

*This opinion is nonprecedential except as provided by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
A25-2101**

State of Minnesota,
Respondent,

vs.

Gordon Joseph Nason,
Appellant.

**Filed September 8, 2026
Affirmed
Frisch, Chief Judge**

Itasca County District Court
File No. 31-CR-24-1096

Keith Ellison, Attorney General, Lydia Villalva Lijó, Assistant Attorney General, St. Paul, Minnesota; and

Jacob Fauchald, Itasca County Attorney, Grand Rapids, Minnesota (for respondent)

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

Considered and decided by Wheelock, Presiding Judge; Frisch, Chief Judge; and
Reilly, Judge.*

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

NONPRECEDENTIAL OPINION

FRISCH, Chief Judge

In this direct appeal, appellant Gordon Joseph Nason challenges his conviction for fifth-degree controlled-substance possession, arguing that the district court erred in denying his pretrial motion to suppress. Because we discern no constitutional violation associated with Nason’s seizure and the subsequent discovery of contraband, we affirm.

FACTS

Respondent State of Minnesota charged Nason with fifth-degree controlled-substance possession in violation of Minn. Stat. § 152.025, subd. 2(1) (2022), and unlawful possession of an electronic incapacitation device in violation of Minn. Stat. § 624.731, subd. 3(b) (2022), arising from a traffic stop occurring on May 1, 2024.

Before trial, Nason moved through counsel to suppress “all evidence.” The district court held a contested omnibus hearing on Nason’s motion. The following facts derive from the evidence presented at the contested omnibus hearing, including testimony from each of the four officers who responded to the traffic stop, body-worn-camera footage from three of the four responding officers, and squad-car dashcam footage.

On May 1, 2024, around 8:22 p.m., Officers A.M. and J.M. were stopped at a red light behind a minivan with an expired registration. Once the light turned green and the minivan traveled through the intersection, Officer A.M. activated the vehicle’s emergency lights to initiate a traffic stop. The minivan turned right into a parking lot and traveled to the end of the row of available spaces. Approximately 30 seconds passed between initiation of the traffic stop and the minivan coming to a stop.

Officer A.M. testified that she observed that the minivan was “slow to stop” and she “observed the driver, the front-seat passenger, and the rear-seat passenger to be moving around inside the vehicle.” Officer A.M. also testified to observing “the driver and the front-seat passenger to be leaning forward and bending sideways, . . . and it appeared as though they were attempting to try to conceal something.” Officer J.M. similarly testified that the vehicle was “slow to pull over” and that he observed “all sorts of movement inside th[e] vehicle” that, based on his experience and training, was “indicative of hiding stuff, placing things.”

Once the minivan stopped, Officer A.M. approached the driver’s side door and Officer J.M. approached the front passenger door. Officer A.M. testified that the driver appeared “anxious, talkative, irritable, restless” and had dilated pupils and shaky hands. Officer A.M. testified that her observations of the driver, based on her experience and training, indicated signs of someone under the influence of a stimulant such as methamphetamine or amphetamine. Officer A.M. directed the driver to exit the vehicle and requested backup from Officer J.E. and his K-9 partner.

As Officer A.M. and the driver walked away from the minivan, Sergeant J.C. arrived. Sergeant J.C.’s body-worn-camera footage was not presented as evidence at the omnibus hearing. Sergeant J.C. testified that when he arrived on scene, he observed Officer A.M. speaking to the driver, and he observed two other passengers inside the minivan. The dashcam footage shows Sergeant J.C. interacting with occupants of the minivan, but there is no audio of the interaction. During this interaction, the driver-side rear door opened and Nason stepped out of and then back into the minivan. Sergeant J.C. leaned in closer to the

minivan, and about a minute later, Nason exited the minivan a second time. Nason reached into the minivan, then sat in the minivan with his feet on the ground. About two minutes later, Nason stood up and exited the minivan for a third time. Regarding this interaction, Sergeant J.C. testified:

So while I'm waiting for Officer [J.E.] to arrive at the scene, I'm watching the—the van. And the back-seat passenger, who I knew as [Nason], was moving around in the van. And he had opened the door on two different occasions to try to get out of the van, and I told him to stay in the van. I didn't know what—what the reason for the stop was, 'cause I hadn't talked to the officer yet. I just said he needed to wait for that officer.

The third time he opened the door . . . because he had been moving around so much, and it was—had tinted windows on the van—it was hard to see in there—I had him step out of the van and stand outside with me until Officer [J.E.] arrived, which was a short time later.

Shortly after Officer J.E. arrived, Officer J.E. approached the minivan and asked the front-seat passenger to exit the minivan because he was about to perform a K-9 sniff of the vehicle. Officer J.E. directed Nason to stand next to a nearby vehicle. During the K-9 sniff, the K-9 alerted to the driver's door handle. Officer J.E. testified that the K-9 showed a "change of behavior" when walking by the open driver-side rear door where Nason had been sitting. Officer J.E. then told Nason that he was "detained" and directed Nason to lean against a nearby vehicle. Officer J.E. walked away to tell Officer A.M. that the K-9 alerted to the driver's side door handle, then walked back over to Nason and asked Nason about the identity of the other passenger. Officer J.E. and Nason exchanged words regarding Nason's cooperation. After a period of silence, Officer J.E. saw and picked up

a small baggie of a white substance on the ground a few feet behind Nason. Nason denied possessing the substance. Officer J.E. arrested Nason.

Nason moved to suppress “all evidence,” arguing that he was illegally seized and that the discovery of contraband was the fruit of that illegal seizure. The district court denied Nason’s motion to suppress, reasoning that “[t]he expansions of the scope and duration of the stop were tied to the officer’s reasonable suspicion of other criminal activity due to the slow stopping of the vehicle, the furtive motions of all the vehicle’s occupants, including [Nason], and the outcome of the K9 search.”

After a one-day court trial, the district court found Nason guilty of fifth-degree controlled-substance possession and not guilty of unlawful possession of an electronic incapacitation device. The district court entered judgment of conviction for fifth-degree controlled-substance possession and sentenced Nason to an executed 15-month prison term.

Nason appeals.

DECISION

Nason argues that the district court erred in denying his motion to suppress because he was unreasonably seized when Sergeant J.C. purportedly directed him to “stay in or near” the minivan, and thus the evidence obtained as a result of the illegal seizure should have been suppressed at trial. The state argues that Nason was lawfully seized as soon as the traffic stop was initiated, and the officers had reasonable, articulable suspicion to expand the scope of the traffic stop.

“When reviewing a pretrial order denying a motion to suppress, we review the district court’s factual findings for clear error and its legal determinations de novo.” *State v. Sardina-Padilla*, 7 N.W.3d 585, 595-96 (Minn. 2024) (quotation omitted). “A factual finding is clearly erroneous if it does not have evidentiary support in the record or if it was induced by an erroneous view of the law.” *Id.* at 596 (quotation omitted). We also defer to a district court’s credibility determinations. *State v. Klamar*, 823 N.W.2d 687, 691 (Minn. App. 2012). Here, the district court concluded that the “expansions of the scope and duration of the stop were tied to the officer’s reasonable suspicion of other criminal activity due to the slow stopping of the vehicle, the furtive motions of all the vehicle’s occupants, including [Nason], and the outcome of the K9 search.”

The United States and Minnesota Constitutions prohibit unreasonable searches and seizures by government officials. U.S. Const. amend. IV; Minn. Const. art. 1, § 10. A “person has been seized if in view of all of the circumstances surrounding the incident, a reasonable person would have believed that he or she was neither free to disregard the police questions nor free to terminate the encounter.” *State v. Cripps*, 533 N.W.2d 388, 391 (Minn. 1995). “Warrantless searches and seizures are generally unreasonable,” but there is an exception to the warrant requirement for limited investigatory seizures. *State v. Taylor*, 965 N.W.2d 747, 752 (Minn. 2021). Under this exception, a police officer may briefly detain an individual when the officer “has a reasonable, articulable suspicion that criminal activity is afoot.” *State v. Timberlake*, 744 N.W.2d 390, 393 (Minn. 2008) (quotation omitted). “Generally, if an officer observes a violation of a traffic law, no matter how insignificant the traffic law, that observation forms the requisite particularized and

objective basis for conducting a traffic stop.” *State v. Anderson*, 683 N.W.2d 818, 823 (Minn. 2004). But during that stop, an officer’s actions must be “reasonably related to and justified by the circumstances that gave rise to the stop in the first place.” *State v. Askerooth*, 681 N.W.2d 353, 364 (Minn. 2004) (citing *Terry v. Ohio*, 392 U.S. 1, 19-20 (1968)). “Article I, Section 10 of the Minnesota Constitution requires that each incremental intrusion during a traffic stop be tied to and justified by one of the following: (1) the original legitimate purpose of the stop, (2) independent probable cause, or (3) reasonableness, as defined in *Terry*.” *Id.* at 365. “To be reasonable, the basis must satisfy an objective test: ‘would the facts available to the officer at the moment of the seizure warrant a man of reasonable caution in the belief that the action taken was appropriate.’” *Id.* at 364 (quoting *Terry*, 392 U.S. at 21-22) (other quotation omitted). “Furthermore, the basis for the intrusion must be individualized to the person toward whom the intrusion is directed.” *Id.* at 365. “Generally, evidence obtained through an unlawful expansion of the scope of a vehicle stop must be suppressed.” *State v. Babineau*, 23 N.W.3d 396, 410 (Minn. App. 2025).

The parties disagree as to when the initial seizure of Nason occurred. Nason contends that he was seized when Sergeant J.C. purportedly “told him that he had to stay in or near the van.” The state contends that Nason was seized when Officer A.M. initiated the traffic stop of the minivan. We agree with the state.

We reject Nason’s characterization because it is not supported by the record or the district court’s findings. The district court did not find, nor does the record support, Nason’s representation that Sergeant J.C. “told [Nason] that he had to stay in or near the

van.” Regarding the interaction between Sergeant J.C. and Nason, the district court found: “[Sergeant J.C.] stood by, watching [Nason] inside the vehicle. . . . [Sergeant J.C.] could not see exactly what [Nason] was doing, because the windows of the vehicle were tinted. The third time [Nason] opened the door, [Sergeant J.C.] had him *step out of the vehicle*.” (Emphasis added.) Nason does not argue that these findings are clearly erroneous, nor is there a basis for us to conclude that these findings are clearly erroneous given the evidence presented at the omnibus hearing. *See Sardina-Padilla*, 7 N.W.3d at 596 (defining a factual finding as clearly erroneous “if it does not have evidentiary support in the record or if it was induced by an erroneous view of the law” (quotation omitted)).¹

We conclude that Nason was seized when Officer A.M. stopped the minivan because the activation of emergency lights indicated to Nason that he was not free to leave. *See Brendlin v. California*, 551 U.S. 249, 256-58 (2007) (holding that when police make a traffic stop, a passenger in the car, like the driver, is seized for Fourth Amendment purposes and so may challenge the stop’s constitutionality, and stating that an “attempt to leave the scene would be so obviously likely to prompt an objection from the officer that no

¹ Nason asks us to decline to defer to the district court’s credibility determinations because “objective pieces of video evidence contradict officer testimony.” Specifically, Nason contends that we should discredit the “officers’ claims of furtive movements by all occupants within the van” and Sergeant J.C.’s “claim that Nason opened the back driver’s side door three times when the dashcam recording clearly shows that he only opened it once at 3.44 of the dashcam reco[r]ding.” But the dashcam footage shows Nason entering and exiting the minivan three times during his interaction with Sergeant J.C. Therefore, based on our independent review of the record, the district court’s finding to this effect is not clearly erroneous. And we decline to consider Nason’s request to discredit the officer’s claims of furtive movement inside the minivan because this fact is not relevant to the issue presented on appeal.

passenger would feel free to leave in the first place”); *Arizona v. Johnson*, 555 U.S. 323, 333 (2009) (“A lawful roadside stop begins when a vehicle is pulled over for investigation of a traffic violation. The temporary seizure of driver and passengers ordinarily continues, and remains reasonable, for the duration of the stop.”); cf. *State v. Bergerson*, 659 N.W.2d 791, 795-96 (Minn. App. 2003) (holding seizure of driver occurred when officer activated their squad car’s flashing lights to initiate a stop). This seizure was not unreasonable because it was based on Officer A.M.’s observation that the minivan had expired registration. See *Anderson*, 683 N.W.2d at 823; *State v. George*, 557 N.W.2d 575, 578 (Minn. 1997) (“Ordinarily, if an officer observes a violation of a traffic law, however insignificant, the officer has an objective basis for stopping the vehicle.”); *Soucie v. Comm’r of Pub. Safety*, 957 N.W.2d 461, 464 (Minn. App. 2021) (“An officer who sees a driver violate even a minor traffic law has reasonable suspicion to stop the car.”), *rev. denied* (Minn. June 29, 2021).

We next consider whether any expansion of the stop was “reasonably related to and justified by the circumstances that gave rise to the stop in the first place.” *Askerooth*, 681 N.W.2d at 364. Nason challenges Sergeant J.C.’s direction to Nason that he must stay in or near the vehicle. But there is no evidence in the record that Sergeant J.C. gave this direction to Nason. Rather, the district court found and the record shows that Sergeant J.C. told Nason to step out of the vehicle. Accordingly, we analyze this direction by the sergeant as the challenged expansion of traffic stop.

It is settled law in Minnesota that a police officer may constitutionally order a passenger out of a lawfully stopped vehicle without an individualized justification. See

State v. Krenik, 774 N.W.2d 178, 184 (Minn. App. 2009) (concluding that officer's order to appellant to get out of car in which appellant was a passenger was reasonable, as defined in *Terry*, because appellant's "status as a passenger was sufficient to justify the incremental intrusion"), *rev. denied* (Minn. Jan. 27, 2010); *see also State v. Ortega*, 770 N.W.2d 145, 152 (Minn. 2009) ("[P]olice can order a passenger out of a vehicle, as the passengers are already stopped by the stop of the vehicle, and the only change is that they are outside of, and not inside of, the stopped vehicle."); *see also Maryland v. Wilson*, 519 U.S. 408, 415 (1997) (holding that "an officer making a traffic stop may order passengers to get out of the car pending completion of the stop").

Nason does not assert, nor do we see, any material distinction between the officers' actions in *Krenik* and *Ortega* and Sergeant J.C.'s actions here. *See Krenik*, 774 N.W.2d at 180 (explaining that, after approaching the passenger side of car, the officer told appellant "that [the officers] were going to have her take a step out of [the] vehicle" (alterations in original)); *see also Ortega*, 770 N.W.2d at 148 (explaining that, after asking the driver to exit the vehicle and asking the driver for consent to search the vehicle, the officer ordered appellant to exit the vehicle). Accordingly, Sergeant J.C.'s order to Nason to exit the vehicle was a justified expansion of the traffic stop. The officers' discovery of contraband resulting from Nason's exit from the vehicle is therefore not the fruit of a poisonous tree, and the district court did not err in denying Nason's motion to suppress.

Affirmed.