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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1372**

State of Minnesota,
Respondent,

vs.

Jesse Arthur Mollenhauer,
Appellant.

**Filed June 8, 2026
Affirmed
Bentley, Judge**

Le Sueur County District Court
File No. 40-CR-23-897

Keith Ellison, Attorney General, Tara Reese Duginske, Assistant Attorney General,
St. Paul, Minnesota; and

Brent Christian, Le Sueur County Attorney, Le Center, Minnesota (for respondent)

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

Considered and decided by Bentley, Presiding Judge; Ede, Judge; and Beane, Judge.

NONPRECEDENTIAL OPINION

BENTLEY, Judge

In this direct appeal from a conviction for one count of receiving stolen property and three counts of fifth-degree possession of controlled substances, appellant argues that there was insufficient evidence to support his conviction for receiving stolen property and that the district court erred by denying his pretrial motion to suppress evidence obtained

during a warranted search of his car. Because we conclude that sufficient evidence supports his conviction and the search warrant was supported by probable cause, we affirm.

FACTS

The following facts derive from evidence admitted in a jury trial and a contested omnibus hearing. On September 21, 2023, law enforcement received a report that appellant Jesse Arthur Mollenhauer had driven by his family's home, in violation of a harassment restraining order (HRO), while yelling through a voice-amplification device. In connection with that incident, officers conducted a traffic stop of Mollenhauer's car the following day and arrested him.

Officers applied for a warrant to search the inmate storage locker at the Le Sueur County Jail for Mollenhauer's car keys—the first of three search warrants that would be issued following Mollenhauer's arrest. After officers obtained the keys, they applied for a second warrant to search Mollenhauer's car and the cargo carrier affixed to its roof. The officers sought a “[l]oudspeaker or any device used to enhance sound, either handheld, portable, or stationary.” After that warrant was signed, officers searched the car's rear cargo area and the cargo carrier. In the cargo carrier, officers found a green nylon bag containing a “small digital scale,” “THC carts,” “a vape pen,” and “glass jars that had what appeared to be marijuana concentrate or marijuana wax.” Officers also found a pillowcase containing a revolver and a megaphone.

The officers who executed the search recognized the revolver from an August 2022 police report filed by Mollenhauer's father in which he reported that someone had stolen three firearms from his home, including a Ruger revolver. Mollenhauer's father reported

that he suspected Mollenhauer was involved in the theft, but no charges were filed. Officers contacted Mollenhauer's father after finding the gun, and he confirmed that it was his stolen revolver.

Based on the evidence discovered in the car search, officers obtained a third warrant to search the car again for other drugs or firearms. Officers found a garbage bag containing THC products and substances that field-tested positive for cocaine, MDMA, and ketamine.

Respondent State of Minnesota charged Mollenhauer with receiving stolen property, in violation of Minn. Stat. § 609.53, subd. 1 (2022); two counts of possession of cannabis in the first degree, in violation of Minn. Stat. § 152.0263, subd. 1(2)-(3) (Supp. 2023); three counts of fifth-degree controlled substance possession related to MDMA, cocaine, and ketamine, in violation of Minn. Stat. § 152.025, subd. 2(1) (Supp. 2023); and possession of cannabis in the third degree, in violation of Minn. Stat. § 152.0263, subd. 3(1) (Supp. 2023). These charges were later amended to include only four counts: receiving stolen property, two counts of felony fifth-degree possession of a controlled substance, and gross-misdemeanor fifth-degree possession of a controlled substance.

Mollenhauer moved to suppress the evidence found pursuant to the second and third search warrants and to dismiss all charges against him. At a contested omnibus hearing, Mollenhauer represented himself and did not present any witnesses or exhibits. Mollenhauer challenged the "necessity for three warrants to give access to two different parts of the vehicle." He also argued that he did not have cocaine in his possession, the revolver was not registered to his father and so it technically did not belong to his father, and he did not "know how [the revolver] got there." The district court construed

Mollenhauer's arguments as contesting probable cause for both his arrest and the search warrants.

The district court denied the motion to suppress and dismiss. It concluded that probable cause supported Mollenhauer's arrest and that Mollenhauer failed to provide any evidence showing otherwise. As for the search warrants, the district court stated:

Here, the evidence in the record indicates that the Defendant's vehicle was searched pursuant to a valid search warrant issued by [a judge]. The Defendant did not introduce any evidence that would indicate that the decision of [the judge] to issue the warrant was errant, or that his vehicle was searched in a manner inconsistent with that of a search pursuant to a valid search warrant.

A jury trial was held in April 2025 during which Mollenhauer continued to represent himself. The trial included testimony by the officers who searched Mollenhauer's car, a forensic scientist, and Mollenhauer's father.

Mollenhauer's father testified that he believed the revolver found in his son's car was his stolen revolver based on a "wear mark on the cylinder and on the sight from holstering, and by the holster with the weave pattern on it." His father further testified that he did not give anyone permission to remove the revolver from his home, and Mollenhauer did not have permission to possess the revolver at the time it was stolen. On cross-examination, Mollenhauer asked his father whether Mollenhauer was allowed to "shoot [the revolver] a lot growing up," to which his father responded, "You got to shoot it whenever you wanted to." Mollenhauer also asked whether as a child he had "[p]retty much free rein" to use his father's firearms, and his father answered that Mollenhauer was "expected to ask."

The jury found Mollenhauer guilty of all four counts. The district court convicted Mollenhauer on all counts and sentenced him to five years of supervised probation with a stayed 15-month prison sentence.

Mollenhauer appeals.

DECISION

Mollenhauer challenges two aspects of the district court proceedings. First, he argues that the state presented insufficient evidence at trial to support a conviction for receiving stolen property. Second, he argues that the district court erred by denying his motion to suppress evidence obtained while searching his car and cargo carrier because the second search warrant lacked probable cause. We consider both arguments in turn.

I

Mollenhauer first argues that the state did not present sufficient evidence to prove beyond a reasonable doubt that he was guilty of receiving stolen property because the circumstantial evidence presented by the state failed to prove that he knew or had reason to know the revolver found in his car was stolen. We disagree.

To convict a person of receiving stolen property, the state must prove that they “receive[d], possesse[d], transfer[red], [bought] or conceal[ed] any stolen property or property obtained by robbery, knowing or having reason to know the property was stolen or obtained by robbery.” Minn. Stat. § 609.53, subd. 1. To prove a “knowing” mental state, the state must establish that “the actor believes that the specified fact exists.” Minn. Stat. § 609.02, subd. 9 (2) (2022).

The standard under which appellate courts review a sufficiency-of-the-evidence claim depends on whether the state proved the disputed element of the offense using direct or circumstantial evidence. *State v. Jones*, 4 N.W.3d 495, 500 (Minn. 2024). Because no direct evidence was presented to prove that Mollenhauer knew the revolver was stolen, the knowledge element of Mollenhauer’s conviction for receiving stolen property relies on circumstantial evidence. *See State v. Peterson*, 375 N.W.2d 93, 95 (Minn. App. 1985) (“Knowledge that the property was stolen may be proven by circumstantial evidence.”).

Appellate courts apply a “heightened two-step analysis” for offenses proved by circumstantial evidence. *Jones*, 4 N.W.3d at 500. We first “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) (quotation omitted). Inferences “should never be included in the first step” because they are not circumstances proved. *Id.* at 483. In the second step, considering the circumstances proved as a whole, appellate courts determine “whether a reasonable inference of guilt can be drawn and no reasonable inference inconsistent with guilt can be drawn.” *Id.* at 484. We do not defer to the fact-finder at this step but instead “independently assess the reasonableness of the inferences of guilt and not guilt.” *Id.* We will not reverse a conviction “based on mere conjecture.” *State v. Tscheu*, 758 N.W.2d 849, 861 (Minn. 2008).

The following circumstances were proved at trial and are undisputed by the parties. On August 2, 2022, Mollenhauer’s father called police to report that his patio door had been breached and three firearms—including a Ruger revolver—were missing from his

firearm cabinet. Mollenhauer's father suspected Mollenhauer of taking the firearms, but no charges were filed. Mollenhauer's father had an HRO against Mollenhauer at that time. Mollenhauer was familiar with the revolver and often used it for recreational purposes, but he needed permission from his father to do so. Thirteen months later, the revolver was found in the rooftop cargo carrier on Mollenhauer's car during the execution of a search warrant. Mollenhauer's father did not give him permission to take or possess the revolver.

We next consider whether these circumstances proved permit us to draw a reasonable inference of guilt and exclude reasonable inferences inconsistent with guilt. *Firkus*, 31 N.W.3d at 484.

Mollenhauer does not dispute that the circumstances proved are consistent with guilt. Mollenhauer was in possession of his father's stolen revolver, which was found in his locked cartop carrier. In the past, Mollenhauer often used the revolver for recreation, supporting an inference that he was familiar with the revolver and knew it was his father's. But he was allowed to possess the revolver only with his father's permission, which Mollenhauer did not have at the time of the search. Additionally, the revolver was stolen during a time when Mollenhauer's father had an HRO preventing Mollenhauer from entering his father's property, further supporting an inference that Mollenhauer did not have permission to possess the revolver. From these circumstances proved, it may reasonably be inferred that Mollenhauer "believe[d] that the specified fact" of the revolver having been stolen "existed," Minn. Stat. § 609.02, subd. 9(2), and so Mollenhauer therefore knowingly possessed stolen property.

Mollenhauer argues that the circumstances proved do not point “solely to [his] guilt, and [that] a rational inference remains that he did not know or [have] reason to know the [revolver] was stolen.” He points out that officers did not find other stolen items in the cartop carrier, including the two other firearms that were stolen from his father. He implies that the absence of any other stolen objects should lead us to infer that he did not know the revolver he possessed was stolen. We are not persuaded. This argument calls for us to speculate as to the lack of evidence, rather than draw reasonable inferences from the circumstances proved. When analyzing circumstantial evidence under a sufficiency-of-the-evidence claim, appellate courts “do not set aside verdicts based on speculation.” *State v. Al-Naseer*, 788 N.W.2d 469, 480 (Minn. 2010).

Mollenhauer also draws our attention to the thirteen-month gap between the time of the theft and the discovery of the revolver. He invokes cases holding that “unexplained possession of stolen property within a reasonable time after a . . . theft will in and of itself be sufficient to sustain a conviction,” *State v. Hager*, 727 N.W.2d 668, 678 (Minn. App. 2007) (quotation omitted), and argues that the opposite should be inferred here—that “the larger the gap in time between the theft and possession, the less likely knowledge can be inferred.” Again, we are not convinced. Even acknowledging the thirteen-month gap, the circumstances proved include more than the unexplained possession of the revolver and the timing of its theft. Especially considering the circumstances proved that Mollenhauer regularly used the revolver but needed permission before doing so—permission that he lacked here—we are not persuaded that the length of time between the theft and discovery of the revolver leads to an inference other than guilt.

Mollenhauer also presents an alternative theory that another person could have taken the revolver and given it to him without him knowing it was stolen. This theory is equally unavailing. The state does not need to present evidence that excludes *all* inferences other than guilt—the state must only exclude all *reasonable* inferences other than guilt. *Tscheu*, 758 N.W.2d at 857. Mollenhauer does not point to any evidence introduced at trial that suggests that someone else may have taken his father’s firearms, and so any inference that someone else took the revolver and gave it to Mollenhauer is conjecture. *See id.* at 861 (stating convictions will not be overturned “based on mere conjecture”). And, even if we were to infer that someone else took the revolver and gave it to Mollenhauer, we note that he was convicted of receiving stolen property and not theft. Regardless of who stole the revolver, the circumstances proved lead to only one conclusion: that Mollenhauer was in possession of the revolver and knew or had reason to know that it was stolen.

We conclude that the evidence was sufficient to support the jury’s guilty verdict on the charge of receiving stolen property.

II

Mollenhauer next challenges the district court’s denial of his pretrial motion to suppress evidence obtained in the warranted search of his car. He argues that the warrant was not supported by probable cause because the warrant affidavit did not allege facts that supported a nexus between the evidence sought (the sound-amplification device) and the area searched (Mollenhauer’s cargo carrier).¹

¹ Mollenhauer also maintains that all evidence seized after the execution of the second search warrant must be suppressed as fruits of the unlawful search—including the fruits of

Search warrants must be supported by probable cause. U.S. Const. amend. IV; Minn. Const. art. I, § 10. Probable cause requires “that the evidence sought likely exists” and “that there is a fair probability that the evidence will be found at the specific site to be searched.” *State v. Yarbrough*, 841 N.W.2d 619, 622 (Minn. 2014). And to establish probable cause, there also must be a “sufficient nexus . . . between the evidence sought and the place to be searched,” which we may infer “from the totality of the circumstances,” *Id.* (quotation omitted). The totality of the circumstances considered may include “the type of crime, the nature of the items sought, the extent of the defendant’s opportunity for concealment, and the normal inferences as to where the defendant would usually keep the items.” *Id.* at 623.

We review search warrants to determine “whether the issuing judge had a substantial basis for concluding that probable cause existed.” *State v. Nagle*, 26 N.W.3d 585, 590 (Minn. 2025) (quotation omitted). Although appellate courts generally review probable-cause determinations de novo with respect to warranted searches, we defer to the issuing judge’s decision “in doubtful or marginal cases.” *Id.*; *see also State v. Rochefort*, 631 N.W.2d 802, 804 (Minn. 2001) (stating that, in search warrant cases, appellate courts “should afford the district court’s [probable-cause] determination great deference”).

The following facts were alleged in the affidavit supporting the application for the second search warrant. Mollenhauer’s father reported to police that Mollenhauer had “just driven by his property” in a black car, and that Mollenhauer specifically “slowed his

the third search warrant. Because we conclude that probable cause supported the second search warrant, we further conclude that none of the evidence seized must be suppressed.

vehicle down in front of [Mollenhauer's father's] residence and proceeded to yell via a loudspeaker from his vehicle.” Mollenhauer's parents stated that they recognized his voice and his car. Mollenhauer's family had an HRO against him, prohibiting him from being within 500 yards of their home. The following day, officers observed Mollenhauer driving a black car, conducted a traffic stop, and arrested him for an HRO violation. Mollenhauer's car was “secured and left parked after his arrest” at a gas station. Based on these facts, the affiant stated that evidence of the crime—a “voice enhancing device”—was likely “still located in [Mollenhauer's] vehicle,” and therefore the officer requested a search warrant to “enter [Mollenhauer's] vehicle and cargo carrier to search for the described evidence.”

The state argues that the totality of the circumstances alleged in the warrant affidavit supports the inference of a nexus between the voice-enhancing device and Mollenhauer's cargo carrier. We agree. A clear nexus exists between the car itself and the device. Mollenhauer's family stated they heard his amplified voice come from the car as it drove by their house. Officers then stopped Mollenhauer while he was driving the same car. A common-sense inference exists that the device could be found in that car. *See Yarbrough*, 841 N.W.2d at 623. And because the totality of the circumstances supports a nexus between the car and the device, we also agree with the state that it is equally probable that the device could be stored in the cargo carrier attached to the car's roof. This inference is supported by our prior decision in *State v. Wills*, in which we concluded that a search of a safe located within a home during a warranted search of that home was proper “because the police reasonably could believe that the safe could conceal items of the kind portrayed in the warrant.” 524 N.W.2d 507, 511 (Minn. App. 1994), *rev. denied* (Minn. Feb. 14, 1995).

Similarly here, officers searched a container that was physically attached to the car and where Mollenhauer reasonably could have concealed a sound-amplification device. Thus, we conclude that there is a sufficient nexus between the cargo carrier on top of the car and the device.

Mollenhauer cites two cases in support of his nexus argument, neither of which changes our conclusion. First, he relies on *State v. Secord*, 614 N.W.2d 227 (Minn. App. 2000), *rev. denied* (Minn. Sept. 13, 2000). In *Secord*, officers obtained a search warrant for Secord's home to look for child pornography after receiving information that someone had seen possible child pornography in his vehicle. 614 N.W.2d at 228. This court determined that there was not a sufficient nexus between the materials found in the vehicle and Secord's home because it was reasonable to infer that Secord could have been transporting the materials to another location that was not his home. *Id.* at 231. *Secord* is distinguishable because it involved the search of a separate, distinct location from Secord's vehicle. Mollenhauer's cargo carrier was affixed to the top of the car and so was not in a separate location from the car itself. There is a strong inference that an item likely to be in the car was just as likely to be in the attached carrier.

Second, Mollenhauer cites *State v. Doyle*, 336 N.W.2d 247 (Minn. 1983). In *Doyle*, after observing marijuana plants through the window of the defendant's apartment, officers executed a search warrant for both the defendant's apartment and another apartment in the same building where he frequently stayed. 336 N.W.2d at 248-49. The supreme court held that probable cause did not support a search of the second apartment. *Id.* at 252. But like *Secord*, *Doyle* turned on whether there was a sufficient nexus to a separate location where

criminal activity was not observed. *Id.* at 251-52. Here, again, the carrier was physically attached to the car and so is not comparable to a separate apartment unit.

In sum, we conclude that the totality of the circumstances alleged in the second warrant affidavit supports a nexus between the sound-amplification device and the cargo carrier. Thus, there was a substantial basis for the district court's probable-cause determination, and we affirm the district court's denial of Mollenhauer's pretrial motion to suppress.

Affirmed.