

*This opinion is nonprecedential except as provided by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
A25-0166**

State of Minnesota,
Respondent,

vs.

Michael Daron Ware,
Appellant.

**Filed February 2, 2026
Reversed and remanded
Ross, Judge**

Hennepin County District Court
File No. 27-CR-23-20164

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

Kristyn M. Anderson, Minneapolis City Attorney, Cody Goodchild, Assistant City Attorney, Minneapolis, Minnesota (for respondent)

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

Considered and decided by Johnson, Presiding Judge; Ross, Judge; and Ede, Judge.

NONPRECEDENTIAL OPINION

ROSS, Judge

Minneapolis police officers stopped a car speeding recklessly through a residential neighborhood and arrested the driver, Michael Ware, on an outstanding arrest warrant. The officers then searched Ware's car and found evidence of marijuana, which the officers in turn cited in part as support for a search warrant to obtain a sample of Ware's blood or

urine for chemicals. Ware refused to be tested, the state charged him with test refusal, and Ware unsuccessfully moved the district court to suppress all the evidence obtained from the encounter. In this appeal from Ware’s consequent chemical-test-refusal conviction, we reverse the district court’s decision that police validly searched the car because we hold that the state failed to offer any evidence establishing that the officers conducted the search according to a police-department inventory-search policy. We remand for the district court to consider the remaining issue of sanitization of the challenged warrant.

FACTS

Minneapolis Police Sergeant Adam Lepinski saw a car in September 2023 racing through a residential neighborhood at about 30 miles per hour above the speed limit and passing cars on the wrong side of the street. Sergeant Lepinski radioed his colleague, Sergeant Kyle Pond, alerting him that the speeding car was heading his way. Sergeant Pond saw the car approaching from his rear and pulled over to avoid a collision from behind. Sergeant Pond then briefly followed the car until it abruptly pulled to the side of the road where two men—the driver and a passenger—quickly exited.

Sergeant Pond activated his squad car’s emergency lights and ordered the men, whom he suspected were trying to disassociate themselves from the car, to return to it. Neither man complied. Sergeant Pond and other officers immediately handcuffed both men. Sergeant Pond interacted with Michael Ware, the driver. The sergeant promptly noticed indications of Ware’s possible impairment, including slurred speech and constricted pupils. Officers directed Ware into a squad car.

Sergeant Pond learned that Ware's driving privileges were revoked and that he was the subject of an outstanding arrest warrant on an impaired-driving charge. Sergeant Pond then opened the driver's door of Ware's car and immediately began searching inside after he told another officer his rationale for doing so: "This guy's got a DWI warrant; car's illegally parked; he's slurring his words, may go with impairment here; um, so I think we're good to search." The search revealed "[b]urnt suspected marijuana," which Sergeant Pond included in his application for a search warrant to obtain a sample of Ware's blood or urine. Police impounded Ware's car and took Ware to a medical facility, where he refused to provide a blood or urine sample despite the search warrant.

The state charged Ware with test refusal under the impaired-driving statute and with driving after license revocation. Ware moved to suppress evidence, arguing among other things that the search warrant to obtain a sample of his blood or urine had been issued based in part on an unconstitutional search of his car. Sergeant Pond testified at the suppression hearing, and the state correspondingly argued, that the car search was justified as an inventory search because Ware's allegedly illegally parked car was impounded after his valid arrest on the outstanding warrant. The district court denied Ware's motion. The parties agreed that the pretrial ruling was dispositive and submitted the case to the district court to proceed with a stipulated-evidence trial under Minnesota Rule of Criminal Procedure 26.01, subdivision 4. The district court found Ware guilty as charged.

Ware appeals.

DECISION

Ware challenges the district court's holding that police validly searched his car and its consequent decision not to suppress evidence resulting from the search. The federal and state constitutions protect the right of people against "unreasonable searches and seizures." U.S. Const. amend. IV; Minn. Const. art. I, § 10. A warrantless search is presumptively unreasonable unless it falls within a recognized warrant exception. *State v. Stavish*, 868 N.W.2d 670, 675 (Minn. 2015). The district court held that, "[i]n this case, the search of [Ware's] vehicle was justified in two ways, reasonable suspicion of the officers, and the standard police procedure of inventory search prior to impoundment." We review *de novo* the district court's denial of a motion to suppress evidence, and we review its underlying factual findings for clear error. *State v. Diede*, 795 N.W.2d 836, 849 (Minn. 2011). We limit our review to the district court's pretrial ruling following a stipulated-evidence trial under Minnesota Rule of Criminal Procedure 26.01, subdivision 4. *See State v. Galvan-Contreras*, 980 N.W.2d 578, 586 (Minn. 2022). For the following reasons, we conclude that the district court erroneously deemed the search justified.

I

Ware challenges the district court's conclusion that the inventory-search exception authorized the warrantless search of his car. An inventory search is a recognized exception to the search-warrant requirement if the search is of a vehicle that police have lawfully impounded and if its contents are inventoried based on particularized, standard police-department procedure. *See State v. Ture*, 632 N.W.2d 621, 628 (Minn. 2001). The state bears the burden to establish that the warrantless search was properly executed as an

inventory search. *State v. Gauster*, 752 N.W.2d 496, 502 (Minn. 2008). The state did not carry its burden here.

Although the state may rely on officer testimony to establish that a vehicle inventory search complied with standard police-department impoundment procedures, *Ture*, 632 N.W.2d at 628, the testimony at the suppression hearing was bare in this regard. The extent of Sergeant Lepinski's testimony concerning inventory-search procedure was the following:

Q: And can you describe the policy and procedure involved in deciding to search a vehicle?

A: Well, there are several different times when law enforcement searches vehicles, of course. One of those times is when you're doing an inventory search of the car. There's a probable cause search of the car. There's a protected weapon. So there's lots of different reasons why you might search a vehicle. But this one we were impounding, we did an inventory search.

Q: And so you searched it because you were impounding it, am I understanding that correctly?

A: Yes.

Q: Okay. And why do you search a vehicle prior to impounding it?

A: It's a way for the police department to document any items in the vehicle that are maybe of value that needs to be documented. So, you know, the owner can't come back later and say: Hey, my gold bars or my Rolex watch are missing. It's just a way to, kind of, go through the vehicle and either document those items or remove them for inventory for safekeeping purposes.

Sergeant Lepinski did not testify that the department had, or that he followed, any particularized procedure to establish that officers properly entered specific areas of the car or inventoried items found and seized. He did not describe how the search complied with

any department procedure, generalizing only as to why officers might perform inventory searches. Sergeant Pond's testimony shed no brighter light on this issue:

Q: Officer Pond, you make decisions on whether or not to search a car?

A: Yes, ma'am.

Q: And do you make decisions on whether or not to tow a vehicle?

A: Yes, ma'am.

Q: Are there certain department policies you must follow when making these decisions?

A: Yes.

....

Q: And you justified the search of Mr. Ware's vehicle as an inventory search; is that right?

A: Yes, if the car is being towed.

Q: Because Mr. Ware was being arrested?

A: Yes.

Q: And because you had determined that the vehicle was illegally parked; is that right?

A: That was one of the factors, yes.

....

Q: All right. Officer Pond, you assisted in the inventory search of Mr. Ware's vehicle; is that right?

A: Yes.

Q: And the purpose of an inventory search is to safeguard property in the vehicle; is that right?

A: Yes.

Q: And to also ensure that the vehicle does not contain anything that would harm officers; is that right?

A: Correct.

Q: During these searches, officers are to search compartments that can be accessed without damage to the vehicle; is that right?

A: Yes, I believe so.

This testimony from both officers lacks key components to justify the car search. Compliance with department procedure is “the critical factor” in determining whether a search qualifies for the inventory-search warrant exception. *State v. Volkman*, 675 N.W.2d 337, 342 (Minn. App. 2004). The testimony presented by the state fails to establish any department policy directing officers to impound vehicles on the basis that they are parked more than 12 inches from a curb in residential neighborhoods. Despite the officers’ stated justification for impounding Ware’s car to safeguard property, Sergeant Pond acknowledged that Minneapolis police officers are not authorized to seize and impound a car simply on the notion that the officers intend to safeguard property inside it. And despite Sergeant Pond’s testimony that officers impounded the car because it was illegally parked by being more than 12 inches from the curb, he acknowledged that the department does not authorize impounding an illegally parked car when a validly licensed person is available and authorized by the owner to drive the car away. The officers’ testimony does not establish whether Ware asked them to release the car to Ware’s passenger. And critically, the testimony describes no departmental policy authorizing or procedure governing entry into an impounded car to collect or inventory items found inside the passenger compartment or other places. And assuming an impound policy and a policy directing inventory procedures existed and applied here, the state also failed to elicit any testimony from which the district court could find that the officers followed those policies.

These failures are fatal to the state’s assertion, and to the district court’s conclusion, that the officers’ search falls within the inventory-search exception to the constitutional requirement for a search warrant.

II

The state does not attempt to defend the district court’s other justification for the search, which is the “reasonable suspicion of the officers.” Nor do we consider it, as an officer’s mere reasonable suspicion is not a recognized exception to the warrant requirement. *See State v. Bernard*, 859 N.W.2d 762, 766 (Minn. 2015), *aff’d sub nom. Birchfield v. North Dakota*, 579 U.S. 438 (2016) (recounting that even probable cause is insufficient to justify a warrantless search absent a recognized warrant exception). The state instead argues that the affidavit supporting the impaired-driving warrant for chemical testing included other bases, independent of the burnt marijuana, which provide probable cause for the warrant. It relies on the independent-source doctrine, which allows a court to “sanitize” an affidavit supporting a search warrant because the warrant is supported by probable cause based on valid evidence independent of the unconstitutionally obtained evidence. *State v. Lieberg*, 553 N.W.2d 51, 55 (Minn. App. 1996). The state recognizes that applying the independent-source doctrine generally requires factual findings by the district court, *see id.* at 58 (explaining that part of the independent-source analysis involves a factual determination that “must receive initial consideration by the trial court”), and it recognizes that the district court here did not make the necessary findings. The state invites us to undertake our own factual assessment on the issue because this is an “unusual” case. We decline.

A remand is necessary for the district court to undertake the assessment. A district court may sanitize a warrant only if it finds that the unlawful search did not prompt officers to seek the warrant. *Id.* at 55. The district court here left the issue open, finding that the evidence discovered in the search that we have determined to have been unlawful “add[ed]” to the officers’ impression that Ware was impaired. It stated, “From the search of the vehicle, the officers were able to add to their theory of impairment due to their finding of marijuana. This then allowed them to properly apply for a warrant for chemical tests on the defendant.” The district court must determine on remand whether, without the excluded evidence of the illegally obtained marijuana, the officers would have sought and properly obtained the warrant based on probable cause.

Reversed and remanded.