

*This opinion is nonprecedential except as provided by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
A25-1699**

State of Minnesota,
Respondent,

vs.

Richard Vinje Rean,
Appellant.

**Filed June 29, 2026
Affirmed
Kirk, Judge***

Scott County District Court
File No. 70-CR-22-2088

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

Ronald Hovevar, Scott County Attorney, Elisabeth M. Johnson, Assistant County Attorney, Shakopee, Minnesota (for respondent)

Craig E. Cascarano, Minneapolis, Minnesota (for appellant)

Considered and decided by Larson, Presiding Judge; Rasmusson, Judge; and Kirk,
Judge.

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

NONPRECEDENTIAL OPINION

KIRK, Judge

In this appeal from the final judgments of conviction for first-degree controlled-substance crime and possession of a firearm without a serial number, appellant argues that the district court erred by refusing to suppress evidence seized as a result of the warrantless search of appellant's residence and by admitting a probable cause packet, which included police reports and other documents referencing individuals who did not testify at the suppression hearing. We affirm.

FACTS

The following facts were stipulated to by the parties. In February, 2022, police were dispatched to a basement fire at a residence in which appellant Richard Vinje Rean lived with his mother, the homeowner. The fire originated in Rean's basement bedroom. After firefighters extinguished the fire, they informed a responding police officer that there were some "questionable items" in the basement, specifically "drug paraphernalia and firearms." The officer contacted the sergeant in charge of investigations, who sent another sergeant (the sergeant) to investigate the scene. The officer and the sergeant entered the residence to secure the property, ensure the scene was safe, and preserve any evidence.

The officer and the sergeant did not find any immediate hazards, so they did not manipulate or move anything at the scene. However, they did observe several firearms and some drug paraphernalia in Rean's bedroom. The officer ran a state record check and determined that Rean was "ineligible to possess a firearm because of a prior drug

conviction.” Because of this and their observation of drug paraphernalia, the sergeant applied for, and was granted, a search warrant.

During the search of Rean’s bedroom, officers found eight firearms—three of which had no serial number—as well as ammunition, and 212.70 grams of methamphetamine. Respondent State of Minnesota charged Rean with one count of first-degree controlled substance crime in violation of Minn Stat. § 152.021, subd. 2b(1) (2020), possession of a firearm without a serial number in violation of Minn. Stat. § 609.667(3) (2020), and possession of a firearm by an ineligible person in violation of Minn. Stat. § 624.713, subd. 1(2) (2020).

Rean moved to suppress the evidence found during the initial warrantless search of the basement by the officer and the sergeant. The district court held a contested omnibus hearing, during which it heard arguments on Rean’s motion to suppress evidence and testimony from both the officer and the sergeant regarding the warrantless search of the basement. At the hearing, the state moved to admit into evidence a probable cause packet (PC packet), which the district court allowed over Rean’s hearsay objection. Both parties submitted briefing after the hearing, and the district court subsequently issued an order denying Rean’s suppression motion.

Rean then moved for reconsideration of the district court’s order on the grounds that the district court had not considered whether admitting the PC packet may have “deni[ed] [his] right of confrontation of any witnesses who submitted reports” that were contained within the packet. The district court denied Rean’s motion for reconsideration because it had relied upon the testimony of witnesses and not the reports in the PC packet when

making its determination regarding his suppression motion. Furthermore, Rean had raised, without notice, in his brief following the hearing the issue of whether there was probable cause to support the search warrant and, to address this challenge, the district court relied upon the PC packet only to the extent that it referenced a copy of the search warrant affidavit, which both parties cited in their briefs.

Following a trial on stipulated facts, the district court found Rean guilty of first-degree drug possession and possession of a firearm without a serial number but dismissed the charge of unlawful possession of a firearm pursuant to an agreement of the parties.

Rean appeals.

DECISION

I. The district court did not err by denying Rean’s motion to suppress evidence obtained by law enforcement after a warrantless search of Rean’s residence.

Rean challenges the district court’s denial of his motion to suppress, arguing that there were no exigent circumstances that allowed law enforcement to conduct a warrantless search of his residence. The evidence discovered in plain view during the warrantless search formed the basis of the state’s probable cause to obtain a warrant, which yielded the evidence of drugs and firearms that Rean moved to suppress prior to his trial.

The United States Constitution protects “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const. amend. IV. “[A] warrantless seizure is presumptively unreasonable unless one of a few specifically established and well-delineated exceptions applies.” *State v. Milton*, 821 N.W.2d 789, 798 (Minn. 2012) (quotations omitted). One such exception “applies

when the exigencies of the situation make the needs of law enforcement so compelling that a warrantless search is objectively reasonable under the Fourth Amendment.” *Kentucky v. King*, 563 U.S. 452, 460 (2011) (quotations omitted). “[A] warrantless entry by criminal law enforcement officials may be legal when there is compelling need for official action and no time to secure a warrant.” *Michigan v. Tyler*, 436 U.S. 499, 509 (1978). This can include the warrantless entry of a home to prevent imminent destruction of evidence. *Id.* In addition, “firefighters need not obtain a warrant before entering a building to fight a fire because a burning building clearly presents an exigency of sufficient proportions to render a warrantless entry reasonable.” *State v. Voss*, 683 N.W.2d 846, 850 (Minn. App. 2004) (quotations omitted). Once firefighters are in the building, “exigent circumstances allow firefighters and officials to remain on the premises for a reasonable time to investigate the cause of the blaze, and any evidence that is in plain view may be seized.” *Id.* (quotation omitted).

“To resolve whether a law enforcement officer faced an emergency that justified acting without a warrant, [appellate courts] appl[y] the-totality-of-the-circumstances approach,” which requires an “objective evaluation of the facts reasonably available to the officer at the time of the search.” *State v. Stavish*, 868 N.W.2d 670, 675 (Minn. 2015). When reviewing an order on a motion to suppress evidence, appellate courts “review the district court’s factual findings under [the] clearly erroneous standard” and “review the district court’s legal determinations, including a determination of probable cause, de novo.” *Milton*, 821 N.W.2d at 798 (citation omitted).

Rean contends that there were no exigent circumstances to enter because no one was present who could destroy property or who might be injured, the property had already been “secured and frozen,” and there was ample time to obtain a warrant. The district court heard testimony from the officer and the sergeant that they entered the basement to ensure that “the scene was safe” because windows were broken out; there was a risk of a “cook-off” of heated ammunition in which a round could discharge spontaneously; and to ensure that harm would not befall additional law enforcement and the fire marshal, who were en route to the residence to continue the fire investigation. The district court credited the testimony of the officer and the sergeant and determined: “The warrantless search of [Rean’s] residence was justified by exigent circumstances.”

Rean argues, however, that *Voss* stands for the proposition that unless law enforcement is conducting a search for legitimate fire investigative purposes, any other search inside the residence after the fire is extinguished must be conducted with a warrant.

In *Voss*, firefighters extinguished a fire and then “searched throughout the house for hotspots and smoldering materials.” 683 N.W.2d at 848. While doing so, they discovered an unplugged chest freezer in the basement, opened it out of curiosity, and discovered three marijuana plants. *Id.* at 848, 851. We concluded that the search for hotspots was for “fire investigation purposes,” but the search of the freezer within the basement to satisfy the firefighters’ “curiosity” was not. *Id.* at 850-51.

Here, Rean claims without citing the record, that there were no exigent circumstances, the residence was “frozen, and no one was in danger of a ‘cook off’ of the gun.” Yet testimony credited by the district court outlined safety concerns that prompted

the search, including concerns of a potential cook-off from a gun or ammunition. And, while Rean focuses on the fact that law enforcement did not ultimately have to do anything to prevent a cook-off and that they simply observed the same items in plain view that fire personnel had already seen, that fact is not dispositive. *Voss* does not require that the fire investigation reveal dangers in need of correction but instead deemed a search investigatory if there was a reasonable concern that hotspots or other dangers could be present. *Id.* at 850-51.

After evaluating the facts available to the officer and the sergeant at the time of the warrantless search and considering the totality of the circumstances, we conclude that the district court properly determined that the search was reasonable because of exigent circumstances. We therefore affirm the district court's determination that probable cause existed to support the search warrant.

II. The district court did not deny Rean his Sixth Amendment right of confrontation by admitting the PC packet.

Rean next argues that the district court erred by admitting a PC packet into evidence at the suppression hearing because he did not have an opportunity to confront the authors of some of the documents included in the packet.

When making its determination on the exigency exception, the district court considered the testimony of the officer and the sergeant but did not refer to any portion of the PC packet. When making a determination on whether the search warrant was supported by probable cause, the district court considered the sergeant's in-court testimony along

with his police report and warrant application, both of which were included in the PC packet.¹

The Confrontation Clause of the United States Constitution provides defendants with the right to confront the witnesses against them. U.S. Const. amend. VI. In *Crawford v. Washington*, the United States Supreme Court held that it is a violation of the Confrontation Clause to admit hearsay statements in a criminal trial that are “testimonial,” unless the declarant is unavailable for trial and the defendant had a prior opportunity to cross-examine the declarant. 541 U.S. 36, 68 (2004). Although evidentiary rulings are within the district court’s discretion, whether the admission of evidence violates a defendant’s rights under the Confrontation Clause is a question of law that appellate courts review de novo. *State v. Caulfield*, 722 N.W.2d 304, 308 (Minn. 2006).

There are “three prerequisites” to establishing a violation of the Confrontation Clause under *Crawford*: (1) “the statement in question was testimonial,” (2) “the statement was admitted for the truth of the matter asserted,” and (3) “the defendant was unable to cross-examine the declarant.” *Andersen v. State*, 830 N.W.2d 1, 9 (Minn. 2013).

Rean argues that the documents within the packet were testimonial in nature and that he should have had an opportunity to confront the witnesses. We agree that the police reports are testimonial. However, Rean fails to analyze the other two prerequisites required

¹ Rean also argues that we should conclude that admission of the PC packet violated his Confrontation-Clause rights because other parts of the packet “tainted” the district court’s determination. Rean provides no evidence to support his speculation that the district court considered any portion of the packet that it did not expressly cite. Because we do not presume error on appeal, Rean’s argument is unpersuasive. *White v. Minn. Dept. of Nat. Res.*, 567 N.W.2d 724, 734 (Minn. App. 1997).

to make a successful Confrontation-Clause claim, thereby waiving his argument on this issue. *See State v. Grecinger*, 569 N.W.2d 189, 193 n.8 (Minn. 1997) (“[I]ssues not argued in briefs are deemed waived on appeal”).

Furthermore, Rean’s claim fails on the third prerequisite required to establish a constitutional violation. *Andersen*, 830 N.W.2d at 9. Here, the declarants who wrote the police reports, the officer and the sergeant, were both present in court and Rean cross-examined them. He also cross-examined the sergeant about the contents of the warrant application. Because Rean was able to cross-examine both declarants whose testimony the district court considered, his Confrontation-Clause claim fails.

Affirmed.