

*This opinion is nonprecedential except as provided by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
A25-1749**

In the Matter of the Welfare of: P. K. T., Child.

**Filed June 15, 2026
Affirmed
Reyes, Judge**

Hennepin County District Court
File No. 27-JV-25-659

Cathryn Middlebrook, Chief Appellate Public Defender, Andrew J. Nelson, Assistant Public Defender, St. Paul, Minnesota (for appellant P.K.T.)

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

Mary F. Moriarty, Hennepin County Attorney, Mark V. Griffin, Assistant County Attorney, Minneapolis, Minnesota (for respondent State of Minnesota)

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

NONPRECEDENTIAL OPINION

REYES, Judge

Appellant argues that the district court erred by denying his motion to suppress evidence obtained during a pat-frisk search. He asserts that the evidence is inadmissible as the fruit of an illegal seizure. We affirm.

FACTS

In March 2025, respondent State of Minnesota charged appellant P.K.T. with possession of a firearm while under 18 years old in violation of Minnesota Statutes section

624.713, subdivision 1(1) (2024), and possession of a trigger activator in violation of Minnesota Statutes section 609.67, subdivision 2(a) (2024).

Appellant filed a motion to suppress evidence of the firearm under the fruit-of-the-poisonous-tree doctrine. The following uncontested facts were established at the subsequent contested omnibus hearing.

Shortly after 8:00 p.m. one day in March 2025, during St. Patrick's Day weekend, a person called 911 and reported that, at a particular address in St. Louis Park, "[t]hey have guns, drugs, the 17-year-old smoking fatty,"¹ "[t]hey pointed a firearm at me," and "[t]hey tried to kill me." The 911 dispatcher told the caller that an officer would reach out to them. Officers took only an "informational report" and did not investigate the reported address because the caller stated that "she didn't want to press charges."

Shortly before midnight that evening, Officers S. and B. were patrolling near the address reported by the 911 caller. Officer S. testified that "[they] have known history with that address." The officers saw a vehicle parked on the right side of the road near the address. The car had its headlights off and interior lights on, which Officer S. deemed suspicious, "as if [the occupants] were trying not to be noticed." The officers parked behind the vehicle. The position of the squad car did not block the vehicle from leaving. The officers did not activate the squad car's emergency lights or sirens, but the squad car's headlights illuminated the area. Officer S. testified that he did not observe illegal conduct in the vehicle at that time. Officer B. testified that he noticed a person in the front passenger

¹ Based on information in the record, we understand "fatty" to mean fentanyl.

seat but “couldn’t tell if they were conscious or not,” and, considering the alcohol consumption associated with the holiday weekend, he “wanted to make sure that everyone was okay, and no one was in distress, no one was drunk and passed out.”

Officer S. approached the driver’s side of the vehicle while Officer B. approached the passenger’s side. The uniformed officers pointed flashlights into the vehicle’s windows and saw no one in the driver’s seat. Officer S. stated, “What’s up?” “Huh?” and “What’s going on, guys?” A person in the front passenger’s seat reached over and opened the driver’s side window. Appellant, who sat behind the driver’s seat, then opened the rear driver’s side door. Officer S. moved back there and asked again, “What’s up?” As he was standing in the open doorway, Officer S. noticed a cannabis cigarette in appellant’s hand. This observation led Officer S. to believe that appellant violated laws prohibiting smoking cannabis and possessing open packages of cannabis in motor vehicles. Officer S. subsequently pat-frisked appellant and found a firearm with a trigger activator, which the officer referred to as a “switch.”

The district court denied appellant’s motion to suppress the firearm discovered during the pat-frisk. The district court determined that (1) the officers’ initial approach to the vehicle “did not constitute a seizure and was a permissible consensual encounter,” (2) “[o]nce Officer [S.] observed [appellant] smoking [cannabis] in the vehicle he had reasonable articulable suspicion of criminal activity and he was entitled to seize [appellant],” and (3) the subsequent pat-frisk of appellant “was supported by reasonable, articulable suspicion that [appellant] may have been armed and dangerous.”

The parties agreed to a stipulated-facts trial under Minnesota Rule of Juvenile Delinquency Procedure 13.03, subdivision 3. After the trial, the district court dismissed count one and adjudicated appellant delinquent on count two, possession of a trigger activator. The district court placed appellant on probation for one year, subject to certain conditions, including the completion of programming at a correctional facility.

This appeal follows.

DECISION

Appellant argues that the district court erred by denying his motion to suppress the evidence of the firearm and by determining that officers had not seized him prior to observing a cannabis cigarette in his hand.² We disagree.

“When reviewing the denial of a pretrial motion to suppress evidence, [appellate courts] review the district court’s factual findings for clear error and its legal conclusions de novo.” *In re Welfare of C.T.B.*, 24 N.W.3d 651, 655 (Minn. 2025) (quotation omitted). “When the facts are not in dispute and the district court’s decision is a question of law, we ‘independently review the facts and determine, as a matter of law, whether the evidence need be suppressed.’” *State v. McClain*, 862 N.W.2d 717, 720 (Minn. App. 2015) (quoting *In re Welfare of B.R.K.*, 658 N.W.2d 565, 571 (Minn. 2003)).

The Fourth Amendment of the United States Constitution and article I, section 10 of the Minnesota Constitution prohibit “unreasonable searches and seizures.” *State v. Harris*, 590 N.W.2d 90, 97 (Minn. 1999). Police officers must have reasonable, articulable

² Appellant does not challenge the district court’s determination that reasonable, articulable suspicion supported the pat-frisk.

suspicion to seize a person. *See id.* at 96-97. If a seizure is unsupported by reasonable, articulable suspicion, evidence gathered from it is inadmissible as “fruit of the poisonous tree.” *State v. Bergerson*, 659 N.W.2d 791, 797 (Minn. App. 2003) (quotation omitted).

“[A] person has been seized if[,] in view of all of the circumstances surrounding the incident, a reasonable person would have believed that [they were] neither free to disregard the police questions nor free to terminate the encounter.” *State v. Cripps*, 533 N.W.2d 388, 391 (Minn. 1995). The “reasonable person” standard is objective. *Id.*

As a preliminary matter, appellant requests that we apply a “reasonable child” standard rather than a “reasonable person” standard in our seizure analysis. But appellant forfeited this argument by not presenting it to the district court. *See Steward v. State*, 950 N.W.2d 750, 756 (Minn. 2020) (referencing *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988)). Moreover, appellant concedes that Minnesota has not adopted a “reasonable child” standard in the seizure analysis. As an “error-correcting court,” we must decide cases consistent with existing law. *State v. Stewart*, 923 N.W.2d 668, 677 n.8 (Minn. App. 2019) (quotation omitted), *rev. denied* (Minn. Apr 16, 2019).

“[C]ircumstances that might indicate a seizure has taken place include: the threatening presence of several officers, the display of a weapon by an officer, some physical touching of the person of the citizen, or the use of language or tone of voice indicating that compliance with the officer’s request might be compelled.” *Harris*, 590 N.W.2d at 98 (quotation omitted). Other circumstances include demonstrations “of authority which one would not expect between two private citizens,” *State v. Day*, 461 N.W.2d 404, 407 (Minn. App. 1990), *rev. denied* (Minn. Dec. 20, 1990), such as activating

emergency lights and using a squad car's horn, *State v. Sanger*, 420 N.W.2d 241, 242-43 (Minn. App. 1988); ordering a person out of their vehicle and "summoning" them to provide identification and answer questions, *Day*, 461 N.W.2d at 407; pounding on a driver's side window and opening their door, *State v. Lopez*, 698 N.W.2d 18, 22 (Minn. App. 2005); or using "a squad car to block a parked vehicle," *id.*

On the other hand, "the mere act of approaching a person who is standing on a public street or sitting in a car that is parked and asking questions is not a 'seizure.'" *In re Welfare of E.D.J.*, 502 N.W.2d 779, 782 (Minn. 1993). The "inherent pressures" associated with interactions with police officers, such as "moral and instinctive pressures to cooperate," also do not, by themselves, render an encounter a seizure. *Id.* (quotation omitted).

Appellant appears to argue that, by being uniformed, armed, and surrounding the car in which appellant sat after dark, the two officers had a "threatening presence" characteristic of a seizure. *Harris*, 590 N.W.2d at 98 (quotation omitted). But a view of the totality of the circumstances favors a conclusion that the officers made insufficient displays of authority to render the encounter more than a mere approach of passengers in a parked car to ask questions. *See id.* The record shows that there were only two officers. *See id.* They did not display weapons or physically touch any passenger of the vehicle. *See id.* Before the passengers engaged with them, the officers made three short statements using "language [and] tone of voice" that did not suggest that engagement with them was mandatory. *Id.* They did not convey authority with emergency lights or vehicle horns, *see Sanger*, 420 N.W.2d at 242-43, or by "summoning" appellant or otherwise "order[ing]" him to exit the vehicle, *Day*, 461 N.W.2d at 407.

While appellant claims that the officers “knocked” on the vehicle’s passenger’s side window, a knock is a lesser display of authority than “pound[ing] on” a driver’s side window or opening a vehicle door. *See Lopez*, 698 N.W.2d at 22. Further, body-camera footage shows that appellant opened the door. Officers also did not block the movement of the vehicle. *See id.*; *Illi v. Comm’r of Pub. Safety*, 873 N.W.2d 149, 151-52 (Minn. App. 2015) (concluding that officers did not seize appellant by parking behind her when squad car’s position did not prevent her from driving away). Lastly, to the extent that the encounter occurring after dark could make the presence of the officers feel threatening, the illumination provided by the squad car’s headlights and the officer’s flashlights enhanced visibility.

Because we conclude that the officers did not seize appellant prior to observing him holding a cannabis cigarette, appellant’s argument that the officers needed reasonable, articulable suspicion before that observation fails. *See Cripps*, 533 N.W.2d at 391 (allowing seizure of person only when officer “reasonably suspects that person of criminal activity”). The district court therefore did not err by denying appellant’s motion to suppress the firearm discovered during the pat-frisk.

Affirmed.