

*This opinion is nonprecedential except as provided by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
A25-0303**

State of Minnesota,
Respondent,

vs.

Erik Ozornia,
Appellant.

**Filed February 2, 2026
Affirmed
Cochran, Judge**

Kandiyohi County District Court
File No. 34-CR-23-745

Keith Ellison, Attorney General, Lydia Villalva Lijó, Assistant Attorney General, St. Paul, Minnesota; and

Shane Baker, Kandiyohi County Attorney, Willmar, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Charles F. Clippert, Special Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Frisch, Chief Judge; Worke, Judge; and Cochran, Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

On appeal from the judgment of conviction for violating a harassment restraining order (HRO), appellant challenges the district court's denial of his motion to dismiss the complaint. Appellant argues the district court erred in denying the motion because his constitutional rights were violated by the warrantless search of the protected party's home

that led to his arrest for violating the HRO. Because appellant did not have a reasonable expectation of privacy in the home at the time law enforcement conducted the search, we conclude that the search did not violate his constitutional rights. We therefore affirm.

FACTS

In July 2023, appellant Erik Ozornia was served with an HRO prohibiting him from having contact with his mother and further prohibiting him from being within 500 feet of mother's home. The HRO was in effect at the time of Ozornia's arrest.

In October 2023, Ozornia's brother called the police to report that Ozornia was at mother's house. A police sergeant with the Willmar Police Department went to mother's home in response to brother's emergency call. The sergeant confirmed that the HRO was in effect and barred Ozornia from being at the residence. Upon arriving at mother's house, the sergeant spoke with brother, who stated that Ozornia had arrived an hour earlier and walked into the home. According to the sergeant, brother resided at mother's house at the time and wanted the officers to arrest Ozornia for violating the HRO.

Mother came outside to speak with the police. Mother confirmed that there was a valid HRO requiring Ozornia to stay away from the home, but she denied that Ozornia was in the home. After mother returned inside, brother again stated that he did not feel safe with Ozornia in the home and asked police to remove him from the home. At brother's request, police then entered the home and found Ozornia hiding in the basement. The responding officers arrested Ozornia.

Respondent State of Minnesota charged Ozornia with felony violation of an HRO under Minnesota Statutes section 609.748, subdivision 6(d)(1) (2022). Ozornia moved to

dismiss the criminal complaint, arguing that the warrantless search of mother's home violated his constitutional rights.

Following an omnibus hearing, during which the district court heard testimony from the sergeant and mother, the district court denied Ozornia's motion to dismiss. In its order, the district court rejected Ozornia's claim that he had a reasonable expectation of privacy in mother's home. And because the record established that Ozornia "did not have a subjective, reasonable expectation of privacy in his mother's home," the district court concluded that Ozornia's "constitutional rights were not violated by the search of [mother's] residence."

Ozornia waived his right to a jury trial and stipulated to the state's case to preserve his right to appeal the dispositive pretrial ruling under Minnesota Rule of Criminal Procedure 26.01, subdivision 4. The district court found Ozornia guilty of violating the HRO and sentenced him to 26 months in prison.

Ozornia appeals the district court's decision denying his motion to dismiss.

DECISION

Ozornia argues that the district court erred when it determined that he did not have a reasonable expectation of privacy in his mother's home and concluding that his constitutional rights were not violated. We disagree.

When the facts are undisputed, as here, a district court's pretrial suppression ruling presents a question of law. *State v. Stephenson*, 760 N.W.2d 22, 24 (Minn. App. 2009).

An appellate court reviews the district court’s legal conclusions on the constitutionality of searches and seizures de novo.¹ *State v. Anderson*, 733 N.W.2d 128, 136 (Minn. 2007).

The Fourth Amendment to the United States Constitution protects “[t]he right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures.” U.S. Const. amend. IV; *see also* Minn. Const. art. I § 10 (containing nearly identical language as the United States Constitution). “But a search does not violate a person’s constitutional rights unless he or she has a legitimate expectation of privacy in the area . . . searched.” *Stephenson*, 760 N.W.2d at 24. That is because “the Fourth Amendment protects people, not places.” *Katz v. U.S.*, 389 U.S. 347, 351 (1967).

To establish a protected interest under the Fourth Amendment of the United States Constitution and article I, section 10 of the Minnesota Constitution, the defendant must demonstrate (1) “a subjective expectation of privacy,” and (2) “that this expectation was reasonable in light of longstanding social customs that serve functions recognized as

¹ On appeal, Ozornia frames the issue before us as one involving standing and argues that the district court erred in concluding that he did not have standing to challenge the police search of the home. The district court’s order reflects that it did not decide whether Ozornia had standing to challenge the search. Instead, the district court considered whether Ozornia had a reasonable expectation of privacy in mother’s home. It concluded that he did not and therefore the search did not violate his Fourth Amendment rights. “[S]tanding to bring a Fourth Amendment claim hinges on whether [the defendant] has a legitimate expectation of privacy in the invaded place.” *State v. deLottinville*, 890 N.W.2d 116, 119 (Minn. 2017) (citation omitted). Consequently, the question of standing depends on whether Ozornia has an expectation of privacy in the residence searched. *See Stephenson*, 760 N.W.2d at 25 n.2 (noting that, similar to this case, appellant characterized the issue on appeal as one of standing and explaining that the district court did not determine whether the appellant had standing to challenge the search but instead determined that the appellant did not have a reasonable expectation of privacy).

valuable by society.” *Stephenson*, 760 N.W.2d at 25 (quotation omitted); *see also State v. Luhm*, 880 N.W.2d 606, 612 (Minn. App. 2016) (discussing the two-step analysis for determining whether a defendant has a legitimate expectation of privacy in a particular area). “It is well-settled law that individuals have a reasonable expectation of privacy in their own homes” *In re Welfare of B.R.K.*, 658 N.W.2d 565, 572 (Minn. 2003). Overnight guests and short-term guests may also be protected under the Fourth Amendment. *Minnesota v. Olson*, 495 U.S. 91, 96-97 (1990) (addressing overnight guests); *B.R.K.*, 658 N.W.2d at 576 (involving short-term guests); *cf. deLottinville*, 890 N.W.2d at 120-21 (concluding that a guest who was subject to an arrest warrant could not vicariously assert the homeowner’s right to privacy). But a person does not have a reasonable expectation of privacy in a residence from which the person is excluded by a valid court order. *Stephenson*, 760 N.W.2d at 26-27.

Assuming without deciding that Ozornia had a subjective expectation of privacy under the first *Stephenson* prong, we conclude that Ozornia did not have a reasonable expectation of privacy in mother’s home under the second *Stephenson* prong at the time of search by law enforcement. *Id.* at 24. As we held in *Stephenson*, a valid, active court order barring a defendant from a residence eliminates any reasonable expectation of privacy at that residence. *Id.* at 26-27. In *Stephenson*, the defendant was prohibited from being at his home after his wife petitioned for and received an order for protection (OFP) against the defendant due to verbal and mental abuse. *Id.* at 23-24. A police officer later found *Stephenson* hiding in the home and he was arrested and charged with misdemeanor violation of the OFP. *Id.* at 24. *Stephenson* moved to suppress on the basis that the

warrantless search of the residence was unconstitutional. *Id.* Although Stephenson owned the residence, the district court nevertheless denied the suppression motion, stating that

[Stephenson] had no reasonable expectation of privacy because he was wrongfully at the residence pursuant to a court order—an OFP. Because [he] had no reasonable expectation of privacy due to the fact that he was legitimately expelled from the premises that was searched, there is no [Fourth] Amendment violation.

Id. at 24-25. We affirmed the district court’s decision on appeal, concluding in relevant part that Stephenson did not have a reasonable expectation of privacy in the home due to the OFP. *Id.* at 26-27.² And we declined “to find that society would legitimize his unlawful presence in the residence by recognizing a privacy right.” *Id.* at 27.

In this case, we similarly conclude that Ozornia has not demonstrated that he had a reasonable expectation of privacy in mother’s home at the time of the search by law enforcement. *See State v. Gail*, 713 N.W.2d 851, 860 (Minn. 2006) (noting that the party challenging the constitutionality of a search bears the burden of proving a “subjective expectation of privacy”). The facts of *Stephenson* closely mirror the situation presented here. It is undisputed that a valid, active HRO prohibited Ozornia from being within 500 feet of the residence at the time law enforcement searched the home and found him in the basement. Under these circumstances, Ozornia has not shown that he had a reasonable expectation of privacy in the home at the time of the search. *See Stephenson*, 760 N.W.2d

² We also concluded that Stephenson did not show that he had a subjective and reasonable expectation of privacy in the home simply because he was the homeowner. *Stephenson*, 760 N.W.2d at 25. We explained that Stephenson’s “status as the owner of the residence does not relieve him of the necessity of showing that he had a subjective expectation of privacy in the residence” and that he “ha[d] not made this showing.” *Id.*

at 24. Consequently, the search of mother's home that led to Ozornia's arrest for violating the HRO did not violate his constitutional right to be free from unreasonable searches by the government under the United States and Minnesota Constitutions.

To persuade us otherwise, Ozornia raises several arguments in support of his claim that he had a reasonable expectation of privacy in mother's home. None are persuasive.

First, Ozornia argues that he had an actual subjective expectation of privacy in his mother's home and that expectation of privacy was reasonable under the circumstances of this case because he was an invited social guest. In support of his position, he cites to *B.R.K.* for the proposition that even short-term social guests may be protected under the Fourth Amendment. *B.R.K.*, 658 N.W.2d at 576. But *B.R.K.* is easily distinguishable because the guest in that case was not barred from the premises by a valid court order, as here. Therefore, *B.R.K.* is inapposite and his argument is not compelling.

Next, Ozornia claims that the HRO "is one factor that the district court must consider, but it is not a per se factor" in assessing an individual's expectation of privacy in a home. Whether an expectation of privacy is objectively reasonable is determined by examining the totality of the facts and circumstances of each case. *Rakas v. Illinois*, 439 U.S. 128, 152 (1978) (Powell, J., concurring) (explaining that "no single factor invariably will be determinative"). Here, as discussed above, the facts and circumstances of this case, coupled with *Stephenson's* holding, lead us to conclude that Ozornia did not have an objectively reasonable expectation of privacy in mother's home.

Finally, Ozornia contends that he enjoys the presumption of innocence and the district court's order violates his right to be presumed innocent of the charges. Ozornia's

argument misreads the district court's order. The district court's order denying Ozornia's pretrial motion to dismiss did not predetermine his guilt. Following the district court's order denying Ozornia's motion to dismiss, the district court held a stipulated-evidence bench trial at which it considered the evidence presented by the parties and then found Ozornia guilty based on that evidence. The record does not show that the district court violated Ozornia's right to be presumed innocent of the criminal charge.

In sum, Ozornia's arguments do not provide any reasoned basis for not applying our holding in *Stephenson* to this factually similar case. *Stephenson* controls our decision on appeal. See *State v. Chauvin*, 955 N.W.2d 684, 695 (Minn. App. 2021) (holding that a "precedential opinion of this court is binding authority" unless and until the supreme court reverses), *rev. denied* (Minn. Mar. 10, 2021). Therefore, we conclude that Ozornia did not have a reasonable expectation of privacy in mother's home at the time the HRO was in effect and Ozornia's constitutional rights were not violated by law enforcement's search of the home which led to his arrest. The district court did not err by denying his motion to dismiss.

Affirmed.