

*This opinion is nonprecedential except as provided by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
A23-1531**

State of Minnesota,
Respondent,

vs.

Laron Doshon Underwood,
Appellant.

**Filed September 3, 2024
Affirmed
Smith, Tracy M., Judge**

Ramsey County District Court
File No. 62-CR-22-561

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

John Choi, Ramsey County Attorney, Anna R. Light, Assistant County Attorney, St. Paul, Minnesota (for respondent)

Joseph G. Vaccaro, The Law Office of Joseph G. Vaccaro, PLLC, St. Paul, Minnesota (for appellant)

Considered and decided by Slieter, Presiding Judge; Bjorkman, Judge; and Smith, Tracy M., Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

In this appeal from a final judgment of conviction for unlawful possession of a firearm, appellant Laron Doshon Underwood asserts that the district court erred by denying his motion to suppress evidence that was discovered following his arrest pursuant to a

complaint warrant. Underwood argues that, because the complaint warrant did not specify a bail amount, it violated the rules of criminal procedure and his constitutional rights and the evidence must therefore be suppressed. We conclude that, even if the absence of a bail amount violated a rule of criminal procedure, suppression is not warranted. We also conclude that the absence of a bail amount did not violate Underwood's constitutional rights. We therefore affirm.

FACTS

Shortly after midnight on February 1, 2022, a police officer on patrol in Ramsey County came upon Underwood's parked vehicle. The officer ran the license plate and discovered that the registered owner, Underwood, had a felony warrant from Dakota County on a complaint charging him with one count of harassment and one count of unlawful possession of a tear gas compound or electronic incapacitation device by a felon. The Dakota County warrant stated, "Bail is in the amount of: Hold Without Bond."

The officer made an investigatory stop of the vehicle. When the officer approached the vehicle, he shined his light into the vehicle and discovered Underwood sleeping in the vehicle. The officer arrested Underwood pursuant to the felony warrant. After the arrest, the officer discovered a firearm on the driver's seat underneath where Underwood had been sleeping.

Respondent State of Minnesota charged Underwood with one felony count of unlawful possession of a firearm. Underwood moved to suppress the evidence discovered as a result of his arrest pursuant to the Dakota County warrant and to dismiss the charge. After the motion hearing, the district court issued an order denying Underwood's motion

to suppress and dismiss. Underwood waived his right to a jury trial, and the parties proceeded with a stipulated-facts trial. Following the trial, the district court found Underwood guilty of unlawful possession of a firearm. Underwood was convicted and sentenced to 60 months in prison.

Underwood appeals.

DECISION

Underwood challenges the district court's denial of his suppression motion. When reviewing a district court's decision on a pretrial motion to suppress evidence, appellate courts review the district court's factual findings for clear error and its legal determinations de novo. *State v. Bourke*, 718 N.W.2d 922, 927 (Minn. 2006).

Underwood argues that suppression was required because the complaint warrant violated Minnesota Rule of Criminal Procedure 3.02 and his constitutional rights by failing to specify a bail amount. We address each argument in turn.

I. Rule Violation

Underwood contends that the Dakota County complaint warrant violated Minnesota Rule of Criminal Procedure 3.02. Not every violation of a rule or statute requires the suppression of evidence obtained as a result of the violation. *State v. Jackson*, 742 N.W.2d 163, 168 (Minn. 2007). Evidence obtained because of a violation of a rule or statute will be suppressed if the violation is a serious violation that subverts the basic purpose of the rule or statute. *Id.* at 168, 174 (holding that suppression was required when search seriously violated nighttime search statute). But if the violation is "merely technical" and does not subvert the basic purpose of the rule or statute, suppression is not required. *Id.* at 168; *see*

also State v. Smith, 367 N.W.2d 497, 504 (Minn. 1985) (ruling that suppression was not required based on violation of Minnesota Government Data Practices Act).

Minnesota Rule of Criminal Procedure 3 governs warrants issued upon a complaint. Rule 3.01 provides that a warrant or summons must issue when the facts in a complaint and any supporting documents or testimony establish probable cause to believe the defendant has committed an offense. It further provides that a warrant, rather than a summons, may issue only when there is a substantial likelihood that the defendant will not respond to a summons, the defendant's location is not reasonably discoverable, or arrest is necessary to prevent imminent harm to a person. Minn. R. Crim. P. 3.01. That rule also directs that a complaint warrant for the defendant's arrest be issued to any person authorized to execute it.

Rule 3.02, subdivision 1, outlines various requirements for the contents of a complaint warrant. It states that the warrant "must be signed by a judge[,] . . . contain the name of the defendant, or, if unknown, any name or description by which the defendant can be identified with reasonable certainty[,] . . . [and] describe the offense charged in the complaint." Minn. R. Crim. P. 3.02, subd. 1. It also provides, "For all offenses, the amount of bail must be set, and other conditions of release may be set, by a judge and stated on the warrant." *Id.*

Here, the complaint warrant did not set a dollar amount of bail but rather stated, "Hold Without Bond." The parties disagree about whether a rule violation occurred. The state argues that no rule violation occurred because rule 3.02, subdivision 2, requires that the defendant be brought before the issuing court within 36 hours of arrest and the

comments to rule 3 contemplate that the defendant can seek a remedy for being in custody during that initial court appearance. The state also argues that Minnesota Statutes section 629.72 (2022) supersedes the requirement to state bail on a warrant in circumstances involving certain charges, including harassment. Underwood, on the other hand, contends that the plain language of rule 3.02, subdivision 1, requires that bail be set on the face of the complaint warrant and disputes that section 629.72 applies to complaint warrants.

We need not resolve the parties' dispute about whether a rule violation occurred here because, even assuming that the complaint warrant violated rule 3.02 by not stating a bail amount, suppression is not warranted because Underwood has not persuaded us that it was a serious violation that subverted the basic purpose of the rule.

Underwood contends that the basic purpose of rule 3.02 is to “set[] minimum requirements for a complaint warrant to be issued in Minnesota” and “to only allow defendants to be seized and searched based upon warrants after minimum requirements are satisfied.” He asserts that the rule’s bail-amount requirement “guarantee[s] criminal defendants the right to bail the moment probable cause is judicially found.”

We are not convinced that the purpose of the rule is to prevent arrests that are based on probable cause simply because bail is not immediately set for the defendant. Minnesota Rule of Criminal Procedure 3.04, subdivision 1, specifically provides that individuals who are “arrested under a warrant . . . must not be discharged from custody . . . because of any defect in form in the warrant . . . if the warrant . . . is amended to remedy the defect.” Rule 3 itself thus contemplates that an arrest may be made pursuant to a defective complaint

warrant and addresses the process for curing the defect. And, as the state points out, the rule requires that the defendant be brought before the court within 36 hours after the arrest and the comments to rule 3 state, “The remedy of a defendant who has been arrested by warrant is to request the imposition of conditions of release under Rule 6.02, subd. 1 upon the initial court appearance.” Minn. R. Crim. P. 3 cmt. The failure to set a bail amount in the complaint warrant can therefore be remedied in that timeframe.

In light of these provisions, we conclude that the purpose of rule 3.02 is not to prevent arrests pursuant to warrants that are defective only because they do not include a bail amount. Consequently, Underwood has not shown that the issuance of the complaint warrant without a bail amount subverted the basic purpose of the rule. *See Jackson*, 742 N.W.2d at 168. Accordingly, suppression of the evidence that was obtained as a result of Underwood’s arrest pursuant to the complaint warrant was not justified on the basis of a rule violation.

II. Constitutional Violation

“Generally, evidence seized in violation of the constitution must be suppressed.” *Id.* at 177-78. Underwood asserts that the complaint warrant violated his constitutional rights in two ways and that the evidence obtained in the search incident to his arrest therefore must be suppressed as the “fruit of the poisonous tree.”

First, Underwood asserts that his arrest pursuant to the complaint warrant violated his constitutional right to be free from an unreasonable seizure. “[U]nreasonable searches and seizures” are prohibited by the United States and Minnesota Constitutions. U.S. Const. amend. IV; Minn. Const. art. I, § 10. Underwood contends that rule 3.02 expands on this

constitutional protection and that the rule's purpose is, in part, to protect individuals who are subject to warrants from unreasonable seizures.

We are not persuaded that rule 3.02's bail-amount requirement can be construed as a protection against unreasonable seizures. Arrests made upon probable cause *without* a warrant are reasonable even though, in those cases, the defendant is not provided with a bail amount right away. Underwood does not convincingly argue that an arrest made upon probable cause *with* a warrant is unreasonable merely because the warrant lacks a bail amount. We conclude that the failure to include a bail amount in the complaint warrant did not violate Underwood's constitutional right to be free from an unreasonable seizure.

Second, Underwood argues that the failure to include the bail amount in the complaint warrant violated his right to bail under article I, section 7 of the Minnesota Constitution. The Minnesota Constitution provides, "All persons before conviction shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great." Minn. Const. art. I, § 7. Underwood contends that the plain meaning of this language is that a defendant has a right to post bail for the entirety of a criminal case and, in complaint-warrant cases, signing the complaint warrant based on probable cause is the point at which the right to post bail attaches because that is the first point at which the court could address bail. Underwood argues that any other interpretation would be "absurd" because the right to bail could be satisfied by setting bail as late as "one instant before the verdict."

Underwood's constitutional argument is not supported by caselaw. In *State v. Mohs*, the police arrested the defendant pursuant to a bench warrant and, in the process, discovered

and seized a plastic bag of controlled substances. 743 N.W.2d 607, 609-10 (Minn. 2008). The defendant was charged with a controlled-substance offense, and he moved to suppress evidence on the ground that the bench warrant violated his constitutional rights because it did not specify a bail amount. *Id.* at 610. The district court denied the motion, and the supreme court affirmed. *Id.* at 609-10. In so doing, the supreme court rejected the argument that article I, section 7, requires that bail be set on the face of the warrant. *Id.* at 614-15. It stated, “The only temporal condition in the constitutional text specifies that persons are bailable ‘before conviction,’ not immediately upon arrest.” *Id.* at 614. It is true, as Underwood points out, that the warrant at issue in *Mohs* was a bench warrant, not a complaint warrant. But, while that difference matters with respect to whether a rule of criminal procedure was violated, we do not see that it makes a difference with respect to *Mohs*’s guidance on the meaning of the constitutional right to bail. *See id.* at 615 (concluding that “neither Article I, section 7, of the Minnesota Constitution nor the Minnesota Rules of Criminal Procedure require that a bail amount be specified on the face of a bench warrant”).

We discern no error in the district court’s denial of Underwood’s suppression motion.

Affirmed.