

*This opinion is nonprecedential except as provided by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
A25-2210**

State of Minnesota,
Appellant,

vs.

Melvin Kyle,
Respondent.

**Filed July 20, 2026
Affirmed
Worke, Judge**

Nobles County District Court
File No. 53-CR-24-1201

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

Braden M. Hoefert, Nobles County Attorney, Worthington, Minnesota; and

Travis J. Smith, Jenna M. Peterson, Special Assistant County Attorneys, Slayton,
Minnesota (for appellant)

Anders J. Erickson, Johnson Erickson Criminal Defense, Minneapolis, Minnesota (for
respondent)

Considered and decided by Connolly, Presiding Judge; Worke, Judge; and Bentley,
Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant State of Minnesota challenges the district court's suppression order,
arguing that the district court erred by concluding that (1) the police canine's head entering

the automobile through a window and sniffing for drugs constituted a search requiring probable cause and (2) the police lacked probable cause to search the vehicle. We affirm.

FACTS

In December 2024, a police officer stopped respondent Melvin Kyle because Kyle was following another vehicle too closely. Kyle rolled down both the front passenger-side and front driver's-side windows of the vehicle. Kyle told the officer that he had been visiting his sister in Minneapolis and that both he and his sister had diabetes.

The officer checked the local law-enforcement database to see if Kyle had previous law-enforcement interactions. The records revealed that, a few years ago, Kyle had been arrested for methamphetamine possession, and Kyle was also “identified as . . . a possible source in an ongoing drug investigation.”

The officer became suspicious because he knew that Minneapolis serves as a drug-distribution hub, and that, in his experience, people tell officers about life problems, such as Kyle and his sister having diabetes, to dissuade enforcement action.

The officer asked Kyle about this trip to Minneapolis. Kyle explained that he traveled to his sister's house because their mother had recently passed away. Kyle repeated that he and his sister have diabetes. The officer noted that, based on Kyle's account of the trip, he would have been in Minneapolis for only a short amount of time. Kyle's answers strengthened the officer's suspicion that Kyle was trafficking drugs.

The officer told Kyle he would give him a warning for the traffic violation. The officer then asked Kyle if he could ask more questions. Kyle agreed. The officer asked if there was “anything illegal in the car”; Kyle said “nope.” The officer asked Kyle for

consent to search his vehicle. Kyle consented to a search of the vehicle's passenger compartments. The officer conducted a search but found no contraband.

The officer then asked Kyle for consent to search the trunk. Kyle denied consent. The officer then told Kyle, "Okay, . . . at this point I'm going to have a dog come run around the car real quick."

A police sergeant and his narcotics-detection canine arrived at the traffic stop. Near the beginning of the canine's sniff around the exterior of the vehicle, it snapped its head toward the driver's-side door, rushed over to the door, jumped up, and stuck its head partially inside the open window. After sniffing the inside of the vehicle, the canine sat down, indicating "I've found [the odor]. That's the best I can do." The canine did not sniff around the remaining exterior of the vehicle or the trunk. Police then searched the trunk and located one pound of methamphetamine.

The state charged Kyle with first-degree drug possession, in violation of Minn. Stat. § 152.021, subd. 2(a)(1) (2024). Kyle moved the district court to suppress the methamphetamine and dismiss the charge.

After the omnibus proceedings, the district court concluded that the police lacked probable cause prior to the canine sniffing inside the vehicle. The district court also concluded that the canine partially entering and sniffing inside the vehicle was a search requiring probable cause. Because there was no probable cause for the canine to sniff inside the vehicle, the district court determined that the canine's alert indicating narcotics odor was inadmissible. Without the canine's alert, the district court determined that there

was no probable cause to search the trunk, which required suppression of the methamphetamine and dismissal of the charge. This appeal followed.

DECISION

The state argues that the district court erred by determining that the police lacked probable cause to search the vehicle before the canine stuck its head inside the window.¹ When a district court suppresses evidence, we review its factual findings for clear error and its legal determinations de novo. *State v. Johnson*, 15 N.W.3d 843, 848 (Minn. App. 2024), *rev. denied* (Minn. Apr. 15, 2025). A factual finding is clearly erroneous if, based on the evidence, the reviewing court is “left with the definite and firm conviction that a mistake occurred.” *Id.* (quotation omitted).

The government may not conduct unreasonable searches and seizures. U.S. Const. amend. IV; Minn. Const. art. I, § 10. Evidence obtained by an unconstitutional search and seizure is inadmissible. *State v. Lindquist*, 869 N.W.2d 863, 868 (Minn. 2015). A warrantless search is presumptively unconstitutional unless permitted under one of the “well-delineated exceptions.” *State v. Torgerson*, 995 N.W.2d 164, 168 (Minn. 2023) (quotation omitted). The automobile exception is one such exception, allowing a warrantless search of a vehicle when police have probable cause to believe that evidence or contraband is present. *Id.* at 168-69.

¹ Review of the district court’s pretrial order requires the state to prove that the order critically impacts the outcome of the trial. Minn. R. Crim. P. 28.04, subd. 2(2)(b). Because the suppression order resulted in the dismissal of the charge, the state has shown a critical impact. *See State v. Gauster*, 752 N.W.2d 496, 502 (Minn. 2008) (stating that dismissal of charges following suppression of evidence meets critical-impact requirement).

Probable cause exists “when there is a fair probability that contraband or evidence of a crime will be found in a particular place.” *Onyelobi v. State*, 932 N.W.2d 272, 281 (Minn. 2019) (quotation omitted). “Probable cause is an objective inquiry that depends on the totality of the circumstances in each case.” *State v. Lester*, 874 N.W.2d 768, 771 (Minn. 2016). The totality of the circumstances includes reasonable inferences that police officers draw from their training and experience, and practical considerations of everyday life that would lead reasonable and prudent people to act. *Id.* Yet, probable cause cannot rest solely on the “subjective good faith of the police” nor on “mere suspicion.” *Id.* (quotations omitted).

Here, the totality of the circumstances does not establish probable cause. Kyle’s criminal history, being currently investigated as a possible drug source, his odd diabetes statements, and the timeframe in which he visited Minneapolis would lead an officer to be suspicious of drug activity.² But such information does not establish probable cause that contraband or evidence of a crime would be in Kyle’s vehicle at the time he was stopped.

The state argues that the canine snapping its head and showing interest in the driver’s-side door also provided probable cause. When determining whether a canine’s alert established probable cause, courts should consider whether “all the facts surrounding . . . [the] alert . . . would make a reasonably prudent person think that a search would reveal contraband or evidence of a crime.” *Florida v. Harris*, 568 U.S. 237, 248 (2013); *see also*

² In reviewing the totality of the circumstances, we do not consider Kyle’s refusal to consent to a search because “refusal of consent cannot be considered in establishing probable cause for a search.” *State v. Diede*, 795 N.W.2d 836, 849 (Minn. 2011).

Jacobson v. \$55,900 in U.S. Currency, 728 N.W.2d 510, 528 (Minn. 2007) (“[T]he party seeking to introduce the [canine’s] alert and related testimony must establish an adequate foundation.”).

Here, the sergeant testified that the canine’s head snap may or may not indicate that it noticed the smell of narcotics. Instead, the sergeant testified that the canine’s alert or “final response,” in which it indicates “I know the odor is here[,] I’ve found it[,]” is sitting down. In other words, the dog’s prior behavior indicating interest in an area of the vehicle is not dispositive; instead, it will sit down to tell its handler, “I know the odor is here. I’ve found it.” And here, the canine did not sit down until after jumping up, sticking its head partially into the window, and sniffing. Thus, the district court did not err by concluding that the police did not have probable cause before the canine’s head entered the vehicle through the window.

The state also argues that the district court erred by concluding that the canine sticking its head in the vehicle was a search that required probable cause. We review the district court’s factual findings for clear error and its legal determinations de novo. *Johnson*, 15 N.W.3d at 848.

Automobiles are protected from unreasonable searches and seizures. *State v. Wiegand*, 645 N.W.2d 125, 131 (Minn. 2002). While the privacy expectation surrounding an automobile is less than that of a home, it is “not a talisman in whose presence the Fourth Amendment fades away and disappears.” *Id.* (quotation omitted). A search of an automobile “is a substantial invasion of privacy.” *Id.* (quotation omitted).

A search occurs when the government (1) “intrudes upon a person’s reasonable expectation of privacy” or (2) “physically intrudes upon a constitutionally protected area.” *State v. Edstrom*, 916 N.W.2d 512, 517 (Minn. 2018). In *Johnson*, we held that “the use of a narcotics-detection dog to physically occupy *or intrude* on any private property constitutes a search.” 15 N.W.3d at 851 (emphasis added). Thus, “a nonconsensual warrantless sniff inside a vehicle by a narcotics-detection dog is a search for which law enforcement must have probable cause to believe will result in a discovery of evidence or contraband.” *Id.*

The state argues that *Johnson* is distinguishable because, unlike *Johnson*, the canine did not enter the vehicle. *See id.* at 849 (assuming without deciding that district court clearly erred in finding that sniff did not occur inside vehicle). The state asserts that the canine sticking its head “briefly” through the window cannot be considered a search under the Fourth Amendment. We disagree.

In *Johnson*, we recognized that it was stated in *United States v. Lyons*, 486 F.3d 367, 370, 373 (8th Cir. 2007), that, absent police misconduct, it is not a violation of the Fourth Amendment when a narcotics-detection dog sticks its head through a vehicle’s open window. *Johnson*, 15 N.W.3d at 851 n.6. However, we distinguished and rejected the reasoning in *Lyons* because (1) the canine in *Lyons* alerted before entering the open window, (2) *Lyons* was outdated based on more recent caselaw,³ and (3) *Lyons* was “not . . . binding on this court.” *Id.*

³ The Eighth Circuit has questioned *Lyons* in light of recent United States Supreme Court caselaw. *See United States v. Pulido-Ayala*, 892 F.3d 315, 319 (8th Cir. 2018).

Here, the canine's head entered the window and sniffed the inside of Kyle's vehicle. In doing so, the canine intruded within an "effect" protected by the Fourth Amendment, requiring probable cause. *See id.* at 851. The district court did not err by determining that the canine's head entering and sniffing the inside of Kyle's vehicle was a search requiring probable cause.

Because the police lacked probable cause before the sniff search, the canine's alert to the odor of narcotics was inadmissible. *See Lindquist*, 869 N.W.2d at 868. Without the alert, the police lacked probable cause to search the trunk of the vehicle. The district court did not err by suppressing the methamphetamine and dismissing the charge.

Affirmed.