STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1112

State of Minnesota,
Respondent,

vs.

Christopher Jermain Giles,
Appellant.

Filed June 9, 2025
Affirmed
Connolly, Judge

Mille Lacs County District Court
File No. 48-CR-21-864

Keith Ellison, Attorney General, Ed Stockmeyer, Assistant Attorney General, St. Paul, Minnesota; and

Corey J. Haller, Mille Lacs County Attorney, Milaca, Minnesota (for respondent)

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

Considered and decided by Ross, Presiding Judge; Connolly, Judge; and Wheelock, Judge.

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

On appeal from his conviction of second-degree sale of a controlled substance, appellant argues that the district court (1) erred in denying his motion to suppress because the search of his vehicle incident to his arrest was not conducted lawfully, and (2) abused

its discretion in admitting *Spreigl* evidence of a prior drug-related offense. Appellant also raises several issues in his pro se supplemental brief. We affirm.

FACTS

On Wednesday, May 5, 2021, Officer W. of the Mille Lacs Tribal Police Department was dispatched to the Grand Market in Onamia following a report of drug sales involving a gray or silver Buick. May 5 was the first Wednesday of the month, which is significant in the Onamia area because the monthly per-capita payments are distributed to tribal members on that day. As a result, there tends to be an increase in activity at this time around the casino and the nearby Grand Market, which is attached to a bank, as well as an increase in drug sales around the Grand Market.

Officer W., along with Officer H. and Sergeant N., responded to the dispatch requesting that officers report to the Grand Market. Upon arriving at the scene, Officer W. observed a gray Buick sedan that was occupied by a Black male with dreadlocks who was later identified as appellant Christopher Jermain Giles. Appellant appeared "nervous and fidgety," denied any involvement with drug sales, and told the officers that he was with his girlfriend, who was inside the Grand Market.

While appellant was being questioned, Sergeant N. spoke with nearby community members, one of whom stated that four people had approached the Buick. And after appellant mentioned that his girlfriend was in the Grand Market, Officer W. went into the Grand Market and eventually identified appellant's girlfriend as a Native American female with blonde hair. Appellant's girlfriend, however, was evasive when questioned about her relationship with appellant and denied any knowledge of drug sales involving the Buick.

Approximately 30 minutes after the officers cleared the scene at the Grand Market, the officers responded to a possible overdose at a residence about a mile from the Grand Market. Upon arriving at the scene, officers discovered a female, identified as F.D., who was unresponsive to light, having difficulty breathing, and had a powdery substance in her left nostril. Officers then proceeded to administer two doses of Narcan, which is a medication used to counteract the effects of an overdose from an opioid such as fentanyl. After the second Narcan dose, F.D. regained consciousness, vomited, and was taken to a hospital.

The next day, Officers W. and H. were at the casino on an unrelated call when F.D. approached them and thanked them for helping her. F.D. then told the officers that, when she was cashing her check at the Grand Market, she was approached by a Black man with dreadlocks who was with a Native American female with blonde hair. According to F.D., the man was in a silver vehicle and offered to sell her a Percocet pill for $40, which she later learned was not Percocet—it was pill-pressed fentanyl.

Based on F.D.'s report, law enforcement decided to place appellant under arrest. Officers subsequently observed the gray Buick in the casino hotel parking lot and began surveillance. A short time later, officers observed appellant and his girlfriend exit the hotel, walk to the Buick, and move the vehicle to a different location in the parking lot. But when marked squad cars began entering the parking lot, appellant was observed "making furtive movements inside the vehicle." Appellant and his girlfriend then got out of the vehicle and appellant was taken into custody and placed in the back seat of a squad car.

After appellant's arrest, a search of the vehicle revealed suspected controlled substances in various containers hidden in a glovebox compartment. Field tests of some of these substances yielded positive results for fentanyl, cocaine, and methamphetamine. And many of the controlled substances were "wrapped in individually packaged dosage units in baggies or folded paper bindles."

Respondent State of Minnesota charged appellant with three counts of controlled-substance crimes. Appellant subsequently moved to suppress the evidence found in the car, arguing that it was discovered during an illegal, warrantless search of the motor vehicle. Following a contested omnibus hearing, the district court denied appellant's motion, concluding that the search of the Buick was lawfully conducted incident to appellant's arrest. Respondent later filed an amended complaint charging appellant with one count of second-degree controlled-substance crime (sale) and four counts of third-degree controlled-substance crime (sale).

Prior to trial, respondent moved to admit *Spreigl*[1] evidence of other controlled-substance crimes committed by appellant. The district court sustained appellant's objection to two of the proffered incidents but granted respondent's motion with respect to a third prior incident.

A jury found appellant guilty as charged. The district court then sentenced appellant to an aggravated sentence of 300 months in prison for the offense of second-degree sale of a controlled substance. This appeal follows.

[1] *See State v. Spreigl*, 139 N.W.2d 167 (Minn. 1965).

DECISION

I.

Appellant challenges the district court's order denying his motion to suppress evidence discovered during the search of the Buick. When reviewing a district court's pretrial decision on a motion to suppress evidence, this court reviews the district court's legal determinations de novo and its findings of fact for clear error. *State v. Brown*, 932 N.W.2d 283, 289 (Minn. 2019). Because the facts here are undisputed, our review is de novo. *See id.*

The United States and Minnesota Constitutions protect against "unreasonable searches and seizures." U.S. Const. amend. IV; Minn. Const. art. I, § 10. A warrantless search is presumptively unreasonable unless it falls within one of the recognized exceptions to the warrant requirement. *State v. Barrow*, 989 N.W.2d 682, 685 (Minn. 2023). "The [s]tate bears the burden of proving any exception." *State v. Milton*, 821 N.W.2d 789, 799 (Minn. 2012). And generally, evidence obtained during an unconstitutional search or seizure must be suppressed. *State v. Jackson*, 742 N.W.2d 163, 177-78 (Minn. 2007).

One well-recognized exception to the warrant requirement is a search incident to arrest, which allows police to search a person who has been lawfully arrested and "the area within his or her immediate control to remove weapons and to seize evidence." *State v. Bernard*, 859 N.W.2d 762, 769 (Minn. 2015), *aff'd sub nom. Birchfield v. North Dakota*, 579 U.S. 438 (2016). There are two possible justifications for a search of a vehicle incident to a lawful arrest: (1) "if the arrestee is within reaching distance of the passenger

compartment at the time of the search," or (2) if "it is reasonable to believe the vehicle contains evidence of the offense of arrest." *Arizona v. Gant*, 556 U.S. 332, 351 (2009).

Appellant does not dispute that he was lawfully arrested. But he contends that the search of the Buick was unconstitutional under *Gant* because respondent failed to establish either of the two possible justifications for a search of a vehicle incident to the arrest.[2]

We agree that the first scenario established in *Gant* does not apply here because appellant had been arrested and secured in the back seat of a squad car when law enforcement searched the Buick. But the facts, as found by the district court, support the second *Gant* scenario because it was reasonable for law enforcement officers to believe that evidence of the offense of arrest would be found in the Buick.

The record reflects, and the district court found, that on Wednesday, May 5, 2021, law enforcement officers were dispatched to the Grand Market based on reports of drug sales associated with a gray Buick sedan. Upon arriving at the scene, officers spoke with appellant and observed that he was a Black male with dreadlocks sitting in a gray Buick. Officers also spoke with individuals nearby and learned that a woman who was with

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[2] Appellant also contends that, because the district court failed to cite *Gant*, it applied the wrong legal standard. Indeed, our review of the district court's order shows that the district court did not cite the standard set forth in *Gant*, and relied upon pre-*Gant* precedent in concluding that the search of the Buick was lawful. But as respondent points out, the "district court's legal analysis is immaterial because this [c]ourt applies a de novo standard of review to decide whether the facts establish reasonable suspicion." And we "will not . . . reverse on appeal a correct decision simply because it is based on incorrect reasons." *Kahn v. State*, 289 N.W.2d 737, 745 (1980); *see Schoeb v. Cowles*, 156 N.W.2d 895, 898 (Minn. 1968) (stating that, if the district court arrives at a correct decision, that decision should not be overturned regardless of the theory upon which it is based). As set forth below, the district court did not err in denying appellant's suppression motion. Thus, the district court's failure to cite *Gant* is not dispositive.

appellant had gone inside the Grand Market. Officers then located the woman and observed that she was a Native American with blonde hair. The woman "acknowledged her relationship" with appellant but was evasive when questioned about that relationship. Shortly thereafter, officers were dispatched to the scene of an overdose. The officers revived the victim and learned from her the next day that, on May 5, she had purchased a pill from a Black man in a gray sedan who had a female companion. F.D.'s description matched the description of appellant and his girlfriend. Based on this information, officers arrested appellant for sale of a controlled substance.

Appellant does not dispute any of the facts as found by the district court. Instead, he contends that, because he "was under arrest solely for the sale of the pill at the [Grand] Market the day before," it was unreasonable for officers "to believe the car still contained evidence of that crime the next day at a different location." We are not persuaded.

The district court found that, when the overdose victim, F.D., "interacted" with appellant, he was seated in the gray sedan with his female companion. Because the drug transaction occurred while appellant was seated in the vehicle, it was reasonable for law enforcement to believe that evidence related to that transaction would be found in the vehicle. Although F.D. purchased only one pill, and the sale occurred the day before the search, the totality of the circumstances surrounding the transaction between appellant and F.D. further support the officers' belief that evidence related to the offense of arrest would be found in the vehicle. On the day of the transaction between F.D. and appellant, officers investigated reports of hand-to-hand transactions involving a gray Buick. And law enforcement had observed that the incidence of drug transactions in the Grand Market area

on the first Wednesday of the month increases coincident to the day of the month on which monthly per capita payments are distributed to tribal members. Moreover, law enforcement knew that appellant stayed overnight at the casino hotel after he sold the pill to F.D., and law enforcement's observations of appellant after he left the hotel on May 6 were consistent with his actions on May 5 when law enforcement officers were apprised of the drug transactions involving the gray Buick. Because the officers knew that F.D. purchased a pill containing fentanyl from appellant, and they were aware of other alleged transactions involving appellant on May 5, it was reasonable for the officers to believe that more pills related to the pill purchased by F.D. would be found in the vehicle. *See Davis v. United States*, 564 U.S. 229, 234-35 (2011) (stating that, after *Gant*, an automobile search incident to a recent occupant's arrest is constitutional if the police have reason to believe that the vehicle contains evidence relevant to the crime of arrest). Accordingly, the district court did not err by denying appellant's motion to suppress.

II.

Appellant also challenges the district court's decision to allow *Spreigl* evidence of a prior drug-related offense. We apply an abuse-of-discretion standard of review to a district court's admission of *Spreigl* evidence. *State v. Smith*, 9 N.W.3d 543, 561 (Minn. 2024). "A defendant who claims the [district] court erred in admitting evidence bears the burden of showing the error and any resulting prejudice." *State v. Ness*, 707 N.W.2d 676, 685 (Minn. 2006) (quotation omitted).

Under rule 404(b)(1), "[e]vidence of another crime, wrong, or act is not admissible to prove the character of a person in order to show action in conformity therewith" though

it may be admissible "for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident." Minn. R. Evid. 404(b)(1). In Minnesota, "evidence of prior bad acts and previously committed crimes is commonly known as *Spreigl* evidence." *State v. Moorman*, 505 N.W.2d 593, 601 (Minn. 1993). Such evidence generally is inadmissible unless

> (a) the proffered evidence is relevant to an identified material issue other than conduct conforming with a character trait; (b) the other crime, wrong, or act and the participation in it by a relevant person are proven by clear and convincing evidence; and (c) the probative value of the evidence is not outweighed by its potential for unfair prejudice to the defendant.

Minn. R. Evid. 404(b)(2).

Prior to trial, respondent sought to admit *Spreigl* evidence that appellant was convicted of possessing more than five grams of cocaine after he was observed by law enforcement "in a vehicle in the parking lot of a fast food restaurant . . . conducting hand-to-hand transactions out of his vehicle." The district court determined that this evidence was admissible as a common scheme or plan because, like the charged offense, it involved appellant dealing drugs through hand-to-hand transactions in a parking lot of a public area.

Appellant challenges the district court's decision, arguing that the prior incident was not relevant because it "did not meet the common-scheme-or-plan exception," and the "prejudicial effect of the prior incident[] outweighed any probative value." Appellant argues further that the "district court's error requires a new trial."

A. The evidence was relevant because it established a common scheme or plan.

To determine whether *Spreigl* evidence is relevant, a district court generally should consider, among other things, "whether there is a sufficiently close relationship between the charged offense and the *Spreigl* offense in time, place, or modus operandi." *State v. DeBaere*, 356 N.W.2d 301, 305 (Minn. 1984); *see also Ness*, 707 N.W.2d at 688. If *Spreigl* evidence is being offered to show a common scheme or plan, "the misconduct must have a *marked similarity* in modus operandi to the charged offense." *State v. Clark*, 738 N.W.2d 316, 346 (Minn. 2007) (quotation omitted).

Appellant argues that the *Spreigl* evidence was not markedly similar to the present offense because it occurred in Hennepin County nine months after this offense and, unlike this offense, he was alone in the car at the time. But *Spreigl* evidence "need not be identical in every way to the charged offense." *Ness*, 707 N.W.2d at 688. Instead, it must be "sufficiently or *substantially similar* to the charged offense—determined by time, place and modus operandi." *Id.* (quotation omitted). This test is applied in a flexible manner. *State v. Lynch*, 590 N.W.2d 75, 80-81 (Minn. 1999).

Here, the *Spreigl* evidence was substantially similar to the charged offense in modus operandi. In both cases, appellant was selling drugs via hand-to-hand transactions out of a vehicle. Moreover, in both cases, the vehicle out of which appellant was selling drugs was parked in a parking lot in a public, retail area. Although the Hennepin County offense took place nine months after the present offense, the supreme court has stated that "[t]he ultimate issue is not the temporal relationship but relevance." *State v. Wermerskirchen*, 497 N.W.2d 235, 242 n.3 (Minn. 1993). The relevance here is the marked similarity between the two

offenses, those similarities being that appellant was selling drugs via hand-to-hand transactions to strangers out of a vehicle in a public, retail-area parking lot. *See State v. Cogshell*, 538 N.W.2d 120, 124 (Minn. 1995) (upholding admission of *Spreigl* evidence when only similarities between prior and charged offenses were type of drug and packaging used by defendant). As such, the *Spreigl* evidence was relevant to show a common scheme or plan.

B. The prejudicial effect of the evidence did not outweigh its probative value.

Appellant also contends that the prejudicial effect of the prior incident outweighed any probative value. A district court abuses its discretion by admitting *Spreigl* evidence if the probative value of the evidence does not outweigh the danger of prejudice. *See Ness*, 707 N.W.2d at 686. Prejudice does not mean the damage to a party's case "from the legitimate probative force of the evidence." *State v. Welle*, 870 N.W.2d 360, 366 (Minn. 2015) (quotation omitted). Instead, "it refers to the unfair advantage" resulting from "the capacity of the evidence to persuade by illegitimate means." *Id.* (quotation omitted).

The district court here acknowledged the prejudicial nature of the prior incident but determined that it was outweighed by the probative value of the evidence, which was "probative of motive, intent, plan, or scheme" and appellant's "knowledge of drugs." Indeed, despite appellant's argument to the contrary, the prior incident was highly probative because it was markedly similar to the charged offense. Moreover, the prior incident was highly probative because it was critical to rebutting appellant's defense that he did not sell or possess the controlled substances found in the vehicle. And the district court provided a cautionary instruction during closing argument, which lessened the

likelihood that the jury would give undue weight to the evidence. *See State v. Kennedy*, 585 N.W.2d 385, 392 (Minn. 1998) (noting that providing cautionary instructions lessened the likelihood that the jury would give undue weight to the evidence). Therefore, appellant is unable to show that the district court abused its broad discretion in admitting the *Spreigl* evidence.

III.

Appellant filed a pro se supplemental brief in which he raises several additional issues. But it is well settled that "[a]n assignment of error based on mere assertion and not supported by any argument or authorities in appellant's brief is waived and will not be considered on appeal unless prejudicial error is obvious on mere inspection." *Louden v. Louden*, 22 N.W.2d 164, 166 (Minn. 1946). Appellant's pro se supplemental brief contains no argument and no relevant citation to legal authority in support of his claims. And prejudicial error is not obvious on mere inspection. As such, appellant's arguments are not properly before us, and we decline to consider them. *See State v. Krosch*, 642 N.W.2d 713, 719-20 (Minn. 2002).

Affirmed.