fourth Amendment to the United States Constitution and article I, section 10 of the Minnesota Constitution, "[w]arrantless searches are presumptively unreasonable unless one of 'a few specifically established and well-delineated exceptions'

applies.” *State v. Licari*, 659 N.W.2d 243, 250 (Minn. 2003) (quoting *Katz v. United States*, 389 U.S. 347, 357 (1967)). “Consent is an exception to the warrant requirement.” *Diede*, 795 N.W.2d at 846.

The state bears the burden of proving, by a preponderance of the evidence, that a consent to search was voluntary. *Id.* “Whether consent is voluntary is determined by examining the totality of the circumstances.” *State v. Brooks*, 838 N.W.2d 563, 568 (Minn. 2013) (quotation omitted). Actions can indicate consent to search. *Diede*, 795 N.W.2d at 848. Consent can be voluntary even if the encounter is uncomfortable for the person being questioned. *Id.* at 846. “An individual does not consent, however, simply by acquiescing to a claim of lawful authority.” *Brooks*, 838 N.W.2d at 569. “Put another way, the issue is ‘whether a reasonable person would have felt free to decline the officer[’s] requests or otherwise terminate the encounter.’” *State v. Deszo*, 512 N.W.2d 877, 880 (Minn. 1994) (alteration in original) (quoting *Florida v. Bostick*, 501 U.S. 429, 436 (1991)).

Whether Weisen consented to a search of her person again requires us to consider the totality of the circumstances, “including the nature of the encounter, the kind of person the defendant is, and what was said and how it was said.” *Brooks*, 838 N.W.2d at 569 (quotation omitted). The circumstances immediately preceding the discovery of the methamphetamine on Weisen’s person are: about one hour into the stop, and after Weisen had repeatedly encouraged law enforcement to search the vehicle, an officer asked Weisen if anyone had searched her purse. Again, Weisen readily consented to a search of her purse. Then the officer told Weisen that if there was something on her person, the officers would

find it one way or another. The officer urged Weisen to be honest, and told Weisen that he could tell she was hiding something.

Weisen said she did not want the driver to be mad at her. The officer told Weisen not to worry about that and said, “Why don’t you look out for yourself and be honest with us, is it on you or is it on him?” Weisen then confessed to having the methamphetamine on her person. Weisen offered, “It’s right here,” and pointed to her left leg. The officer asked if it was in her pants and Weisen said, “It is.” The officer briefly walked away, then asked Weisen if she would be willing to retrieve the contraband from her pants. Weisen said yes. Then, the officer paused and read Weisen the *Miranda* warning, which Weisen affirmatively indicated she understood. The officer again asked Weisen if she would be willing to remove the substance from her pants. Weisen again responded yes and removed the contraband from her pants.

We discern no distinction between the exchange immediately preceding Weisen’s confession to possession of methamphetamine on her person and other aspects of the exchange between Weisen and law enforcement, including unprompted information volunteered by Weisen and her repeated invitations to search the vehicle and her purse. Weisen identified the location of the methamphetamine in her pants and twice affirmatively agreed to remove the methamphetamine from her pants. There is ample support in the record for the district court’s finding that Weisen “voluntarily consented to the search of her person before and after being read the *Miranda* warning.”

The circumstances do not support Weisen’s argument that her consent was merely a submission to the officer’s show of authority akin to the situation presented in *Diede*.

795 N.W.2d at 847. There, officers continued to question the defendant after an “unequivocal refusal to consent to a search.” *Id.* at 847-48 (concluding that appellant’s consent was not voluntary when, before appellant consented, “she had been seized, was subject to a show of police force, had received repeated requests to open the package, and had already refused consent to search the package”). Unlike the circumstances in *Diede*, Weisen did not refuse a search, let alone unequivocally refuse a search. And the officer did not exhibit any show of force, instead asking Weisen if she was “willing” to remove the methamphetamine from her pants.

Nor are the circumstances similar to those in *Deszo*, in which a search of defendant’s wallet was involuntary when an officer’s questioning was “official and persistent,” defendant was confined in a squad car, law enforcement encroached on defendant’s personal space, and there was “no indication that defendant was aware that he could refuse to let the officer see the wallet.” 512 N.W.2d at 880-81. Unlike the circumstances in *Deszo*, officers twice asked Weisen whether she would be willing to remove the contraband from her pants. Twice, Weisen said yes. Weisen removed the contraband from her pants after officers read her the *Miranda* warning. She was not subjected to persistent questioning, confined in a squad car, and did not otherwise express any refusal to engage with law enforcement. On this record, the district court did not clearly err in determining that Weisen’s consent to search was voluntary.

III. Probable cause supported Weisen’s arrest.

Finally, Weisen argues that the district court erred in determining that her arrest was supported by probable cause. “[W]e review the district court’s findings of historical fact

relating to the probable cause determination for clear error under the clearly erroneous standard but we independently review de novo the issue of probable cause.” *State v. Lee*, 585 N.W.2d 378, 383 (Minn. 1998). “The test of probable cause to arrest is whether the objective facts are such that under the circumstances a person of ordinary care and prudence would entertain an honest and strong suspicion that a crime has been committed.” *State v. Johnson*, 314 N.W.2d 229, 230 (Minn. 1982) (quotation omitted).

First, Weisen argues that the district court erred in relying on her confession as one of the factors supporting probable cause. As we explained above, the district court did not err in admitting Weisen’s confession because Weisen’s confession was voluntary. Next, Weisen argues that the district court’s finding that she admitted that the driver went to his friend’s house looking for methamphetamine is clearly erroneous. But this finding is supported by the record. Body-camera footage shows that Weisen stated that she and the driver were at a house looking for methamphetamine, but only the driver went into the house. And both Weisen’s confession and the statement that she and the driver went to a house looking for methamphetamine support a probable-cause finding because these are the type of facts that would induce a person “of ordinary care and prudence” and “entertain an honest and strong suspicion that a crime has been committed.” *Id.* (quotation omitted).

The district court cited additional factors in support of its finding of probable cause, including that (1) investigators informed the officers that Weisen would be transporting narcotics; (2) investigators provided officers with a description of the vehicle and license plate, and stopped such vehicle; (3) the driver and Weisen provided inconsistent statements about their activities that night; (4) a K-9 alerted to the presence of narcotics multiple times

where Weisen sat in the vehicle; and (5) two officers separately observed a lump in Weisen's pants. *See State v. Camp*, 590 N.W.2d 115, 118-19 (Minn. 1999) (concluding that probable cause existed to arrest for possession of methamphetamine where officers received information from another deputy that appellant may possess methamphetamine, parties acted evasively, appellant's story did not match the driver's statement, search revealed object suspected to be narcotics, and officer was aware of appellant's previous convictions). Accordingly, the district court did not err in concluding that law enforcement had probable cause to arrest Weisen for drug possession.

Affirmed.