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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1523**

State of Minnesota,
Respondent,

vs.

Rajuan Marquice Jones,
Appellant.

**Filed August 24, 2026
Affirmed
Larkin, Judge**

Hennepin County District Court
File No. 27-CR-25-1454

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

Mary F. Moriarty, Hennepin County Attorney, Shannon M. Harmon, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Gina D. Schulz, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bratvold, Presiding Judge; Larkin, Judge; and Reyes, Judge.

NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellant challenges his conviction for unlawful possession of a firearm, arguing that the evidence was insufficient to support the jury's guilty verdict as a matter of law, that the charging statute violates the Second Amendment as applied in this case, that the

district court erred by denying his motion to suppress the firearm, and that the district court erred by denying his race-based challenge to the state's removal of a venire member. Appellant also raises numerous issues in a supplemental pro se brief. We affirm.

FACTS

In January 2025, respondent State of Minnesota charged appellant Rajuan Marquice Jones with unlawful possession of a firearm. The state alleged that Jones was ineligible to possess a firearm because he had a prior conviction for a crime of violence, specifically, two felony convictions under Minn. Stat. § 152.025, subd. 1(1) (2016), for selling marijuana in 2017. As alleged in the complaint, police officers attempted to arrest Jones after they observed him loitering with another individual, who was engaging in behavior typical of narcotics distribution. Jones physically resisted their efforts, and it took several officers a couple of minutes to restrain him and prevent him from leaving the scene. Once Jones was restrained, the police searched him and found a firearm.

Jones moved to suppress the firearm, and the district court denied that motion. The case proceeded to a jury trial. Jones represented himself at trial, with advisory counsel available to assist him. During jury selection, the state used a peremptory challenge to remove a multiracial venire member. Jones challenged the state's removal, arguing that it was race-based. The district court rejected Jones's challenge and permitted the state to remove the venire member.

The jury found Jones guilty as charged, and the district court sentenced him to serve 60 months in prison.

Jones appeals.

DECISION

I.

Jones contends that the evidence was insufficient to sustain the jury’s guilty verdict as a matter of law. “When a sufficiency-of-the-evidence claim turns on the meaning of the statute under which a defendant has been convicted, we are presented with a question of statutory interpretation that we review de novo.” *State v. Henderson*, 907 N.W.2d 623, 625 (Minn. 2018). “The aim of statutory interpretation is to understand and effectuate the Legislature’s intent.” *Wocelka v. State*, 9 N.W.3d 390, 394 (Minn. 2024).

“[T]he plain language of the statute controls when the meaning of the statute is unambiguous.” *Id.* (quotation omitted). A statute is unambiguous “when there is only one reasonable way to read the text.” *Id.* (quotation omitted). To determine the plain meaning of the statute, we look “to the text and textual context of the statute.” *Id.* And “we give words and phrases their plain and ordinary meaning.” *State v. Vasko*, 889 N.W.2d 551, 556 (Minn. 2017) (quotation omitted).

Jones was found guilty of violating Minn. Stat. § 624.713, subd. 1(2) (2024), which provides that a person is ineligible to possess a firearm if the person has been “convicted of . . . a crime of violence.” A “crime of violence” is defined and includes “felony convictions of the following offenses: . . . chapter 152 (drugs, controlled substances).” Minn. Stat. § 624.712, subd. 5 (2024). Jones has two felony convictions for fifth-degree sale of marijuana under Minn. Stat. § 152.025, subd. 1(1). Jones argues that—as a matter of law—a violation of Minn. Stat. § 624.713, subd. 1(2), cannot be based on felony

convictions under Minn. Stat. § 152.025, subd. 1(1), because—as explained next—that offense no longer exists.

Prior to 2023, Minn. Stat. § 152.025, subd. 1(1), provided that it was a crime to sell one or more mixtures containing marijuana or tetrahydrocannabinols. 2023 Minn. Laws ch. 63, art. 4, § 17, at 2831. In 2023, the legislature amended chapter 152 of the Minnesota Statutes and removed the sale of marijuana under subdivision 1(1) from section 152.025. *Id.* But the legislature did not amend the statutory definition of “crime of violence” to exclude felony convictions for a violation of Minn. Stat. § 152.025, subd. 1(1). The definition still includes any felony “conviction” based on an offense in chapter 152. Minn. Stat. § 624.712, subd. 5.

A “conviction” is defined as “any of the following accepted and recorded by the court: (1) a plea of guilty; or (2) a verdict of guilty by a jury or a finding of guilty by the court.” Minn. Stat. § 609.02, subd. 5 (2024). Although section 152.025 no longer includes a felony-level offense for selling marijuana, appellant’s felony convictions for selling marijuana in violation of section 152.025—as previously defined—remain. And under the plain language of the statutory definition of “crime of violence,” a felony “conviction” for an offense under chapter 152 is a “crime of violence.” Given the plain meaning of the crime-of-violence definition, there is only one reasonable way to read it: a “crime of violence” includes any felony conviction for a violation of chapter 152, including a conviction under Minn. Stat. § 152.025, subd. 1(1).

To persuade us otherwise, Jones argues that because his felony convictions under chapter 152 are based on a statutory provision that no longer exists, Minn. Stat. § 624.712,

subd. 5, cannot be interpreted to include those convictions as crimes of violence. Essentially, he argues that we should read the statutory definition of “crime of violence” to mean a felony conviction for an offense currently listed in chapter 152. “As a general rule, we do not add words or phrases not supplied by the Legislature to an unambiguous statute.” *Underwood v. State*, 25 N.W.3d 26, 36 (Minn. 2025). And if the legislature’s intent is clearly discernible from a statute’s unambiguous language, we interpret the language according to its plain meaning without resorting to other principles of statutory construction. *See State v. Anderson*, 683 N.W.2d 818, 821 (Minn. 2004).

None of Jones’s arguments persuades us that our plain-language approach to the definition of “crime of violence” in Minn. Stat. § 624.712, subd. 5, is incorrect. For example, he argues that under caselaw “the definition of crime of violence is fixed at the time of the new firearm offense, not at the time the prior offenses were committed,” citing *Tapia v. Leslie*, 950 N.W.2d 59 (Minn. 2020), for support. Although *Tapia* supports Jones’s argument that the relevant definition of “crime of violence” is the one in effect at the time of his firearm offense, it does not support reversal. In that case, the supreme court considered whether *Tapia* was ineligible to possess a firearm under section 624.713 based on a “crime of violence,” albeit in a different context: issuance of a permit to carry.¹ 950 N.W.2d at 61; *see* Minn. Stat. § 624.714, subd. 2(b)(4)(v) (2018) (providing that an

¹ The contextual difference is immaterial because, as the supreme court noted, the same statutes govern a criminal case involving ineligibility to possess a firearm based on a “crime of violence” and a civil case involving denial of a permit to carry based on a “crime of violence.” *Tapia*, 950 N.W.2d at 62 n.2.

applicant for a permit to carry must not be “prohibited from possessing a firearm under . . . section[] . . . 624.713”).

The issue in *Tapia* was whether the appellant, who was adjudicated delinquent for theft of a motor vehicle in 1998, was ineligible to possess a firearm in 2017 even though the legislature had removed theft of a motor vehicle from the definition of “crime of violence” in 2014. 950 N.W.2d at 60-61. The amendment was effective August 1, 2014, and applied to crimes committed on or after that date. *Id.* at 61.

The supreme court stated that the effective-date provision for the amendment was unambiguous as it applied to *Tapia*: it took effect on August 1, 2014. *Id.* at 62. The supreme court further stated that, because *Tapia* applied for a permit after that effective date, *Tapia*’s application for a permit to carry a firearm had to be reviewed under the definition of “crime of violence” in effect when he applied. *Id.* Finally, the supreme court stated that, because that definition did not include theft of a motor vehicle, *Tapia* was entitled to a permit. *Id.*

If the legislature had removed felony convictions based on the sale of marijuana in violation of Minn. Stat. § 152.025, subd. 1(1), from the statutory definition of “crime of violence,” *Tapia* would support a conclusion that such a conviction could not be the basis for a charge of unlawful firearm possession under section 624.713. *See id.* But the legislature did not do so.² “[W]e presume that the Legislature acts with *full knowledge of*

² Notably, at the time of the 2023 cannabis amendments, the legislature amended the definition of “crime of violence” in Minn. Stat. § 624.712, subd. 5, to include carjacking, but it did not limit the definition’s inclusion of any felony conviction for an offense in chapter 152. 2023 Minn. Laws ch. 52, art. 20, § 31, at 1213.

existing law, including the common law.” *State v. Woolridge Carter*, 9 N.W.3d 839, 843 (Minn. 2024) (quotation omitted). We therefore presume that the legislature did not remove Minn. Stat. § 152.025, subd. 1(1), from the statutory definition of “crime of violence” because it intended existing felony convictions for that offense to continue to be treated as crimes of violence despite its repeal. *See Tapia*, 950 N.W.2d at 63 (applying definition of “crime of violence” in effect when *Tapia* applied for a permit).

Moreover, the legislature did not take any other action that would prevent existing felony convictions under Minn. Stat. § 152.025, subd. 1(1), from rendering a person ineligible to possess a firearm. For example, the legislature did not provide for retroactive application of the amendment that decriminalized the underlying conduct. Instead, the legislation eliminating Minn. Stat. § 152.025, subd. 1(1), was made effective August 1, 2023, and applied expressly to “crimes committed on or after that date.” 2023 Minn. Laws ch. 63, art. 4, § 17, at 2831. Thus, the amendment to Minn. Stat. § 152.025, subd. 1(1), did not eliminate or modify Jones’s 2017 felony controlled-substance-sale convictions, and he continues to have felony convictions for violating that statute.

Nor did the legislature include convictions under Minn. Stat. § 152.025, subd. 1(1), among those that are now eligible for automatic expungement. *See* Minn. Stat. § 609A.055 (2024 & Supp. 2025) (providing for automatic expungement of certain cannabis offenses). Although such convictions may be eligible for expungement if certain circumstances exist, it is undisputed that, at the time of the jury’s guilty verdict in this case, Jones’s convictions had not been expunged. *See* Minn. Stat. § 609A.06, subd. 3 (Supp. 2025) (providing

eligibility for expungement if a person was convicted of a marijuana offense under section 152.025 and certain requirements are met).

Jones argues that reading the definition of “crime of violence” to include “not only felony convictions of the version of chapter 152 in effect at the time of the current firearm offense but also any version that previously existed” is inconsistent with the legislature’s “extraordinary lengths” to “not only . . . legalize marijuana but to eliminate—or at the very least mitigate—the impact of old convictions.” Jones notes that, in addition to eliminating the crime of fifth-degree marijuana sale under Minn. Stat. § 152.025, subd. 1(1), the legislature created an automatic review process for expungement of old convictions by a newly formed Cannabis Expungement Board. *See* Minn. Stat. § 609A.06 (2024 & Supp. 2025) (creating board, setting forth eligibility criteria for expungement, and instituting automatic-review process). The legislature also created a “social equity” category for applicants seeking licenses to sell marijuana for people who had sale or possession convictions prior to legalization. *See* Minn. Stat. § 342.17 (a)(1) (Supp. 2025) (“An applicant qualifies as a social equity applicant if the applicant . . . was found delinquent for, received a stay of adjudication for, or was convicted of an offense involving the possession or sale of cannabis or marijuana prior to May 1, 2023.”) Jones argues that these legislative acts clearly communicate the legislature’s intent to remove convictions under Minn. Stat. § 152.025, subd. 1(1), from the statutory definition of “crime of violence.”

We disagree. None of those legislative acts plainly establishes its intent that a person who was convicted of felony marijuana sale under Minn. Stat. § 152.025, subd. 1(1), is now entitled to possess a firearm. Again, expungement of such a conviction is not

automatic, and the social-equity category for licensed marijuana sales does not address firearm possession. *See* Minn. Stat. § 609A.055 (providing for automatic expungement of certain cannabis offenses); Minn. Stat. § 342.10 (Supp. 2025) (setting forth the types of licenses that may be issued).

We repeat: the legislature knows how to remove an offense from the “crime of violence” definition in Minn. Stat. § 624.712, subd. 5, and is on notice that doing so removes a bar to legal firearm possession based on a preexisting conviction for that offense. *See Tapia*, 950 N.W.2d at 60. The legislature did not do so here. And although the legislature may have gone to “extraordinary lengths” to eliminate the sale of marijuana as a violation of Minn. Stat. § 152.025, subd. 1(1), it did not take any steps indicating a clear intent to eliminate the firearm-possession bar that stems from a prior felony conviction under that statute. In the absence of such intent, we apply the plain language of the statutory definition of “crime of violence,” presuming that it manifests legislative intent. *See Burkstrand v. Burkstrand*, 632 N.W.2d 206, 210 (Minn. 2001) (“When the language of a statute is plain and unambiguous, it is assumed to manifest legislative intent and must be given effect.”).

Finally, Jones argues that his interpretation of the statute follows the canon of constitutional avoidance and “is the only one that avoids conflicts between section 624.713 and the Second Amendment.” “The constitutional avoidance canon requires that we avoid constitutional confrontations ‘if it is possible to do so.’” *State v. Irby*, 848 N.W.2d 515, 522 n.5 (Minn. 2014) (quoting *State v. Gaiovnik*, 794 N.W.2d 643, 648 (Minn. 2011)). However, “[i]f the Legislature’s intent is clear from the statute’s plain and unambiguous

language, then we interpret the statute according to its plain meaning without resorting to the canons of statutory construction.” *State v. Struzyk*, 869 N.W.2d 280, 284-85 (Minn. 2015) (quotation omitted). Because Minn. Stat. § 624.712, subd. 5, unambiguously defines a “crime of violence” as including a felony conviction for an offense in chapter 152, the canon of constitutional avoidance is inapplicable. Regardless, as explained in section II of this opinion, we do not discern a conflict between the Second Amendment and Jones’s conviction under section 624.713.

In sum, Jones appears to collaterally attack his prior felony convictions under Minn. Stat. § 152.025, subd. 1(1), based on an amendment that the legislature did not make retroactively applicable. Although the felony-level offense previously defined at Minn. Stat. § 152.025, subd. 1(1), no longer exists, Jones’s felony *convictions* for violating that statute remain. *See* Minn. Stat. § 609.02, subd. 5 (defining a “conviction”). And under the plain language of the statutory definition of “crime of violence,” a felony “conviction” for an offense under chapter 152 is a crime of violence. Thus, Jones is ineligible to possess a firearm, and the evidence was sufficient to sustain the jury’s guilty verdict. *See* Minn. Stat. § 624.713, subd. 1(2); Minn. Stat. § 624.712, subd. 5.

II.

Jones contends that even if a felony conviction for a violation of Minn. Stat. § 152.025, subd. 1(1), is still included in the statutory definition of crime of violence, Minn. Stat. § 624.713, subd. 1(2), is unconstitutional as applied to him. He argues, in part, that because the conduct underlying those convictions is no longer criminal, “section 624.713 impermissibly burdens [his] exercise of his Second Amendment rights.”

We review the constitutionality of a statute de novo. *State v. Fitch*, 884 N.W.2d 367, 373 (Minn. 2016). “We presume statutes to be constitutional and exercise the power to declare a statute unconstitutional with extreme caution and only when absolutely necessary.” *State v. Craig*, 826 N.W.2d 789, 791 (Minn. 2013) (quotation omitted). Accordingly, “we uphold a statute unless the challenging party demonstrates that the statute is unconstitutional beyond a reasonable doubt.” *Id.*

The Second Amendment provides: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” U.S. Const. amend. II. The United States Supreme Court has articulated a two-step analysis for determining whether a statute regulating firearms violates the Second Amendment. *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct. 2111, 2129-30 (2022); *see also State v. Jones*, 25 N.W.3d 732, 735-38 (Minn. App. 2025) (applying *Bruen*’s two-step analysis to an as-applied challenge). First, we determine whether “the Second Amendment’s plain text covers,” and thus “presumptively protects,” “an individual’s conduct.” *Bruen*, 132 S. Ct. at 2129-30. If the conduct is presumptively protected, we next determine whether the regulating statute “is consistent with the Nation’s historical tradition of firearm regulation.” *Id.* at 2130. To be constitutional, the statute must be “relevantly similar to laws that our tradition is understood to permit, applying faithfully the balance struck by the founding generation to modern circumstances.” *United States v. Rahimi*, 144 S. Ct. 1889, 1898 (2024) (quotations omitted).

In *Craig*, a pre-*Bruen* decision, the Minnesota Supreme Court held that Minn. Stat. § 624.713, subd. 1(2), was not unconstitutional as applied based on a felony conviction for

fifth-degree possession of a controlled substance. 826 N.W.2d at 799. And this court determined—in a post-*Bruen* decision, *State v. Gaal*—that *Craig* is still binding authority. See 21 N.W.3d 256, 265 (Minn. App. 2025) (stating that there was no reason to depart from “our usual practice of applying supreme court precedent and leaving to the supreme court the prerogative of overruling its own decisions”) (quotations omitted)).

The *Craig* court explained that “the scope of the Second Amendment’s protection as historically understood did not extend to felons convicted of a crime of violence because those individuals were traditionally disqualified from possessing a firearm.” 826 N.W.2d at 797; see also *Rahimi*, 144 S. Ct. at 190 (stating that prohibitions on “possession of firearms by felons and the mentally ill, are presumptively lawful” (quotations omitted)). However, the *Craig* court stated that “a particular felon may assert an as-applied Second Amendment challenge to a felon-dispossession statute by presenting facts that distinguish his or her conviction from the convictions of other felons who are categorically unprotected by the Second Amendment as historically understood.” 826 N.W.2d at 790.

Jones argues that Minn. Stat. § 624.713, subd. 1(2), is unconstitutional as applied to him because his felony convictions for fifth-degree sale of marijuana are sufficiently distinguishable from the conviction in *Craig*. Specifically, Jones argues that, because “[h]is prior felony convictions are no longer crimes, let alone felonies,” they “do not fall within the presumptively lawful felon-dispossession [exception].” For the reasons that follow, we are not persuaded that Jones’s felony marijuana-sale convictions are distinguishable from the fifth-degree felony controlled-substance conviction in *Craig* such that the felon-dispossession exception to the Second Amendment does not apply.

In arguing that his convictions for fifth-degree marijuana sale are sufficiently distinguishable from the convictions of other felons who are categorically and historically unprotected by the Second Amendment, Jones focuses on the conduct underlying his convictions: the sale of a mixture containing marijuana. He reasons that, because the conduct underlying his convictions is no longer a crime, his convictions are sufficiently distinguished. But Jones's singular focus on the conduct underlying his convictions fails to recognize an important aspect of the *Craig* court's reasoning.

In holding that Minn. Stat. § 624.713, subd. 1(2), is constitutional as applied to a person with a fifth-degree felony conviction for controlled-substance possession under chapter 152, the *Craig* court explained:

We conclude that the scope of the Second Amendment's protection as historically understood did not extend to felons convicted of a crime of violence because those individuals were traditionally disqualified from possessing a firearm. Here, *Craig has failed to establish that his felony conviction of fifth-degree possession of a controlled substance is sufficiently distinguishable* from the convictions of felons categorically unprotected by the Second Amendment as historically understood. Several reasons support our conclusion.

First, *Craig's* predicate felony conviction of fifth-degree possession of a controlled substance is defined by statute as a crime of violence. *And a substantial nexus exists between drugs and violence, and that nexus renders a prior felony drug offender more dangerous than a typical law-abiding citizen.*

Second, *felons convicted of a crime of violence are more likely to reoffend and commit further crimes of violence that threaten the public safety.*

Craig relies on *Heller* to argue that the Second Amendment elevates above all other interests the right of law-

abiding, responsible citizens to use arms in defense of hearth and home. But *the language upon which Craig relies assumes that the individual exercising the right to possess a firearm is a law-abiding, responsible citizen. A felony conviction of a crime of violence renders the felon the opposite of the law-abiding, responsible citizen who can assert a Second Amendment right.* Because Craig has been convicted of a crime of violence, he is not the type of law-abiding citizen who retains the right to possess a handgun in the home for the purpose of self-defense.

Accordingly, *Craig has failed to present facts distinguishing his conviction from the convictions of other felons who are categorically unprotected by the Second Amendment as historically understood.* The Second Amendment as understood at the time of its ratification excluded those convicted of crimes of violence from exercising the right to possess a firearm. Craig was convicted of a felony offense categorized as a crime of violence by statute, and that categorization is firmly rooted in the historical understanding of the Second Amendment. Therefore, we conclude that Craig is categorically unprotected by the Second Amendment and Minnesota’s ineligible-person statute is constitutional as applied to him.

Id. at 797-98 (emphasis added) (footnote omitted) (quotations and citations omitted).

Although the conduct underlying Jones’s convictions may no longer be criminal, it was a felony offense when he engaged in it—twice—in 2017. Under the *Craig* court’s reasoning, a conviction stemming from the sale of marijuana when such conduct was defined as a felony-level offense is comparable to the convictions of other felons who are categorically unprotected by the Second Amendment as historically understood. In short, a person who sold a mixture containing marijuana when doing so was still defined as a felony-level offense is “the opposite of the law-abiding, responsible citizen who can assert a Second Amendment right.” *Id.* at 798.

In sum, Jones “was convicted of a felony offense categorized as a crime of violence by statute, and that categorization is firmly rooted in the historical understanding of the Second Amendment.” *Id.* Based on *Craig*, we conclude that Minn. Stat. § 624.713, subd. 1(2), does not violate the Second Amendment as applied to Jones.

III.

Jones contends that the district court erred in denying his motion to suppress the firearm. “In our review of pre-trial motions to suppress, we review the district court’s factual findings for clear error and its legal determinations de novo.” *State v. Zielinski*, 10 N.W.3d 1, 13 (Minn. 2024) (quotation omitted).

Both the United States and Minnesota Constitutions prohibit unreasonable searches and seizures. U.S. Const. amend. IV; Minn. Const. art. I, § 10. But police may stop and frisk a person if they have a reasonable, articulable suspicion that the suspect might be engaged in criminal activity and they reasonably believe the suspect might be armed and dangerous. *See Terry v. Ohio*, 392 U.S. 1, 30 (1968). In addition, the police may make a warrantless arrest for criminal conduct based on probable cause. *State v. Williams*, 794 N.W.2d 867, 871 (Minn. 2011). An arrest is supported by probable cause if, under the totality of the circumstances, a person of ordinary care would objectively believe a crime has been committed. *Id.*

“In a criminal case, the remedy for an illegal search or seizure is generally limited to the suppression of illegally obtained evidence.” *State v. Horst*, 880 N.W.2d 24, 36 (Minn. 2016). This rule also applies to the “fruits of an illegal search or seizure.” *Id.* (quotation omitted). To be admissible, the evidence must have been obtained by means

that were “sufficiently distinguishable to be purged of the primary taint.” *State v. Olson*, 634 N.W.2d 224, 229 (Minn. App. 2001) (quotation omitted), *rev. denied* (Minn. Dec. 11, 2001).

We consider four factors when determining whether evidence is fruit of an illegal search or seizure. *Id.* These are:

(1) the purpose and flagrancy of the misconduct; (2) the presence of intervening circumstances; (3) whether it is likely that the evidence would have been obtained in the absence of the illegality; and (4) the temporal proximity of the illegality and the evidence alleged to be the fruit of the illegality.

Id. Although we have stated that no one factor is dispositive, appellate courts have repeatedly held that the “valid arrest of [a person] for obstructing legal process outweighs the other factors and remove[s] the taint of the earlier unconstitutional arrest.” *Id.* at 229-30.

In denying Jones’s motion to suppress the firearm, the district court found that the police were investigating Jones and other individuals for loitering and distributing narcotics. After observing one of the other individuals conduct a suspected hand-to-hand narcotics transaction during surveillance, the police entered a store to stop and identify Jones and that other individual. When one of the police officers entered the store, he saw Jones and that other person at the end of a hallway in the store. The officer saw Jones look at him, turn, and walk away. The officer walked up to Jones and the other person, put his hands on their jackets and said, “Both of you are under arrest.” The other person complied, but Jones tried to grab the officer’s hands, tried to get past him, and continued to move towards the front of the store. Multiple officers attempted to restrain Jones, telling him

that he was under arrest and to stop resisting as Jones dragged them through the store. It took three to four additional officers nearly two minutes to subdue and arrest Jones. When the officers searched Jones after arresting him, they found a firearm.

Based on these findings, the district court concluded that, although the police had a reasonable, articulable suspicion of criminal activity and, therefore, a basis to conduct an investigative seizure, they did not have probable cause to arrest Jones when they advised him that he was under arrest. But the district court concluded that Jones's resistance to arrest and attempt to get away from the police was an intervening circumstance that purged the taint of the initial unlawful arrest. The district court therefore denied Jones's motion to suppress the firearm.

On appeal, Jones argues that the district court erred by concluding that his resistance was sufficient to purge the taint of the initial unlawful arrest. He argues that all of the relevant factors weigh in favor of suppression. The state responds that this case is like *Olson* and that Jones's resistance outweighed other factors that might have supported suppression.

In *Olson*, we held that “[o]bstructing legal process . . . is not a predictable response to arrest, and is an intervening circumstance sufficient to purge earlier illegal police conduct of its primary taint.” *Id.* at 226. However, we also stated that “[n]o one factor is dispositive; rather courts must balance all of [the] factors.” *Id.* at 229. In our de novo review, we consider all of the relevant factors.

In this case, the purpose and flagrancy of the officer's misconduct—initiating an arrest and not merely an investigative seizure in the absence of probable cause—and the

temporal proximity of the illegality and discovery of the gun support suppression of the evidence. And because the record does not establish that the police suspected that Jones was armed and dangerous—which would have justified a pat frisk—we cannot say that it is likely that the gun would have been discovered in the absence of the illegal arrest. However, Jones’s resistance strongly supports admission of the evidence.

As the district court found and the record shows, Jones physically resisted several police officers as they attempted to arrest him and to keep him from leaving the scene. Jones dragged police officers across the store while attempting to leave and refused to comply with their commands for approximately two minutes. Consistent with our approach in *Olson*, we conclude that Jones’s ultimate arrest for obstructing legal process outweighed the other factors and removed the taint of the earlier unconstitutional arrest. Thus, the district did not err by denying the motion to suppress. *See id.* at 230.

IV.

Jones contends that the district court applied an incorrect legal standard when ruling on his race-based challenge to the state’s removal of a venire member.

In *Batson v. Kentucky*, 476 U.S. 79 (1986), “the United States Supreme Court held that the exclusion of prospective jurors through peremptory challenges is subject to the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.” *State v. Harvey*, 932 N.W.2d 792, 810 (Minn. 2019). A peremptory challenge that is used against a prospective juror based on the juror’s race “denies equal protection both to the prospective juror, because it denies her the right to participate in jury service, and to the

defendant, because it violates his right to be tried by a jury made up of members selected by nondiscriminatory criteria.” *Id.* at 810-11 (quotation omitted).

Traditionally, “[t]o determine whether a peremptory strike was discriminatory, we apply the three-step test articulated by the United States Supreme Court in *Batson*.” *State v. Carridine*, 812 N.W.2d 130, 136 (Minn. 2012). Under that test, a defendant must first establish a prima facie case of discrimination by showing “(1) that a member of a protected racial group has been peremptorily excluded from the jury and (2) that circumstances of the case raise an inference that the exclusion was based on race.” *State v. Blanche*, 696 N.W.2d 351, 364-65 (Minn. 2005). Second, if the objecting party establishes a prima facie case of racial discrimination, “the burden of production shifts to the proponent of the strike to come forward with a race-neutral explanation.” *Id.* at 364 (quotation omitted). Third, “[i]f a race-neutral explanation is tendered, the [district] court must then decide . . . whether the opponent of the strike has proved purposeful discrimination.” *Id.* at 364-65 (quotation omitted).

In *State v. Lufkins*, the Minnesota Supreme Court noted its concerns with the district courts’ application of the longstanding *Batson* test. 963 N.W.2d 205, 214 n.6 (Minn. 2021). The supreme court explained that *Batson* “sets a floor, not a ceiling, in the type of prophylactic action that states can take to eliminate racial bias in the jury selection process.” *Id.* The supreme court stated that “[t]he presence of conscious or unconscious racial discrimination in a jury selection process is an affront to the integrity and dignity of the court.” *Id.* The supreme court therefore directed “the Supreme Court Advisory Committee on the Rules of Criminal Procedure to review the procedure laid out in Minn.

R. Crim. P. 26.02,” which was then directed at combatting purposeful discrimination, “and make recommendations to [the supreme] court on appropriate and necessary amendments to it.” *Id.*

Rule 26.02, subd. 7, was subsequently amended and became effective March 1, 2025. *Order Promulgating Amendments to the Minnesota Rules of Criminal Procedure*, No. ADM10-8049 (Minn. Dec. 20, 2024). The rule now provides the following framework for assessing an alleged race-based peremptory challenge:

Subd. 7. Objections to Peremptory Challenges.

(1) Rule Purpose. The purpose of this rule is to eliminate the unfair exclusion of potential jurors based on race, ethnicity, or gender.

(2) Procedure. Any party, or the court, at any time before the jury is sworn, may object to a peremptory challenge on the ground of appearance of bias based on race, ethnicity, or gender. The objection and all arguments must be made out of the hearing of all prospective or selected jurors. All proceedings on the objection must be on the record. The objection must be determined by the court as promptly as possible, and must be decided before the jury is sworn. The court must explain its decision on the record.

(3) Process and Determination.

(a) Upon objection to the exercise of a peremptory challenge under this rule, the party exercising the peremptory challenge must articulate the reasons that the peremptory challenge has been exercised.

(b) The court must give the objecting party an opportunity to respond.

(c) *The court must then evaluate the reasons given to justify the peremptory challenge based on the totality of the*

circumstances. In making its determination, the court must consider the following:

(i) the number and types of questions posed to the prospective juror, which may include consideration of whether the party exercising the peremptory challenge failed to question the prospective juror about the alleged concern or the types of questions asked about it;

(ii) whether the party exercising the peremptory challenge asked significantly more questions or different questions of the potential juror against whom the peremptory challenge was used in contrast to other jurors;

(iii) whether other prospective jurors provided similar answers but were not the subject of a peremptory challenge by that party;

(iv) [whether] the reason articulated by the party is commonly associated with the disproportionate exclusion of a particular race, ethnicity, or gender, such as:

(a) having prior contact with or a distrust of law enforcement;

(b) living in a high-crime area;

(c) not being a native English speaker; or

(d) having a close relationship with people who have been stopped, arrested, charged, or convicted of a crime; and

(v) whether the party has used peremptory challenges disproportionately against a particular race, ethnicity, or gender in the present case or in past cases.

The court may consider other circumstances it deems relevant in evaluating the reasons given to justify the peremptory challenge.

(d) If the court determines that race, ethnicity, or gender could reasonably be viewed as a factor in the use of the peremptory challenge, then the court must sustain the objection and deny the peremptory challenge.

Minn. R. Crim. P. 26.02, subd. 7 (emphasis added).

“Because the existence of racial discrimination in the use of a peremptory challenge is a factual determination, we give great deference to the district court’s ruling and will

uphold the ruling unless it is clearly erroneous.” *State v. Diggins*, 836 N.W.2d 349, 355 (Minn. 2013) (quotation omitted). “But when a district court’s finding or analysis is based on the wrong legal standard, we examine the record without deferring to the district court’s analysis.” *Lufkins*, 963 N.W.2d at 213.

In this case, the parties agree that Jones’s trial occurred after rule 26.02 was amended, that the new rule was applicable, and that the district court failed to apply the new rule. As the state notes, “[i]t is clear from the record that . . . neither the court nor the parties mentioned the new rule” and, “[b]ecause the new rule was in effect at the time of the trial, the State agrees the district court erred by not applying it.” The state acknowledges, and we agree, that the district court did not satisfy the third step of the new rule “because the court did not indicate that it conducted a totality of the circumstances analysis, considered the enumerated factors, or determined whether race could reasonably be viewed as a factor in the use of the peremptory challenge.” (Quotation omitted.) Because the district court applied the wrong legal standard, we review the district court’s ruling without deferring to its analysis. *See id.*

In explaining the contested peremptory challenge, the prosecutor stated:

I struck [the venire member] because she stated during questioning that in terms of her prior cases back in 1998, 1997 for drug sale in the first degree and felon in possession, that she was disappointed in the process. She was young. Felt nothing was explained well. And in hindsight, she probably would not have taken the plea.

When Your Honor asked if she could be fair and impartial, she hesitated. She has strong feelings about not being advised and counseled properly on her cases from 1998 and 1997.

Given the case that we are here today for . . . Mr. Jones and given his -- his right and his choice to proceed without counsel, I felt that her strong feelings about not being properly advised, not being counseled properly, and her hesitancy when asked if she could be fair and impartial gave rise to the reason that I struck her.

The district court had questioned the venire member regarding the circumstances that the state cited as the basis for its peremptory strike: the venire member's belief that she did not receive adequate explanations or advice from her attorney when she was charged with and convicted of narcotics and weapons offenses at the age of 17, pleaded guilty, and served time at a Minnesota Correctional Facility. The district court asked the venire member about that experience and whether anything about it would influence her decision if selected as a juror in the case as follows:

THE COURT: Extended juvenile jurisdiction. There you go. This is a very long time ago. You were very young. So you went through it. You know, you went through some court proceedings. You interacted with law enforcement officers, I assume?

PROSPECTIVE JUROR: Yeah.

THE COURT: Do you have any feelings -- strong feelings one way or another -- about the incident itself?

PROSPECTIVE JUROR: No, no. Not about the process or, you know, just what I went through. Learned a lot. But I guess what I could say is that I -- I was hanging around the wrong people and would not hang out with those people again if I could change it.

THE COURT: Okay. So, I mean, those are very unpleasant circumstances for you. That's an understatement, I recognize that. And it's -- again, a lot of time has passed, and you gain wisdom from the incident itself and from the experience.

But, again, the same question I'm going to ask everybody is anything about that incident -- the process; your treatment within the system; your interactions with the various players, so to speak, in the system, from law enforcement up to the judge, prosecutor, defense counsel, if any -- anything about that that you would take into this trial for any reason?

PROSPECTIVE JUROR: No.

THE COURT: Okay. Do you think that you -- I think similar question I asked [another juror], you think you can come into this with a clean slate? In other words, assuming Mr. Jones is innocent, sorry, and holding the State to its burden of proof?

PROSPECTIVE JUROR: I think I could.

THE COURT: Okay. You hesitate. You -- you seem --

PROSPECTIVE JUROR: No, I just, I guess, you know, the experience I went through is, you know, probably totally different than anybody else. But I don't know. I just -- the process itself, I was disappointed because I was so young. And I don't think things were clearly explained to me the way they were.

And I think if I were to change that, I would probably have -- would have probably had more of an advocate or somebody to kind of explain the process to me. And I probably wouldn't have taken the plea -- plea bargain.

THE COURT: Okay. Did you have a lawyer representing you back then?

PROSPECTIVE JUROR: Did I have anybody representing me?

THE COURT: A lawyer, yeah.

PROSPECTIVE JUROR: Yes, I did.

THE COURT: Okay. So I've introduced the parties here, right? Mr. Jones is representing himself, but I do have two lawyers that are going to be participating in the trial. Advisory counsel, the prosecutor.

Is there anything about -- given the regret that you've expressed, is there anything about your feelings that you would bring into this trial and take out, so to speak -- and I realize -- kind of jump to conclusions here. But I do need to make a clear record.

Anything about the feelings that you have about perhaps not being advised sufficiently, not being counselled properly, that you would bring into this trial against the lawyers that are participating here?

PROSPECTIVE JUROR: Oh, no.

THE COURT: Okay. You seem sure of that, right?

PROSPECTIVE JUROR: Yeah.

THE COURT: So having established that, is there anything else that you would bring into this trial from that incident?

PROSPECTIVE JUROR: No.

THE COURT: You seem more sure now.

PROSPECTIVE JUROR: Yeah, no, no. I . . . think just the -- the process I went through, like I said, it was different and being so young. So I would not, I guess, you know, hold those feelings against what is going on with this case.

In rejecting Jones's *Batson* challenge, the district court indicated that the reasons offered by the state had "nothing to do with the race of the [venire member] and more to do with her experience in the past in the system and the particulars of this case."

Jones argues that the district court was required to consider the mandatory factors listed in the new peremptory-strike rule, and that it therefore should have considered "the

fact that the prosecutor did not ask any follow-up questions about [the venire member's] experience and ability to remain impartial," whether the prosecutor's explanation "is commonly associated with the disproportionate exclusion of a particular race" such as "having a close relationship with people who have been stopped, arrested, charged, or convicted of a crime," and whether the prosecutor used peremptory challenges "disproportionately against a particular race." Jones also argues that "a pattern had emerged of the prosecutor eliminating Black prospective jurors," noting that the challenged venire member was one of three Black venire members and that the district court granted the state's motion to strike one of the other two Black venire members for cause.

Finally, Jones argues that he has demonstrated, at the very least, that race could reasonably be viewed as a factor in the prosecutor's decision to strike the venire member, arguing:

[T]he experience of being treated unfairly by the criminal justice system is uncontroversially associated with race. If prosecutors can exclude potential jurors because of a bad experience with the criminal justice system—an experience that they, under oath, state that they are able to set aside to render an unbiased verdict—then the supreme court's attempt to modify the *Batson* process to get at implicit bias will be toothless.

Jones's argument is compelling. However, our decision must be based on the totality of the circumstances. Indeed, the supreme court's order adopting the new peremptory-challenge rule noted that a minority of the Advisory Committee requested that reasons commonly associated with the disproportionate exclusion of a particular race, as set forth in subdivisions 7(3)(c)(iv), be deemed presumptively invalid "because they are

frequently used as pretext for race-based peremptory challenges” and that during the ensuing public comment period, the Office of the Minnesota Appellate Public Defender made the same request. *Order Promulgating Amendments to the Minnesota Rules of Criminal Procedure*, No. ADM10-8049, at 2 (Minn. Dec. 20, 2024). The supreme court rejected that request, concluding “that a less categorical approach would allow the district court to weigh all relevant arguments and circumstances when coming to its decision.” *Id.* at 2-3. Thus, although the factor in subdivision 7(3)(c)(iv) may favor Jones, it is not dispositive.

In our de novo totality-of-the-circumstances analysis under the new preemptory-challenge rule, we have considered that the entire venire panel was questioned as a group, that all of the venire members were generally asked the same questions with similar follow-up questions, that the challenged venire member was asked the same questions as the other venire members, that the venire member’s strong feelings about not being properly advised in a prior criminal case were apparent, that the venire member ultimately assured the district court that her experience would not affect her decision if selected as a juror, and that although the state excused another Black venire member, it did so for cause. Based on all of the circumstances, we cannot say that “race, ethnicity, or gender could reasonably be viewed as a factor in the use of the peremptory challenge.” Minn. R. Crim. P. 26.02, subd. 7(3)(d). We therefore conclude that the district court did not err by rejecting Jones’s *Batson* challenge. *See* Minn. R. Crim. P. 26.02, subd. 7(3)(c), (d).

However, we remind the district court that it must apply the new preemptory-challenge rule and comply with its requirements. If the district court fails to do so, this

court will not defer to its analysis on a *Batson* ruling, and the district court risks reversal and a remand for a new trial.

V.

Jones raises ten issues in a supplemental pro se brief, some of which include multiple assertions of error. When considering pro se arguments on appeal, several principles govern our review. Courts have a duty to reasonably accommodate pro se litigants, so long as there is no prejudice to the adverse party. *Kasson State Bank v. Haugen*, 410 N.W.2d 392, 395 (Minn. App. 1987). But “[a]lthough some accommodations may be made for pro se litigants, this court has repeatedly emphasized that pro se litigants are generally held to the same standards as attorneys and must comply with court rules.” *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001).

“Claims in a pro se supplemental brief that are unsupported by either arguments or citation to legal authority are forfeited.” *State v. Montano*, 956 N.W.2d 643, 650 (Minn. 2021) (quotation omitted). “Such arguments will not [be] considered unless prejudicial error is obvious on mere inspection.” *Id.* at 650-51. In addition, we do not presume error on appeal, and “the burden of showing error rests upon the one who relies upon it.” *Midway Ctr. Assocs. v. Midway Ctr., Inc.*, 237 N.W.2d 76, 78 (Minn. 1975) (quotation omitted).

In his supplemental pro se brief, Jones asserts that reversal is warranted for the following reasons: (1) his initial unlawful seizure required suppression of the firearm; (2) the officers provoked his flight, and the flight therefore could not be an intervening circumstance; (3) he was denied the right to present a complete defense and confront a witness; (4) a juror had prejudicial contact with a state witness, a juror made racially biased

comments about Jones being “lawless,” and the state’s exercise of the peremptory challenge was racially biased; (5) “the seizure, use of force, and resistance theory were unlawful as a matter of law”; (6) the amelioration doctrine and *Bruen* preclude the use of Jones’s prior felony convictions of fifth-degree sale of marijuana as a predicate felony for his conviction; (7) he was denied his right to a speedy trial; (8) his repeated prosecution violates double jeopardy; (9) the district court was not impartial because the judge repeatedly interrupted him while he was cross-examining state witnesses; and (10) he was denied a probable-cause hearing, the district court failed to resolve his jurisdictional challenge, and he was denied access to legal materials.

Many of these issues are duplicative of arguments raised in Jones’s principal brief. As to those issues, we have already determined that relief is not warranted, and Jones’s arguments in his pro se brief do not persuade us otherwise. *See Midway Ctr. Assocs.*, 237 N.W.2d at 78.

As to the remaining issues, Jones has not shown that any of the alleged errors necessitates reversal. For example, Jones does not explain why the alleged violation of his right to present a complete defense was not harmless. *See State v. Carbo*, 6 N.W.3d 114, 123 (Minn. 2024) (stating that even “if a [district] court’s evidentiary ruling is determined to be erroneous, and the error reaches the level of a constitutional error, such as denying the defendant the right to present a defense, our standard of review is whether the exclusion of evidence was harmless beyond a reasonable doubt” (quotation omitted)).

Jones also does not explain how the underlying prosecution resulted in a double-jeopardy violation, and prejudicial error is not obvious on mere inspection. That claim is

therefore forfeited. *See Montano*, 956 N.W.2d at 650-51. And Jones’s assertion that the district court was biased and his supporting examples do not overcome the presumption “that a judge has discharged his or her judicial duties properly.” *State v. Romine*, 757 N.W.2d 884, 894 (Minn. App. 2008) (quotation omitted), *rev. denied* (Minn. Feb. 17, 2009). Our review of the record reveals no judicial bias.

As to Jones’s argument that his right to speedy trial was violated, we have applied the four-factor balancing test that is used to assess such a claim, as set forth by the Supreme Court of the United States in *Barker v. Wingo*, 407 U.S. 514, 530 (1972). Given the short length of the delay, which was prompted by Jones’s request for an evidentiary hearing on his suppression motion, we conclude that his right to speedy trial was not violated. *See State v. Hahn*, 799 N.W.2d 25, 30 (Minn. App. 2011) (“[W]hen the overall delay in bringing a case to trial is the result of the defendant’s actions, there is no speedy trial violation.” (quotation omitted)), *rev. denied* (Minn. Aug. 24, 2011).

Finally, Jones’s assertions that he was denied a probable-cause hearing, that the district court failed to address his jurisdictional challenge, and that he was forced to go to trial without adequate legal materials are similarly unpersuasive. The record shows that the district court found probable cause for the charged offense based on the complaint. The record also shows that the district court addressed Jones’s jurisdictional challenges in its pretrial order denying Jones’s motion to suppress the firearm. As to the assertion that Jones was forced to proceed without legal materials at trial, Jones does not explain how the absence of any legal materials prejudiced him when he had advisory counsel available to assist him throughout the trial.

In sum, Jones fails to persuade us that any of the claims in his pro se brief warrant a new trial.

Affirmed.