This opinion is nonprecedential except as provided by Minn.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
A26-0215

State of Minnesota,
Respondent,

vs.

Matthew Dean Grell,
Appellant.

Filed August 17, 2026
Affirmed
Smith, Tracy M., Judge

Isanti County District Court
File No. 30-CR-24-483

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

Jeffrey R. Edblad, Isanti County Attorney, Nicholas J. Colombo, Assistant County Attorney, Cambridge, Minnesota (for respondent)

David Sjoberg, Sjoberg Law Offices, P.A., Ham Lake, Minnesota (for appellant)

Considered and decided by Beane, Presiding Judge; Smith, Tracy M., Judge; and Schmidt, Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

In this direct appeal from the judgment of conviction for theft by swindle, appellant Mathew Dean Grell argues that the district court erroneously denied his motion to suppress evidence because (1) under the Minnesota Constitution he has a reasonable expectation of privacy in the third-party financial records that were obtained through search warrants and (2) the search warrants did not satisfy Minnesota Statutes section 13A.02 (2024). We affirm.

FACTS

The following recitation of facts is drawn from the record regarding Grell's motion to suppress evidence.

In June 2023, the owner of a company named Altec reported to the Anoka County Sheriff's Department suspected theft by an Altec employee. Altec's owner identified Grell as the suspected employee and alleged that Grell had created a Square account[1] in Altec's name, processed business payments through the account, and personally retained the proceeds. As part of the subsequent investigation, multiple search warrants were obtained.

Investigator Young applied for and obtained the first search warrant on June 28, 2023. The warrant application alleged that "a former employee had embezzled between $10,000 and $15,000 from the business" and that Grell "had set up a Block (formerly Square) account under the name SQ API ALTEC" and had used it to accept payment from customers which was never passed on to Altec. The warrant application also stated that Altec's owner had contacted multiple customers and "it was apparent that Grell had used the account multiple times to divert funds from the business." The warrant sought account information from Block, Inc. The district court granted the June 28 warrant application,

[1] Square is a payment application.

but the execution of the warrant did not result in any responsive documents from Block, apparently due to lack of specificity as to the information being requested.

On July 5, 2023, Investigator Young filed a second search warrant application. The warrant application sought the same information as the June 28 warrant but specified Grell's full name and phone number. The alleged facts establishing the grounds for the issuance of the warrant were the same as those for the June 28 warrant. This second warrant was issued on July 5 and described the property to be searched as follows:

> From March 1, 2022, to the present day; account information, including account holder name and date of birth, registration information, email addresses, phone numbers, addresses, financial information, bank accounts, credit cards, and debit cards, and activity and transaction logs, for the Block, Inc. (Formerly Square) user identified by account name API-Altec or phone number XXX-XXX-XX86 or the name Matthew Dean Grell, including transactions with similar name SQ *API Altec.
>
> All account records related to phone number XXX-XXX-XX86.
>
> All account records related to the name Matthew Dean Grell.
>
> All IP Logs, including all records of the IP addresses that logged into the aforementioned accounts.

Block produced documents in response to the July 5 warrant.

On July 19, 2023, Investigator Young filed a third search warrant application, which was also granted. The facts supporting the issuance of the July 19 warrant were the same as the previous warrant applications, with the following addition:

> Your affiant previously served a search warrant to Block, Inc, and received the requested information. Your

> affiant learned from the results of the search warrant that Grell set up an account called API Altec with ID XXXXXXXXXXXXVN. The phone number listed on the account is XXX-XXX-XX00. The total of fraudulent transactions from the dates between March 1, 2022 to March 7, 2023 was approximately $165,938. Your affiant request[s] this warrant to search for additional fraudulent transactions from the date Grell was hired until March 1, 2022. According to Block, Inc records, the account was created November 4, 2019. According to Hickman, Grell was hired with Altec in November of 2021.

The July 19 warrant was issued and described the property to be searched as follows:

> From November 1, 2021, to March 1, 2022 account information, including account holder name and date of birth, registration information, email addresses, phone numbers, addresses, financial information, bank accounts, credit cards, and debit cards, and activity and transaction logs, for the Block Inc. (Formerly Square) user identified by account name API Altec or phone number XXX-XXX-XX00 or the name Matthew Dean Grell, including transactions with API Altec with ID XXXXXXXXXXXXVN.
>
> All dates of changes to the account since November 4, 2019, including but not limited to name, email, phone number.
>
> All account records related to phone number XXX-XXX-XX86 and XXX-XXX-XX00.
>
> All account records related to the name Matthew Dean Grell.
>
> All IP Logs, including all records of the IP addresses that logged into the aforementioned accounts.

Block produced documents in response to the July 19 warrant.[2]

[2] It is unclear from the record precisely which documents were produced in response to each warrant, though the transaction history included in the record dates back to 2019. A subsequent application for a warrant sought by the Isanti County Sheriff's Department

After reviewing the documents produced, Investigator Young concluded that Grell may have engaged in similar theft at his previous employer, Purple Hawk Golf Course, located in Isanti County. A supplementary investigation report written by Investigator Young states that the July 5 warrant returned records from March 2022 through March 2023, and the July 19 warrant returned records from November 2021 to March 2022. The report also states:

> During my review of records received from Block, I noticed several transactions related to golf products. I knew that Grell was previously employed at Purple Hawk Country Club. The transactions were suspicious in nature due to the related fraudulent activity. On August 4, 2023, I spoke with . . . the President of the Board of Directors for Purple Hawk. He mentioned he was treasurer during the time Grell was employed there. [The president] explained that the golf course suffered significant losses while Grell was employed there. I advised [the president] that there were several suspicious transactions that appeared to be green fees and memberships. From the records I had from my search warrant there was about $217,537 worth of transactions into Grell's Block account. [The president] explained he did not know what to do with the information and consulted with the board. He called back and stated they would like to pursue charges.

It is unclear how the documents that were returned by Block indicated transactions related to Purple Hawk when Investigator Young stated in his report that the warrants returned documents from November 2021 through March 2023 and Grell worked at Purple Hawk before November 2021. Though the record is unclear on this point, it appears that the

references a September 17, 2021 transaction from "the records your affiant received," which suggests that the July warrants returned pre-November 2021 transaction history.

documents returned by Block included at least some pre-November 2021 information notwithstanding the timeframe described in Investigator Young's report.

After contacting Purple Hawk, Investigator Young spoke with Investigator Connolly with the Isanti County Sheriff's Department. The Anoka County Sheriff's Department shared at least some documents obtained via the July 5 and July 19 warrants with the Isanti County Sheriff's Department. Purple Hawk sent Investigator Connolly a spreadsheet of possibly fraudulent transactions and advised him that Grell "was the only sole person that worked at the Purple Hawk that was responsible for membership fees, purchasing or getting items to be sold at the pro shop."

On July 31, 2024, Grell was charged with felony theft by swindle for theft from Purple Hawk between 2019 and 2021. Grell brought a motion to suppress evidence produced by Block challenging the constitutional validity of the warrants, as well as a motion to dismiss the charges.

A contested omnibus hearing was held on Grell's motions. At the hearing, the state questioned Investigator Young about the scope of the July 19 warrant:

> COUNSEL FOR STATE: So, your investigation was limited to the time period [Grell] was employed by Altec. Correct?
>
> YOUNG: I guess my investigation would have been once I found this account—would be investigating everything about this account.
>
> . . . .
>
> COUNSEL: This search warrant was only asking for information from November 1, 2021, through March 1, 2022. Correct?
>
> . . . .
>
> YOUNG: I don't think that's quite correct, because there's more that I asked for, other than what you're saying. I asked

> for all account records under his name, under a phone number, all IP logs, and then I also asked for additional account information, because I found that the account was created back in 2019.
>
> . . . .
>
> COUNSEL: So, you were aware that [Block] had records predating [Grell's] employment with Altec. Correct?
>
> YOUNG: Yes.
>
> . . . .
>
> COUNSEL: Okay. What probable cause did you have to believe that [Grell] was engaged in any criminal activity prior to his employment with Altec in November of 2021?
>
> YOUNG: The information that I was seeking in relation to this, when I'm conducting a thorough investigation, is to know everything I can about this account that was created once knowing that this account was created fraudulently in this other business['s] name. So, part of that investigation includes finding patterns and finding whether it's legitimate transactions or non-legitimate, fraud-related transactions. It's looking for connected bank accounts and other type account numbers that I can then continue to get additional search warrants for if needed.
>
> . . . .

And on cross examination, Investigator Young testified:

> COUNSEL FOR GRELL: Now as related [to] the Purple Hawk information, how did you come across that?
>
> YOUNG: That was some of the results that came back in the basic subscriber information. There was an email address in there that was Purple Hawk. There was also some Purple Hawk transactions that were noted in the warrant return.
>
> COUNSEL: Okay. And that was part of the information you requested.
>
> YOUNG: Yes.

The district court denied Grell's motions, concluding that, under the "third-party doctrine," Grell could not claim an unconstitutional search because he did not have a reasonable expectation of privacy in his financial records with Block. On July 29, 2025, Grell filed a motion for reconsideration of the suppression ruling, citing for the first time Minnesota Statutes section 13A.02 as a basis for suppression. The district court denied Grell's motion to reconsider, relying again on the third-party doctrine and noting that "the Court can find no caselaw indicating that the third-party doctrine does not still apply in this context." Grell was subsequently found guilty by the district court via a stipulated-evidence trial pursuant to Minnesota Rule of Criminal Procedure 26.01, subdivision 4, which preserved the right to appeal the denial of his suppression motion.

This appeal follows.

DECISION

I. The district court did not err by concluding that, under the Minnesota Constitution, a person does not have a reasonable expectation of privacy in financial information shared with third parties.

When reviewing pretrial motions to suppress, appellate courts "review the district court's factual findings for clear error and its legal determinations de novo." *State v. Leonard*, 943 N.W.2d 149, 155 (Minn. 2020). When, as is the case here, the parties do not dispute the underlying facts, "the constitutionality of the search presents a pure question of law that [appellate courts] review de novo." *State v. Rohde*, 852 N.W.2d 260, 263 (Minn. 2014).

Grell argues that the district court's conclusion "rests on an overly broad application of the third-party doctrine" and contends that he "retains a legitimate privacy interest in the financial records obtained from [Block].” He asserts we should hold that the Minnesota Constitution provides greater protection of financial records held by a third party than the United States Constitution.

Both the United States and Minnesota Constitutions protect individuals against “unreasonable searches and seizures” by the government. U.S. Const. amend. IV; Minn. Const. art. I, § 10. The constitutional protection under both the Fourth Amendment and the Minnesota Constitution depends on whether the person invoking the protection has a reasonable expectation of privacy that was intruded upon by the government. *Smith v. Maryland*, 442 U.S. 735, 740 (1979) (Fourth Amendment); *Leonard*, 943 N.W.2d at 156 (Minnesota Constitution).

In *Smith v. Maryland*, the United States Supreme Court held that the defendant did not have a reasonable expectation of privacy under the Fourth Amendment in the phone numbers he dialed, explaining that “a person has no legitimate expectation of privacy in information he voluntarily turns over to third parties.” 442 U.S. at 743-44. When a person has no reasonable expectation of privacy in information, the Supreme Court explained, the government’s collection of that information is not a “search” under the Fourth Amendment and a warrant is not required. *Id.* at 745-46.

The Supreme Court applied the third-party doctrine to bank records in *United States v. Miller*, holding that there is no legitimate expectation of privacy in such records held by third parties. 425 U.S. 435, 442 (1976). After *Miller*, the Minnesota Supreme Court addressed the third-party doctrine in the context of bank records obtained via grand jury subpoena in *State v. Milliman*, 346 N.W.2d 128 (Minn. 1984). The supreme court, citing

Miller, declined to analyze the propriety of the subpoenas, stating, "We are satisfied that defendant had no reasonable expectation of privacy in the records in question." *Milliman*, 346 N.W.2d at 130.

This court has applied the third-party doctrine to financial records in two nonprecedential opinions.[3] In *State v. Hanson*, we rejected the defendant's challenge to a warrant for financial records, stating that "appellant has neither an expectation of privacy in the records nor standing to challenge their admission." No. C0-90-2123, 1991 WL 96670, *2 (Minn. App. June 11, 1991). More recently, in *State v. Miles*, we applied the third-party doctrine to a warrantless search of bank records, holding that the appellant lacked standing to object to the use of his bank records at trial because he lacked a reasonable expectation of privacy in the records. No. A17-0726, 2018 WL 1569694, at *4 (Minn. App. Apr. 2, 2018), *rev. denied* (Minn. July 17, 2018). We cited the "uncontroverted holdings of *Miller* and *Milliman*." *Id.*[4]

Grell argues that this caselaw does not defeat his claim because he has an expectation of privacy in financial records under the Minnesota Constitution. He asserts

---

[3] We cite nonprecedential opinions throughout as persuasive authority. *See Dynamic Air, Inc. v. Bloch*, 502 N.W.2d 796, 800-01 (Minn. App. 1993).

[4] Grell attempts to distinguish this case from *Miles*, arguing that *Miles* dealt with "conventional financial-institution records reflecting deposits and account activity" whereas "the warrants in this case sought far broader categories of information from a modern digital payment platform . . . [that] provide far more detailed insight into an individual's financial behavior and digital activity than the traditional bank records considered in *Miles*." Even if the difference between the types of financial information in bank records and the types of information in the records of a payment application like Block matters with respect to the third-party doctrine, Grell has failed to explain how the records differ.

that this conclusion is compelled by the Minnesota Supreme Court's decision in *Leonard*. The argument is unpersuasive.

In *Leonard*, the supreme court held that the third-party doctrine does not apply to hotel guest registries, concluding that "hotel guests have a reasonable expectation of privacy in the sensitive location information found in guest registries." 943 N.W.2d at 158. The supreme court relied on the "greater protection against suspicionless law enforcement conduct" that the Minnesota Constitution provides. *Id.* at 156. It wrote, "[W]e think that most Minnesotans would be surprised and alarmed if the sensitive location information found in the guest registries at hotels, motels, or RV campsites was readily available to law enforcement without any particularized suspicion of criminal activity." *Id.* at 158.

The supreme court explicitly declined to decide whether the third-party doctrine applies in other scenarios. In doing so, it referenced its decision in *Milliman* applying the third-party doctrine to bank records:

> We have not broadly applied the third-party doctrine to Article I, Section 10 challenges. In *State v. Milliman*, we cited *Miller* to hold that a defendant had no reasonable expectation of privacy in his bank and employment records. 346 N.W.2d 128 130 (Minn. 1984) (citing *Miller* to support the proposition that the defendant had no reasonable expectation of privacy in his bank and employment records without specifying whether the analysis occurred under the Fourth Amendment or Article I, Section 10). In acknowledging that the third-party doctrine relies on well-established principles, we do not decide whether it should apply broadly under Minnesota law more generally. We hold simply that the legal principles underlying *Miller*'s third-party doctrine do not apply to guest registries.

Id. n.14 (emphasis omitted).

Grell contends that *Leonard* imposes a requirement that courts "examine the nature and sensitivity of the information at issue, not merely whether the information is maintained by a third party," in evaluating a constitutional claim. (Emphasis omitted.) But *Leonard* does not make such a broad statement and, in fact, declined to state that the third-party doctrine does not apply to financial records. Moreover, a critical underpinning of the supreme court's decision that the third-party doctrine does not apply to hotel registry information is that the information constitutes "sensitive *location* information." *Id.* at 159 (emphasis added). That reasoning does not translate to the financial records here.

In addition, after *Leonard*, the supreme court decided *State v. Bonnell*, which indicates that the supreme court intends the third-party doctrine to apply in some contexts. 31 N.W.3d 527 (Minn. 2026). In *Bonnell* the supreme court held that the third-party doctrine applies to Facebook messages obtained from the recipient's device. *Id.* at 542. It wrote that "the sender of an electronic message does not retain a reasonable expectation of privacy in the digital copy of the received message that is stored in the recipient's separate and independent account or device." *Id.* Grell's argument that *Leonard* requires us to hold that the third-party doctrine does not apply to financial records under the Minnesota Constitution fails.

II. Minnesota Statutes section 13A.02 does not provide grounds for suppression.

Grell also argues that suppression was required under Minnesota Statutes section 13A.02. He contends that the statute "establishes a substantive privacy protection by restricting the government's ability to access financial information belonging to customers." He seems to suggest that section 13A.02 affects the application of the third-party doctrine under the Minnesota Constitution. And he argues that suppression is required under the statute alone because the financial records were not "reasonably described" as required by statute. The state counters that section 13A.02 "is a procedural statute, prescribing certain methods through which the government may obtain financial information for investigative purposes," and does not create a reasonable expectation of privacy in financial records for constitutional purposes. And the state argues that the warrants satisfied the "reasonably described" requirement of the statute.

Minnesota Statutes section 13A.02, subdivision 1, provides:

> Except as authorized by this chapter, no government authority may have access to, or obtain copies of, or the information contained in, the financial records of any customer from a financial institution unless the financial records are *reasonably described* and:
>
> (1) the customer has authorized the disclosure;
>
> (2) the financial records are disclosed in response to a search warrant;
>
> (3) the financial records are disclosed in response to a judicial or administrative subpoena;
>
> (4) the financial records are disclosed to law enforcement, a lead investigative agency as defined in section 626.5572, subdivision 13, or prosecuting authority that is investigating financial exploitation of a vulnerable adult in response to a judicial subpoena or administrative subpoena under section 388.23; or
>
> (5) the financial records are disclosed pursuant to section 609.527 or 609.535 or other statute or rule.

(Emphasis added.)

A. Reasonable Expectation of Privacy

Grell seems to suggest that section 13A.02 affects the analysis of whether he had a reasonable expectation of privacy in the financial records with Block as a constitutional matter. He also contends that *Milliman*—in which the supreme court concluded that the third-party doctrine applies to bank records—does not apply because it was decided based on the law before the effective date of the "reasonably described" provision in section 13A.02. His arguments are unconvincing.

As an initial matter, Grell cites no authority for the proposition that a statute can create a reasonable expectation of privacy for constitutional purposes where one does not otherwise exist.

Moreover, we are not persuaded that the supreme court's constitutional determination in *Milliman* turns on whether section 13A.02 applies. *Milliman* was issued shortly after the effective date of the "reasonably described" provision of section 13A.02. *Compare Milliman*, 346 N.W.2d at 128 (decided on March 23, 1984), *with* 1983 Minn. Laws ch. 225, § 2, at 783-84; § 12, at 794 (providing that effective date of "reasonably described" provision was January 1, 1984). In *Milliman*, the supreme court held that the defendant did not have "a constitutional interest in the records that would entitle him to challenge the subpoenas." 346 N.W.2d at 130. The supreme court went on to observe that "[i]n any event," the records "would have been obtained by other means and used against defendant at his trial" and noted in a footnote that "[t]he subject of release of bank records is now covered by Minn. Stat. Ch. 13A (1983 Supp.)." *Id.* n.1. Nothing in the supreme court's reference to the state's ability to obtain the records by other means and the intervening enactment of section 13A.02 suggests that the court would have concluded that the defendant had a "constitutional interest in the records" even if section 13A.02 applied. *Id.*

B. Application of Section 13A.02

Grell also argues that suppression is required under section 13A.02 alone. He contends that the statute requires that the financial records sought by the state be "reasonably described" in the warrant, that the "reasonably described" requirement is equivalent to the constitutional requirement that a warrant be "sufficiently particular," and that the search warrants here did not satisfy that requirement. The state disagrees. It asserts that the statute does not require the *warrant* to reasonably describe the documents sought but requires the *application* for the search warrant "to include documents that are 'reasonably described.'" The state suggests that Grell's argument improperly conflates the "reasonably described" language in the statute with the general constitutional requirement that warrants be particular. And it asserts that the "reasonably described" standard, when properly applied, was satisfied here.

As to where the documents must be "reasonably described," section 13A.02 states that the government may not obtain a customer's financial records from a financial institution "unless the financial records are reasonably described" and another of the five enumerated conditions is met, one of which is a search warrant. Minn. Stat. § 13A.02, subd. 1. The statute does not prescribe where, precisely, the financial records must be reasonably described. But, because neither party argues that there is a distinction between the descriptions in the warrant applications and the descriptions in the warrants, we need not address the question further.

As to what "reasonably described" means, we agree with the state that the phrase does not impose the same standard as "sufficient particularity" under the Fourth

Amendment. The phrase "reasonably described" is not defined in chapter 13A. We therefore must interpret the language. "Statutory interpretation presents a question of law that [appellate courts] review de novo." *Johnson v. Concrete Treatments, Inc.*, 7 N.W.3d 119, 126 (Minn. 2024). "The objective of statutory interpretation is to 'ascertain and effectuate the intention of the legislature.'" *Id.* (quoting Minn. Stat. § 645.16 (2022)). "When the language of a statute is unambiguous, [appellate courts] interpret the words of the statute according to their plain and ordinary meaning. A statute is ambiguous only if it is susceptible to more than one reasonable interpretation." *Id.* (citation and quotation omitted). Neither party advanced arguments that the language of section 13A.02 was ambiguous. We therefore interpret the words of section 13A.02 according to their plain meaning.

Grell contends that "reasonably described" is equivalent to "sufficiently particular," but he provides no authority to support that contention. If the legislature intended to import a constitutional standard into the section 13A.02 analysis, it presumably would have used the words "sufficiently particular" or otherwise explicitly stated that intention. *See, e.g.*, *State v. Eide*, 898 N.W.2d 290, 296 (Minn. App. 2017) (concluding that, if the legislature had intended to limit the Metropolitan Airport Commission's authority as argued, it would have said so). We thus conclude that the phrase "reasonably described" is not equivalent to "sufficiently particular." We further conclude that the phrase "reasonably described" is common and understandable language that does not require further explanation to apply. *See State v. Moore*, 10 N.W.3d 676, 682 (Minn. 2024) (declining to further define the word "immediate" within the phrase "within immediate reach" because "[t]o do so would simply replace one common and understandable term with another").

We turn, then, to whether the financial records here were "reasonably described." Grell argues that the records were not "reasonably described" because they "authorized law enforcement to obtain sweeping categories of information from [Block]" and that "[t]he warrants did not narrowly target specific transactions or defined time periods. Instead, they authorized the seizure of virtually all records associated with the account." Grell primarily takes issue with the temporal scope of the documents produced in response to the warrants—which dated back to 2019, two years before Grell's employment with Altec began in 2021. He further argues that "the seizure of 'all account records' without clear temporal or subject-matter limitations" constitutes a general warrant prohibited by the Fourth Amendment. The state argues that "there were temporal limits on the warrants that were issued and that there was a specific itemization of what kinds of data were to be provided."

The July 19 warrant requested "all dates of changes to the account," "all account records" connected to two phone numbers, "all account records related" to Grell's name, and "all IP Logs." As previously noted, it is unclear from the record exactly which documents were returned from the July 5 and July 19 warrants, but it appears that at least some records produced dated back to 2019.

Even assuming that Block returned pre-November 2021 records in response to the July 19 warrant, those records were still "reasonably described." The warrant provided the relevant account number, name, and associated phone numbers. This description reasonably identified what the warrant sought. The warrant was broad in that it requested all records related to one specific account and person. But there is no indication that a specific request for a large amount of information cannot also be "reasonably described."

In sum, though section 13A.02 requires that financial records be reasonably described, this requirement does not create a reasonable expectation of privacy under the Minnesota Constitution. In addition, section 13A.02's "reasonably described" requirement does not import the constitutional standard of sufficient particularity. Finally, the records sought here were reasonably described in compliance with Minnesota Statutes section 13A.02. The district court therefore did not err by denying Grell's motion to suppress.[5]

Affirmed.

[5] We note that it is unclear what the appropriate remedy would be for violation of section 13A.02. The parties did not thoroughly brief this issue, though Grell's arguments assume that suppression is the appropriate remedy, while the state seems to suggest that section 13A.02 is simply procedural. Section 13A.02 itself does not identify a remedy for violation. Because we conclude that the requirements of section 13A.02 were met, we need not address the issue of the appropriate remedy for its violation.