

*This opinion is nonprecedential except as provided by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
A25-0850**

State of Minnesota,
Appellant,

vs.

Jessie Alan Robinson,
Respondent.

**Filed December 29, 2025
Reversed and remanded
Ede, Judge**

Carlton County District Court
File No. 09-CR-24-1060

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Considered and decided by Ross, Presiding Judge; Frisch, Chief Judge; and Ede,
Judge.

NONPRECEDENTIAL OPINION

EDE, Judge

This is a pretrial appeal challenging the district court's order suppressing evidence and dismissing the criminal complaint against respondent. Appellant argues that the district court erroneously suppressed methamphetamine evidence that law enforcement seized

from respondent's person because it was discovered during a lawful search incident to arrest. In the alternative, appellant contends that the district court erred by determining that the search and seizure were not lawful under the inevitable-discovery doctrine.¹ Because law enforcement had probable cause to arrest respondent on a valid warrant at the time he was searched, we conclude that the district court erred by ruling that the search of respondent's person was not a lawful search incident to arrest. And because our conclusion as to this primary issue is dispositive, we decline to consider respondent's alternative argument about the inevitable-discovery doctrine. We therefore reverse and remand.

FACTS

Appellant State of Minnesota charged respondent Jessie Alan Robinson with fifth-degree possession of methamphetamine, in violation of Minnesota Statutes section 152.025, subdivision 2(1) (2022). Robinson moved the district court to suppress methamphetamine evidence seized during a search of Robinson's person and to dismiss the complaint, maintaining that there was no probable cause for his arrest. The district court held an evidentiary hearing, at which the court heard testimony by Deputy Z.S. and Deputy D.R., who took part in the challenged search and seizure. In addition, the district court received several exhibits: Deputy Z.S.'s body-worn camera footage; Robinson's booking

¹ See *State v. Licari*, 659 N.W.2d 243, 254 (Minn. 2003) (explaining that the district court can admit evidence obtained as a result of an unlawful search or seizure “[i]f the state can establish by a preponderance of the evidence that the fruits of a challenged search ultimately or inevitably would have been discovered by lawful means” (quotation omitted)).

sheet; and each of the deputies' reports. After the hearing, the district court entered an order suppressing the methamphetamine evidence and dismissing the complaint.

The following summary is limited to the facts included in the parties' public filings because the district court file was expunged under Minnesota Statutes section 609A.015, subdivision 1(1) (2024), after the district court granted Robinson's motion to suppress and dismissed the complaint, during the pendency of this appeal.² We have independently reviewed the publicly inaccessible records, including the district court's order suppressing the methamphetamine evidence and dismissing the complaint, to ensure that we accurately represent the facts set forth below.

In July 2024, around 10:00 p.m., Deputy Z.S. observed a truck with expired license plate tabs. Deputy Z.S. accessed records of prior law enforcement contacts with the truck and learned that Robinson was linked to the vehicle. Following another information search, Deputy Z.S. discovered that Robinson had an active child-support warrant from a different county and viewed a booking photograph of Robinson. Deputy Z.S. stopped the truck because of the expired tabs, saw that a person resembling Robinson was sitting in the

² Under Minnesota Statutes section 609A.015, subdivision 1(1), "[a] person who is the subject of a criminal record . . . is eligible for a grant of expungement without the filing of a petition . . . if the person was arrested and all charges were dismissed after a case was filed." The Bureau of Criminal Apprehension (BCA) identifies eligible persons and grants expungement relief. Minn. Stat. § 609A.015, subd. 5 (2024). Once the BCA grants expungement, it sends notice to the Minnesota Judicial Branch, which "shall seal all records relating to an arrest, indictment or information, trial, verdict, or dismissal and discharge for any case in which expungement relief was granted and shall issue any order deemed necessary to achieve this purpose." *Id.*, subd. 5(e). Here, the BCA sent a notice of expungement to the judicial branch on June 11, 2025, after the state filed its notice of appeal on May 23, and the expungement was finalized on August 10.

passenger seat, and believed that the male passenger could have been Robinson. After Deputy Z.S. asked the driver of the truck to step out of the vehicle and the driver did so, the driver identified the male passenger as Robinson.

Deputy Z.S. requested that Robinson step out of the truck and said, “I’m sure you’re aware you got the child-support warrant.” Robinson responded, “Yes.” Deputy Z.S. informed Robinson that he was looking into the warrant and placed Robinson in handcuffs. Deputy D.R. arrived at the scene. Before placing Robinson in his squad car, Deputy D.R. asked Robinson if he had anything in his pockets, and Robinson admitted that he had methamphetamine. Deputy D.R. searched Robinson and seized a bag of methamphetamine from his pocket.

At this point in the encounter, the deputies discussed how they should proceed. Deputy Z.S. said: “The one game plan I was going to say [was,] ‘screw the child-support warrant.’” But the deputies ultimately arrested Robinson on the child-support warrant and for possession of methamphetamine.

In its order suppressing the methamphetamine evidence and dismissing the complaint, the district court determined that, because Robinson was not under arrest at the time of the search and seizure, the intrusion was not a lawful search incident to arrest. And the district court ruled that the state did not present sufficient evidence to establish that the methamphetamine would have been inevitably discovered by lawful means, reasoning that

the record was ambiguous as to whether Robinson would ultimately have been arrested on the warrant before he was searched.³

The state appeals.

DECISION

The state challenges the district court's order suppressing the methamphetamine evidence and dismissing the complaint, contending that the court erred because the evidence was seized from Robinson during a lawful search incident to arrest. Robinson maintains that the district court correctly decided that law enforcement did not have probable cause to arrest him because the deputies searched him before they confirmed the validity of the warrant. The state counters that the district court erred because the active warrant established a lawful basis for the deputies to arrest Robinson. As explained below, we conclude that the district court erred by determining that the search was not lawfully incident to Robinson's arrest.⁴ In light of this conclusion, we do not reach the state's

³ The district court also determined that there was insufficient evidence to establish that the search of Robinson's person was a lawful pat-down frisk based on reasonable suspicion that he was armed and dangerous. *See Terry v. Ohio*, 392 U.S. 1, 30 (1968) (holding that law enforcement may stop and frisk an individual based on reasonable, articulable suspicion that the individual is engaged in criminal activity and is armed and dangerous). The state does not challenge this ruling on appeal.

⁴ The state's right to appeal is "strictly construed because such appeals are not favored." *State v. Lugo*, 887 N.W.2d 476, 481 (Minn. 2016). Under Minnesota Rule of Criminal Procedure 28.04, subdivision 1(1), the state may appeal to this court as of right "in any case, from any pretrial order, including probable cause dismissal orders based on questions of law." And "[w]hen the State appeals a pretrial order, it must show clearly and unequivocally (1) that the district court's ruling was erroneous and (2) that the ruling will have a critical impact on the State's ability to prosecute the case." *State v. Serbus*, 957 N.W.2d 84, 87 (Minn. 2021) (quotations omitted); *see also* Minn. R. Crim. P. 28.04, subd. 2(2). Critical impact is a threshold showing that establishes appellate jurisdiction. *State v.*

alternative argument that the district court erroneously decided that the state failed to present sufficient evidence that the search and seizure were valid under the inevitable-discovery doctrine.

On appeal from an order suppressing evidence, appellate courts review the district court’s factual findings for clear error. *State v. Malecha*, 3 N.W.3d 566, 570 (Minn. 2024). “A factual finding is clearly erroneous if it does not have evidentiary support in the record or if it was induced by an erroneous view of the law.” *Id.* (quoting *State v. Roberts*, 876 N.W.2d 863, 868 (Minn. 2016)). Whether an arrest is supported by probable cause is a legal question that we review de novo. *State v. Olson*, 634 N.W.2d 224, 228 (Minn. App. 2001) (citing *State v. Horner*, 617 N.W.2d 789, 795 (Minn. 2000)), *rev. denied* (Minn. Dec. 11, 2001).

The United States and Minnesota Constitutions protect individuals from unreasonable searches and seizures by the government. U.S. Const. amend. IV; Minn. Const. art. I, § 10. “Warrantless searches and seizures are per se unreasonable.” *Malecha*, 3 N.W.3d at 572. Generally, the district court must suppress evidence obtained via an

Gradishar, 765 N.W.2d 901, 902 (Minn. App. 2009) (citing *State v. Kim*, 398 N.W.2d 544, 550 (Minn. 1987)). “Dismissal of a complaint satisfies the critical impact requirement.” *State v. Trei*, 624 N.W.2d 595, 597 (Minn. App. 2001), *petition for rev. dismissed* (Minn. June 22, 2001). Robinson does not challenge the state’s ability to appeal. Prosecution of the controlled-substance charge against Robinson hinged on the admissibility of the methamphetamine seized from Robinson’s person, and the district court’s order resulted in suppression of that evidence and dismissal of the complaint. Because the district court’s order precluded a trial, we conclude that the state has established a critical impact on its ability to prosecute this case, and we therefore review the merits of the state’s appellate arguments. *See Lugo*, 887 N.W.2d at 481–86 (permitting appellate review of the merits upon the establishment of a critical impact); *see also Trei*, 624 N.W.2d at 597.

unconstitutional search or seizure. *State v. Jackson*, 742 N.W.2d 163, 177–78 (Minn. 2007).

“A long-standing exception to the warrant requirement under the Fourth Amendment, however, is a search incident to lawful arrest, which allows the police to conduct a full search of the person who has been lawfully arrested.” *Malecha*, 3 N.W.3d at 572 (quotations omitted). A search incident to arrest is lawful, even if conducted before the actual arrest, as long as (1) probable cause to arrest existed before the search and (2) the arrest and search are substantially contemporaneous. *State v. White*, 489 N.W.2d 792, 794–95 (Minn. 1992). In other words, “[i]t is not important that the search precedes an arrest so long as the fruits of the search are not necessary to support probable cause to arrest.” *State v. Cornell*, 491 N.W.2d 668, 670 (Minn. App. 1992). But when an officer searches, there must be probable cause to arrest for a crime that authorizes a custodial arrest. *Id.* at 670–71; *see also State v. Varnado*, 582 N.W.2d 886, 892–93 (Minn. 1998) (concluding that a frisk was not a lawful search incident to arrest because the misdemeanor offense of failing to carry a driver’s license while driving did not establish a valid custodial basis to arrest the defendant). The state has the burden to establish that an exception to the warrant requirement applies. *Licari*, 659 N.W.2d at 250.

A lawful arrest requires probable cause. *State v. Williams*, 794 N.W.2d 867, 871 (Minn. 2011). “Probable cause is an objective inquiry that depends on the totality of the circumstances in each case.” *State v. Torgerson*, 995 N.W.2d 164, 169 (Minn. 2023) (quotation omitted). “[I]t requires something more than mere suspicion but less than the evidence necessary for conviction.” *State v. Mosley*, 994 N.W.2d 883, 889 (Minn. 2023)

(quotation omitted). There is probable cause for an arrest “if the objective facts indicate that a person of ordinary care and prudence would entertain an honest and strong suspicion that a crime has been committed.” *Olson*, 634 N.W.2d at 228. “A peace officer may lawfully arrest a person when advised by any other peace officer in the state that a warrant has been issued for that person.” Minn. Stat. § 629.32 (2024). “An arrest by a peace officer acting under a warrant is lawful even though the officer does not have the warrant in hand at the time of the arrest” *Id.*

In the present matter, the district court determined that Deputy D.R. did not lawfully search Robinson incident to arrest because, at the time of the search, Robinson was not under arrest on the outstanding warrant, but was only detained while law enforcement awaited confirmation of the warrant’s validity. But law enforcement objectively had probable cause to arrest Robinson because there was a lawful arrest warrant. *See State v. Jenkins*, 782 N.W.2d 211, 221 (Minn. 2010) (noting “there can be no question that an arrest pursuant to a valid warrant is supported by probable cause and is therefore reasonable”); *see also State v. Robb*, 605 N.W.2d 96, 101 n.2 (Minn. 2000) (“Because the deputies had an arrest warrant for [the defendant], and therefore had no discretion regarding whether to arrest him, the search is not rendered invalid because the arrest had not yet been effectuated”). Robinson does not argue that the child-support warrant was unlawful or otherwise should not have been executed. And the district court did not find, nor is there evidence in the record, that the warrant was unlawful. We therefore conclude that law enforcement had probable cause to arrest Robinson on the outstanding warrant and to lawfully search him. *See Jenkins*, 782 N.W.2d at 221; *Robb*, 605 N.W.2d at 101 n.2; *cf.*

Malecha, 3 N.W.3d at 570 (holding that an arrest and subsequent search were unconstitutional because the arrest warrant was quashed before the arrest).

Our decision in *Olson* is instructive. 634 N.W.2d at 228. In *Olson*, two outstanding arrest warrants did not establish probable cause to arrest the defendant because law enforcement did not know whether the defendant was the same person named in the warrants. *Id.* We held that “[t]he mere suspicion that [the defendant] was the individual name[d] in [the] outstanding warrants, without more, did not supply the probable cause necessary to arrest [the defendant] initially.” *Id.* at 230.

Unlike *Olson*, the district court here found: that Deputy Z.S. accessed records of prior law enforcement contacts with the truck and learned that Robinson was linked to the vehicle; that, after conducting another information search, Deputy Z.S. determined that Robinson had an active child-support warrant from a different county and viewed a booking photograph of Robinson; that, following the traffic stop, Deputy Z.S. saw that a person resembling Robinson was sitting in the passenger seat of the truck and believed that the male passenger could have been Robinson; that the driver of the truck told Deputy Z.S. that the male passenger was Robinson; and that Robinson affirmed to Deputy Z.S. that he was aware he had a child-support warrant. Robinson does not challenge these findings—which are reasonably supported by the record—as clearly erroneous. Thus, we conclude that, because the deputies had probable cause to arrest Robinson on the warrant at the time he was searched, the later seizure of the methamphetamine from Robinson’s person was lawful as a search incident to arrest.

In determining that the intrusion was not a lawful search incident to arrest, the district court interpreted the deputies' statements to mean that Robinson was not under arrest but would be temporarily detained while the deputies confirmed the validity of the warrant. For example, Deputy D.R. asked, "Do you want to put him in [my squad car] for now, or yours?" Based on the deputies' subjective statements, the district court ruled: "This exchange further indicates that the officers were waiting for information and demonstrates that [Robinson] was not under arrest, but was detained." We conclude that the district court erred in determining that Robinson was merely detained at the time of the search.⁵

"An individual is 'in custody' to the degree associated with formal arrest when an objectively reasonable person in the place of the detainee would believe that he or she was in custody." *Olson*, 634 N.W.2d at 229 (quoting *Berkemer v. McCarty*, 468 U.S. 420, 442 (1984)). And the district court "must examine all of the surrounding circumstances to determine whether there is a formal arrest." *Id.* (citing *State v. Rosse*, 478 N.W.2d 482, 484 (Minn. 1991)). "[B]riefly handcuffing a suspect while the police sort out the scene of an

⁵ Even if we interpreted the deputies' comments as the district court did—i.e., as expressing uncertainty about whether Robinson would be formally arrested—we would still reverse and remand. The deputies' statements are not dispositive because they objectively had probable cause to arrest Robinson. *See State v. Glover*, 4 N.W.3d 124, 132 (Minn. 2024) (affirming the principle that probable cause is an objective inquiry). The totality of the circumstances presented—including the existence of a lawful arrest warrant and the uncontroverted fact that Robinson was the individual identified in the warrant—established probable cause for the deputies to arrest Robinson at the time of Robinson's search and the seizure of the methamphetamine. Under these circumstances, whether Robinson ultimately would have been formally arrested is irrelevant. *See State v. Bauman*, 586 N.W.2d 416, 419–22 (Minn. App. 1998) ("Because [Trooper] Harmening had probable cause to arrest Bauman for a custodial offense prior to the search of the car, Harmening's subsequent decision to not arrest him did not make the search unconstitutional."), *rev. denied* (Minn. Jan. 27, 1999).

investigation does not per se transform an investigatory detention into an arrest, nor does placing the suspect in the back of a squad car while the investigation proceeds.” *State v. Munson*, 594 N.W.2d 128, 137 (Minn. 1999).

Here, however, Robinson was in custody to the degree associated with formal arrest when Deputy Z.S. informed him that there was an outstanding warrant for his arrest, Robinson confirmed that he was aware of the arrest warrant, and law enforcement handcuffed and walked him to a squad car. Despite Deputy Z.S.’s statement that he was “just going to detain Robinson” until he received confirmation of the warrant’s validity, we conclude based on all the surrounding circumstances that an objectively reasonable person in Robinson’s place would have believed that they were in custody. *Cf. Olson*, 634 N.W.2d at 229 (concluding a reasonable person in the defendant’s position would have believed that he was under arrest when the defendant was told that he was “under arrest,” handcuffed, and subjected to a pat-down search before being placed in a squad car).

Given the totality of the circumstances, the deputies had probable cause to arrest Robinson on the warrant and a reasonable person in Robinson’s position would have believed that they were not free to leave. Accordingly, the district court erroneously determined that the search of Robinson’s person was not a lawful search incident to arrest and erred when it ordered suppression of the methamphetamine evidence and dismissal of the complaint.⁶

⁶ At oral argument, the state asserted for the first time that independent probable cause justifies the search incident to arrest because, as the district court found in its order, Robinson told Deputy D.R. before the search that he had methamphetamine in his pocket. *See* Minn. Stat. § 152.025, subd. 2(1); *cf. State v. Dixon*, 981 N.W.2d 387, 394–95 (Minn.

Reversed and remanded.

2022) (holding that the defendant’s admission that material in a vehicle was marijuana was “direct evidence of guilt” and sufficiently established probable cause to support a complaint charging the defendant with fifth-degree marijuana possession). The district court’s finding about Robinson’s admission to possessing methamphetamine before the search is undisputed and is reasonably supported by the record. And aside from arguing to the district court in his memorandum supporting his motion to suppress that his statement could not be used to justify the search of his person because he had not been advised of his rights under *Miranda v. Arizona*, 384 U.S. 436, 444–45 (1966)—an assertion that would not apply if the district court correctly determined that, as Robinson urges on appeal, law enforcement had merely detained rather than lawfully arrested him at the time of the search, *cf. State v. Voigt*, 486 N.W.2d 793, 795 (Minn. App. 1992) (“Persons temporarily detained pursuant to an ordinary traffic stop are not in custody for purposes of *Miranda*.”), *rev. denied* (Minn. Aug. 4, 1992)—Robinson has neither challenged the expansion of the stop nor claimed that his admission to possessing methamphetamine was involuntary. But Minnesota appellate courts generally do not consider new contentions made at oral argument. *State v. Thompson*, 886 N.W.2d 224, 234 n.8 (Minn. 2016). And a party typically forfeits an argument not presented in its appellate briefing. *State v. Vasko*, 889 N.W.2d 551, 555–56 (Minn. 2017). While Robinson’s admission to Deputy D.R. that he had methamphetamine in his pocket may have supplied independent probable cause for the search and seizure that followed—even if we were to decide that the district court correctly determined Robinson was only detained at the time of the search—we conclude that the state forfeited this argument and therefore decline to address it further. *See Vasko*, 889 N.W.2d at 555–56; *Thompson*, 886 N.W.2d at 234 n.8.