

*This opinion is nonprecedential except as provided by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
A25-1353
A25-1524**

State of Minnesota,
Appellant (A25-1353),

vs.

Elizabeth Erin Korth,
Respondent,

State of Minnesota,
Appellant (A25-1524),

vs.

Emily Noel Snyder,
Respondent.

**Filed March 9, 2026
Affirmed
Smith, Tracy M., Judge**

Nobles County District Court
File Nos. 53-CR-25-84, 53-CR-25-85

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Considered and decided by Smith, Tracy M., Presiding Judge; Ross, Judge; and Florey, Judge.*

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

In these consolidated pretrial appeals, appellant State of Minnesota challenges the district court's orders suppressing evidence and dismissing drug-possession charges against respondents Elizabeth Erin Korth and Emily Noel Snyder. The state argues that the district court erred by concluding that the police did not have reasonable, articulable suspicion to conduct a protective search of respondents' car for weapons after observing a large, unsheathed knife in plain view near the passenger's feet during a traffic stop. We affirm.

FACTS

The relevant facts were established through the testimony of the police officer who made the traffic stop, his body-worn-camera footage, and his squad car dash-camera footage, which were received into evidence in a contested omnibus hearing on respondents' motions to suppress evidence in the district court. The facts are not disputed on appeal.

In January 2025, a Worthington police officer was on duty alone in Nobles County. At about 1:15 a.m., he observed a driver commit multiple lane violations and initiated a traffic stop. The car pulled over into a gas station parking lot. The officer approached the

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

car on the passenger side. The driver identified herself as Korth, and the front-seat passenger identified herself as Snyder. Snyder provided documentation showing that she had rented the car.

The officer made the following observations. It was late at night, and he found it unusual that respondents were using a rental car to go only from Sioux Falls to Minneapolis. The officer was aware that criminal activity regularly occurs between Sioux Falls and Minneapolis. Rental cars are commonly used for criminal activity. Snyder appeared nervous in the car, and her hands were shaking. There was a large kitchen knife lying on the passenger floorboard near Snyder's feet. The knife was "not in a sheath" and it "pretty immediately stood out" to the officer. It was not unusual for the officer to see tools or sheathed knives in cars on this road because of the meat-processing plant nearby.

After noticing the knife, the officer had Snyder step out of the car, and he briefly patted her down before directing her to stand by the trunk of the car. Snyder told the officer she had the knife because "she needed a scissors." The officer then directed Korth to exit the car and go stand by the trunk as well. As Korth exited the car, the officer leaned down and grabbed the knife. He stood up, holding the knife, and directed Snyder to move farther away from him. The officer then knelt on the ground and leaned through the passenger door into the car so that his upper body was fully inside the car for about eight seconds. During this time, he shined his flashlight under the passenger seat and saw there what he believed to be a bag of controlled substances. The officer then detained respondents and, once another officer arrived, searched the rest of the vehicle. The search revealed multiple bags of controlled substances and marijuana.

The state charged respondents with two felony counts for possession and sale of cocaine or methamphetamine in violation of Minnesota Statutes section 152.021, subdivisions 2(a)(1) and 1(1) (2024), and one misdemeanor count for possession of cannabis flower in violation of Minnesota Statutes section 152.0263, subdivision 3(1) (2024). Korth filed a motion to suppress the evidence gathered from the traffic stop. After a hearing, the district court granted Korth’s motion, suppressing all of the drug evidence found in the car because it resulted from an “unlawful expansion of the scope of the stop.” In a separate order, the district court suppressed the same evidence in Snyder’s case.¹ The district court dismissed both complaints for lack of probable cause.

The state appealed in both cases, and we granted the state’s motion to consolidate the appeals.

DECISION

The district court concluded that “the protective search under the seat went beyond what was necessary to determine if the occupants were armed and dangerous” and, therefore, “it was no longer valid under *Terry* and the fruits of the search must be suppressed.” The state asks us to reverse.²

¹ By stipulation, the parties in Snyder’s case agreed that her suppression motion would be determined based on the evidence from the hearing in Korth’s case.

² The state may appeal pretrial dismissals of a complaint when it will have a “critical impact” on the outcome of the trial. *See* Minn. R. Crim. P. 28.04, subds. 1-2. The dismissal of a complaint based on the suppression of evidence constitutes a critical impact. *State v. Varnado*, 582 N.W.2d 886, 889 & n.1 (Minn. 1998).

“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). When the facts are undisputed, appellate courts review de novo whether an adequate basis for the search or seizure at issue exists. *State v. Flowers*, 734 N.W.2d 239, 248 (Minn. 2007).

The United States and Minnesota constitutions prohibit “unreasonable searches and seizures.” U.S. Const. amend. IV; Minn. Const. art. I, § 10. A warrantless search or seizure is presumptively unreasonable, unless an exception to the warrant requirement applies. *State v. Licari*, 659 N.W.2d 243, 250 (Minn. 2003) (citing *Katz v. United States*, 389 U.S. 347, 357 (1967)). The state bears the burden of showing that an exception applies. *Id.* If the state cannot show that the warrantless search or seizure was lawful, any evidence obtained as a result must be suppressed. *See State v. Harris*, 590 N.W.2d 90, 97 (Minn. 1999). Here, the state relies on the protective-search exception.

Under *Terry v. Ohio*, once the police have reasonable suspicion to stop a person, the police may conduct a pat-down search of the person without a warrant if the officer reasonably believes that the suspect is engaged in illegal activity and may be armed and dangerous. *Flowers*, 734 N.W.2d at 250 (discussing *Terry v. Ohio*, 392 U.S. 1 (1968)). In *Michigan v. Long*, the Supreme Court pronounced a test for when the police may constitutionally perform a warrantless protective search of the passenger compartment of a vehicle during a traffic stop. 463 U.S. 1032, 1049 (1983). There, the Supreme Court held that a search of the passenger compartment of a vehicle during a traffic stop is not

prohibited by the Fourth Amendment “if the police officer possesses a reasonable belief based on specific and articulable facts which, taken together with the rational inferences from those facts, reasonably warrant the officer[] in believing that the suspect is dangerous and the suspect may gain immediate control of weapons.” *Id.* (citation omitted). Under this two-part test, the police must have encountered circumstances from which they reasonably believe, first, that the person with whom they are interacting is dangerous and, second, that the person might immediately access weapons inside their vehicle. *Id.* The Minnesota Supreme Court applied this test to a challenge under the United States and Minnesota constitutions in *State v. Waddell*, 655 N.W.2d 803, 810 (Minn. 2003). Whether reasonable, articulable suspicion exists is an objective analysis depending on the totality of the circumstances. *State v. Martinson*, 581 N.W.2d 846, 850, 852 (Minn. 1998).

Here, the question is whether, at the time that the officer reentered the car’s passenger compartment to search for additional weapons, the officer had reasonable, articulable suspicion that respondents were dangerous and may gain immediate control of a weapon. *Waddell*, 655 N.W.2d at 810.³ We begin our analysis with a review of relevant Minnesota and U.S. Supreme Court caselaw.

In *State v. Gilchrist*, the Minnesota Supreme Court upheld the warrantless search of a vehicle as a protective search, emphasizing the significance of the person’s suspected

³ Neither respondent challenged the officer’s entry into the car and seizure of the knife in the district court, and the lawfulness of that action is not before us. In any event, because each incremental intrusion during a traffic stop must be lawful, *State v. Askerooth*, 681 N.W.2d 353, 365 (Minn. 2004), we address respondents’ challenge to the officer’s second entry into the car to search for additional weapons.

connections to dangerous crimes. 299 N.W.2d 913, 917 (Minn. 1980). There, police officers were watching a suspected “after hours joint” above a restaurant when they identified the parked car of Gilchrist, whom they knew was suspected of involvement in a homicide out of state. *Id.* at 914. The officers also knew of another incident from a year earlier in which Gilchrist had allegedly shot someone and fled from another similar establishment. *Id.* at 914-15. The officers approached and identified Gilchrist in the car. *Id.* at 915. They had Gilchrist step out of the car and identify himself. *Id.* They then searched the car, finding a revolver underneath the seat. *Id.* The Minnesota Supreme Court concluded that the officer’s search beneath the seat of the car was “reasonably tailored to its justification [of] the safety of the officers.” *Id.* at 917. The supreme court relied on the facts that Gilchrist was “known to carry firearms, . . . had been connected with a homicide in which a firearm was apparently used,” and had “been connected with a shooting outside of a similar ‘after hours’ establishment.” *Id.*

In *Flowers*, the Minnesota Supreme Court determined that the police had exceeded the permissible scope of a *Terry* search when they returned to a car to search it after restraining the driver and already searching the car one time. 734 N.W.2d at 242 (syllabus). There, officers initiated a traffic stop for a missing license-plate light. *Id.* at 243. Instead of stopping immediately, Flowers drove down an alley and visibly shifted left and right in the car for about 45 seconds. *Id.* Once Flowers stopped, the officers handcuffed him and searched the car, finding nothing. *Id.* at 244. After a dog sniff also revealed nothing, an officer searched the car a second time and found a handgun. *Id.* at 245. The Minnesota Supreme Court decided that Flowers’s “suspicious movements” in the car for over 45

seconds “gave the officers a reasonable suspicion that Flowers may have been involved in some type of criminal activity and that he might have been armed and dangerous.” *Id.* at 252. But the supreme court went on to conclude that the second search of the car was unconstitutional because the reasonable suspicion that the officers had when they first searched Flowers and the car had dissipated. *Id.* at 255.

Perhaps most factually similar to the present case is *Long*. In that case, two officers were on patrol late at night in a rural area when they observed a car drive erratically and swerve into a ditch. 463 U.S. at 1035. The officers stopped, and they encountered Long, who had exited the car, leaving the driver’s door open. *Id.* at 1035-36. The officers talked to Long, but he was nonresponsive and appeared under the influence of intoxicants. *Id.* at 1036. Long then turned and began walking toward the open door of the car. *Id.* Officers followed and observed a large hunting knife on the floorboard of the driver’s side of the car. *Id.* They stopped Long and patted him down, finding no weapons. *Id.* One officer shined his flashlight into the car, without entering it, in order “to search for other weapons.” *Id.* The officer noticed that “something was protruding from under the armrest on the front seat” and entered the car to inspect it. *Id.* Inside the armrest, he found a pouch containing what appeared to be marijuana. *Id.* The Court upheld the search of the car because the officers had a “reasonable belief that Long posed a danger if he were permitted to reenter his vehicle.” *Id.* at 1050. The Court relied on several facts in coming to this conclusion:

The hour was late and the area rural. Long was driving his automobile at excessive speed, and his car swerved into a ditch. The officers had to repeat their questions to Long, who appeared to be “under the influence” of some intoxicant. Long was not frisked until the officers observed that there was a large

knife in the interior of the car into which Long was about to reenter. The subsequent search of the car was restricted to those areas to which Long would generally have immediate control, and that could contain a weapon. The trial court determined that the leather pouch containing marijuana could have contained a weapon.

Id. at 1050-51.

With this precedent in mind, we turn to the case at hand. The circumstances here set this case apart from *Gilchrist*, *Flowers*, and *Long*. The reason for the stop here was a lane violation, and the officer had no knowledge that respondents were known to carry weapons or that they had been involved in violent crimes, as the officers did in *Gilchrist*. Respondents made no suspicious movements like the defendant did in *Flowers*, which supported the initial warrantless search in that case. And, unlike the defendant in *Long*, respondents were calm and cooperative, did not appear to be under the influence, and made no attempt to reenter the car.

Here, the totality of the circumstances does not create reasonable, articulable suspicion that respondents were dangerous. The state relies heavily on the presence of the “ominous” knife, “combined with [the officer’s] other observations,” to establish reasonable suspicion. As to the “other observations,” the officer testified that the time of night, the location, and the use of a rental car all indicated criminal activity, but he did not speak of dangerousness. And given respondents’ cooperative, nonsuspicious behavior during the traffic stop, the officer’s other observations do not tend to support reasonable suspicion of dangerousness. As to the knife, we are unconvinced that it establishes reasonable, articulable suspicion that respondents were dangerous. The knife had already

been secured when the officer reentered the car—alleviating any concern that respondents may have accessed it and used it against the officer.

The state makes several arguments to convince us otherwise. It argues that the presence of the knife was sufficient to support a reasonable suspicion that there were more weapons in respondents' car. The state cites caselaw from the U.S. Court of Appeals for the D.C. Circuit as persuasive authority for the proposition that "the presence of one weapon may justifiably arouse concern that there may be more in the vicinity." *United States v. Christian*, 187 F.3d 663, 669 (D.C. Cir. 1999). Even if we were to agree with that proposition, it would not be the end of the inquiry. Assuming that the presence of the knife in respondents' car reasonably aroused concern that there might be another weapon there, the totality of the circumstances still do not establish that the officer had a reasonable suspicion that respondents were dangerous. Given the absence of any knowledge on the police officer's part of other concerns of dangerousness and given the conduct of the respondents during the stop, the circumstances here do not support such a suspicion.

The state also relies heavily on *Long*, in which, like here, deputies saw a knife on the floorboard of a vehicle. But *Long* is different from this case in three important ways. First, Long had swerved his car into a ditch, appeared to be under the influence when officers were talking to him, was nonresponsive and uncooperative, and even left officers to return to the car in which they saw a knife. *Long*, 463 U.S. at 1035-36. In contrast here, respondents did not appear under the influence, were entirely cooperative, and made no suspicious or aggressive movements. Second, the object that was ultimately seized in *Long* was visible to the officers in plain view before they searched the car. *Id.* at 1036. Here, the

officer did not see any part of the package until the search, during which he had to get down on his knees and shine his flashlight under the seat to see it. And, finally, in *Long*, the knife was still in the car, leaving the possibility that Long would return and retrieve a known weapon. *Id.* Here, the officer had secured the knife, so there was no such risk. While *Long* is similar to this case in that, there, a knife was observed in plain view on the floor of the car, there were also other indications that Long was dangerous and may have gained immediate control of a weapon—indications that are lacking here.

The state also points to other aspects of the stop that made it dangerous. Specifically, it notes that the officer was alone and outnumbered and that respondents were not handcuffed or restrained and thus could have reentered the car at any time. The Minnesota Supreme Court has emphasized the heightened danger to officers when outnumbered at traffic stops. *State v. Ortega*, 770 N.W.2d 145, 152 (Minn. 2009). Similarly, the United States Supreme Court has identified the persistent danger of traffic stops even when suspects are under officer control as they may “break away from police control and retrieve a weapon from [the] automobile.” *Long*, 463 U.S. at 1051. But these dangers are generally applicable during any number of traffic stops. Alone, they do not make a particular suspect any more dangerous. Respondents were calm and cooperative and made no moves to reenter the car. The fact that they outnumbered the officer and conceivably could have tried to reenter the car is insufficient to support a reasonable, articulable suspicion that they were dangerous and may have gained control of a weapon.

Considering the totality of the circumstances, we conclude that the officer did not have a “reasonable belief, based on specific and articulable facts,” that respondents were

“dangerous and may gain immediate control of a weapon.” *Waddell*, 655 N.W.2d at 810.

Accordingly, the district court did not err by determining that the officer exceeded the scope of the stop when he conducted the warrantless search. It therefore did not err by suppressing the fruits of the search and dismissing the complaints.

Affirmed.