STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0892

State of Minnesota,
Respondent,

vs.

Joseph Benjamin Stuckey,
Appellant.

Filed May 19, 2025
Affirmed
Wheelock, Judge

Hennepin County District Court
File No. 27-CR-23-16369

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

Mary F. Moriarty, Hennepin County Attorney, Nicole Cornale, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Eva F. Wailes, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Worke, Presiding Judge; Wheelock, Judge; and Jesson, Judge.[*]

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

NONPRECEDENTIAL OPINION

WHEELOCK, Judge

Appellant challenges the district court's denial of his motion to suppress the evidence recovered from his vehicle and person at the time of his arrest, arguing that law-enforcement officers did not have probable cause to arrest him or search his vehicle. We affirm.

FACTS

Respondent State of Minnesota charged appellant Joseph Benjamin Stuckey with first-degree sale of a controlled substance in violation of Minn. Stat. § 152.021, subd. 1(1) (Supp. 2023), and first-degree possession of a controlled substance in violation of Minn. Stat. § 152.021, subd. 2(a)(1) (Supp. 2023), based on his arrest in August 2023. Stuckey moved to suppress the evidence underlying these charges. We derive the following facts from the evidentiary hearing on Stuckey's motion to suppress.

Throughout the summer of 2023, law-enforcement officers received frequent citizen complaints about the unlawful possession and sale of controlled substances, especially fentanyl and crack cocaine, in an area along Hennepin Avenue in downtown Minneapolis. As a result, officers for the city engaged in focused surveillance of the area that summer and made several arrests for controlled-substance possession near a smoke shop and an empty parking lot located adjacent to it (the parking-lot area). Individuals frequently used and purchased controlled substances in this parking lot because it is out of view from Hennepin Avenue, which is a busy street. As a result of increased law-enforcement activity and arrests, officers observed that drug dealers were changing their tactics for the storage

of controlled substances and methods of transacting sales to evade apprehension, including storing them in a vehicle or with a third party and avoiding hand-to-hand exchanges of controlled substances and cash payments.

One of the methods officers used to surveil the parking-lot area was to monitor the video feed produced by a system of city-owned cameras called the "Milestone camera system." The system includes hundreds of Milestone video cameras located throughout the city that produce high-resolution video feeds and that can pan, tilt, and magnify images. In addition to streaming live footage of the city, the cameras can record it.

On July 27, law enforcement observed a distinctive vehicle—an older white sport utility vehicle (SUV) with after-market rims[1]—as it pulled up and parked in front of the smoke shop; the SUV was registered to Stuckey. The SUV had been observed on "multiple dates before with people walking up to it [and] getting inside the vehicle after coming from" the parking-lot area. On this date, an individual exited the SUV, looked toward one of the Milestone cameras near the SUV, and popped the SUV's hood. He then opened the SUV's fuse box, reached into it, retrieved a clear plastic baggie, and walked toward the smoke shop. Law enforcement recognized the individual as Stuckey.

Stuckey walked into the parking lot and interacted with a group of people who were known by law enforcement to routinely use crack cocaine. Afterward, Stuckey walked back to the SUV and drove away. Based on their training and experience, officers believed that Stuckey had sold controlled substances to people in the group.

[1] Individuals sometimes place after-market products on their cars to customize them, including flashy wheels with distinctively thin rims.

On August 1, Stuckey visited the parking-lot area again, and his actions were captured by the Milestone video cameras. Just prior to Stuckey's visit, officers had observed a group of individuals known by law enforcement to use crack cocaine in the parking-lot area. Some of the individuals took off their shoes and pulled money out of their socks. Law enforcement testified that drug users often store money and controlled substances in their socks to keep these items more secure. One of the individuals produced a paper bindle, removed some small white rocks from the bindle, and loaded the rocks into a slim, transparent cylinder with a burnt tip. Members of the group also pooled their money and passed around a cell phone. Shortly after they used the cell phone, Stuckey arrived in his SUV, parked near the smoke shop, retrieved a clear plastic baggie from the fuse box under the hood of the SUV, and walked over to the group in the parking-lot area. Stuckey talked with the group, dug in his pockets, and sat down with his back to the camera. The person with whom Stuckey was talking removed his shoe. After these brief interactions with the group, Stuckey departed.

Law enforcement believed that they had observed a drug deal and that probable cause existed to arrest Stuckey and to conduct warrantless searches of Stuckey and his SUV. They located and apprehended Stuckey soon after he drove away from the parking-lot area. A search of the interior of Stuckey's SUV revealed a scale with white powder residue, clear plastic baggies, and other paraphernalia, and a search under the hood revealed 362 bindles of what appeared to be crack cocaine. The substance in the bindles tested positive for fentanyl and cocaine and weighed 47.4 grams. Law enforcement found another 17.27 grams of suspected cocaine and fentanyl when they searched Stuckey's

person. In total, law enforcement recovered 444 bindles, weighing 64.67 grams, of the substances. The state subsequently charged Stuckey with the possession and sale offenses.

In October 2023, Stuckey appeared for an evidentiary hearing on his motion to suppress evidence, arguing that officers lacked probable cause for his arrest and the search of his person and for the search of his SUV. At the hearing, officers testified about their investigation of Stuckey's drug dealing. They described their observations of Stuckey on July 27 and August 1, including that he parked his SUV near the smoke shop, interacted with people known by law enforcement to use crack cocaine, and did so in a manner that avoided the Milestone cameras. An officer testified that "multiple users would come around [Stuckey] and they'd go to an area out of camera view and then Mr. Stuckey would leave immediately after." The district court credited this testimony. The district court denied Stuckey's motion, concluding that probable cause supported the officers' arrest and search of Stuckey and search of his vehicle based on the totality of the circumstances

Stuckey then waived his right to a jury trial pursuant to Minnesota Rule of Criminal Procedure 26.01, subdivision 4, and proceeded to a stipulated-facts trial. The state dismissed the possession charge, and the district court found Stuckey guilty of first-degree sale of a controlled substance in violation of Minn. Stat. § 152.021, subd. 1(1).

Stuckey appeals.

DECISION

Stuckey argues that the district court erred by denying his motion to suppress based on its determination that the officers had probable cause to arrest and search him and to search his SUV. He contends that the observations the officers made using the Milestone

camera system could not constitute probable cause and that neither the automobile exception nor the search-incident-to-arrest exception to the warrant requirement applied to the officers' actions.

"[U]nreasonable searches and seizures" are prohibited by the United States and Minnesota Constitutions. U.S. Const. amend. IV; Minn. Const. art. I, § 10. "The touchstone of our analysis under the Fourth Amendment is always the reasonableness in all circumstances of the particular governmental invasion of a citizen's personal security." *State v. Bartylla*, 755 N.W.2d 8, 15 (Minn. 2008) (quoting *Pennsylvania v. Mimms*, 434 U.S. 106, 108-09 (1977)).

A warrantless search is "per se unreasonable." *State v. Gauster*, 752 N.W.2d 496, 502 (Minn. 2008). "A search conducted without a warrant is unreasonable unless it satisfies one of the well-delineated exceptions to the warrant requirement." *State v. Lester*, 874 N.W.2d 768, 771 (Minn. 2016) (quotation omitted). One recognized exception is the "automobile exception," which allows a warrantless search of a vehicle if officers "have probable cause to believe the search will result in a discovery of evidence or contraband." *State v. Search*, 472 N.W.2d 850, 852 (Minn. 1991). Individuals have a lesser expectation of privacy in a motor vehicle than they would in a home or office, and the warrant requirements are accordingly less stringent. *See South Dakota v. Opperman*, 428 U.S. 364, 367 (1976). The mobile nature of vehicles can create situations in which "an immediate intrusion is necessary if police officers are to secure the illicit substance." *State v. Munson*, 594 N.W.2d 128, 135 (Minn. 1999) (quoting *United States v. Ross*, 456 U.S. 798, 806-07 (1982)). Another exception to the warrant requirement is the "search-incident-to-arrest

exception." If a person is lawfully arrested, then officers may conduct a search incident to the arrest of the person and the area within the person's immediate control. *State v. Bradley*, 908 N.W.2d 366, 369 (Minn. App. 2018).

To constitute probable cause for an arrest, the objective facts must be "such that under the circumstances a person of ordinary care and prudence would entertain an honest and strong suspicion that a crime has been committed." *State v. Johnson*, 314 N.W.2d 229, 230 (Minn. 1982) (quotation omitted). "Probable cause is an objective inquiry that depends on the totality of the circumstances in each case." *Lester*, 874 N.W.2d at 771. "Under the 'collective knowledge' approach, the *entire* knowledge of the police force is pooled and imputed to the arresting officer for the purpose of determining if sufficient probable cause exists for an arrest." *State v. Conaway*, 319 N.W.2d 35, 40 (Minn. 1982).

"When reviewing a pretrial motion to suppress, 'we review the district court's factual findings for clear error and its legal determinations de novo.'" *State v. Sargent*, 968 N.W.2d 32, 36 (Minn. 2021) (quoting *State v. Leonard*, 943 N.W.2d 149, 155 (Minn. 2020)). An appellate court reviews de novo a district court's probable-cause determination as it relates to a warrantless search. *State v. Torgerson*, 995 N.W.2d 164, 168 (Minn. 2023). An officer may conduct a warrantless search of a vehicle if the officer develops "probable cause to believe the search will result in a discovery of evidence or contraband," which is "an objective inquiry," *id.* at 168-69 (quoting *Lester*, 874 N.W.2d at 771), that must be particularized and individualized to the suspect, *State v. Burbach*, 706 N.W.2d 484, 488 (Minn. 2005). Appellate courts defer to the credibility determinations of the district court.

State v. Schluter, 653 N.W.2d 787, 793 (Minn. App. 2002), *rev. denied* (Minn. Feb. 18, 2003). With these principles in mind, we turn to Stuckey's arguments.

Here, the record evidence—the officer's testimony that the district court credited and the Milestone video footage—supports the district court's findings. The district court found that the investigating officer had been an officer for seven years and had received training about tactics, techniques, and procedures regarding the sale and use of controlled substances; law enforcement was using the Milestone camera system to surveil the parking-lot area; drug dealers were refining tactics to evade being caught; officers became familiar with Stuckey's SUV while surveilling the area around downtown Hennepin Avenue; and Stuckey visited the parking-lot area and interacted with people known to regularly use crack cocaine. As to the events of July 27, the district court found that Stuckey arrived near Hennepin Avenue, parked and opened the hood his SUV, and manipulated a plastic bag retrieved from the SUV's fuse box and that he then engaged with people known to routinely use crack cocaine, for a short period of time and out of camera view. As to the events of August 1, the district court found that a group of controlled-substance users in the parking-lot area were observed removing items from their socks, pooling money, making a cell-phone call during which they passed the phone around, and loading small rock-like objects into slender transparent cylinders with burnt ends and that, shortly after the phone call, Stuckey arrived, walked to the parking lot, and briefly interacted with the group of people. After Stuckey sat in the parking lot with his back to the Milestone camera, the man with whom he was talking removed his shoe for a moment before putting it back on, and then Stuckey departed.

The district court credited the officer's testimony that, based on the officer's training and experience, the behaviors in which Stuckey engaged were indicative of controlled-substance sales. We agree that these observations are objective indicators of controlled-substance sales and of a drug dealer intentionally avoiding detection by the Milestone video cameras such that "a person of ordinary care and prudence would entertain an honest and strong suspicion that a crime has been committed." *Johnson*, 314 N.W.2d at 230. Viewed under the totality of the circumstances, these facts established probable cause to believe that Stuckey was selling controlled substances to individuals in the parking-lot area and that controlled substances would be found in his SUV or on his person.

Stuckey argues that the automobile exception does not apply to the search of his SUV. But officers observed Stuckey remove a plastic baggie from the fuse box of his SUV immediately prior to his brief interactions with known crack-cocaine users in the parking-lot area on July 27. Based on this and the district court's crediting of the officer's testimony that, prior to July 27, law enforcement had observed people known to use crack cocaine walk up to Stuckey's parked SUV and get inside for a few moments, we conclude that law enforcement had "probable cause to believe [a] search [of Stuckey's SUV would] result in a discovery of evidence or contraband." *Search*, 472 N.W.2d at 852.

Stuckey argues that this court must reverse the district court because the facts of this case are comparable to those in *State v. Connie*. No. A09-0194, 2009 WL 4910158 (Minn. App. Dec. 22, 2009).[2] In that case, law-enforcement officers were patrolling a "high-crime

[2] Nonprecedential opinions may be persuasive authority. Minn. R. Civ. App. P. 136.01, subd. 1(c).

area" and "observed Connie holding a small, unidentified object in his hand, palm up, while manipulating the object with the fingers of his other hand." *Connie*, 2009 WL 4910158, at *1. Law enforcement saw Connie hand another man what appeared to be money. *Id.* Connie then gave the man this "small, unidentified object." *Id.* During the exchange, the men whom Connie was with "were looking around the area." *Id.* Law enforcement exited their unmarked squad car with guns drawn, apprehended the men, and obtained Connie's permission to search him for "guns, knives [or] drugs." *Id.* Law enforcement first found a handgun in Connie's waistband. *Id.* After discovering the handgun, law enforcement placed Connie under arrest. *Id.* Law enforcement continued searching Connie and then found cash and baggies of marijuana. *Id.*

Connie moved to exclude the handgun and marijuana from evidence, arguing that law enforcement violated his Fourth Amendment rights when seizing the evidence. *Id.* at *2. The district court determined that law enforcement's actions did not violate the Fourth Amendment because two exceptions to the warrant requirement applied: consent to the search and search incident to arrest. The district court reasoned that law enforcement had reasonable suspicion to briefly stop and search Connie and, upon recovering the handgun, had probable cause to arrest him and conduct a search incident to arrest. *Id.* at *4.

This court reversed the district court on appeal, reasoning that Connie did not voluntarily consent to the officer's search because he "was standing on a street corner when, without warning, four law-enforcement officers pulled up to the corner and exited their vehicle with guns drawn." *Id.* at *2. Because law enforcement did not have probable cause to search Connie prior to the discovery of his firearm and Connie did not voluntarily

consent to the search that produced his firearm, law enforcement could not include the firearm in its probable-cause determination. *Id.* at *4. After reaching this conclusion, this court ultimately decided that, although law enforcement had reasonable suspicion to stop and question Connie, after excluding the firearm from law enforcement's probable-cause determination, they did not have probable cause to arrest him. *Id.* at *6. Therefore, the search-incident-to-arrest exception could not apply to Connie's interaction with law enforcement and the district court erred in denying Connie's motion to suppress evidence. *Id.*

We are not persuaded that the facts in *Connie* are comparable to the present facts. Here, law enforcement observed Stuckey over many days and saw the baggie that Stuckey retrieved from his SUV's fuse box—rather than a generic "unidentified object." *Id.* at *1. Law enforcement observed Stuckey interact with individuals known to use crack cocaine on multiple occasions—rather than just observing a defendant hand one person a "small, unidentified object." *Id.* And finally, the Fourth Amendment violation that occurred in *Connie* is distinct from that alleged in Stuckey's appeal: the reversal in *Connie* hinged on an unconstitutional coercion of consent to a search, *id.* at *2, whereas here, Stuckey does not allege, and we do not identify, any error in the officer's conduct that would detract from the conclusion that probable cause supported Stuckey's search and arrest.

In conclusion, the district court did not err in denying Stuckey's motion to suppress the evidence because law enforcement had probable cause to arrest Stuckey and conduct a

search incident to his arrest and probable cause to search his SUV under the automobile exception to the Fourth Amendment's warrant requirement.

Affirmed.