This opinion is nonprecedential except as provided by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
A24-1091

State of Minnesota,
Respondent,

vs.

Keyonte Devon McDowell,
Appellant.

Filed June 30, 2025
Reversed
Slieter, Judge

Dakota County District Court
File No. 19HA-CR-23-1636

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

Kathryn M. Keena, Dakota County Attorney, Cody M. Dorumsgaard, Assistant County Attorney, Hastings, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Julia Q. Brady, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Slieter, Presiding Judge; Frisch, Chief Judge; and Chutich, Judge.*

* Retired justice of the Minnesota Supreme Court, serving as judge of the Minnesota Court of Appeals by appointment pursuant to Minn. Const. art. VI, § 10, and Minn. Stat. § 2.724, subd. 3 (2024).

NONPRECEDENTIAL OPINION

SLIETER, Judge

In this direct appeal from the final judgment of conviction for violating a domestic-abuse no-contact order (DANCO) and for providing a false name to a peace officer, appellant argues that the district court erred in denying his motion to suppress evidence and dismiss the charges based upon an illegal vehicle stop. Because the officer lacked reasonable, articulable suspicion to justify the vehicle stop, we reverse.

FACTS

Respondent State of Minnesota charged appellant Keyonte Devon McDowell with violating a DANCO in violation of Minn. Stat. § 629.75, subd. 2 (d)(1) (2022), and providing false identification to a peace officer in violation of Minn. Stat. § 609.506, subd. 2 (2022). The charges stem from a traffic stop of a vehicle in which McDowell was a backseat passenger. The following facts derive from the state's two exhibits received during the suppression hearing.

On July 28, 2023, a West St. Paul police officer was traveling northbound on a city street when he observed a 2013 Silver GMC Acadia traveling in the same lane of traffic immediately in front of the officer's squad car. The officer ran the license plate, which revealed a Keep Our Police Safe (KOPS) alert that indicated that the vehicle was previously involved in a felony fleeing incident. The vehicle description provided in the KOPS alert

matched the vehicle the officer observed.[1] The officer was informed by dispatch that a second officer was en route to assist. Once the assisting officer arrived, the officer initiated a traffic stop.

During the traffic stop the officer observed four occupants in the vehicle. McDowell, who was seated in the back seat next to a female passenger, initially identified himself to the officer as Keon Donte McDowell whom, the officer later learned, is McDowell's brother. With the use of a portable scanner and McDowell's fingerprint, McDowell was ultimately identified. The officer also learned that the identity of the other backseat passenger was M.T.M. and that there was a DANCO in place which prohibited McDowell from having contact with M.T.M. McDowell was arrested and taken into custody.

McDowell moved to suppress all evidence seized during the traffic stop because the officer failed to articulate a reasonable suspicion of criminal activity to initiate the stop. During the suppression hearing, the state elected not to present any testimony and, instead, submitted the officer's report and the KOPS alert as evidence.

The district court denied McDowell's suppression motion. It determined that "the existence of a KOPS alert . . . is not sufficient on its own to support an investigatory stop of a motor vehicle. However, the Court finds that [the officer] made additional observations that led him to form the reasonable articulable suspicion necessary to conduct

[1] As we previously explained in *State v. Arnold*, No. A12-1362, 2013 WL 2301944, at *2 (Minn. App. May 28, 2013), "'KOPS' is an alert system that notifies police of vehicles or individuals that might present 'potentially unsafe situations.'"

a stop of the vehicle." In particular, the district court found that the officer "observed that the vehicle was displaying the license plate CKD259 but the registered license plate for that vehicle was BARR4." The district court further found that the officer "discovered that an individual, later identified as Defendant herein, had a felony warrant and was identified as an individual being in possession of the vehicle."

The parties agreed to a stipulated-evidence trial under Minn. R. Crim. P. 26.01, subd. 3. The district court adjudicated McDowell guilty on both charges and sentenced him to 33 months' imprisonment in relation to the DANCO violation. The district court did not impose a sentence for the other count.

McDowell appeals.

DECISION

McDowell argues that the officer lacked reasonable, articulable suspicion of criminal activity when he stopped the vehicle in which McDowell was a passenger because the sole reason for the stop was based upon information in the KOPS alert, rather than the officer's objective suspicion of criminal activity.

"When reviewing pretrial orders on motions to suppress evidence, [appellate courts] may independently review the facts and determine, as a matter of law, whether the district court erred in suppressing—or not suppressing—the evidence." *State v. Harris*, 590 N.W.2d 90, 98 (Minn. 1999). Appellate courts review district courts' findings of fact under a clearly erroneous standard, but we review its legal determinations *de novo*. *State v. Bourke*, 718 N.W.2d 922, 927 (Minn. 2006). "A finding of fact is clearly erroneous when it is either manifestly contrary to the weight of the evidence or not reasonably supported

by the evidence as a whole." *State v. McCormick*, 835 N.W.2d 498, 509 (Minn. App. 2013) (quotation omitted), *rev. denied* (Minn. Oct. 15, 2013). Deference must be given to district courts' credibility determinations. *See State v. Moore*, 438 N.W.2d 101, 108 (Minn. 1989) (stating that "[t]he weight and credibility of the testimony of individual witnesses" is for the fact-finder to determine).

The United States and Minnesota Constitutions prohibit unreasonable searches and seizures by the government. U.S. Const. amend. IV; Minn. Const. art. I, § 10. A police officer may, however, initiate a limited investigative stop without a warrant if the officer has reasonable, articulable suspicion of criminal activity. *Terry v. Ohio*, 392 U.S. 1, 21-22 (1968). The Minnesota Constitution requires the application of *Terry* principles when "evaluating the reasonableness of seizures" during traffic stops. *State v. Askerooth*, 681 N.W.2d 353, 363 (Minn. 2004). The reasonable-suspicion standard is "not high." *State v. Timberlake*, 744 N.W.2d 390, 393 (Minn. 2008) (quotations omitted). Even a minor traffic violation may serve as a basis for a stop. *State v. Wagner*, 637 N.W.2d 330, 335-36 (Minn. App. 2001). "To reasonably suspect a person of criminal activity, the officer's suspicion must be based on specific, articulable facts." *State v. Cripps*, 533 N.W.2d 388, 391 (Minn. 1995). "The officer must be able to articulate at the omnibus hearing that he or she had a particularized and objective basis for suspecting the seized person of criminal activity." *Id.* The officer may make this assessment based on all the circumstances and "may draw inferences and deductions that might elude an untrained person." *Id.* However, the officer must "point to objective facts and may not base his or her conclusion on a 'hunch.'" *Id.* at 391-92 (quoting *State v. Johnson*, 444 N.W.2d 824, 825-26 (Minn. 1989)).

At the outset, we note that the district court determined that an officer may not formulate a legal basis to stop a motor vehicle solely on the information provided via a KOPS alert. To the extent that, by this determination, the district court meant that the officer must take steps to corroborate the source of the information included on the KOPS alert, we agree. We are persuaded by our court's analysis in *Arnold*, 2013 WL 2301944, at *3, that a KOPS alert is similar to a citizen's tip that may provide, under the totality of the circumstances, a reasonable basis to believe a crime has been committed.[2]

Minnesota caselaw involving traffic stops based on informant tips focuses on two factors: (1) sufficient identification of the tipster, *Rose v. Comm'r of Pub. Safety*, 637 N.W.2d 326, 328 (Minn. App. 2001), and (2) adequate specificity regarding why the tipster believes the suspect driver is engaged in illegal behavior. *Olson v. Comm'r of Pub. Safety*, 371 N.W.2d 552, 556 (Minn. 1985). Neither factor is independently dispositive, and the determination of whether the officer had a reasonable suspicion of criminal activity at the time of the stop is based on the totality of the circumstances. *Jobe v. Comm'r of Pub. Safety*, 609 N.W.2d 919, 921 (Minn. App. 2000). The factual basis to justify a stop can "be met based on information provided by a reliable informant." *Timberlake*, 744 N.W.2d at 393. "[I]nformation given by an informant must bear indicia of reliability that make the alleged criminal conduct sufficiently likely to justify an investigatory stop by police." *Id.* at 393-94.

[2] Nonprecedential opinions of the court of appeals are not binding, but they may be persuasive authority. *Adams v. Harpstead*, 947 N.W.2d 838, 846 (Minn. App. 2020) (quotations omitted), *rev. denied* (Minn. Oct. 1, 2020).

Nothing in this record shows that the officer sought to corroborate the accuracy of the information provided by the KOPS alert before the stop. The officer's report does not indicate that the officer contacted the Burnsville police department at the number provided on the KOPS alert to confirm its contents. Additionally, the officer's report does not state that he independently verified that the vehicle's license plate did not match the registered license plate. The officer noted in his report that he observed "a 2013 Silver GMC Acadia (MN CKD-259)" and that "[he] ran the license plate of the vehicle via CAD and observed there to be a KOPS Alert on the vehicle out of Burnsville for Felony Fleeing." And because the record does not reveal an independent investigation by the officer to confirm the license-plate discrepancy, the district court's finding that the officer "observed that the vehicle was displaying the license plate CKD259 but the registered license plate for that vehicle was BARR4" is clearly erroneous.

The state concedes that "[the officer's] report does not explicitly state that the registered license plate was different" but suggests we can apply the collective-knowledge doctrine to conclude the vehicle stop was, nevertheless, proper. *See State v. Conaway*, 319 N.W.2d 35, 40 (Minn. 1982) (stating that "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."). However, it is undisputed that the officer did not, before initiating the stop of the vehicle, communicate with the Burnsville police department, which was listed on the KOPS alert and which included a phone number. Therefore, the collective-knowledge doctrine does not apply. *See State v. Lemieux*, 726

N.W.2d 783, 789 (Minn. 2007) (such knowledge is imputed as long as the officers have some degree of communication between them).

The district court's finding that the officer "discovered that an individual, later identified as [McDowell] herein, had a felony warrant and was identified as an individual being in possession of the vehicle" is also unsupported by evidence in the record. As we previously noted, only two documents comprise the entire record—the officer's report and the KOPS alert.

The KOPS alert makes no reference to an outstanding felony warrant involving an individual in possession of the vehicle. The information regarding this vehicle from the KOPS alert is as follows:

> TXT/ATL FOR FELONY FLEEING LAST SEEN NORTH ON 35W LEAVING BURNSVILLE/REASON FOR STOP WAS THEFT SUSPECT /UNK OCCUPANTS OTHER THAN B/M DRIVER/ VEHICLE DISPLAYING CKD259 BUT CURRENT PLATE LISTS AS BARR4/ IF LOCATED CONTACT DAKOTA 911 FOR BURNSVILLE PD MN019013N OR 651 322 2323

The officer's report states that the "KOPS Alert [mentioned] that the male identified as being in possession of the vehicle [has] a Felony Warrant for a Firearms related offense." However, the KOPS alert does not mention an outstanding arrest warrant for anyone associated with this vehicle. And absent the state providing the officer's testimony during the suppression hearing, which might explain how the officer learned this information, the record does not support the finding that he was aware of it. *See Cripps*, 533 N.W.2d at 391 ("The officer must be able to articulate at the omnibus hearing that he or she had a particularized and objective basis for suspecting the seized person of criminal activity.").

In sum, the record does not support the district court's findings that the officer made observations separate from the information provided in the KOPS alert. And the information in the KOPS alert alone simply does not articulate a reasonable basis to believe that the vehicle was involved in criminal activity to warrant its stop.

We therefore reverse the district court's denial of McDowell's suppression of evidence seized during the stop and his convictions.[3]

Reversed.

[3] McDowell raises an alternative challenge that there exists insufficient evidence to support the DANCO-violation conviction. Because we reverse his convictions based upon the illegal stop, we need not address this argument.