

*This opinion is nonprecedential except as provided by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
A25-0886**

State of Minnesota,
Respondent,

vs.

Stephan Issac Roberson,
Appellant.

**Filed May 4, 2026
Affirmed
Bond, Judge**

Hennepin County District Court
File No. 27-CR-24-19476

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

Mary F. Moriarty, Hennepin County Attorney, Mark V. Griffin, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

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

Considered and decided by Reyes, Presiding Judge; Bond, Judge; and Cleary, Judge.*

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

NONPRECEDENTIAL OPINION

BOND, Judge

In this direct appeal from the judgment of conviction for unlawful firearm possession, appellant argues that the district court erred by denying his motion to suppress evidence because the warrantless search of his car was not justified as a search incident to arrest, under the automobile exception, or as an inventory search. We conclude that the search was permissible under the automobile exception to the warrant requirement. We therefore affirm.

FACTS

Respondent State of Minnesota charged appellant Stephan Isaac Roberson with unlawful possession of a firearm based on evidence discovered in Roberson's car during a traffic stop. *See* Minn. Stat. § 624.713, subd. 1(2) (2024). Roberson moved to suppress the evidence, arguing, in part, that police unlawfully searched his car without a warrant.¹ At the contested omnibus hearing, the state called the police officer who conducted the traffic stop and introduced photos and footage from the officer's body-worn camera. The following uncontested facts were established at the hearing.

In August 2024, a Plymouth police officer on routine patrol observed a driver of a car not wearing his seatbelt. The officer followed the car into a hotel parking lot and

¹ Roberson also moved to suppress statements he made to police while detained in the squad car, which the district court granted in part. That issue is not before us. We limit our recitation of facts to those that are relevant to the issues raised on appeal.

conducted a traffic stop based on the seatbelt violation. Roberson was the driver and sole occupant of the car.

The officer checked Roberson's driver's license and discovered that Roberson had an active arrest warrant for felony domestic assault. After additional officers arrived, Roberson was arrested based on the active warrant. During a search of Roberson's person incident to arrest, police found an unsealed, open plastic bag of marijuana in Roberson's pocket. The marijuana was "in flower form, i.e., it had not been ground into flakes, in the manner it is typically prepared before being smoked." The officer told Roberson that, while it was legal to transport marijuana in sealed manufacturer's packaging in the trunk of a car, it was unlawful to have an open bag of marijuana on his person inside the car. The officer then searched Roberson's car and found a handgun, a magazine, and loose rounds of ammunition.

The district court denied Roberson's motion to suppress the firearm and associated evidence, determining that the warrantless search of Roberson's car was justified under the automobile exception to the warrant requirement, as an inventory search, and under the inevitable-discovery doctrine.² Roberson waived his right to a jury trial and agreed to a stipulated facts and stipulated evidence court trial under Minn. R. Crim. P. 26.01, subd. 3. The district court found Roberson guilty and sentenced him to 60 months in prison.

Roberson appeals.

² The district court filed its original order on February 2, 2025. On February 21, the district court filed an amended order correcting the caption and a typo in one paragraph of the order. Any references to the district court's suppression order in this opinion refer to the February 21 amended order.

DECISION

Roberson challenges the district court's denial of his motion to suppress the evidence discovered during the warrantless search of his car. When reviewing a pretrial order on a motion to suppress, appellate courts review a district court's factual findings for clear error and its legal determinations de novo, including its determination of probable cause. *State v. Diede*, 795 N.W.2d 836, 849 (Minn. 2011); *State v. Lester*, 874 N.W.2d 768, 771 (Minn. 2016) ("We review de novo a trial court's determination of probable cause as it relates to a warrantless search.").

The United States and Minnesota Constitutions prohibit unreasonable searches and seizures by the government. U.S. Const. amend. IV; Minn. Const. art. I, § 10. "A search conducted without a warrant is unreasonable unless it satisfies one of the well-delineated exceptions to the warrant requirement." *State v. Barrow*, 989 N.W.2d 682, 685 (Minn. 2023) (quotation omitted). The state bears the burden of establishing that a warrantless search is justified by an exception. *State v. Flowers*, 734 N.W.2d 239, 248 (Minn. 2007) (citing *State v. Ture*, 632 N.W.2d 621, 627 (Minn. 2001)). Evidence obtained in violation of the federal or state constitution must be suppressed. *Diede*, 795 N.W.2d at 842.

Here, the officer conducted a traffic stop of Roberson's car after the officer observed that Roberson was not wearing his seatbelt while driving. Roberson does not dispute that, based on the seatbelt violation, the traffic stop was justified at its inception. *See State v. George*, 557 N.W.2d 575, 578 (Minn. 1997) ("Ordinarily, if an officer observes a violation of a traffic law, however insignificant, the officer has an objective basis for stopping the vehicle."). Roberson also does not challenge the lawfulness of his arrest based on the active

felony warrant or the ensuing search of his person incident to arrest. *See State v. Bradley*, 908 N.W.2d 366, 369 (Minn. App. 2018) (explaining that a search incident to arrest is a recognized exception to the warrant requirement which allows an officer who has lawfully arrested a person to search “the arrestee’s person” and “the area within the arrestee’s immediate control”). Rather, he argues that the warrantless search of his car was not valid under the automobile exception, as a search incident to arrest, or under the inventory exception to the warrant requirement.³

I.

We begin by considering the automobile exception, which provides that police may conduct a warrantless search of a vehicle, including closed containers in that vehicle, “if there is probable cause to believe the search will result in a discovery of evidence or contraband.” *Barrow*, 989 N.W.2d at 685 (quotation omitted). “Probable cause is an objective inquiry that depends on the totality of the circumstances in each case,” which “includes reasonable inferences that police officers draw from facts, based on their training and experience.” *Lester*, 874 N.W.2d at 771. Probable cause requires “more than mere suspicion but less than the evidence necessary for conviction” and it exists when the totality of the facts and circumstances shows that there is a “fair probability that contraband or evidence of a crime will be found in a particular place.” *State v. Torgerson*, 995 N.W.2d 164, 169 (Minn. 2023) (quotations omitted).

³ The district court’s suppression order also appears to rely on the inevitable discovery doctrine. Because Roberson’s brief does not address this exception to the warrant requirement, we do not consider it.

The district court determined that Roberson's possession of an open bag of marijuana on his person violated Minnesota's open-package statute and provided police probable cause to believe that evidence of additional open-package violations would be found in Roberson's car. The open-package statute provides:

It is a crime for a person to have in possession, while in a private motor vehicle on a street or highway, any cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, or any other product containing an artificially derived cannabinoid that:

(1) is in packaging or another container that does not comply with the relevant packaging requirements in chapter 152 or 342;

(2) has been removed from the packaging in which it was sold;

(3) is in packaging that has been opened or the seal has been broken; or

(4) is in packaging of which the contents have been partially removed.

Minn. Stat. § 169A.36, subd. 3 (2024).

Roberson contends that the statute's prohibition on possessing open packages of marijuana in a car only applies to commercially purchased marijuana, not homegrown marijuana. Roberson argues that, because the state did not establish that the marijuana flower in the open bag he was carrying was commercially purchased, he did not violate the open-package statute. Therefore, Roberson argues, there was no probable cause to believe that evidence of additional open-package violations would be found in his car and the warrantless search of the car was not justified under the automobile exception.

Roberson's argument requires us to interpret the open-package statute. We review questions of statutory interpretation de novo. *State v. Latino*, 15 N.W.3d 654, 658 (Minn.

2025). “The object of all interpretation and construction of laws is to ascertain and effectuate the intention of the legislature.” Minn. Stat. § 645.16 (2024); *see also Latino*, 15 N.W.3d at 658. “If the language of a statute is clear on its face, then the statute is unambiguous, and we apply its plain meaning.” *State v. Plancarte*, 20 N.W.3d 30, 37 (Minn. 2025).⁴

Roberson’s statutory-interpretation argument focuses on subdivision 3(2) of the open-package statute, which prohibits the possession of a cannabis product in a motor vehicle that “has been removed from the packaging in which it was sold.” Minn. Stat. § 169A.36, subd. 3(2). Roberson contends that subdivision 3(2)’s reference to cannabis in a package that had been “sold” shows that the statute as a whole applies only to commercially sold cannabis products. *Id.* We disagree. We discern nothing in the text of the statute that limits its application to commercially purchased marijuana and courts do “not add words or phrases not supplied by the Legislature to an unambiguous statute.” *Underwood v. State*, 25 N.W.3d 26, 36 (Minn. 2025). Had the legislature intended the open-package statute to apply *only* to commercially purchased marijuana, we are confident that it would have done so explicitly. *See also State v. Wenthe*, 865 N.W.2d 293, 304 (Minn. 2015) (stating that “courts cannot supply that which the legislature purposely omits or inadvertently overlooks” (quotation omitted)).

Furthermore, when determining the plain meaning of a statute, we must “examine a statute as a whole, considering the entire statute, not just the specific phrase at issue.” *State*

⁴ Neither party argues that the open-package statute is ambiguous.

v. Velisek, 986 N.W.2d 696, 700 (Minn. 2023). Other provisions of section 169A.36, subdivision 3, apply broadly to cannabis products in packaging “that has been opened or the seal has been broken” or “of which the contents have been partially removed,” without any reference to the cannabis products having been “sold.” Minn. Stat. § 169A.36, subd. 3(3), (4). Considering the statute as a whole and mindful that courts do not add words to an unambiguous statute, we conclude that, by its plain language, the open-package statute is not limited to commercially purchased marijuana.

We next consider whether Roberson’s possession of an open, unsealed bag of marijuana in his pocket while driving a car in violation of the open-package statute provided probable cause to search his car for additional open-package violations. We conclude that it did. Caselaw interpreting Minnesota’s open-bottle statute, which is textually similar to the open-package statute, provides helpful guidance. *See* Minn. Stat. § 169A.35, subd. 3 (2024) (“It is a crime for a person to have in possession, while in a private motor vehicle . . . any bottle or receptacle containing an alcoholic beverage . . . that has been opened, or the seal broken, or the contents of which have been partially removed.”). In the open-bottle context, Minnesota courts have held that an officer who sees an open container of alcohol in a vehicle has probable cause to search the vehicle for further evidence of open-container violations. *See State v. Alesso*, 328 N.W.2d 685, 686, 688 (Minn. 1982) (stating that a police officer “could have searched the car for other evidence relating to the open-bottle violation” after observing the driver and passenger of a car drinking from cups that the police officer believed contained alcohol); *State v. Collard*, 414 N.W.2d 733, 735-36 (Minn. App. 1987) (concluding that a police officer had

probable cause to search a vehicle when he observed an open container of alcohol in plain view, even when there was no sign that the driver had been drinking), *rev. denied* (Minn. Jan. 15, 1988). We see no principled basis to differentiate the open-bottle cases from the open-package violation at issue in this case.⁵ Because the known packaging violation—the open bag of marijuana in Roberson’s pocket—would warrant a reasonably prudent person to believe that Roberson’s car would contain evidence of additional open-package violations, the officer had probable cause to search Roberson’s car. *See Lester*, 874 N.W.2d at 771 (stating that “[p]robable cause exists when there are facts and circumstances sufficient to warrant a reasonably prudent person to believe that the vehicle contains contraband” (quotation omitted)). The warrantless search was thus lawful under the automobile exception to the Fourth Amendment’s warrant requirement.⁶

⁵ In a recent nonprecedential opinion, we analogized open-package violations to open-bottle violations in the context of probable cause to search a car. *See State v. Henry*, No. A24-2019, 2025 WL 3512223, at *5 (Minn. App. Dec. 8, 2025) (“The known packaging violation is relevant to the probable-cause determination because it gave the officer reason to believe there may be other packaging violations in the car. In that sense, we find this case indistinguishable from caselaw holding that an officer who sees an open container of alcohol in a vehicle has probable cause to search the vehicle for further evidence of open container violations.”). We cite nonprecedential opinions for their persuasive value. Minn. R. Civ. App. P. 136.01, subd. 1(c).

⁶ Roberson also argues that the automobile exception does not apply because there was no exigency in this case. This argument is unavailing because the automobile exception applies when probable cause exists even absent any exigent circumstances. *State v. Pederson-Maxwell*, 619 N.W.2d 777, 782 (Minn. App. 2000) (“[T]he automobile exception to the Fourth Amendment’s warrant requirement does not have a separate exigency requirement.” (quotation omitted)).

II.

Roberson argues that, even if the automobile exception justifies the warrantless search of his car under the Fourth Amendment, this court should interpret article I, section 10 of the Minnesota Constitution to provide greater protection than the Fourth Amendment in this circumstance. “It is axiomatic that [courts] are free to interpret the Minnesota Constitution as affording greater protection against unreasonable searches and seizures than the United States Constitution.” *State v. Askerooth*, 681 N.W.2d 353, 361 (Minn. 2004). But “we will not cavalierly construe our constitution more expansively than the United States Supreme Court has construed the federal constitution.” *Id.* at 362 (quotation omitted).

Ordinarily, we will not review issues raised for the first time on appeal. *See State v. Roby*, 463 N.W.2d 506, 508 (Minn. 1990) (stating that an appellate court does not “decide issues which are not first addressed by the trial court and are raised for the first time on appeal even if the issues involve constitutional questions regarding criminal procedure” (quotation omitted)). Roberson’s motion to suppress recited that the motion was “based upon all records, files, and proceedings, the United States and Minnesota Constitutions, and upon oral or written arguments.” Roberson’s supporting memorandum stated, “[t]he Fourth Amendment of the United States Constitution and Article I, § 10 of the Minnesota Constitution protects individuals from unreasonable searches and seizures.” But aside from that single general reference, Roberson’s memorandum did not cite the Minnesota Constitution, rely on cases interpreting article I, section 10 of the state constitution, or make the argument that Roberson now makes on appeal—that “the

Minnesota Constitution does not allow warrantless searches under the automobile exception solely because an arrestee is found to be in possession of a small amount of intact marijuana flower.” Likewise, the district court’s order does not address the state constitution or consider whether it provided a separate basis on which the evidence should have been suppressed. On this record, we conclude that Roberson did not adequately preserve an argument based on the state constitution and has thus forfeited the argument.

In sum, the officer had probable cause to believe that contraband or evidence of a crime would be found inside Roberson’s car and the warrantless search was lawful under the automobile exception. Because we conclude that the search was permissible under the automobile exception, we need not address the inventory-search and search-incident-to-arrest exceptions. Therefore, the district court did not err in denying Roberson’s motion to suppress evidence.

Affirmed.