

Minnesota Supreme Court Decisions - Highlights from 2011

Please note: Case summaries provided by Professor Peter Knapp, William Mitchell College of Law; reprinted with permission.

Arrest: Probable Cause

State v. Williams, 794 N.W.2d 867

Case #A08-2129

Justice G. Barry Anderson

Justice Page concurring

Justice Stras took no part

Filed March 9, 2011

Tyrone Williams was found guilty of possessing cocaine while in possession of a firearm. After receiving a radio report of a robbery, a police officer saw a man matching the description in the vicinity of the robbery. The officer followed the man, who was Williams, called for him to stop, and then saw the butt of a gun sticking out of Williams pocket. Williams stopped immediately and the officer handcuffed him and asked if he had a gun. Williams told the officer he did. The victim of the robbery was unable to identify Williams as a suspect, but the officer arrested Williams for possession of the pistol. At the jail vehicle entrance, Williams also told the officer that he was in possession of cocaine. Williams was ultimately charged for possession of the handgun and the cocaine, but not the robbery. Nothing in the record indicates whether Williams had a permit for the handgun. At the omnibus hearing, defense counsel moved to suppress the pistol, contending the officer found it ‘following an illegal arrest.’ The district court denied the motion. On appeal, in addition to challenging probable cause for his arrest, Williams also argued that a finding of probable cause, without requiring the police to believe he did not have a permit to carry the pistol, would violate his Second Amendment right to bear arms.

HELD: Minn. Stat. § 624.714, subd. 1(a), prohibits possession of a gun in a public place without first obtaining a permit. The elements of an offense of that statute are satisfied on proof at trial that a person possessed a pistol in a public place. Here, during a lawful investigatory stop, the officer personally saw Williams in a public place with the butt of a pistol sticking out of his pocket; heard Williams admit he possessed a pistol; and corroborated that admission by removing the pistol from Williams’ pocket. “We conclude that a person of ordinary care and prudence, viewing the totality of the circumstances objectively, would entertain an honest and strong suspicion that Williams violated” the statute. The officer’s arrest of Williams was supported by probable cause. Williams did not raise his Second Amendment argument at the district court, and “we conclude the interests of justice do not require us to address the Second Amendment claim.”

The court **affirmed** the appellate decision **affirming** the district court.