

*This opinion is nonprecedential except as provided by  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  
A25-1329**

State of Minnesota,  
Respondent,

vs.

Tashawn Markus Kreckow,  
Appellant.

**Filed March 30, 2026  
Affirmed  
Reyes, Judge**

Winona County District Court  
File No. 85-CR-23-1564

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

Christopher M. Hood, Winona City Attorney, Michael Flaherty, City Prosecutor, Flaherty  
& Hood, P.A., Winona, Minnesota (for respondent)

Maxwell Shek, Shek Law, LLC, Minneapolis, Minnesota (for appellant)

Considered and decided by Reyes, Presiding Judge; Harris, Judge; and Bond, Judge.

**NONPRECEDENTIAL OPINION**

**REYES, Judge**

Appellant challenges the district court's pretrial order denying his motion to suppress blood-test evidence, arguing that police failed to meet statutory requirements before obtaining a search warrant for a blood test. We affirm.

## FACTS

Respondent State of Minnesota charged appellant Tashawn Markus Kreckow with two counts of fourth-degree driving while impaired (DWI): one for driving with an alcohol concentration of 0.08 or more, in violation of Minnesota Statutes section 169A.20, subdivision 1(5) (Supp. 2023), and one for driving under the influence of alcohol in violation of Minnesota Statutes section 169A.20, subdivision 1(1) (Supp. 2023).

These charges arose out of a traffic stop of a vehicle driven by appellant. During the stop, a police officer observed that appellant “had bloodshot/watery eyes” and the officer “could smell a strong odor of an alcoholic beverage coming from [appellant] while speaking to him.” Based on appellant’s performance on three field sobriety tests and a preliminary breath test, the officer arrested him.

The officer drove appellant to jail and, after observing that two other DWI arrests awaited processing, drafted a search warrant to take a sample of appellant’s blood or urine. The district court issued the search warrant, and the officer executed it, explaining to appellant that failure to submit to the test is a crime. Appellant consented and provided a blood sample, after which the officer released him. An analysis of the blood sample indicated a 0.102 alcohol concentration.

Relying on Minnesota Statutes section 169A.51, subdivision 4 (Supp. 2023), appellant filed a motion to suppress the blood-test evidence, arguing that Minnesota law did not permit a blood-test warrant to detect alcohol in appellant’s circumstances. The district court held a hearing and determined, after interpreting the language of section

169A.51, subdivision 4, that Minnesota law permitted the blood-test warrant. The district court therefore denied appellant’s motion to suppress the blood-test evidence.

The parties subsequently entered into a waiver-of-rights agreement, based on stipulated facts, in which both parties agreed to confine appellate review to the district court’s pretrial order denying the motion to suppress. *See* Minn. R. Crim. P. 26.01, subd. 4. The district court found appellant guilty of the first count of fourth-degree DWI and dismissed the second count. It then sentenced appellant to one year of unsupervised probation.

This appeal follows.

### **DECISION**

Appellant challenges the district court’s denial of his motion to suppress blood-test evidence, presenting a statutory-interpretation argument in two parts: (1) the phrase “even after,” in Minnesota Statutes section 169A.51, subdivision 4, means “even if” or “regardless of whether” and (2) “even if a breath test has been administered, the statutory requirements [of subdivision 4] must still be followed whenever a blood or urine test is sought pursuant to a search warrant.” We address each part of this argument in turn.

“When reviewing a pretrial order on a motion to suppress evidence, [appellate courts] review the district court’s factual findings under a clearly erroneous standard and its legal determinations de novo.” *State v. deLottinville*, 890 N.W.2d 116, 119 (Minn. 2017). The meaning of “even after” in section 169A.51, subdivision 4, is a matter of statutory interpretation, which appellate courts review de novo. *State v. Lueck*, 27 N.W.3d 147, 151 (Minn. 2025). “The objective of statutory interpretation is to ascertain and

effectuate the intent of the Legislature.” *Id.* “When interpreting a statute, the first step is to determine whether the language is ambiguous. If there is only one reasonable way to read the text, the statute is unambiguous, and we enforce the statute’s plain meaning.” *Id.* (quotation and citation omitted). During this analysis, “[nontechnical] words and phrases are construed according to rules of grammar and according to their common and approved usage.” Minn. Stat. § 645.08 (2022). “The whole-statute canon provides that a statute is to be read and construed as a whole so as to harmonize and give effect to all its parts.” *State v. Cloutier*, 987 N.W.2d 214, 222 (Minn. 2023) (quotation omitted).

In section 169A.51, subdivision 4, provides: “A blood or urine test *may be required* pursuant to a search warrant under sections 626.04 to 626.18 *even after* a breath test has been administered if there is probable cause to believe that” any one of three listed circumstances apply. (Emphasis added.) It is undisputed that none of the listed circumstances applied in this case. It is also undisputed that police did not administer a breath test.

**I. In Minnesota Statutes section 169A.51, subdivision 4, the phrase “even after” means “notwithstanding,” “regardless.”**

Appellant argues that the phrase “even after,” as used in subdivision 4, means “even if, or regardless of whether,” contrary to the district court, which defined it as “despite, notwithstanding.” We conclude that the district court’s definition and appellant’s definition are equivalent.

Appellate courts “may look to the dictionary definition of [a statute’s undefined] words to determine if a statute has a plain, unambiguous meaning.” *State v. Abdus-Salam*,

1 N.W.3d 871, 877 (Minn. 2024). “Regardless of,” the definition proposed by appellant, is itself defined as “in spite of.” *The American Heritage Dictionary of the English Language* 1479 (5th ed. 2018); *accord Merriam-Webster’s Collegiate Dictionary* 1047 (11th ed. 2014). “Notwithstanding,” the definition referenced by the district court, is defined as “[d]espite; in spite of.” *Black’s Law Dictionary* 1277 (12th ed. 2024); *see also American Heritage, supra*, at 1206 (defining “notwithstanding” as “in spite of”). We conclude that appellant and the district court rely on equivalent definitions of “even after,” each ultimately meaning “in spite of.”

This definition is consistent with the phrase’s plain meaning. Dictionaries define “even” as “an intensive [adverb] to indicate something that is unexpected.” *American Heritage, supra*, at 615; *see also Merriam-Webster’s, supra*, at 432 (defining “even” as an intensive adverb “to stress the comparative degree” or “to stress an extreme or highly unlikely condition or instance”). “After” is defined as “[b]ehind in place or order” or “later in time.” *American Heritage, supra*, at 30; *Merriam-Webster’s, supra*, at 23.

We conclude that “even after” in this subdivision means “notwithstanding,” “regardless.” This phrase indicates a potentially unexpected instance, especially by comparison, but does not *require* that instance. Because the district court’s definition and appellant’s definition are equivalent, appellant fails to support his claim that the district court erred when defining “even after.”

**II. Appellant misconstrues Minnesota Statutes section 169A.51, subdivision 4, as mandatory rather than permissive.**

Appellant next argues that “the statutory requirements [of subdivision 4] must still be followed whenever a blood or urine test is sought pursuant to a search warrant.” We disagree.

Subdivision 4 of section 169A.51 states that “[a] blood or urine test *may* be required” in certain circumstances. (Emphasis added.) “‘May’ is permissive.” Minn. Stat. § 645.44, subd. 15 (Supp. 2023); *see also Merriam-Webster’s, supra*, at 767 (defining “may” as to “have permission to”). By contrast, the word “must” is used “to convey mandatory acts.” *Smith v. Kessen*, 996 N.W.2d 581, 586 (Minn. App. 2023), *rev. denied* (Minn. Jan. 31, 2024). “‘Must’ is mandatory.” Minn. Stat. § 645.44, subd. 15a (Supp. 2023); *see also Merriam-Webster’s, supra*, at 819 (defining “must” as to “be required by law, custom, or moral conscience”).

By using the term “must” instead of “may,” appellant misinterprets the subdivision as mandatory rather than permissive. This runs counter to the plain language of the statute.<sup>1</sup> Appellant’s interpretation also violates the whole-statute canon because it contradicts other parts of section 169A.51, which permit blood tests to detect alcohol in other circumstances. *See, e.g.*, Minn. Stat. § 169A.51, subd. 1(b)(1) (Supp. 2023) (explaining that blood test “may be required of a person when an officer has probable cause to believe the person was

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<sup>1</sup> Even if we were to assume that the language of this subdivision is ambiguous, appellant’s argument would lead to an absurd result: If blood and urine tests were mandatory in the listed circumstances, then there would be no need to also provide a breath test. Appellant’s interpretation would render the language of “even after a breath test” superfluous. We decline to reach such an absurd result. *See Mason v. State*, 16 N.W.3d 828, 834 (Minn. App. 2025) (“Such an interpretation would lead to an absurd result, which we must avoid.”), *rev. denied* (Minn. Apr. 23, 2025).

. . . in violation of section 169A.20 (driving while impaired), and . . . the person has been lawfully placed under arrest for violation of section 169A.20”); *see also Cloutier*, 987 N.W.2d at 222 (requiring statute “to be read and construed as a whole so as to harmonize . . . all its parts” (quotation omitted)). Minnesota law does not restrict all blood-test warrants to the circumstances in subdivision 4. Rather, “[i]n situations in which a breath test would *not* serve the government’s interest, ‘[n]othing prevents the police from seeking a warrant’ for an alternative test ‘when there is sufficient time to do so . . . .’” *State v. Thompson*, 886 N.W.2d 224, 232-33 (Minn. 2016) (quoting *Birchfield v. North Dakota*, 579 U.S. 438, 474-75 (2016)).

Because appellant’s definition of “even after” is equivalent to the district court’s, and appellant’s interpretation of the statute is contrary to its plain meaning, appellant fails to support his statutory-interpretation argument. We therefore conclude that the district court did not err by denying appellant’s motion to suppress the blood-test evidence.

**Affirmed.**