

*This opinion is nonprecedential except as provided by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
A24-0949**

State of Minnesota,
Respondent,

vs.

Joseph Manasseh Johnson,
Appellant.

**Filed June 16, 2025
Reversed
Ross, Judge**

Hennepin County District Court
File No. 27-CR-21-19838

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

Mary F. Moriarty, Hennepin County Attorney, Linda M. Freyer, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

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

Considered and decided by Bratvold, Presiding Judge; Ross, Judge; and Cleary, Judge.*

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

NONPRECEDENTIAL OPINION

ROSS, Judge

Police officers were watching Joseph Johnson and planning to take him into custody on arrest warrants when they saw him approach but not enter one car and then drive away in a different car. Police stopped Johnson, arrested him, and found drugs and drug paraphernalia inside the car. The district court issued a warrant to search the other car, and police searched it and found a handgun. Appealing from his consequent illegal-possession-of-a-firearm conviction, Johnson argues that the search of that car violated his constitutional rights. Because the circumstances did not give the warrant-issuing judge a substantial basis to determine probable cause that police would find evidence of a crime inside the car where they found the handgun, we reverse Johnson's firearm conviction.

FACTS

Osseo police officer Nicholas Englund went to an apartment building one night in October 2021 looking for Joseph Johnson, who the officer knew was the subject of arrest warrants. Officer Englund saw two vehicles that were parked in the lot near each other and that he associated with Johnson: a Chevrolet Tahoe and a Mercedes-Benz sedan. The events that followed led police to arrest Johnson in the Mercedes, obtain a warrant to search the Tahoe, and find a handgun in the Tahoe leading to Johnson's being charged with and convicted of possession of a firearm by an ineligible person. The warrant to search the Tahoe rested on the affidavit of Osseo police officer Adrienne Lamers, Officer Englund's partner.

Officer Lamers's affidavit testimony, in relevant part, included the following "facts establishing the grounds for issuance of a search warrant" for the Tahoe:

On 8/18/21 Osseo Police Officers were dispatched to . . . 1st Ave NE on a report of a disturbance where a male, later identified as Joseph Manasseh Johnson . . . had threatened his girlfriend and attempted to light her doormat outside of her apartment on fire inside a multi-unit complex. Since that time, a felony warrant has been issued for that offense, and Officers have been attempting to locate Johnson since this date due to the actions during this event as well as for the multiple warrants that were out for his arrest. Officers were receiving information from other residents that the male was frequently returning to the apartment and driving three vehicles described as a Chevy Silverado . . . , a Chevy Tahoe . . . and a Mercedes sedan Officers would frequently see these vehicles at the apartment complex but were refused entry into the apartment during multiple attempts at contact and were unable to actively catch the vehicles being driven.

On 10/23/21 Osseo Police Officers observed both the Tahoe and Mercedes parked in the apartment complex parking lot and officers began to observe the vehicles. At approximately 2307 hours, a male matching Johnson's general description was seen walking out into the otherwise empty parking lot to the driver side of the Tahoe, at which time the lights came on inside the Tahoe. Shortly thereafter, the lights to the Mercedes parked nearby, came on and the Mercedes left the lot where an attempted traffic stop was made at the on ramp to Hwy 169 southbound. As Officers approached the Mercedes, the vehicle sped off and a pursuit was initiated. The vehicle had items thrown from the car multiple times during the pursuit as it made a broad circle back towards the . . . 1st Ave address. The Mercedes stopped in front of the apartment building where the male surrendered. The male was positively identified as Johnson. Large amounts of cash and marijuana was smelled and located and in plain view while taking Johnson into custody. A search of the vehicle produced a large amount of marijuana, large sum of cash, multiple cell phones, drug packaging and paraphernalia used in the sale of illegal drugs [were] located in the passenger compartment. Also in the passenger compartment was a key ring that contained a key that

was later determined to belong to the Tahoe that Johnson had accessed just prior to the traffic stop.

The affidavit identified the evidence that Officer Lamers suspected would be found in the Tahoe, specifically: marijuana or other drugs and related paraphernalia and packaging, cellphones, documents containing drug-sale, -use, or -possession information, money, and firearms. And it closed by requesting a search warrant “[d]ue to the frequent use of the Tahoe and the Mercedes by Johnson, as well as the activity seen at the Tahoe just prior to the initiation of the pursuit.”

The officers who executed the search warrant found, among other things, a loaded Taurus 9mm handgun beneath the Tahoe’s front passenger seat. Johnson moved the district court to suppress the evidence resulting from the search. The district court denied the motion, reasoning that the warrant-issuing judge had properly “found sufficient probable cause to sign a warrant for the search of the Chevrolet” because “Defendant was seen approaching the Chevrolet, Chevrolet lights came on while defendant was observed to approach the vehicle, and the keys of the vehicle were located in the Mercedes driven by Defendant (where drugs and drug paraphernalia were also found).”

The district court sentenced Johnson to serve 60 months in prison following his consequent conviction of possession of a firearm as an ineligible person. Johnson appeals.

DECISION

Johnson asks us to reverse his conviction, arguing, among other things, that the warrant to search the Tahoe was not supported by probable cause. We need address only his search-warrant challenge to resolve this appeal.

Johnson contends that because the search warrant was not supported by probable cause, the district court erroneously failed to suppress the evidence seized during the vehicle search. Both the federal and state constitutions require that a search warrant be supported by probable cause. U.S. Const. amend. IV; Minn. Const. art. I, § 10. This constitutional requirement obligates the judge who issues the warrant “to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, . . . there is a fair probability that contraband or evidence of a crime will be found in a particular place.” *Illinois v. Gates*, 462 U.S. 213, 238 (1983). We give considerable deference to the issuing judge’s determination of probable cause, reviewing the determination by assessing whether he “had a substantial basis for concluding that probable cause existed.” *State v. Rochefort*, 631 N.W.2d 802, 804 (Minn. 2001). For the reasons that follow, we conclude that the probable-cause determination lacked an adequate basis.

We agree with Johnson’s contention that the district court lacked a substantial basis to see a nexus between the evidence that police allegedly suspected would be found in the Tahoe and the Tahoe itself. Probable cause requires that a search-warrant affidavit establish that a sufficient nexus exists “between the evidence sought and the place to be searched.” *See State v. Yarbrough*, 841 N.W.2d 619, 622 (Minn. 2014). We look only to the warrant’s application affidavit to determine if the issuing judge had a sufficient basis to determine probable cause to issue the warrant. *Novak v. State*, 349 N.W.2d 830, 831 (Minn. 1984); *see Whiteley v. Warden*, 401 U.S. 560, 564–65, 568 (1971). We conclude that the affidavit

at most supplied reasonable suspicion to believe that the described evidence might be in the Tahoe, but not probable cause.

The affidavit does not offer evidence to support a connecting rationale, going no further than to reference “the frequent use of the Tahoe and the Mercedes by Johnson, as well as the activity seen at the Tahoe just prior to the initiation of the pursuit.” Johnson’s frequent use of both cars and the “activity” referenced (Johnson’s approaching but not apparently entering the Tahoe before entering and leaving in the Mercedes) is certainly not enough of a connection to justify the warrant. But we can look further into the affidavit and see that it includes four basic circumstances that arguably connect the drug-related and gun-related evidence sought to be found in the Tahoe with the Tahoe itself.

The first circumstance arguably making the connection was that the officers “were receiving information from other residents that the male was frequently returning to the apartment and driving three vehicles,” including the Tahoe. The second is that the interior lights of the Tahoe illuminated when Johnson walked to the driver’s side of the Tahoe. The third is that police found drug-sale evidence inside the Mercedes after they caught and arrested Johnson in that car. And the fourth is that the key to the Tahoe was located inside the Mercedes. The state would have us reason that the drug-related evidence found inside the Mercedes after Johnson’s arrest implies that Johnson sells drugs; that the location of the evidence leading to the suspicion that Johnson sells drugs leads to the suspicion that he sells drugs particularly from the Mercedes; that the suspicion that Johnson sells drugs from the Mercedes leads to the suspicion that he also sells drugs from other cars he had access to, including the Tahoe; and finally that the suspicion that Johnson sells drugs from the

Tahoe leads not only to a suspicion but to probable cause to believe that drugs, drug-dealing documentation, or a firearm would be recovered in a search of the Tahoe. This hopscotching rationale simply requires too much speculation and too many hops. The Tahoe's interior illumination and the location of its key inside the Mercedes certainly established probable cause that Johnson sometimes drives the Tahoe. And the quantity and nature of the drugs and drug-related evidence inside the Mercedes likely also established probable cause to believe that Johnson sells drugs. But we doubt that the evidence established probable cause to believe that Johnson sold drugs specifically from the Mercedes, and we are certain that it does not provide probable cause to believe further that he sold drugs from the Tahoe.

We are not persuaded otherwise by the supreme court's holding that "[i]t may be reasonable to infer that drug wholesalers keep drugs at their residences." *Yarbrough*, 841 N.W.2d at 623. The state unconvincingly suggests that we apply similar reasoning here. While it "*may* be" reasonable to infer that drug-dealing evidence would be found inside a drug dealer's home, it is far less reasonable to infer that drug-dealing evidence would be found inside all a drug dealer's multiple cars. As the *Yarbrough* court observed, simply seeing a suspect with contraband away from his residence "would ordinarily not be enough to establish a nexus to search [the] residence." *Id.* The warrant affidavit here included no information, and therefore supported no inference, that drug-dealing evidence in the Mercedes created "a fair probability that the evidence" identified in the warrant affidavit would be found inside the Tahoe. *Id.* at 622.

Despite our deference to the warrant-issuing judge's probable-cause determination, we hold that the affidavit did not provide a substantial basis to establish probable cause to search the Tahoe for evidence of drugs, drug dealing, or weapons. We therefore reverse Johnson's conviction. And because we reverse the conviction on these grounds, we do not address his other arguments.

Reversed.