

*This opinion is nonprecedential except as provided by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
A25-1235**

State of Minnesota,
Respondent,

vs.

Marcellus Anthony Jones,
Appellant.

**Filed July 6, 2026
Affirmed
Smith, John, Judge ***

Hennepin County District Court
File No. 27-CR-24-23375

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

Mary F. Moriarty, Hennepin County Attorney, Adam Petras, Senior Assistant County Attorney, N. Nate Summers, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Eva F. Wailes, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

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

NONPRECEDENTIAL OPINION

SMITH, JOHN, Judge

We affirm the district court's order denying appellant's motion to suppress evidence of the pistol found in his car and his subsequent conviction for unlawful possession of a firearm because the officer had reasonable suspicion of multiple offenses justifying his initial stop and then probable cause of a marijuana-related offense justifying a warrantless automobile search.

FACTS

Respondent State of Minnesota charged appellant Marcellus Anthony Jones in October 2024 with unlawful possession of a firearm as a person convicted of a crime of violence in violation of Minnesota Statutes section 624.713, subdivision 1(2) (2024). Jones moved to suppress a handgun found by police as the fruit of an unlawful search. The district court held a suppression hearing where the officer who recovered the handgun, Champlin Police Department Sergeant Nicholas Englund, testified for the state. The state also admitted Sergeant Englund's body-worn and dash-camera footage from Jones's arrest. This evidence established the following facts.

Sergeant Englund responded to a 9-1-1 call reporting a suspicious vehicle loitering in a residential neighborhood. Sergeant Englund testified that, as he drove by Jones's vehicle in his squad car, he noticed its "windows were tinted very heavily," smoke was "billowing" out of the car, and "a very obvious overwhelming odor of burnt marijuana." While making a U-turn to approach the vehicle, Sergeant Englund ran its license plate and found that the car's registered owner had a suspended license. As Sergeant Englund pulled

up behind Jones's car, he saw the vehicle turn on. Sergeant Englund then activated his squad-car lights and shined a spotlight into the cab.

Sergeant Englund testified that, as he walked up to Jones's vehicle, smoke continued to plume from the car and the marijuana smell persisted. Jones rolled down his window and began speaking with Sergeant Englund, who asked Jones for his license and insurance information. Sergeant Englund testified that he saw Jones's passenger continue to smoke a lit blunt as he spoke with Jones.

As Jones assembled his documents, Sergeant Englund asked, "Smell a little marijuana in the car tonight?" Jones responded, "It's legal," and told Sergeant Englund that while he knew it was illegal to smoke marijuana while driving, he was legally parked and therefore not doing anything illegal. "I won't pull off," Jones said, "You didn't catch me driving, so I can't get a ticket." After Sergeant Englund asked for the passenger's identification, Jones said to the passenger, "That's why I ain't coming back out here to see you. . . . I come to smoke with you, and this shit happens."

Sergeant Englund then asked Jones where the marijuana was in the vehicle. Jones replied, "It's right here," and gave Sergeant Englund an unsealed jar of marijuana. Jones insisted that there was no open marijuana in his car before saying, "There's a blunt right here, sir, that's what's open," while handing the blunt to the sergeant. Sergeant Englund then returned to his squad car to run the occupants' identification and wait for backup.

After a few other officers joined Sergeant Englund, they returned to Jones's car. Sergeant Englund ordered Jones to exit the vehicle so he could search the vehicle for more marijuana. Jones admitted that he had more marijuana in his car but said that he would not

consent to a vehicle search. Jones then handed Sergeant Englund two more unsealed marijuana jars. Sergeant Englund told Jones that he was still going to search the car and ordered him to get out. The two argued back and forth until Jones exited the car in a way Sergeant Englund described as “pretty confrontational and aggressive” and stood “chest-to-chest” with the sergeant. The officers arrested Jones and detained him in a squad car.

Sergeant Englund then proceeded to search Jones’s car. He testified that he found “several other” unsealed marijuana containers, but the state’s photographs of the recovered contraband depict only the three containers that Jones surrendered to Sergeant Englund. Another officer found a handgun in the car’s glove compartment.

The district court denied Jones’s suppression motion. It credited Sergeant Englund’s testimony that he saw smoke and smelled marijuana as he drove by Jones’s car, even though his camera footage did not capture any smoke. The district court then found that Sergeant Englund had a “reasonable basis” for an investigatory stop based on the 9-1-1 call, the smell and sight of smoke, the window tint, and the car’s registration to a suspended driver. And the district court then found that Sergeant Englund had probable cause for a driving-while-impaired (DWI) offense justifying his warrantless search of Jones’s car based on the smoke “billowing out of the car” like in the “Cheech & Chong movie ‘Up in Smoke,’” the odor of marijuana, the passenger smoking a blunt, and the surrendered open marijuana containers.

Jones waived his right to a jury trial and agreed to try the case on stipulated evidence, which included a record of his 2022 conviction for second-degree assault. The district court found Jones guilty and sentenced him to 60 months in prison.

DECISION

Jones raises two arguments on appeal. Jones argues first that Sergeant Englund lacked the reasonable suspicion of an offense required to conduct an investigatory traffic stop or, in the alternative, that he lacked the requisite reasonable suspicion of a DWI offense to warrant its expansion. Jones argues second that the officers lacked probable cause to justify a warrantless search of his car. We address each argument, reviewing the district court's factual findings for clear error and its legal conclusions *de novo*. *State v. Gauster*, 752 N.W.2d 496, 502 (Minn. 2008).

I

Jones argues that the district court erred by finding that Sergeant Englund testified credibly and had reasonable suspicion justifying an investigatory stop that expanded into a DWI investigation. Both the United States and Minnesota Constitutions protect against unreasonable seizures. U.S. Const. amend. IV; Minn. Const. art. I, § 10. Warrantless seizures are presumptively unreasonable. *State v. Lugo*, 887 N.W.2d 476, 486 (Minn. 2016). But police may “conduct a brief, investigatory stop” without a warrant if they have reasonable suspicion of a crime. *State v. Timberlake*, 744 N.W.2d 390, 393 (Minn. 2008) (quoting *Illinois v. Wardlow*, 528 U.S. 119, 123 (2000)). This framework applies to police traffic stops. *Id.* Reasonable suspicion of a crime exists where, under the totality of the circumstances and through the lens of his training, a police officer has an objective basis to suspect a particular person of a particular crime. *State v. Poehler*, 935 N.W.2d 729, 733 (Minn. 2019).

The parties agree that Sergeant Englund detained Jones for an investigatory stop by parking his squad car behind Jones's vehicle and activating his emergency lights. *See State v. Hanson*, 504 N.W.2d 219, 220 (Minn. 1993) (explaining that a police officer's use of their emergency lights usually signals that they are seizing a person for an investigatory stop). To justify this warrantless seizure, therefore, Sergeant Englund needed to have an objectively reasonable basis to suspect Jones of particularized criminal activity based on the facts he knew at that time. *Poehler*, 935 N.W.2d at 733.

We are satisfied that Sergeant Englund had reasonable suspicion of multiple traffic violations or criminal offenses that, certainly cumulatively, justified his investigatory stop. *Id.* (explaining that a reasonable-suspicion analysis considers the totality of the circumstances). Sergeant Englund, first, had reasonable suspicion to investigate a window-tint violation after observing Jones's overly dark-tinted windows. *See* Minn. Stat. § 169.71, subd. 4(2) (2024). Jones asserts, without citing any authority, that an officer's observation of tinted windows alone cannot justify an investigatory stop. This is incorrect, as an officer's observation of a traffic-law violation, "however insignificant," provides grounds for an investigatory stop. *State v. George*, 557 N.W.2d 575, 578 (Minn. 1997). Sergeant Englund also had reasonable suspicion to stop Jones in order to investigate whether he was driving with a suspended license because he knew that the car's owner had a suspended license and had no reason to believe that someone other than the owner was driving. *See State v. Pike*, 551 N.W.2d 919, 922 (Minn. 1996). Jones does not argue on appeal why the district court erred in coming to the same conclusion. Sergeant Englund's suspicion of

either traffic offense, therefore, gave him sufficient grounds to detain Jones for an investigatory stop.

Sergeant Englund also had reasonable suspicion of a DWI or open-package violation that justified the stop. Under Minnesota law, it is a crime to operate a motor vehicle under the influence of an intoxicating substance. Minn. Stat. § 169A.20, subd. 1(3) (2024). It is also a crime to use cannabis or possess unsealed cannabis-product packages in a motor vehicle on the street. Minn. Stat. § 169A.36, subds. 2, 3(3), 5 (2024). Sergeant Englund had articulable, reasonable suspicion that Jones was committing one or both of these crimes upon observing “billowing” smoke and the “very obvious overwhelming odor” of marijuana coming from the street-parked, turned-on car. His stop was justified on these grounds as well.

Jones argues that the district court clearly erred by crediting Sergeant Englund’s testimony to these observations because inconsistencies between Sergeant Englund’s testimony and his body-worn camera footage prove that he was an incredible witness. *See State v. Smith*, 448 N.W.2d 550, 555 (Minn. App. 1989) (explaining that a district court’s credibility determination is reviewed for clear error), *rev. denied* (Minn. Dec. 29, 1989). We disagree because, first, most of the remarks about which Jones complains are consistent when given proper context. Jones first points out that Sergeant Englund’s cameras did not record any smoke coming from Jones’s car when Sergeant Englund first drove past despite his testimony to this fact, but we are satisfied with the district court’s reconciliation that the human eye is more reliable than a dash-camera at night. Jones also argues that Sergeant Englund testified that he told Jones that he was investigating a DWI, but his body-worn

camera did not capture such an interaction. We read Sergeant Englund's testimony, however, as first stating that he told Jones he was investigating the 9-1-1 call, which is reflected in the body-worn camera footage, before clarifying to the prosecutor that he believed his investigation had begun to expand into a DWI stop. And Jones notes that Sergeant Englund testified that Jones told him he was smoking marijuana while the footage does not capture such a direct admission. Sergeant Englund's testimony on this point, however, was a permissible inference from many of Jones's remarks implying that he had been smoking marijuana prior to the stop, such as that Sergeant Englund "didn't catch [him] driving, so [he] can't get a ticket," and his aside to his passenger that he "c[a]me to smoke with" them. We do not believe that these remarks impeach Sergeant Englund's credibility.

Jones is correct that Sergeant Englund testified to finding "several other" unsealed marijuana jars in Jones's car whereas the state's evidence only includes the three jars Jones voluntarily surrendered. But this discrepancy, in context, does not so disturb us that we are left with a "firm conviction" that Sergeant Englund testified untruthfully. *State v. Andersen*, 784 N.W.2d 320, 334 (Minn. 2010). What contraband police seized from Jones's car aside from his handgun are immaterial details in this case, as the state only charged Jones for his firearm possession. And where Sergeant Englund's discoveries of marijuana are legally relevant to this case in their contribution to his suspicion, he testified truthfully. We, therefore, will disturb neither the district court's credibility determination nor its finding that Sergeant Englund had reasonable suspicion of a DWI offense.

This holding disposes of Jones’s argument that Sergeant Englund impermissibly expanded the stop into a DWI investigation because any such expansion was justified by Sergeant Englund’s original, legitimate purpose of investigating a DWI offense. *State v. Askerooth*, 681 N.W.2d 353, 365 (Minn. 2004). The district court therefore did not err in finding that Sergeant Englund had the necessary reasonable suspicion to stop Jones and conduct a DWI investigation.

II

Jones argues second that the district court erroneously found that the officers had probable cause for a DWI justifying their warrantless vehicle search because they did not observe Jones to be impaired. The United States and Minnesota Constitutions protect against unreasonable searches. U.S. Const. amend. IV; Minn. Const. art. I, § 10. Warrantless searches are presumably unreasonable and must be justified by an established exception. *State v. Search*, 472 N.W.2d 850, 852 (Minn. 1991). Under the “automobile exception,” if police have probable cause to believe that a vehicle contains evidence of a crime or contraband, they may search it without a warrant. *Id.* (citing *United States v. Ross*, 456 U.S. 798 (1982)). Probable cause exists where, “on the totality of the circumstances, there is a fair probability that contraband or evidence of a crime will be found in a particular place.” *State v. Holland*, 865 N.W.2d 666, 673 (Minn. 2015) (quotation omitted). This is an objective, circumstance-specific inquiry that emphasizes common sense. *State v. Torgerson*, 995 N.W.2d 164, 169 (Minn. 2023).

The district court was correct to find that Sergeant Englund had probable cause to search Jones’s car because his surrender of an unsealed marijuana jar gave the officers

probable cause to believe that Jones's car contained additional unsealed canisters, just as the discovery of a single open-bottle violation justifies searching a car for additional such violations. *Cf. State v. Alesso*, 328 N.W.2d 685, 688 (Minn. 1982); *State v. Ellanson*, 198 N.W.2d 136, 137 (Minn. 1972) (holding that the observation of a single open-bottle violation justified searching anywhere in the car where there may be another open bottle). And Sergeant Englund's observations of smoke, marijuana odor, the passenger's drug use, and Jones's comments suggesting that he had been smoking marijuana further contributed to probable cause of a DWI or open-package violation. Considering these circumstances in their entirety, we are satisfied that the officers established probable cause of a DWI or an open-package offense so as to satisfy the automobile exception and authorize their search.

Jones argues that the officers lacked probable cause of a DWI because nothing in the record suggests that he exhibited any behavior indicative of marijuana use. But the lack of certain indicia of intoxication does not negate other, present indicia. *See State v. Prax*, 686 N.W.2d 45, 48–49 (Minn. App. 2004) (holding that police had probable cause of a DWI based on other indicia even though the suspect “performed well on many of the field sobriety tests”), *rev. denied* (Minn. Dec. 14, 2004). Since the officers had probable cause of a DWI offense on the evidence present in the record, the fact that other evidence often used to prove DWI is absent from the record does not change this conclusion.

As a recognized warrant exception justified the officers' search of Jones's car, the district court was correct to deny his suppression motion.

Affirmed.