STATE OF MINNESOTA
IN COURT OF APPEALS
A20-0105

State of Minnesota,
Appellant,

vs.

Derek William Jung,
Respondent.

Filed August 10, 2020
Reversed and remanded
Bratvold, Judge

Polk County District Court
File No. 60-CR-19-1232

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

Greg Widseth, Polk County Attorney, Scott A. Buhler, Assistant County Attorney, Crookston, Minnesota (for appellant)

Kiara Kraus-Parr, Kraus-Parr, Morrow, & Weber, Grand Forks, North Dakota (for respondent)

Considered and decided by Bratvold, Presiding Judge; Segal, Chief Judge; and Kirk, Judge.[*]

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

U N P U B L I S H E D O P I N I O N

BRATVOLD, Judge

In this appeal from an order granting respondent Derek William Jung's motion to suppress evidence, appellant State of Minnesota challenges the district court's determination that police arrested Jung without probable cause. Based on this determination, the district court suppressed all evidence seized after Jung's arrest and dismissed two counts of the state's complaint—count three for fifth-degree drug possession and count four alleging first-degree driving while impaired. The state also argues that the district court erred when it found that the search warrants for Jung's house and urine did not provide an independent basis for the seizure of the evidence.

Because the district court misapplied the totality-of-the-circumstances test and the record establishes probable cause for Jung's arrest, we conclude that the district court erred by dismissing counts three and four and suppressing the evidence seized from Jung's vehicle, house, and urine as fruit of the poisonous tree. We therefore reverse and remand and do not reach the state's argument about whether an independent basis supported the seizure of evidence obtained by warrant.

FACTS

The following facts are based on the evidence received during the contested omnibus hearing.

On June 20, 2019, at around 11:15 a.m., Officer Nelson of the Crookston Police Department and Officer Wagner of the Pine-to-Prairie Drug Task Force waited within sight of Jung's house in Gentilly as part of their investigation into Jung for the sale and

possession of methamphetamine and other controlled substances. Nelson and Wagner planned for a third officer to obtain a search warrant for Jung's house and that they would execute the warrant while Jung was at home. Shortly after Nelson and Wagner began surveillance of Jung's house, a white GMC Denali-version sport utility vehicle (SUV) drove away. Nelson verified that the SUV was registered to Jung, and Wagner confirmed that Jung was driving. The SUV traveled westbound towards Crookston, followed by both officers.

The informant

Before Nelson went to Jung's house that day, he had received new information about Jung from other officers who had interviewed M.D. Around 7:30 a.m. that same day, police arrested M.D. for driving under the influence. At the time of her arrest, M.D. told police that she had used methamphetamine two days earlier. M.D. consented to a vehicle search, which revealed a baggie and a glass jar with tinfoil inside; the tinfoil later tested positive for a trace amount of methamphetamine.

While in custody, M.D. asked what charges she was facing, stated she last had used methamphetamine at 1:30 a.m. that morning and was still feeling the effects, and told police that her preteen children were at home. Officers told M.D., "Whatever you can do for us, will definitely help towards whatever your charges are going to be," but that any decision belonged to the prosecutor. M.D. then gave officers specific information about persons selling methamphetamine and other drugs in the area, one of whom was Jung.

M.D. said she met Jung on a dating website, they dated for about four months, and she knew that Jung had been released recently from prison. M.D. said Jung was selling

methamphetamine and that she had purchased methamphetamine from him. M.D. said she only paid for drugs about half of the time because sometimes Jung would give her drugs for free. M.D. said Jung gave her methamphetamine around 50 times in total and they often used methamphetamine together. M.D. stated that Jung drives an SUV, specifically a "white Denali," he lives in a blue house in Gentilly, and he stashes his drugs under his bedroom nightstand. M.D. also told police that sometimes she would give methamphetamine to Jung and had planned to give him a "t-shirt" the night before.[1] M.D. also stated that Jung's supplier was named "Mikey," Jung had just given Mikey money, and that Jung and Mikey planned to make a trip soon to pick up methamphetamine.

M.D. consented to a search of her cell phone. She showed officers Facebook messages between her and Jung in which they discussed M.D. giving methamphetamine to Jung. In the same messages, Jung told M.D., "From now on text me on my phone cops dont need a warrant to check fb." Finally, M.D. also stated that she knew Jung was "drinking, doing meth all the time, driving around drunk," and that she had used methamphetamine with Jung at his house within the last two days.

The arrest

Nelson followed Jung in an unmarked vehicle for about four to six miles. Jung rapidly accelerated and Nelson believed Jung knew he was being followed. Nelson then saw Jung driving erratically as he swerved in his lane, crossed the fog line, drove onto the shoulder, and then returned to his lane. Jung turned off the highway and onto an adjacent

[1] A "t-shirt" is a term used to describe 1.75 grams of narcotics.

street. When they came upon road construction blocking the road, Jung rapidly turned into a driveway. Nelson activated his emergency lights and pulled behind Jung's SUV. Jung parked partly on a driveway and partly in the road.

Nelson and Jung each exited their vehicles and met at Jung's driver's side door. Nelson observed that Jung was "very nervous," he had a "shaky" voice, and appeared "incredibly thin." Nelson was familiar with Jung from a 2016 investigation during which a search warrant was executed on Jung's house and police seized approximately 62 grams of methamphetamine and nearly $5,000 cash. After the 2016 search, police arrested Jung for first-degree sale of methamphetamine. While those charges were pending, police again arrested Jung, this time, on new charges after Nelson executed a controlled buy with the assistance of a confidential informant. Jung was later convicted in the respective cases for first-degree sale of methamphetamine and third-degree sale of methamphetamine, and his records of conviction were received into evidence at the omnibus hearing in this case. Nelson also knew that Jung was on intensive supervised release following his release from prison in fall 2018.[2]

Nelson also saw that Jung's cell phone, sitting in the cup holder inside the SUV, was displaying a contact named "Mikey," which was the name that M.D. identified as Jung's drug supplier. Jung said he knew he was being followed and told Nelson that he was on intensive supervised release and subject to searches. Nelson asked Jung about his

[2] Nelson testified that, at some point before going to Jung's house, Nelson asked Jung's parole agent for permission to search Jung's house, but the agent refused. The record has no additional information on Nelson's request of the parole agent.

recent drug use and whether he would consent to a search of his SUV. Jung declined to answer most questions and refused to allow the search. Nelson did not conduct field sobriety tests because the street was under construction and workers were moving in their direction.

Nelson arrested Jung for driving while impaired and for the possession and sale of a controlled substance. During a search of Jung's person incident to arrest, Nelson found $370 cash. At the county jail, Jung refused to provide a urine sample. Jung's SUV was transported to the sheriff's office and searched. On the floor of the SUV, Nelson found a baggie containing a crystalline substance later tested and confirmed to be methamphetamine, and, inside a drawstring bag on the passenger seat, Nelson found a "whizzinator" (a device used to defeat urinalysis testing) and a pill later identified as "Clonazepam" (a Schedule IV controlled substance).

The search warrants

At about 1:15 p.m. the same day, Deputy Brandon Larson applied for two search warrants: one for a sample of Jung's urine and the second for Jung's house. The basis for the warrant applications was (a) information received from M.D., (b) Jung's intensive-supervised-release status, (c) Nelson's observations of Jung before and after the traffic stop, (d) evidence obtained from searching Jung's SUV, and (e) the criminal histories of both Jung and M.D. A judge signed the warrants at 1:30 p.m., and police executed the warrants that same day.

During the search of Jung's house, law enforcement found methamphetamine, drug paraphernalia, and a bottle of suspected urine in Jung's bedroom. Jung's urine sample, obtained by warrant, tested positive for methamphetamine and amphetamine.

The next day, the state charged Jung with first-degree sale of 17 grams or more of methamphetamine under Minn. Stat. § 152.021, subd. 1(1) (2018) (count one), third-degree sale of a narcotic under Minn. Stat. § 152.023, subd. 1(1) (2018) (count two), fifth-degree possession of a controlled substance under Minn. Stat. § 152.025, subd. 2(1) (2018) (count three), and first-degree driving while impaired (DWI) by a Schedule II controlled substance under Minn. Stat. §§ 169A.20, subd. 1(7) (2018) ("Driving While Impaired" by a Schedule II controlled substance), .24, subd. 1(3) (2018) ("First-Degree Driving While Impaired"), 152.02, subds. 3(d)(1)-(2) (2018) (classifying methamphetamine as a Schedule II drug) (count four).

Jung's motion

Jung moved to suppress all evidence obtained from his arrest, arguing the arrest was not supported by probable cause and that the evidence obtained from his SUV, house, and urine were "derivative," and moved to dismiss counts three and four. At an evidentiary hearing, the district court heard testimony from Nelson, one of the officers who interrogated M.D. and relayed information to Nelson, and received 28 exhibits.

The district court later issued a written order determining that Jung's arrest was unlawful and granting Jung's motion for dismissal. The district court reasoned that M.D. was an "unreliable witness," and, after excluding her statements from consideration, concluded that police had lacked probable cause to arrest Jung. The district court also

rejected the alternative argument that the state need only show the "lower standard of reasonable suspicion" to search Jung's SUV because he was on intensive supervised release, determining that even if that standard applied, the state's evidence failed to establish reasonable suspicion in the absence of M.D.'s statements. Finally, the district court found that the evidence seized from the search of Jung's SUV, house, and urine was the fruit of an illegal arrest and that the independent-source doctrine did not apply. This appeal follows.

D E C I S I O N

To appeal a district court's pretrial order, the state bears the burden of showing the order had "a critical impact on the State's case." *State v. Rosenbush*, 931 N.W.2d 91, 94 n.2 (Minn. 2019) (quotation omitted); *see* Minn. R. Crim. P. 28.04, subd. 1(1). "The critical-impact requirement is satisfied when a district court's pretrial decision leads to the dismissal of a charge." *State v. Gayles*, 915 N.W.2d 6, 9 (Minn. App. 2018). Here, the district court's order suppressed evidence and resulted in the dismissal of counts three and four. *See Rosenbush*, 931 N.W.2d at 94 n.2 (stating critical impact is shown when suppression of evidence significantly reduces chance of successful prosecution). On appeal, Jung does not dispute critical impact. Because the state has shown critical impact, we consider the merits of the state's appeal.

I. Jung was lawfully arrested based on probable cause.

The state argues that the pretrial order must be reversed because the district court determined the arrest lacked probable cause by failing to correctly apply the totality-of-the-circumstances test. Jung disagrees. "When reviewing a district court's

pretrial order on a motion to suppress evidence, 'we review the district court's factual findings under a clearly erroneous standard and the district court's legal determinations de novo.'" *State v. Gauster*, 752 N.W.2d 496, 502 (Minn. 2008) (quoting *State v. Jordan*, 742 N.W.2d 149, 152 (Minn. 2007)). A district court's legal determinations include whether a search or seizure was justified by probable cause. *State v. Burbach*, 706 N.W.2d 484, 487 (Minn. 2005). Appellate courts "may independently review facts that are not in dispute and determine, as a matter of law, whether the evidence need be suppressed." *State v. Ortega*, 770 N.W.2d 145, 149 (Minn. 2009) (quotation omitted).

The United States and Minnesota Constitutions prohibit unreasonable searches and seizures by the government. U.S. Const. amend. IV; Minn. Const. art. I, § 10. "To determine whether this constitutional prohibition has been violated, [appellate courts] examine the specific police conduct at issue." *State v. Timberlake*, 744 N.W.2d 390, 393 (Minn. 2008). Here, the police conduct at issue is a warrantless arrest. "Police officers may arrest a felony suspect without an arrest warrant in any public place . . . provided they have probable cause." *State v. Walker*, 584 N.W.2d 763, 766 (Minn. 1998).

Probable cause exists "when a person of ordinary care and prudence, viewing the totality of circumstances objectively, would entertain an honest and strong suspicion that a *specific* individual has committed a crime." *State v. Onyelobi*, 879 N.W.2d 334, 343 (Minn. 2016) (quoting *State v. Flowers*, 734 N.W.2d 239, 247-48 (Minn. 2007)). The level of proof required to establish probable cause is "more than mere suspicion but less than the evidence necessary for conviction." *Id.* (quotation omitted). Minnesota courts must look to "the totality of the circumstances to determine whether the police have probable cause to

believe that a crime has been committed," and a court generally will not suppress evidence or invalidate an arrest once this objective standard has been met. *State v. Perkins*, 582 N.W.2d 876, 878 (Minn. 1998). "Probable cause is an objective inquiry," that includes "reasonable inferences that police officers draw from facts, based on their training and experience, because police officers may interpret circumstances differently than untrained persons." *State v. Lester*, 874 N.W.2d 768, 771 (Minn. 2016).

The district court determined that the initial traffic stop was lawful based on Jung's driving conduct, but also determined that Nelson's subsequent arrest of Jung lacked probable cause. The state argues on appeal that the district court used an improper "divide-and-conquer approach" in granting Jung's motion to suppress and, therefore, the district court's decision rests on legal error. In particular, the state argues that the district court erroneously disregarded all of M.D.'s statements, minimized Jung's criminal history, and did not consider the experience of the arresting police officer. We consider the state's arguments in turn.

Controlling precedent prohibits courts from using a "divide-and-conquer" approach to analyze probable cause and provides that the totality-of-the-circumstances test must be cohesively applied to all relevant facts surrounding a search or seizure. *See District of Columbia v. Wesby*, 138 S. Ct. 577, 588 (2018); *State v. Lugo*, 887 N.W.2d 476, 487 (Minn. 2016) (stating courts must consider "the whole picture" when applying the totality-of-the-circumstances test for reasonable suspicion (quoting *United States v. Cortez*, 449 U.S. 411, 417-18, 101 S. Ct. 690, 695 (1981))). This is because "the existence of probable cause depends on *all of the facts* of each individual case." *State v. Williams*,

794 N.W.2d 867, 871 (Minn. 2011) (emphasis added); *see State v. Jones*, 678 N.W.2d 1, 11 (Minn. 2004) ("[A] collection of pieces of information that would not be substantial alone can combine to create sufficient probable cause."). Accordingly, we must examine whether the district court considered all of the relevant facts leading up to Jung's arrest.

The district court began its evaluation of the totality of the circumstances by reviewing M.D.'s statements to police and concluding that she was "an unreliable witness." The district court then assessed probable cause "[w]ithout [M.D.]'s statements" and considered five pieces of evidence: (1) Jung's criminal history; (2) Jung's parole agent's refusal to authorize a search of Jung's house; (3) Jung's driving conduct before the traffic stop; (4) Jung's nervous demeanor and skinny appearance, and (5) Nelson's testimony that Jung's cell phone was open to a contact page for "Mikey" during the traffic stop. The district court reasoned that Jung's previous convictions alone did not establish probable cause because the "alleged traffic violations were petty-offense level violations" and "[b]eing nervous and shaky can be reasonable due to a traffic stop." Considering only these five circumstances, the district court determined that Nelson arrested Jung without probable cause.

This analysis is problematic because the district court did not examine the circumstances in totality; it reviewed each circumstance in isolation. The district court separately analyzed M.D.'s statements, determined that she was reliable in some respects and unreliable in other respects, then excluded all of the information M.D. provided when determining whether probable cause supported Jung's arrest. The district court's order stated that it considered the circumstances "collectively," but its order reveals a piecemeal

analysis of M.D.'s statements and other evidence. This was error. All of the facts should have been considered as part of the totality of the circumstances surrounding Jung's arrest. Thus, the district court's analysis fails to adhere to established precedent. This was the court's principal error, which infected the district court's analysis of the reliability of M.D.'s statements and the other circumstances leading to Jung's arrest.

M.D.'s statements

Before addressing the reliability of M.D.'s statements, we consider the context of Jung's arrest. Nelson testified that he arrested Jung for the sale and possession of drugs *and for DWI*. Nelson testified that he had probable cause to arrest Jung based on M.D.'s statements about Jung's recent use of methamphetamine; Jung's driving conduct in which he weaved within his lane, crossed the fog line, and drove on the shoulder; Jung's nervous demeanor upon questioning; and his "incredibly" thin appearance. Nelson also testified that Jung drove evasively, quickly exited his SUV after the stop, refused to answer questions, and that methamphetamine remains in a person's system for 72 hours.

The reliability of an informant's statements turns on the totality of the circumstances, much like an analysis of probable cause. "When police rely on information provided by an informant, 'all of the stated facts relating to the informer should be considered in making a totality-of-the-circumstances analysis.'" *State v. Cook*, 610 N.W.2d 664, 667 (Minn. App. 2000) (quoting *State v. McCloskey*, 453 N.W.2d 700, 703 (Minn. 1990)), *review denied* (Minn. July 25, 2000). Law enforcement may reasonably rely on information provided by an informant when the information has sufficient "indicia of reliability." *In re Welfare of G.M.*, 560 N.W.2d 687, 691-92 (Minn. 1997). We

determine the reliability of information by examining "the informant and the informant's source of the information and judge them against 'all of the circumstances.'" *Id.* (quoting *Cortez*, 449 U.S. at 418, 101 S. Ct. at 695). Relevant factors include whether the information was corroborated, whether the information was voluntarily provided, whether any statements were against the informant's penal interests, and whether the informant has an established history of informing. *State v. Munson*, 594 N.W.2d 128, 136 (Minn. 1999) (corroboration); *McCloskey*, 453 N.W.2d at 704 (voluntariness and statements against interest); *State v. Wiley*, 366 N.W.2d 265, 269 (Minn. 1985) (informant history).

Rather than examining the reliability of M.D.'s statements under the totality of the circumstances, the district court examined factors in isolation. The district court determined six factors showed that M.D.'s information was reliable: (1) she gave her statements directly to law enforcement and was not anonymous; (2) she consented to a search of her cell phone, which had incriminating texts; (3) she made several statements against her own penal interest (e.g., admitting that she used methamphetamine before driving that day and that she had provided methamphetamine to Jung more than once); (4) her "specific information" about Jung's drug use and sales was based on personal knowledge; (5) she had contact with Jung within the last two days; and (6) law enforcement corroborated information she provided—including Jung's address and vehicle, Jung's criminal history, Jung's recent release from prison, and the text messages on M.D.'s cell phone.[3]

[3] The district court stated that the text messages between M.D. and Jung discussing methamphetamine provided "limited corroborative value" because "[a]t best" the messages only showed that M.D. sold Jung methamphetamine about six days before his arrest.

The district court also found that six factors showed M.D.'s information was unreliable: (1) she provided information only after she was arrested; (2) law enforcement told M.D. that any information she provided might impact her charges; (3) she was under the influence of drugs during her interviews with police; (4) although M.D. provided "clear and responsive answers" during the interviews, the district court found the information she provided was "vague and inconsistent" at times; (5) she had no prior experience working with law enforcement; and (6) she had a prior conviction for providing false information to police. The district court also found that M.D. was "attempting to curry favor with law enforcement to better her position" and concluded that she was "an unreliable witness."

We conclude that the district court erred when it excluded all of M.D.'s statements from its probable-cause analysis. First, the district court found that M.D.'s statements were reliable, in part, because she did not make them anonymously. *See State v. Lindquist*, 205 N.W.2d 333, 335 (Minn. 1973) (explaining that an informant who is not anonymous is more likely to be honest because he or she likely knows that police could arrest him or her for making false reports). Second, the district court determined that some of M.D.'s statements were corroborated—the make, model, and color of Jung's vehicle, Jung's home address, and criminal record—as these facts were independently verified by law enforcement. *See Munson*, 594 N.W.2d at 136 (stating corroboration supports informant reliability).

Third, the district court found that M.D.'s statements were based on "her own personal knowledge" of Jung's recent use and acquisition of methamphetamine. Personal

knowledge is another factor supporting an informant's reliability. *See Wiley*, 366 N.W.2d at 269 (stating recent personal observation favors informant reliability).

Fourth, M.D. incriminated herself by stating she had used methamphetamine in the last two days because she was under arrest for DWI at the time she made the statements. And by consenting to a search of her cell phone, which had text messages between her and Jung discussing the exchange of methamphetamine within the last six days, M.D. incriminated herself in the sale and possession of methamphetamine. *See McCloskey*, 453 N.W.2d at 704 (noting that statements against interest demonstrate informant reliability). While the district court may be correct that M.D. was trying to "curry favor" with law enforcement, all informants do this to some degree. "That the informant may be paid or promised a 'break' does not eliminate the residual risk and opprobrium of having admitted criminal conduct." *United States v. Harris*, 403 U.S. 573, 583-84, 91 S. Ct. 2075, 2082 (1971).

Lastly, the district court erred in citing M.D.'s prior conviction for giving false statements to police. Probable cause hinges on "the information the police took into consideration when making the arrest." *See Walker*, 584 N.W.2d at 769. The record does not establish that Nelson was aware of M.D.'s prior record when he arrested Jung.

For all of these reasons, we conclude that the district court erred by not determining the reliability of M.D.'s statements under the totality of the circumstances. And, for purposes of probable cause, M.D. was not so unreliable that *all* the information she provided about Jung should have been ignored by Nelson at the time of the arrest. At a minimum, M.D.'s statement that she and Jung had used methamphetamine together in the

last two days was relevant to Jung's arrest for DWI and the district court erred by not considering this information when determining probable cause.

Other circumstances known to law enforcement at the time of Jung's arrest

The district court's reasoning as to other circumstances known to Nelson at the time of Jung's arrest is also misguided. First, the district court stated that Jung's prior convictions alone cannot establish probable cause. Indeed, prior convictions alone do not establish probable cause, but they are a relevant factor. *State v. Lieberg*, 553 N.W.2d 51, 56 (Minn. App. 1996) (stating that a defendant's criminal history may be properly considered as "one factor in the totality of relevant circumstances"). Yet, the district court's analysis did not mention that Jung's prior convictions were for the sale of methamphetamine from the same house in Gentilly and that Nelson was involved in both of Jung's previous cases. *See Lester*, 874 N.W.2d at 771 (stating "an appellate court must give due weight to reasonable inferences drawn by police officers" (quotation omitted)).

Second, while the district court correctly noted that Jung's nervous behavior and shaky voice might be reasonable during a traffic stop, these facts must not be considered in isolation. Rather, a court considers these facts alongside the other relevant circumstances in the totality. *State v. Smith*, 814 N.W.2d 346, 353 (Minn. 2012) (explaining that nervousness may be validly considered *alongside* the other relevant circumstances to justify a search or seizure). In other words, Jung's nervousness should be considered together with M.D.'s statement that Jung had been using methamphetamine recently.

Third, the district court relied on the fact that Jung's parole agent denied Nelson's request to search Jung's house. Yet, the record contains no information about when or why

the parole agent refused to search Jung's house. And the parole agent's position regarding a search of Jung's house is of no consequence to ascertaining whether Nelson had probable cause to arrest Jung for DWI.

Fourth, by failing to correctly apply the totality-of-the-circumstances test, the district court erred in its ultimate conclusion that Nelson unlawfully arrested Jung without probable cause. Nelson testified that he arrested Jung for DWI based on M.D.'s statements, Jung's erratic and evasive driving conduct, as well as Jung's nervous demeanor and noticeably thin appearance. *See State v. Prax*, 686 N.W.2d 45, 48-49 (Minn. App. 2004) (recognizing erratic driving and nervous behavior, among other things, supported warrantless arrest for controlled-substance DWI), *review denied* (Minn. Dec. 14, 2004). Nelson also testified that he was familiar with Jung's 2016 convictions for drug sales and he knew Jung was on intensive supervised release from prison. Minnesota courts have recognized that these circumstances may validly support a warrantless arrest for DWI. *See Lieberg*, 553 N.W.2d at 56 (stating that a defendant's criminal history may be properly considered as "one factor in the totality of relevant circumstances"); *see also State v. Olson*, 436 N.W.2d 92, 94 (Minn.1989) (stating that probable cause depends on "the particular circumstances, conditioned by [officers'] own observations and information and guided by the whole of their police experience"), *aff'd sub nom. Minnesota v. Olson*, 495 U.S. 91, 110 S. Ct. 1684 (1990).

Combining M.D.'s statement that she and Jung had used methamphetamine in the last two days with Jung's criminal history, his driving conduct, evasive behavior, nervous demeanor, thin appearance, and Nelson's knowledge as a trained police officer that

methamphetamine remains in the body for 72 hours—there was sufficient probable cause to arrest Jung for DWI. Specifically, it was objectively reasonable for Nelson to "entertain an honest and strong suspicion," *Ortega*, 770 N.W.2d at 150, that Jung was driving with methamphetamine in his system, which is a crime. *See* Minn. Stat. §§ 169A.20, subd. 1(7) ("Driving While Impaired" by a Schedule II controlled substance), .24, subd. 1(3) ("First-Degree Driving While Impaired"), 152.02, subd. 3(d)(1)-(2) (classifying methamphetamine as a Schedule II drug); *see also Walker*, 584 N.W.2d at 766 (stating existence of probable cause permits warrantless arrest for felony-level conduct). Thus, there was ample probable cause for Nelson to arrest Jung for DWI.[4]

II. The district court erred by excluding evidence from the search of Jung's SUV, house, and urine.

In Jung's motion to dismiss, he sought to suppress evidence seized as a result of his arrest and did not otherwise challenge the inventory search of his SUV or whether probable cause supported the search warrants issued for Jung's house and urine. The district court granted Jung's motion and suppressed all "evidence obtained by searching [Jung]'s vehicle, house and urine" as fruit of the poisonous tree after first concluding that Jung's arrest was "improper." On appeal, the state argues the district court erred in concluding that the independent-source doctrine was inapplicable to the search warrants. Jung responds that "the district court did not err when it determined the independent source

[4] We do not consider the parties' arguments and the district court's analysis regarding whether Nelson had alternative grounds to arrest Jung because he was a parolee subject to searches under Minn. Stat. § 244.15 (2018), and *State v. Heaton*, 812 N.W.2d 904 (Minn. App. 2012), *review denied* (Minn. July 17, 2012).

exception did not apply" to the warrants. Given our determination that Jung's arrest was lawful—we need not consider whether this exception applies.

It is well established that "the remedy for an illegal search or seizure is generally limited to the suppression of illegally obtained evidence." *State v. Horst*, 880 N.W.2d 24, 36 (Minn. 2016). This rule "also extends to the 'fruits' of an illegal search or seizure." *Id.* (citing *Wong Sun v. United States*, 371 U.S. 471, 484-86, 83 S. Ct. 407, 416 (1963) (discussing scope of the fruit-of-the-poisonous-tree doctrine)). But in the absence of any illegal search or seizure, the exclusionary rule and the fruit-of-the-poisonous-tree doctrine are inapplicable. *See id.* Thus, we conclude the district court erred in applying the fruit-of-the-poisonous-tree doctrine because Jung's arrest was not an illegal seizure. Consequently, there is no basis to have suppressed all evidence seized from the inventory search of Jung's SUV and the execution of the search warrants on Jung's house and urine. We therefore reverse and remand for further proceedings consistent with this opinion.

Reversed and remanded.