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Minn. R. Civ. App. P. 136.01, subd. 1(c).

STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1142

State of Minnesota,
Respondent,

vs.

Jaylen Lavontai Jones,
Appellant.

Filed November 9, 2026
Affirmed
Schmidt, Judge

Sherburne County District Court
File No. 71-CR-22-1061

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

Dawn R. Nyhus, Sherburne County Attorney, George R. Kennedy, Assistant County Attorney, Elk River, Minnesota (for respondent)

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

Considered and decided by Schmidt, Presiding Judge; Frisch, Chief Judge; and Bratvold, Judge.

NONPRECEDENTIAL OPINION

SCHMIDT, Judge

Appellant Jaylen Lavontai Jones appeals from his convictions of unlawful possession of ammunition and felony theft. He also appeals from the district court's order denying his petition for postconviction relief following a stay of this appeal. Jones argues

that (1) the postconviction court erred by summarily denying his claim that his trial counsel was ineffective for failing to challenge the inventory search of the car Jones was driving, and (2) the evidence is insufficient to support his felony theft conviction. We affirm.

FACTS

Police received a report that a man suspected of theft was driving away from Home Depot. Police stopped the car, identified the driver as Jones, and arrested him. When they searched the car before impounding it, police found ammunition. Respondent State of Minnesota charged Jones with felony theft and unlawful possession of ammunition.[1]

The evidence presented at the jury trial, the convictions, sentence, and appeal

An asset-protection specialist at the Elk River Home Depot testified that she saw Jones get a shopping cart and then go "straight to" an aisle that stocked "portable power" merchandise. Jones rapidly placed items into the cart—three of one tool and two of another—which the specialist understood as an indication that Jones was not intending to purchase the items. The asset-protection specialist called law enforcement as a "heads up" about a possible theft in progress while she continued watching Jones. She next saw Jones standing by the doors leading to the outside garden area and then "looking around" in a way that showed him observing his surroundings beyond what the specialist believed to be "normal" for customers. Jones then pushed the cart through the doors to the outside garden area and proceeded "directly" to the exit, passing the registers that were not staffed. Jones had been in the store for about four or five minutes.

[1] Jones was prohibited from possessing ammunition due to a prior conviction.

The asset-protection specialist identified herself and confronted Jones while he was "right at"—but not through—the exit doors. Jones abandoned the cart, "ran" into the parking lot, "ran" to a car, and drove away. The specialist updated law enforcement with what happened and a description of Jones's clothing and car. The specialist then worked with a cashier to determine the value of the items in Jones's cart—three chainsaws, two leaf blowers, and a container of fuel—which totaled $2,102.98.

Three officers from the Elk River Police Department testified about responding to the asset-protection specialist's call. The first officer arrived at the store in time to see the reported car driving away. The officer followed the car, executed a traffic stop, and identified the driver as Jones. The officer noted that Jones's clothing matched the asset-protection specialist's description.[2] Jones initially denied being at Home Depot, but later claimed he had been shopping there and was "harassed by an employee."

As the first police officer detained Jones, the second officer went to the store. The second officer spoke with the asset-protection specialist, who showed the officer the merchandise in question and the receipt showing its value; he photographed both. The second officer then drove to Jones's location, where the third officer had also responded.

Jones told the officers he was in pain, and they called for an ambulance. As they waited for the ambulance, the second officer started an inventory search of the car because it was going to be impounded. On the driver's seat, the second officer found a black fanny pack that matched the one Jones wore while in Home Depot. Inside the fanny pack was a

[2] There were two other occupants in the car, but they declined to identify themselves, were not suspected in the Home Depot incident, and were later permitted to leave the scene.

firearm magazine containing hollow-point bullets. Jones said it was "his girlfriend's clip." The second officer seized the fanny pack and the ammunition.

In addition to testimony, the district court received 15 exhibits into evidence. The Home Depot surveillance videos showed Jones walking briskly with a full cart past unattended cash registers. The two videos from each officer's body-worn camera showed their interactions with Jones.

At the close of trial, the jury found Jones guilty on both counts. The district court convicted Jones and sentenced him to 60 months in prison for the ammunition-possession conviction, with a shorter concurrent sentence for the theft conviction. Jones filed a direct appeal, which we stayed to allow Jones to file a postconviction petition in the district court.

The postconviction proceedings

Jones filed a postconviction petition contending that his trial counsel was ineffective for not challenging the warrantless search of the car. The petition alleged that the evidence "strongly suggested" that police conducted an "invalid inventory search." Jones attached several exhibits to his petition, which added the following facts to the trial record.

The second officer's body-worn-camera video shows the asset-protection specialist identifying Jones by name and noting that Jones had been involved in numerous thefts at other Home Depot locations. After learning that Jones was not the car's owner and that the owner was not present, police decided to impound the car. The body-worn-camera video showed the second and third officers talking. The second officer asked if there was any "more stolen stuff" in the car and mentioned that the asset-protection specialist had said that Jones was a "prolific" thief. The second officer called for an impound and told

the third officer that he was "starting the impound sheet right now." The video shows the second officer walking towards the car, putting gloves on as he approached, and the police report noted that he "was about to begin a vehicle inventory search."

The second officer started the search at the driver's side of the car where he encountered the fanny pack and a wallet on the driver's seat. The officer looked through the wallet and the fanny pack, found the ammunition, and showed it to the other officers. The second officer did not take notes while searching the car.

When the ambulance arrived, the paramedics asked the second officer what to do about Jones's handcuffs. The second officer responded that he would remove the handcuffs, added that he would need to go with the ambulance, but needed to "finish the impound." The second officer then turned to the third officer and said, "I'll probably have to have you finish the impound for me." The third officer agreed. The second officer said he would take the fanny pack and the ammunition "just in case it's involved in something" and then followed the ambulance to the hospital.

The third officer finished searching the car while listing its contents in a notebook. The impound report names the second officer and lists items found in the car, but that list does not include the wallet, fanny pack, or ammunition.

After considering Jones's petition and the attached exhibits, the postconviction court denied the petition without holding an evidentiary hearing. The court reasoned that—even accepting Jones's allegations as true—his underlying challenge to the inventory search was unavailing, which made the trial counsel's failure to challenge the search neither unreasonable nor prejudicial. We reinstated the appeal.

DECISION

I. The postconviction court did not err by summarily denying Jones's claim of ineffective assistance of counsel.

Jones argues that the postconviction court erred by summarily denying his petition. A postconviction court may deny a petition without a hearing if the allegations in the petition and all records "conclusively show that the petitioner is entitled to no relief." Minn. Stat. § 590.04, subd. 1 (2024). In assessing whether to hold an evidentiary hearing, the postconviction court "must presume that the facts alleged in the petition are true." *Davis v. State*, 15 N.W.3d 635, 642 (Minn. 2025). We review the summary denial of a postconviction petition for an abuse of discretion, *Munt v. State*, 984 N.W.2d 242, 249 (Minn. 2023), and the merits of an ineffective-assistance-of-counsel claim de novo, *Berry v. State*, 33 N.W.3d 683, 693 (Minn. 2026).

We consider claims of ineffective assistance of counsel under the traditional two-step *Strickland* standard, which requires the defendant to show that (1) counsel's performance fell below an objective standard of reasonableness, and (2) there is a reasonable probability that, but for counsel's unprofessional errors, the result would have been different. *State v. Vang*, 847 N.W.2d 248, 266 (Minn. 2014) (citing *Strickland v. Washington*, 466 U.S. 668, 687-88 (1984)). But where, as here, an ineffective-assistance claim is premised on a failure to file a motion to suppress evidence, the defendant must show that (1) the Fourth Amendment claim "is meritorious," and (2) "there is a reasonable probability that the verdict would have been different absent the excludable evidence."

Kimmelman v. Morrison, 477 U.S. 365, 375 (1986). We, therefore, proceed to consider the merits of Jones's challenge to the inventory search.[3]

The Fourth Amendment of the United States Constitution and article I, section 10 of the Minnesota Constitution protect "against unreasonable searches and seizures." U.S. Const. amend. IV; Minn. Const. art. I, § 10.[4] A warrantless search is per se unreasonable—and evidence obtained from it presumptively inadmissible—unless the search falls under an established exception. *Rohde*, 852 N.W.2d at 263 (Minn. 2014). One such exception is an "inventory search," which police conduct when impounding a vehicle to document the contents of the vehicle. *Id.* (citing *Colorado v. Bertine*, 479 U.S. 367, 371 (1987)). Because the search serves to protect the owner's property and to protect the police from claims that they lost or damaged property, police need neither probable cause nor a warrant to conduct an inventory search. *State v. Holmes*, 569 N.W.2d 181, 186 (Minn. 1997).

An inventory search is constitutionally valid if it satisfies three criteria. First, the "underlying impoundment" must be reasonable. *Rohde*, 852 N.W.2d at 264. Second,

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[3] Although our analysis focuses on the merits of the underlying claim, we observe that both of the attorneys who represented Jones at various times in this case advised him not to pursue a suppression motion. These appear to be considered, strategic decisions to bring the charges against Jones to a swift resolution. Although we generally do not review strategic decisions for competence, *State v. Bobo*, 770 N.W.2d 129, 138 (Minn. 2009), we need not address whether this was a strategic decision because we conclude that Jones's underlying Fourth Amendment claim is not meritorious.

[4] Jones cites both the United States and Minnesota Constitutions in support of his argument. He appropriately recognizes, however, that the Minnesota Supreme Court has "not held that Article I, Section 10, of the Minnesota Constitution is more protective than the Fourth Amendment to the U.S. Constitution in the context of inventory searches." *State v. Rohde*, 852 N.W.2d 260, 263 (Minn. 2014).

police must follow "standard procedures" in conducting the search. *Holmes*, 569 N.W.2d at 187 (emphasis omitted). Third, the search must be conducted, at least in part, "for the purpose of obtaining an inventory." *State v. Ture*, 632 N.W.2d 621, 629 (Minn. 2001). We review the reasonableness of a search de novo. *State v. Steeprock*, 28 N.W.3d 417, 428 (Minn. 2025).

Jones does not dispute the first criterion—that the underlying impoundment of his vehicle was reasonable. But he contends that the postconviction court erred by concluding that the factual allegations and exhibits conclusively show that the other two inventory-search criteria were satisfied.[5] We address each one in turn.

A. The officers' conduct complied with standard police procedures.

To satisfy the second inventory-search criterion, police must conduct the inventory search in compliance with their department's standard procedures. *Holmes*, 569 N.W.2d at 187. This requirement limits the scope of the search to the caretaking purpose, even if the department procedure affords officers discretion in how to perform the search. *Id.* (citing *Bertine*, 479 U.S. at 375).

[5] Jones asserts that the police conducted two separate searches of his car: one search by the second officer and a second search by the third officer. Jones contends that the district court erred by not accepting his two-search factual assertion as true. But whether a search occurred—and, relatedly, whether there was one search or multiple searches—is a legal determination. *Ries v. State*, 920 N.W.2d 620, 627 (Minn. 2018). And when police are actively involved with the same matter, we generally consider the conduct of all officers collectively. *See State v. Jenkins*, 782 N.W.2d 211, 221 (Minn. 2010) (stating reasonableness of police action evaluated based on officers' "collective knowledge"). Jones identifies no authority for deviating from that approach here.

Jones asserts that the police violated three provisions of the Elk River Police Department's procedures: (1) "Department members requesting towing of a vehicle shall complete a Vehicle Impound and Inventory Report, including a description of property within the vehicle"; (2) "All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form"; and (3) "Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory."

Jones contends the police violated these provisions because the second officer did not take notes during his search and did not complete an inventory report. But neither the policy language that Jones recites, nor any other provision of the department's impound policy, requires an officer to take notes during an inventory search or prohibits multiple officers from being involved in an inventory search and the resulting report. Instead, the department's policy requires an inventory report to be "as thorough and accurate as practicable," which affords police officers significant discretion. As such, the second officer's failure to take contemporaneous notes or personally complete the impound report does not establish a deviation from established procedures.

Jones next argues that police violated department procedures because the report was "misattributed" to the second officer when the third officer actually did the inventory search and report. But the department's policies do not require the inventory report to identify the officer who conducted the inventory search. Putting the second officer's name on the inventory report[6] was not a deviation from standard department procedures.

[6] We note that the second officer was the lead investigator and his name was listed next to the case-file number on the inventory report.

Jones asserts that the inventory report violated department policies because it did not list the wallet, the fanny pack, or the ammunition found in the car. This argument is unavailing. Department procedures only require property "in" or "within" an impounded vehicle be listed on the inventory report. The wallet, fanny pack, and ammunition did not need to be listed on the inventory report because they were not "in" or "within" the car. Instead, officers returned the wallet to Jones and the fanny pack and ammunition were collected to "preserve evidence" per department policy. As such, the failure to list those items in the inventory report does not reflect noncompliance with standard procedures.

B. The officers conducted the search, in part, for inventory purposes.

To satisfy the third inventory-search criterion, police must conduct the search "for the purpose of obtaining an inventory." *Ture*, 632 N.W.2d at 629. An inventory search is invalid if police search "in bad faith or for the sole purpose of investigation." *Holmes*, 569 N.W.2d at 187 (quotation omitted). Several factors may indicate bad faith, such as:

> that the search was conducted at the scene of the crime, that the search was conducted by an officer responsible for criminal investigations and not the officer responsible for the safekeeping of impounded property, that no formal inventory sheets were completed, that the officer did not make note of the defendant's personal effects, but instead focused only on contraband, and the fact that the car was not actually impounded.

Id. at 188 (quotation omitted). An inventory search is solely for purposes of investigation if "an inventory search that otherwise would not have occurred is brought about." *Id.* But if police conducted the search "at least in part" for inventory purposes, it is a "reasonable inventory search." *Id.*

Jones argues the postconviction court erred by determining that the third inventory-search criterion was satisfied. But Jones does not dispute that the impoundment was proper or that department policy required an inventory search. These two undisputed facts establish that the search performed here was not a search "that otherwise would not have occurred." *Id.* The circumstances of the search also do not indicate a solely investigative purpose as the car was actually inventoried and impounded. Rather, as a whole, these circumstances show that the search that police conducted here was "at least in part" for inventory purposes. *Id.*

In sum, the postconviction court did not err by determining that a motion challenging the validity of the inventory search would not have prevailed. As such, the court did not err by summarily denying Jones's postconviction claim that his trial counsel was ineffective for failing to bring such a motion.

II. The evidence is sufficient to support Jones's theft conviction.

Jones challenges the sufficiency of the evidence supporting his felony theft conviction. Theft involves "intentionally and without claim of right tak[ing], us[ing], transfer[ring], conceal[ing] or retain[ing] possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of the property." Minn. Stat. § 609.52, subd. 2(a)(1) (2022). Jones disputes the sufficiency of the evidence as to all aspects of the offense but principally focuses on intent.

Intent is a mental state typically proven by circumstantial evidence, so our review follows the two-step process prescribed for review of circumstantial evidence. *See State v. Ulrich*, 3 N.W.3d 1, 10-11 (Minn. 2024). At the first step, we "winnow down the

evidence presented at trial by resolving all questions of fact in favor of the jury's verdict, which results in a subset of facts that constitute the circumstances proved." *State v. Firkus*, 31 N.W.3d 468, 478 (Minn. 2026) (quotations omitted). Based on the jury's guilty verdict, the circumstances proved—in the light most favorable to the verdict—are:

- Jones went into the Home Depot, got a cart, and went straight to the section where small power tools were on display.
- Jones quickly put more than $2,000 worth of merchandise—three chainsaws, two leaf blowers, and a container of fuel—in his cart without looking at any prices.
- The Home Depot's asset-protection specialist believed that not looking at the price is not consistent with an interest in purchasing the merchandise.
- Jones actively monitored his surroundings in a manner unlike a "normal" customer.
- After placing the merchandise into the cart, Jones went to the door leading to the outside garden area of the store.
- The garden area had un-staffed cash registers near the exit.
- Jones walked briskly through the garden area "directly" to the exit doors.
- Jones was in the store for four or five minutes.
- When Jones was about seven feet past the cash registers, "right at" the exit doors, the asset-protection specialist confronted Jones and identified herself.
- Without saying anything or even breaking stride in his walk, Jones abandoned the cart, ran into the parking lot, ran to a car, and then drove away.
- When stopped by law enforcement shortly thereafter, Jones initially denied having been in Home Depot.

In the second step of our review of the sufficiency of circumstantial evidence, we must consider "whether the reasonable inferences that can be drawn from the circumstances proved, when viewed as a whole and not as discrete, isolated facts, are

consistent with the hypothesis that the accused is guilty and inconsistent with any rational hypothesis other than guilt." *Firkus*, 31 N.W.3d at 483 (quotation omitted). Here, the above circumstances are consistent with a reasonable inference of guilt. Jones's deliberate movement through the store; rapid selection of duplicative, high-value merchandise; active observation of his surroundings; transportation of the merchandise past the last point of sale without any effort to pay for it; and immediate flight when confronted are all circumstances that are consistent with Jones intentionally taking merchandise without a claim of right and with the intent to permanently deprive Home Depot of that merchandise.

Jones asserts that these circumstances reasonably support an inference other than guilt: that, as a business invitee, Home Depot consented to his temporary possession of the merchandise in the shopping cart while in the store. Jones argues that since he never went through the exit doors with the merchandise or removed the antitheft tags, it is reasonable to infer that he did not intend to permanently deprive Home Depot of the merchandise. These contentions are unavailing.

Jones's conduct, as a whole, indicates that he exceeded any claim of right or consent to possessing the merchandise. Jones moved over $2,000 worth of merchandise past the final point of sale without attempting to pay. This was after having spent only a few minutes in the store and placing several items in the shopping cart without looking at any prices. When confronted by Home Depot's asset-protection specialist, he abandoned the merchandise and ran away, which showed his consciousness of guilt. As such, Jones's challenge to the sufficiency of the evidence underlying his theft conviction fails.

Affirmed.