

*This opinion is nonprecedential except as provided by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
A25-0926**

Lorne Bruce Johnson,
Appellant,

vs.

Commissioner of Public Safety,
Respondent.

**Filed March 9, 2026
Affirmed
Ede, Judge**

Olmsted County District Court
File No. 55-CV-24-7986

Jay S. Adkins, Godwin Adkins, Rochester, Minnesota (for appellant)

Keith Ellison, Attorney General, Leah Hedman, Assistant Attorney General, St. Paul,
Minnesota (for respondent)

Considered and decided by Ede, Presiding Judge; Larson, Judge; and Halbrooks,
Judge.*

NONPRECEDENTIAL OPINION

EDE, Judge

This is an appeal from a district court's order sustaining the revocation of appellant's
driving privileges and the impoundment of his license plates. Appellant argues that the

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

district court erred in declining to suppress the evidence underlying his driver's license revocation and license-plate impoundment, which he claims is the fruit of law enforcement's unconstitutional trespass and violation of his reasonable expectation of privacy in his home. We affirm.

FACTS

Appellant Lorne Bruce Johnson petitioned for an implied-consent hearing, seeking reinstatement of his driving privileges and license plates after he received notice from the Minnesota Department of Public Safety in October 2024 that his driver's license and license plates would be revoked and canceled for three years. The matter proceeded to an implied-consent hearing, at which a Rochester Police Department officer testified and the district court admitted several exhibits, including a video recording produced by the testifying officer's body-worn camera.¹ After the hearing, the district court filed an order sustaining the revocation of Johnson's driving privileges and the impoundment of his license plates. The following summary of undisputed facts stems from the findings set forth in the district court's order.

On the evening of October 13, 2024, officers with the Rochester Police Department responded to a 911 call about a conflict between neighbors. Upon arriving at the scene, law enforcement was informed by the 911 caller that her neighbor—Johnson—was

¹ The district court conducted the implied-consent hearing concurrently with a hearing on Johnson's motion to suppress evidence in a parallel criminal proceeding arising from the same incident underlying this matter. Although the district court's order addresses both the implied-consent and criminal matters, this appeal concerns only Johnson's challenge to the district court's order sustaining the revocation of appellant's driving privileges and the impoundment of his license plates.

“intoxicated and confrontational.” The 911 caller explained that the dispute began when her brother visited the neighborhood and parked in the driveway of a nearby home known to be unoccupied because of a pending sale. Because Johnson reportedly believed that the 911 caller’s brother should not have parked there, Johnson blocked in the brother’s truck by positioning his own vehicle in front of the driveway. The 911 caller stated that Johnson then returned to his home.

Law enforcement observed a vehicle—which they determined was registered to Johnson—blocking the driveway. The officers spoke with the 911 caller’s brother, who stated that it was his truck blocked in the driveway by Johnson’s vehicle and that he needed to leave. The 911 caller identified Johnson’s home, which was across the street from the driveway. One of the officers observed that Johnson was present in his home and standing at the front kitchen window, apparently watching law enforcement speak to his neighbors.

The officers went to Johnson’s home to ask him to move his vehicle. The residence was “a small, rectangular single-family home” with “a front door and two front windows facing the street, all spaced closely together.” At the front of the house next to the street, two steps led to a small deck and the front door. The deck did not extend under the two front windows on each side. One of the officers walked up the steps, rang the doorbell, and briefly shined his flashlight into the window on the right side of the deck. At the implied-consent hearing, the officer testified that he used his flashlight “for safety reasons” and that doing so “was a common practice for him when approaching homes.” After receiving no answer, the officer knocked on the door and rang the doorbell three times. The officer also

stated, “Lorne, it’s the police, open the door please,” before ringing the doorbell two more times.

When these efforts remained unanswered, the officer left the deck and walked five steps to the front left window, which was partially open without curtains drawn. The officer briefly shined his flashlight into the front left window and loudly said, “Lorne, come to the door, it’s the police.” While shining the flashlight and looking into the front left window, the officer “did not observe any contraband, evidence, or illegal activity.” A few seconds later, the officer shouted, “Lorne, if you don’t come to the door, I’m going to tow your truck. Come to the door. Can you come out here please, sir?” Johnson responded from inside the home, “Yeah.”

The officer returned to the front sidewalk that led to the steps, deck, and front door. Johnson opened the front door and stood in the threshold. The total period between the first time the officer rang the doorbell and when Johnson opened the front door was under two minutes. The officer remained on the front sidewalk and spoke to Johnson, telling him that they needed to talk about his vehicle and that he could not block the driveway. And the officer asked Johnson to go back into his home, get his keys, and move his vehicle. The officer reiterated that, if Johnson did not move his vehicle, law enforcement would have to call for a tow truck.

Johnson replied by asking who would move his vehicle if he gave law enforcement his keys, and the officer inquired why Johnson could not move the vehicle himself. In response, Johnson said: “Dude, I’ve had a few too many beers, alright?” He ultimately provided his keys to law enforcement and answered questions by the officer about the

altercation with his neighbors, his conduct, and his alcohol consumption. The officer arrested Johnson for driving while impaired (DWI) and Johnson was later charged with three DWI-related offenses.

After the Minnesota Commissioner of Public Safety revoked Johnson's driving privileges under Minnesota Statutes sections 169A.50 to .53 (2024) and impounded his license plates under Minnesota Statutes section 169A.60 (2024), Johnson sought reinstatement of his driving privileges and license plates by petitioning for an implied-consent hearing. At the hearing, Johnson explained that the only contested issue was whether law enforcement had violated his constitutional rights to be free from unreasonable searches and seizures by trespassing on his property. The parties submitted post-hearing memoranda and the district court took the matter under advisement.

The district court later sustained the revocation of appellant's driving privileges and the impoundment of his license plates. In its order, the district court determined that law enforcement did not violate Johnson's constitutional rights when the officer entered his property and spoke with him.

This appeal follows.

DECISION

Johnson asserts that the district court erred in declining to suppress the evidence underlying his driver's license revocation and license-plate impoundment, which he claims is the fruit of law enforcement's unconstitutional trespass and violation of his reasonable expectation of privacy in his home. We conclude that the evidence for which Johnson sought suppression is not the fruit of unconstitutional conduct by law enforcement.

The United States and Minnesota Constitutions prohibit unreasonable searches and seizures by the government. U.S. Const. amend. IV; Minn. Const. art. I, § 10. Under the exclusionary rule, evidence seized in violation of an individual's constitutional rights is inadmissible in implied-consent proceedings. *Harrison v. Comm'r of Pub. Safety*, 781 N.W.2d 918, 920 (Minn. App. 2010). The exclusionary rule encompasses evidence under the “‘fruit of the poisonous tree’ doctrine,” which “concerns ‘whether, granting establishment of the primary illegality, the evidence to which instant objection is made has been come at by exploitation of that illegality or instead by means sufficiently distinguishable to be purged of the primary taint.’” *Knapp v. Comm'r of Pub. Safety*, 610 N.W.2d 625, 627 n.4 (Minn. 2000) (quoting *Wong Sun v. United States*, 371 U.S. 471, 488 (1963)); see also *Sjodin v. Comm'r of Pub. Safety*, 401 N.W.2d 422, 424 (Minn. App. 1987) (explaining that “[t]he ‘fruit[] of the poisonous tree’ doctrine excludes evidence obtained after a violation of the [F]ourth [A]mendment” (citing *United States v. Crews*, 445 U.S. 463, 471 (1980))). “Whether the exclusionary rule prohibits the admission of evidence in a particular case is a question of law, which we review de novo.” *State v. Maldonado-Arreaga*, 772 N.W.2d 74, 77 (Minn. App. 2009) (citing *State v. Askerooth*, 681 N.W.2d 353, 359 (Minn. 2004)); see also *Harrison*, 781 N.W.2d at 920 (explaining that, in an appeal from an implied-consent proceeding, we review questions of law concerning an alleged constitutional violation de novo).

Appellate courts examine “several factors to determine whether . . . illegal evidence taints its fruits.” *Knapp*, 610 N.W.2d at 628. The Minnesota Supreme Court has referred to these as “the *Warndahl* factors,” which include: (A) “the purpose and flagrancy of the

misconduct”; (B) “the presence of intervening circumstances”; (C) “whether it is likely that the evidence would have been obtained in the absence of the illegality”; and (D) “the temporal proximity of the illegality and the evidence alleged to be the fruit of the illegality.” *Id.* at 628–29 (quoting *State v. Warndahl*, 436 N.W.2d 770, 776 (Minn. 1989)).

Johnson contends that “there is no exception to the exclusionary rule in this case and all evidence must be suppressed because it was obtained after, and as a result of,” law enforcement’s violation of Johnson’s constitutional rights. Because whether the challenged evidence is inadmissible under the fruit-of-the-poisonous-tree doctrine is dispositive, we assume without deciding that law enforcement unconstitutionally trespassed and violated Johnson’s reasonable expectation of privacy in his home. We next address each of the *Warndahl* factors in turn.

A. The Purpose and Flagrancy of the Assumed Misconduct

The purpose and flagrancy of the assumed misconduct does not favor suppression under the fruit-of-the-poisonous-tree doctrine.

The undisputed facts establish that the officer’s purpose in approaching Johnson’s home was only to ask that Johnson move his vehicle so that it would no longer block the driveway. Before attempting to contact Johnson, law enforcement saw him standing at his front window watching them speak with his neighbors. The officer walked up the steps, rang the doorbell, and briefly shined his flashlight into the right-side window “for safety reasons,” not criminal or regulatory investigative purposes. After knocking on the door, ringing the doorbell multiple times, identifying himself as law enforcement, and asking Johnson to “open the door please,” the officer left the deck and walked five steps to the

front left window, which was partially open without curtains drawn. When the officer briefly shined his flashlight into the front left window, again identified himself as a police officer, and told Johnson to “come to the door, it’s the police,” the officer “did not observe any contraband, evidence, or illegal activity.” And when the officer still received no answer, he did not threaten to arrest Johnson or enter the home, but rather addressed Johnson as “sir,” asked him to “come out . . . please,” and informed him that, if he did not come to the door, the officer would tow Johnson’s vehicle. After Johnson responded by saying, “Yeah,” the officer returned to the front sidewalk while Johnson opened the front door and stood in the threshold. Less than two minutes elapsed between the first time the officer rang the doorbell and when Johnson opened the front door.

The events that followed Johnson’s appearance at the door also show that law enforcement’s purpose was merely to get him to move his vehicle from its position blocking the driveway. The officer remained on the front sidewalk, told Johnson that he could not block the driveway, asked him to move his vehicle, and reiterated that he would otherwise have to call for a tow truck. Even the question that precipitated Johnson’s admission to impairment—the officer’s inquiry as to why Johnson could not move the vehicle himself in response to Johnson’s question about who would move his vehicle if he gave law enforcement his keys—was related to moving the vehicle.

Under these circumstances, in which the purpose of the assumed misconduct was to ask Johnson to move his vehicle and any flagrancy was limited by the brevity and scope of the intrusion, we conclude that this factor does not favor suppression under the fruit-of-the-poisonous-tree doctrine.

B. The Presence of Intervening Circumstances

The presence of intervening circumstances does not favor suppression under the fruit-of-the-poisonous-tree doctrine.

Johnson's voluntary decisions to come to the door, to ask who would move his vehicle if he gave law enforcement his keys, and to admit in response to the officer's question from the front sidewalk that he had "had a few too many beers" are intervening circumstances that weigh against suppression. As the district court explained in its order,

Johnson voluntarily opened the door, stood in the doorway and conversed with the officers. The officers did not make a warrantless entry into . . . Johnson's home, nor were they let in by a third party. They did not order . . . Johnson to come to the door under threat of warrantless entry or threat of arrest. . . . Johnson chose to engage with the officers.

. . . Johnson's vehicle was illegally parked on a public roadway and was additionally preventing a civilian from leaving the area; the officers had the legal right to tow it. . . . Johnson could have chosen to continue preserving his privacy remaining in his home and allowing the officers to tow the truck. He chose not to do so.

On appeal, Johnson makes no argument that any of his choices during the incident were involuntary.

Indeed, it is undisputed that the officer "did not observe any contraband, evidence, or illegal activity" while he was near the front of Johnson's home—including when the officer was at the front door and front left window, as well as when he briefly shined his flashlight inside. Law enforcement obtained the challenged evidence only after the officer returned to the front sidewalk, Johnson chose to come to the front door, and Johnson decided to answer questions by admitting to alcohol consumption. In other words,

Johnson’s admissions were not “come at by exploitation of . . . [any assumed] illegality”—i.e., the officer’s presence at Johnson’s front door and front left window, and his brief uses of his flashlight to look inside—and “instead [were obtained] by means sufficiently distinguishable to be purged of the [assumed] primary taint”—i.e., Johnson’s voluntary decisions to come to the door and admit to his alcohol consumption and impairment. *Knapp*, 610 N.W.2d at 627 n.4 (quotation omitted).

We therefore conclude that these intervening circumstances weigh heavily against suppression under the fruit-of-the-poisonous-tree doctrine. *See Warndahl*, 436 N.W.2d at 776 (concluding that the defendant’s decision to initiate the contact with police, which led to a statement for which the defendant sought suppression under the fruit-of-the-poisonous-tree doctrine, was “an intervening circumstance which arguably suffice[d] to erase any taint”); *see also State v. Hoven*, 269 N.W.2d 849, 854 (Minn. 1978) (“[A] truly *voluntary* confession which is the product of free will is considered untainted by an illegal arrest and therefore admissible.”).

C. Whether It Is Likely that the Evidence Would Have Been Obtained in the Absence of the Assumed Illegality

Because it is likely that the evidence would have been obtained in the absence of the assumed illegality, this factor does not favor suppression under the fruit-of-the-poisonous-tree doctrine.

Johnson’s voluntary decisions to come to the door and admit to his alcohol consumption and impairment are not only intervening circumstances but also show that law enforcement would have obtained the challenged evidence regardless of the officer’s

presence at Johnson's front door and front left window, as well as his brief uses of his flashlight to look inside. In *Warndahl*, the Minnesota Supreme Court held that the defendant's decision to initiate contact with police, which led to a statement for which the defendant sought suppression under the fruit-of-the-poisonous-tree doctrine, was not only "an intervening circumstance which arguably suffice[d] to erase any taint" but also "indicate[d] that defendant would have given an additional statement to police even if [law enforcement] had not violated defendant's right to counsel." 436 N.W.2d at 776. We reach the same conclusion here based on Johnson's voluntary decision to come to the door, to speak with law enforcement, and to admit to his alcohol consumption and impairment.

This factor does not favor suppression under the fruit-of-the-poisonous-tree doctrine because it is likely that the evidence would have been obtained in the absence of the assumed illegality.

D. The Temporal Proximity of the Assumed Illegality and the Evidence Alleged to be the Fruit of the Assumed Illegality

The temporal proximity of the assumed illegality and the evidence alleged to be its fruit favors suppression under the fruit-of-the-poisonous-tree doctrine. The officer's presence at Johnson's front door and front left window, as well as his brief uses of his flashlight to look inside, immediately preceded Johnson's decision to come to the door and to admit to his alcohol consumption and impairment. Because there was a close temporal proximity between the assumed illegality and the evidence alleged to be its fruit, we conclude that this factor favors suppressing the evidence under the fruit-of-the-poisonous-tree doctrine.

In sum, weighing all the *Warndahl* factors and assuming “establishment of the primary illegality,” we conclude that “the evidence to which instant objection is made has [not] been come at by exploitation of that illegality [but] instead by means sufficiently distinguishable to be purged of the primary taint.” *Knapp*, 610 N.W.2d at 628 (quotation omitted). Thus, the district court did not err in sustaining the revocation of Johnson’s driving privileges and the impoundment of his license plates.

Affirmed.