

*This opinion is nonprecedential except as provided by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
A25-0562**

State of Minnesota,
Respondent,

vs.

Nelson Randolph, III,
Appellant.

**Filed February 2, 2026
Affirmed in part, reversed in part, and remanded
Worke, Judge**

Hennepin County District Court
File No. 27-CR-22-19698

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

Mary F. Moriarty, Hennepin County Attorney, Baxter R. Zaiger, Adam E. Petras, Assistant
County Attorneys, Minneapolis, Minnesota (for respondent)

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

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

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant challenges his conviction for unlawful possession of a firearm, arguing that the district court erred by declining to suppress the firearm because the search warrant was not supported by probable cause. Appellant also challenges the district court's warrant

of commitment requiring him to register as a predatory offender. We affirm appellant's conviction, but reverse and remand for the district court to correct the warrant of commitment.

FACTS

In August 2022, appellant Nelson Randolph, III's young child died in Randolph's home of a fentanyl overdose. In late September 2022, law enforcement applied for a search warrant to search Randolph's residence in connection with the child's death. In the warrant application, law enforcement indicated that it sought evidence of "narcotics and paraphernalia related to the packaging and or sales of narcotics [and] handguns or firearms" based on information collected during their investigation.

Included in the information were statements from the child's mother, S.M., who told investigators that Randolph was "more likely to be a [drug] supplier than a user," that she was separated from Randolph but that they "cordially share custody," and that she knew that Randolph had at least one gun. The investigation also uncovered a police report alleging that Randolph pointed a gun at a woman's head after an argument in July 2022.

During the search, which was executed the same day of the application, officers found a handgun and ammunition. Randolph had prior violent-crime felonies prohibiting him from possessing firearms. In October 2022, respondent State of Minnesota charged Randolph with possession of a firearm by a person convicted of a crime of violence.

Randolph moved to suppress the firearm, arguing that the search warrant was not supported by probable cause and that the information in the warrant application was stale. The district court denied Randolph's motion.

Randolph agreed to a stipulated-evidence proceeding, under Minn. R. Crim. P. 26.01, subd. 4, to preserve the pretrial-suppression issue for appeal. The district court found Randolph guilty of the charged offense and sentenced Randolph to 60 months in prison. The warrant of commitment required Randolph to register as a predatory offender. This appeal followed.

DECISION

Motion to Suppress

Randolph first challenges the district court's order denying his motion to suppress the firearm.

The United States and Minnesota Constitutions require that a search warrant be supported by probable cause. U.S. Const. amend. IV; Minn. Const. art. I, § 10. "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) (quotation omitted). Whether probable cause exists is a "practical, common-sense decision" based on the totality of the circumstances. *Id.* at 622-23. On review, the issuing judge is given "great deference," and this court seeks to determine whether there was "a substantial basis for concluding that probable cause existed." *State v. Rochefort*, 631 N.W.2d 802, 804 (Minn. 2001).

Randolph challenges the district court's denial of his suppression motion in two ways.¹

¹ Randolph previously challenged this same search warrant in *State v. Randolph*, No. A24-1240, 2025 WL 2388325 (Minn. App. Aug. 18, 2025) (affirming felony murder

Probable Cause

First, Randolph argues that the search-warrant application lacked probable cause because nothing in it suggested that there was a fair probability that the conditions causing the child's death would be discovered six weeks after the child died. Like Randolph's previous challenge to this same search-warrant application, he argues that S.M.'s comments to law enforcement were speculative and uncorroborated, which should have prevented the district court from issuing the warrant.

At the time the district court issued the warrant, law enforcement was investigating three separate incidents, including: (1) the child's death, (2) an incident related to the distribution of drugs, and (3) an incident related to Randolph pointing a gun at a female domestic-abuse victim.

Here, the facts in the challenged search warrant remain unchanged from Randolph's prior appeal. Accordingly, the analysis remains unchanged. The warrant application presented the issuing judge with undisputed information that the child died of a fentanyl overdose in Randolph's home, even though the child arrived in good health. Also, S.M.

and manslaughter convictions for the death of his child), *rev. denied* (Minn. Nov. 14, 2025). Because of this prior challenge, the state contends that issue preclusion (collateral estoppel) prevents Randolph from relitigating this issue. While this previously litigated issue meets the four requirements of collateral estoppel, applying it to Randolph's case would "work an injustice" on him since he agreed to this specific trial procedure to preserve his right to appeal the pretrial motion. *See State v. Lemmer*, 736 N.W.2d 650, 659 (Minn. 2007) (providing that reviewing courts "will not apply collateral estoppel if its application would work an injustice on the party to be estopped").

informed law enforcement that Randolph was “more likely to be a supplier [of drugs] than a user.”

Randolph challenges the value of S.M.’s statement regarding his alleged drug dealing, citing *State v. Nagle*, 26 N.W.3d 585 (Minn. 2025). He argues that, under *Nagle*, S.M.’s statements were insufficient to support probable cause without corroboration.

In *Nagle*, the search-warrant application relied on information from a confidential reliable informant’s (CRI) personal observation of people smoking methamphetamine at Nagle’s house 72 hours before the warrant application. 26 N.W.3d at 588. The warrant was issued solely in reliance on the CRI’s observation. *Id.* at 593. Without corroboration, reliance on the CRI’s limited observation was deemed insufficient to establish probable cause in the search-warrant application. *Id.* But the supreme court declined to adopt a brightline rule requiring corroboration of an informant’s tip and affirmed the totality-of-the-circumstances test by stating that corroboration “is a relevant factor that should be considered together with the other indicia of reliability.” *Id.* at 591 (quotation omitted).

Noting that *Nagle* reiterated the totality-of-the-circumstances test, we conclude that the issuing judge had a substantial basis to believe that probable cause existed. The child died of a fentanyl overdose in Randolph’s home, and S.M.’s statements, which the district court found reliable, provided “a fair probability that contraband or evidence of a crime [would] be found” at Randolph’s home. *See Yarbrough*, 841 N.W.2d at 622. Therefore, the district court did not err by finding the search-warrant application was supported by probable cause.

Staleness

Second, Randolph argues that the information in the warrant application was stale. Specifically, Randolph contends that the child's death six weeks before law enforcement's search did not support a reasonable inference that drugs would still be in the home.

A search-warrant application must include "facts so closely related to the time of the issue of the warrant as to justify a finding of probable cause at that time." *State v. Souto*, 578 N.W.2d 744, 750 (Minn. 1998) (quotation omitted). In considering whether the factual basis of a warrant is stale, a district court may consider "whether [(1)] there is any indication of ongoing criminal activity, . . . [(2)] the articles sought are innocuous or incriminating, . . . [(3)] the property sought is easily disposable or transferable, and . . . [(4)] the items sought are of enduring utility." *Id.*

Here, the child died in Randolph's home in August 2022. This fact alone established a nexus between the crime and the place to be searched. *See Yarbrough*, 841 N.W.2d at 622. While the child's death did not involve a firearm and the information did not establish that Randolph's assaultive behavior was ongoing, law enforcement seeking the weapon Randolph possessed to investigate the domestic-assault incident was reasonable. Evidence included a police report documenting an incident in late-July 2022 in which Randolph "pointed a gun at [the] head" of a female domestic-assault victim. Law enforcement also knew that Randolph had prior felony convictions prohibiting him from possessing firearms. In addition, S.M. told law enforcement that she was aware that Randolph had at least one gun.

The district court reasoned that the gun was an object of enduring value that would assist in the domestic-assault investigation and that the serious nature of the child's death necessitated a more thorough investigation. We agree. While guns may be easily disposed of or transferred, they still have enduring utility because they are typically kept for long periods of time. *United States v. Neal*, 528 F.3d 1069, 1074 (8th Cir. 2008) ("Information that someone is suspected of possessing firearms illegally is not stale, even several months later, because individuals who possess firearms tend to keep them for long periods of time.").

The district court did not err by denying Randolph's motion to suppress the firearm because the information in the warrant application was not stale.

Predatory-Offender Registration

Randolph also argues, and the state concedes, that the district court erred by ordering him to register as a predatory offender. Interpretation of the predatory-offender-registration statute is a question of law reviewed de novo. *State v. Berry*, 959 N.W.2d 184, 187 (Minn. 2021).

Here, Randolph was convicted of possession of a firearm by a person convicted of a crime of violence. Minn. Stat. § 624.713, subd. 1(2) (2022). He was not convicted of any of the crimes that require registration under Minn. Stat. § 243.166, subd. 1b (2022). Because the district court erred by requiring Randolph to register as a predatory offender, we reverse and remand to the district court to correct this error.

Affirmed in part, reversed in part, and remanded.