

*This opinion is nonprecedential except as provided by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
A21-1332**

State of Minnesota,
Respondent,

vs.

Julie Marie Schneider,
Appellant.

**Filed May 31, 2022
Affirmed
Worke, Judge**

Clay County District Court
File No. 14-CR-20-1536

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

Brian J. Melton, Clay County Attorney, Charles Jordan Drapeaux, Assistant County Attorney, Moorhead, Minnesota (for respondent)

Rodd Tschida, Minneapolis, Minnesota (for appellant)

Considered and decided by Worke, Presiding Judge; Reilly, Judge; and Frisch, Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant challenges the district court's denial of her pretrial motion to suppress drug evidence found in her purse during the search of a vehicle in which she was a passenger. We affirm.

FACTS

On May 5, 2020, a patrolling officer stopped behind two vehicles at a train crossing. He noticed that the lead vehicle was towing the vehicle behind it. He ran the registration of the towing vehicle and learned that the owner had a suspended license. The officer approached the driver and confirmed his suspended status. While speaking with the driver, the officer saw a small bag of marijuana on the center console and shot-up marksmanship targets in the vehicle. The officer asked the driver to exit the vehicle. The driver was patted down for weapons and then escorted to a squad car.

The officer then asked the vehicle's sole passenger, appellant Julie Marie Schneider, if there was anything in the vehicle other than the marijuana; she denied that there was. The officer asked Schneider if she smoked marijuana, and she replied that she did not smoke marijuana that day. The officer instructed Schneider to exit the vehicle because he was going to search it. He told her to leave her purse in the vehicle, which was next to where he found the marijuana. Schneider stated that she wanted to take her purse. The officer told Schneider that he was going to search her purse because of its proximity to the marijuana. Schneider refused to leave her purse. The officer again told Schneider to let go of her purse and stated that he did not know if there were weapons in it. Schneider eventually exited the vehicle without her purse.

The officer searched the vehicle. Inside Schneider's purse, he found a "meth pipe" and approximately three grams of methamphetamine. Schneider was charged with fifth-degree controlled-substance possession, in violation of Minn. Stat. § 152.025, subd. 2(1) (2018). She moved to suppress the evidence found in her purse.

The district court denied Schneider's motion to suppress the evidence, concluding that the officer's search of Schneider's purse was justified under the automobile exception to the warrant requirement. Following a stipulated-facts proceeding, pursuant to Minn. R. Crim. P. 26.01, subd. 4, the district court found Schneider guilty of controlled-substance possession and sentenced her to a statutory stay of adjudication. This appeal followed.

DECISION

Schneider challenges the district court's denial of her motion to suppress the drug evidence. When reviewing a district court's pretrial order on a motion to dismiss, this court reviews the district court's factual findings for clear error and its legal determinations *de novo*. *State v. Gauster*, 752 N.W.2d 496, 502 (Minn. 2008). This court independently reviews the facts to determine, as a matter of law, whether the district court erred by not suppressing the evidence. *State v. Harris*, 590 N.W.2d 90, 98 (Minn. 1999).

Schneider argues that the warrantless search of her purse was unlawful. Individuals are protected against "unreasonable searches and seizures." U.S. Const. amend. IV; Minn. Const. art. I, § 10. A warrantless search is "presumptively unreasonable" unless an exception applies. *State v. Licari*, 659 N.W.2d 243, 250 (Minn. 2003). The state bears the burden of proving the applicability of an exception. *Id.* If a warrantless search is determined to be unreasonable and not allowed by an exception, the seized evidence will be suppressed. *State v. Horst*, 880 N.W.2d 24, 36 (Minn. 2016).

Here, the district court determined that the automobile exception applied to the warrantless search. Under the automobile exception, a police officer may search a vehicle without a warrant, including closed containers in that vehicle, if there is "probable cause

to believe the search will result in a discovery of evidence or contraband.” *State v. Lester*, 874 N.W.2d 768, 771 (Minn. 2016) (quotation omitted).

Schneider argues that the automobile exception does not apply to her purse because she attempted to take her purse with her when she was directed to exit the vehicle. She relies on *State v. Wynne* to argue that a purse is so closely associated with the person that it is included within the concept of one’s person. 552 N.W.2d 218, 220 (Minn. 1996). In that case, Wynne arrived home while a search warrant was being executed at the home she shared with her mother. *Id.* at 219. When Wynne exited her vehicle, officers escorted her inside the home and searched the purse she had on her. *Id.* The supreme court determined that it was an unconstitutional search because Wynne did not bring the purse into the house, the officers did, and the purse was not a threat to officers. *Id.* at 222. In *Wynne*, the officers did not search the vehicle and the automobile exception was not implicated. Thus, *Wynne* does not support Schneider’s argument that her purse could not be searched during the search of the vehicle.

Here, unlike *Wynne*, the automobile exception is implicated, and we must determine if its coverage extends to Schneider’s purse. When probable cause exists, the scope of the warrantless search under the exception extends to closed containers inside of the vehicle and is “defined by the object of the search” and confined to “the places in which there is probable cause to believe [the object] may be found.” *United States v. Ross*, 456 U.S. 798, 824, 102 S. Ct. 2157, 2172 (1982); *State v. Bigelow*, 451 N.W.2d 311, 313 (Minn. 1990).

Here, the district court concluded that after the officer observed the marijuana on the center console, probable cause existed to search the vehicle and every part of the

vehicle, including containers, like Schneider's purse, where drugs could be found. The district court determined, and the record shows, that Schneider's purse was in the vehicle next to the center console where the marijuana was found. The officer had also observed the shot-up marksman targets in the vehicle. The officer had reason to search Schneider's purse because of its proximity to the marijuana and because there could have been a gun in it. The officer told Schneider that she could not remove her purse from the vehicle because he did not want her to remove any other possible drugs from the vehicle. Because the officer had probable cause to search the vehicle and because Schneider's purse was a container inside the vehicle that could have been concealing contraband, the automobile exception permitted the officer to search the purse. The district court did not err by denying Schneider's motion to suppress the drug evidence.

Affirmed.