STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0152

State of Minnesota,
Respondent,

vs.

Glenn Alan Johnson,
Appellant.

Filed December 23, 2024
Affirmed
Ede, Judge

Morrison County District Court
File No. 49-CR-21-1697

Keith Ellison, Attorney General, Lisa Lodin, Assistant Attorney General, St. Paul, Minnesota; and

Brian Middendorf, Morrison County Attorney, Little Falls, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jenna Yauch-Erickson, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Schmidt, Presiding Judge; Ross, Judge; and Ede, Judge.

SYLLABUS

Under the Fourth Amendment to the United States Constitution and article I, section 10 of the Minnesota Constitution, a nonconsensual warrantless sniff inside a vehicle by a narcotics-detection dog is a search for which law enforcement must have probable cause to believe will result in a discovery of evidence or contraband.

OPINION

EDE, Judge

Appellant was convicted of second-degree controlled-substance crime. In this direct appeal, appellant challenges the denial of his motion to suppress evidence and to dismiss the charges, asserting that officers lacked probable cause to justify a nonconsensual warrantless sniff by a narcotics-detection dog inside his vehicle. Because we conclude (1) that, under the Fourth Amendment to the United States Constitution and article I, section 10 of the Minnesota Constitution, a nonconsensual warrantless sniff inside a vehicle by a narcotics-detection dog is a search for which law enforcement must have probable cause to believe will result in a discovery of evidence or contraband and (2) that law enforcement had probable cause to search appellant's vehicle, we affirm.

FACTS

In December 2021, respondent State of Minnesota charged appellant Glenn Alan Johnson with one count of first-degree controlled-substance crime, in violation of Minnesota Statutes section 152.021, subdivision 2(a)(1) (2020), and one count of second-degree controlled-substance crime, in violation of Minnesota Statutes section 152.022, subdivision 2(a)(1) (2020). These charges arose from law enforcement's search of Johnson's impounded vehicle after a traffic stop. Johnson moved the district court to suppress the evidence seized from his vehicle and to dismiss the charges. Except where otherwise noted, the following summary is based on the district court's undisputed factual findings, as stated in the court's memorandum and order denying Johnson's motion.

An investigator from a drug- and violent-offense task force was monitoring Johnson's involvement in the "alleged transportation and sale of narcotics." The "investigation focused on the actions of [Johnson] in obtaining, transporting, and distributing methamphetamine from 'several source locations' to Wadena County, Minnesota."

During this time, the investigator obtained a pen-register warrant, which allowed him to "receive 'pings' from the GPS in [Johnson's] phone." These pings revealed that Johnson had traveled to St. Cloud and the Twin Cities, where he briefly stayed before returning north. The investigator believed that "traveling to the 'metro area' and staying there for a short period of time [was] typical behavior for someone picking up narcotics for transport and distribution." Johnson visited a trailer park in Sartell, which was known to law enforcement as a location where narcotics were distributed and sold. He also went to several homes owned by people known to sell controlled substances. And Johnson was twice seen at the home of a known narcotics seller.

In addition, the investigator applied for and obtained a warrant for a tracking device, which was placed on Johnson's vehicle. Between December 9 and 18, 2021, the tracking device revealed that Johnson went to about 25 residences in six counties at all hours of the day and night. Some of those residences were linked to controlled substances. According to the investigator, "the number of visits to different locations in this short of a time span was the most he had ever seen in that time period."

On December 19, 2021, at around 4:00 a.m., Johnson drove to the Twin Cities and stopped at three residences: one in Fridley, one in St. Louis Park, and one in Minneapolis.

Around 11:00 a.m., Johnson stopped at the trailer park in Sartell for almost two hours. That same day, the investigator met with Deputy J.G., provided the deputy with information about Johnson's vehicle, and informed the deputy that there was a pending "felony 'body only' warrant" for Johnson's arrest. Deputy J.G. "was aware that the warrant was regarding [Johnson's] alleged criminal conduct with narcotics." Based on Johnson's movements that day, what law enforcement had learned through the investigation, and the fact that Johnson had an outstanding warrant for his arrest, the investigator requested that Deputy J.G. conduct a traffic stop of Johnson's vehicle.

Deputy J.G. observed Johnson's vehicle traveling in Morrison County. The deputy activated his vehicle's speed-detection radar, which revealed that Johnson's van was traveling 42 miles per hour in a 40-mile-per-hour zone. Deputy J.G. activated his lights to conduct a traffic stop. Johnson did not immediately stop his vehicle and instead traveled "several hundred yards" before stopping. The deputy observed Johnson "making movements toward the center of the van" while Johnson's vehicle "slowed to a stop."

Deputy J.G. ordered Johnson out of the vehicle and observed a butane torch in plain view, which he knew from his training and experience "was commonly used to smoke methamphetamine." The deputy arrested Johnson on the felony warrant and found another butane torch in one of Johnson's pockets during a search incident to his arrest. The investigator arrived on scene. The investigator believed that Johnson's vehicle "contained controlled substances due to the facts learned during his investigation of [Johnson] and asked Deputy [J.G.] to arrange for a K-9 deputy to run a narcotics dog around the vehicle." Because the temperature was extremely cold, law enforcement decided to arrest Johnson

on his warrant and to impound the vehicle so that a sniff by a narcotics-detection dog could occur under less-adverse conditions.

Once the vehicle was impounded, Deputy R.M. ran his K-9 partner "around the vehicle." Because Johnson argues that the district court clearly erred in this finding—that the sniff by the narcotics-detection dog occurred outside the vehicle—we note the following countervailing evidence that was adduced at the contested omnibus hearing. Deputy R.M. testified that his K-9 partner signaled the presence of narcotics in Johnson's vehicle, which the dog does by changing his breathing pattern and ultimately sitting in the area from which the dog believes the odor is emanating. Specifically, the dog sat "on the dog box, center console" area inside the vehicle. The dog box is a "panel that covers the engine and transmission, [be]cause [the] engine and transmission in [a] van sit back further than they do in a regular vehicle." When the dog "came to the sitting position," Deputy R.M. concluded that the dog "had found the odor of narcotics inside the vehicle." Deputy R.M. then "remove[d] [the dog] from the vehicle." After the dog "was removed from the vehicle," Deputy R.M. helped other deputies search the vehicle.

Deputy R.M. found an orange glove "hidden behind the overhead console area, which contained several baggies with a crystal-like substance that later field-tested positive for methamphetamine." During their testimony at the contested omnibus hearing, the deputies admitted that this was not an inventory search, and the state later conceded that law enforcement had not conducted an inventory search.

Following the contested omnibus hearing, Johnson's defense counsel submitted a memorandum of law in support of the motion to suppress and dismiss. The defense

identified two issues in the memorandum: (1) whether law enforcement had reasonable, articulable suspicion to support the expansion of the stop and search of Johnson's vehicle; and (2) whether law enforcement had a legal basis to justify the nonconsensual warrantless sniff inside the vehicle by the narcotics-detection dog. Defense counsel cited *State v. Wiegand*, 645 N.W.2d 125, 135 (Minn. 2002), in which the Minnesota Supreme Court held that bringing a narcotics-detection dog to the scene of a traffic stop is an expansion of the stop that requires reasonable, articulable suspicion. The defense relied on *Wiegand* to assert that, had law enforcement brought the dog to the scene of the traffic stop, there would not have been sufficient grounds for the sniff. Defense counsel acknowledged our decision in *State v. Kolb*, 674 N.W.2d 238, 242 (Minn. App. 2004), *rev. denied* (Minn. Apr. 20, 2004), in which we held that reasonable, articulable suspicion was not required to support a sniff of the exterior of a lawfully impounded vehicle by a narcotics-detection dog. But the defense distinguished *Kolb* by contending that the sniff occurred inside Johnson's vehicle.

In its order denying Johnson's motion, the district court determined that, based on the totality of the circumstances, law enforcement had probable cause "for the expansion of the stop to include an investigation of and search for controlled substances in [Johnson's] vehicle." The district court reasoned that Johnson's felony warrant, his furtive movements, the time it took him to stop his vehicle, and the two butane torches located after he was taken into custody all "add[ed] to the court's evaluation of probable cause for the expansion." Moreover, the district court noted that there had been an ongoing investigation of narcotics sales and distribution, that Johnson had been monitored by law enforcement, that he had traveled throughout Minnesota in a manner consistent with the sale and

distribution of controlled substances, that he had been seen at a residence of known narcotics sellers, and that Johnson had visited about 25 homes throughout six counties. The district court therefore determined that these facts supported a finding of both reasonable, articulable suspicion and probable cause to expand the stop.

Although the district court considered Johnson's attempt to distinguish our holding in *Kolb*, it was not persuaded. The district court noted that "the testimony of all three law enforcement officers at the contested omnibus hearing indicated that the dog performed his sniff search around the exterior of the vehicle."[1] And it rejected Johnson's argument that a sniff at the scene of the stop would not have been justified, determining instead that law enforcement "would have had the reasonable, articulable suspicion to conduct the dog-sniff search for narcotics at the scene of the stop" based on the above facts.

Under Minnesota Rule of Criminal Procedure 26.01, subdivision 4, defense counsel requested a stipulated-evidence trial to obtain appellate review of the district court's dispositive pretrial ruling. After taking the matter under advisement, the district court issued an order finding Johnson guilty of second-degree controlled-substance possession. The district court later sentenced Johnson to 68 months in prison.

This appeal follows.

[1] As noted above, Johnson disputes this finding as clearly erroneous.

ISSUES

I. Does a nonconsensual warrantless sniff inside a vehicle by a narcotics-detection dog constitute a search for which law enforcement must have probable cause to believe will result in a discovery of evidence or contraband?

II. Did law enforcement have probable cause to search Johnson's vehicle?

ANALYSIS

Johnson challenges the denial of his motion to suppress evidence and to dismiss the complaint, contending that law enforcement lacked the requisite probable cause to justify a nonconsensual warrantless sniff inside his vehicle by a narcotics-detection dog. [2]

"When reviewing a district court's pretrial order on a motion to suppress evidence, [appellate courts] review the district court's factual findings under a clearly erroneous standard and the district court's legal determinations de novo." *State v. Ortega*, 770 N.W.2d 145, 149 (Minn. 2009) (quotation omitted). "Findings of fact are clearly erroneous if, on the entire evidence, [appellate courts] are left with the definite and firm conviction that a mistake occurred." *State v. Diede*, 795 N.W.2d 836, 846–47 (Minn. 2011). Before applying this standard of review to the merits of the probable-cause issue, we must consider two preliminary matters.

[2] Johnson does not make any arguments about whether the impound of his vehicle was lawful. *See State v. Johnson*, 995 N.W.2d 155, 159 n.1 (Minn. 2023) (concluding that the state forfeited an argument because it failed to raise it before this court).

First, the state relies on a nonprecedential opinion[3] to assert that Johnson forfeited his probable-cause argument because he did not raise this issue before the district court. *See State v. Gomez*, No. A22-0371, 2023 WL 2127380, at *6 (Minn. App. Feb. 21, 2023), *rev. denied* (Minn. May 16, 2023). We are not persuaded by *Gomez* because it is factually distinct from the matter before us. The appellant in *Gomez* "specifically questioned only the existence of reasonable suspicion to conduct the dog sniff." 2023 WL 2127380, at *7. By contrast, Johnson's memorandum in support of his motion to suppress and to dismiss broadly frames one of the issues he raised as whether law enforcement had "a legal basis to conduct the dog sniff search of the motor vehicle." Although Johnson did not explicitly contend that the applicable standard was probable cause, we do not read Johnson's district court memorandum as limiting his argument to a reasonable-suspicion analysis of the sniff's legality. Indeed, Johnson explained in his memorandum that the challenged sniff fell outside the boundaries of the caselaw he cited—which applies a reasonable-suspicion standard to roadside exterior sniffs of vehicles (*Wiegand*) and dispenses with any level of suspicion for sniffs of impounded vehicles (*Kolb*)—because "the dog sniff was not limited to the exterior of the motor vehicle." The broad analytical framework advanced by Johnson distinguishes this case from *Gomez*, in which we did not confront an argument with a similar scope. We therefore conclude that Johnson preserved the probable-cause issue for appeal.

[3] Although "nonprecedential opinions may be cited as persuasive authority," such opinions "are not binding authority except as law of the case, res judicata or collateral estoppel." Minn. R. Civ. App. P. 136.01, subd. 1(c).

Second, Johnson challenges the district court's factual finding that Deputy J.G., Deputy R.M., and the investigator "all testified that the K-9 drug sniff was on the exterior of the vehicle." Johnson asserts that the district court clearly erred by determining that the dog did not enter his vehicle during the sniff. The state concedes that the record does not support that all three witnesses testified that the sniff by the narcotics-detection dog was limited to the exterior of the vehicle. We assume without deciding that the district court clearly erred in finding that the sniff did not occur inside Johnson's vehicle.

Having decided those preliminary matters, we now turn to the merits of Johnson's probable-cause challenge. As noted above, Johnson maintains that law enforcement needed probable cause to believe that the sniff by the narcotics-detection dog inside his vehicle would yield evidence or contraband. Asserting that law enforcement lacked such probable cause, Johnson argues that the search was unreasonable. As explained below, we agree that the deputies could not lawfully conduct a nonconsensual warrantless sniff by a narcotics-detection dog inside Johnson's vehicle without probable cause because it was a search for constitutional purposes. We also conclude, however, that the challenged sniff was lawful because law enforcement had probable cause to believe that the search would result in a discovery of evidence or contraband.

I. A nonconsensual warrantless sniff inside a vehicle by a narcotics-detection dog is a search for which law enforcement must have probable cause to believe will result in a discovery of evidence or contraband.

We first examine whether the challenged sniff is a search requiring probable cause.[4]

[4] We need not consider whether the search-incident-to-arrest exception to the warrant requirement applies because neither the parties nor the district court addressed it. *See*

"The Fourth Amendment ensures '[t]he right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures.'" *State v. Carter*, 697 N.W.2d 199, 206 (Minn. 2005) (alteration in original) (quoting U.S. Const. amend. IV); *see also* Minn. Const. art. I, § 10. "Automobiles constitute 'effects' under the Fourth Amendment, and therefore the constitutional standard of reasonableness applies to searches and seizures of automobiles." *Wiegand*, 645 N.W.2d at 131. Because a vehicle "generally does not serve as the repository of personal effects" and "because of the significant governmental regulation of vehicles," individuals have a diminished expectation of privacy in their vehicles. *Id.* But even with a diminished expectation of privacy, an individual's privacy interest in their vehicle "is still constitutionally protected." *State v. Goodrich*, 256 N.W.2d 506, 510 (Minn. 1977). And "a search, even of an automobile, is a substantial invasion of privacy." *Wiegand*, 645 N.W.2d at 131 (quotation omitted).

Johnson, 995 N.W.2d at 159 n.1; *see also State v. Diamond*, 890 N.W.2d 143, 148 (Minn. App. 2017) ("An appellate court generally will not consider matters not argued to and considered by the district court."), *aff'd*, 905 N.W.2d 870 (Minn. 2018). Even if the search-incident-to-arrest issue were properly before us, however, it is questionable whether the exception would apply here, given that the challenged narcotics-detection dog sniff did not occur incident to Johnson's arrest, but rather happened after he was arrested and his vehicle was impounded. *See Arizona v. Gant*, 556 U.S. 332, 336–351 (2009) (holding that a warrantless search of the defendant's automobile did not fall under the search-incident-to-arrest exception when the search involved the vehicle from which the defendant was arrested because law enforcement had secured the defendant in the back of a squad car, eliminating the concerns from which the exception derives—officer safety and evidence preservation); *see also State v. Bernard*, 859 N.W.2d 762, 768 (Minn. 2015) (discussing the above aspects of *Gant*), *aff'd sub nom. Birchfield v. North Dakota*, 579 U.S. 438 (2016).

The Minnesota Supreme Court has held that "a dog sniff around the exterior of a legitimately stopped motor vehicle is not a search requiring probable cause on the basis of either the Fourth Amendment or the Minnesota Constitution." *Id.* at 133 (footnote omitted). But the United States Supreme Court, acknowledging that the Fourth Amendment protects property and privacy interests, has held that a search occurred when the government "physically occupied" a vehicle "for the purpose of obtaining information." *United States v. Jones*, 565 U.S. 400, 404–05 (2012). In *Jones*, the government placed a GPS device on a vehicle registered to Jones's wife without a warrant. *Id.* at 402–03. The government argued that a search did not occur because Jones had no reasonable expectation of privacy in the underbody of the vehicle. *Id.* at 406. The Supreme Court did not address the government's argument, instead reasoning that the protections of the Fourth Amendment reach further than the reasonable-expectation-of-privacy test set forth in *Katz v. United States*, 389 U.S. 347, 351 (1967).[5] *Jones*, 565 U.S. at 406. More specifically, the Supreme Court explained the scope of these protections as follows:

> Fourth Amendment rights do not rise or fall with the *Katz* formulation. At bottom, the Court must assure preservation of that degree of privacy against government that existed when the Fourth Amendment was adopted. As explained, for most of our history the Fourth Amendment was understood to embody a particular concern for government trespass upon the areas ("persons, houses, papers, and effects") it enumerates. *Katz* did not repudiate that understanding.

[5] Under the reasonable-expectation-of-privacy test, the Fourth Amendment affords protection when "a person [has] exhibited an actual (subjective) expectation of privacy" and that expectation is one "that society is prepared to recognize as 'reasonable.'" *Katz*, 389 U.S. at 361 (Harlan, J., concurring).

Id. at 406–07 (quotation omitted). The Supreme Court stated, however, that a trespass alone is not a search "unless it is done to obtain information." *Id.* at 408 n.5. Thus, because the government "physically occupied private property for the purpose of obtaining information," the Supreme Court concluded that a search had occurred. *Id.* at 404.

The Supreme Court applied the same principle in *Florida v. Jardines*, 569 U.S. 1, 1 (2013). In *Jardines*, law enforcement took a narcotics-detection dog to Jardines's front porch and, "[a]fter sniffing the base of the front door," the dog alerted to the presence of narcotics. 569 U.S. at 4–5. Law enforcement did not have a warrant. *Id.* at 4. The Supreme Court concluded that it did not need to decide whether the intrusion violated Jardines's expectation of privacy. *Id.* at 11. "That the officers learned what they learned only by physically intruding on Jardines'[s] property to gather evidence [was] enough to establish that a search occurred." *Id.*

Although neither the United States Supreme Court nor the Minnesota Supreme Court has addressed whether a sniff by a narcotics-detection dog inside a vehicle constitutes a search, the principles established in *Jones* and *Jardines* compel us to conclude that the use of a narcotics-detection dog to physically occupy or intrude on any private property constitutes a search. We therefore hold that, under the Fourth Amendment to the United States Constitution and article I, section 10 of the Minnesota Constitution, a nonconsensual warrantless sniff inside a vehicle by a narcotics-detection dog is a search for which law enforcement must have probable cause to believe will result in a discovery

of evidence or contraband.[6] *See State v. Torgerson*, 995 N.W.2d 164, 168–69 (Minn. 2023) (explaining that probable cause is required to conduct a warrantless search of a vehicle); *see also State v. Pederson-Maxwell*, 619 N.W.2d 777, 778 (Minn. App. 2000) (holding that "[a]n officer with probable cause may make a warrantless search of an impounded vehicle").

II. Law enforcement had probable cause to search Johnson's vehicle.

We next address whether there was probable cause to justify the challenged search.

"Searches conducted outside of the judicial warrant process are per se unreasonable unless one of the well-delineated exceptions to the warrant requirement applies." *Torgerson*, 995 N.W.2d at 168 (quotation omitted). "One of these well-delineated exceptions, the automobile exception, permits police to search a car without a warrant, including closed containers in that car, if there is probable cause to believe the search will result in a discovery of evidence or contraband." *Id.* at 168–69. "Probable cause exists

[6] We are mindful that, in a case concerning a narcotics-detection dog who "stuck his head through the open passenger-side window [of a vehicle] and then sat down beside the front passenger door," the United States Court of Appeals for the Eighth Circuit held that, "[a]bsent police misconduct, the instinctive actions of a trained canine do not violate the Fourth Amendment." *United States v. Lyons*, 486 F.3d 367, 370, 373 (8th Cir. 2007). But *Lyons* is distinguishable because the Eighth Circuit also concluded that "[t]he fact that the dog stuck his head through the window does not change the result," given that the dog "alert[ed] to several areas of the van and almost indicat[ed] at the rear of the van *before* ultimately sticking his head through the window," such that law enforcement commented "that the dog [was] smelling drugs 'essentially everywhere.'" *Id.* at 374 (emphasis added). Furthermore, *Lyons* predates *Jones* and *Jardines*, and the decision is not otherwise binding on this court. *See Citizens for a Balanced City v. Plymouth Congregational Church*, 672 N.W.2d 13, 20 (Minn. App. 2003) (explaining that this court is bound by decisions of the Minnesota Supreme Court and the United States Supreme Court but not the decision of any other federal court).

when there are facts and circumstances sufficient to warrant a reasonably prudent person to believe that the vehicle contains contraband." *State v. Lester*, 874 N.W.2d 768, 771 (Minn. 2016) (quotation omitted). "Probable cause is an objective inquiry that depends on the totality of the circumstances in each case." *Id.* "[T]he totality of the circumstances 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." *Id.*

Relying on *Carter*, Johnson argues that law enforcement lacked probable cause to search the inside of his vehicle. In *Carter*, the Minnesota Supreme Court analyzed whether "evidence other than the results of [a] dog sniff provided a substantial basis for probable cause supporting the warrant for [a] storage-unit search." 697 N.W.2d at 204. The search warrant application listed three factors to support probable cause for the search: "(1) appellant's criminal record, (2) a [Bureau of Criminal Apprehension (BCA)] agent's observations and suspicions from approximately [four] weeks earlier, and (3) a statement from the [storage unit] manager regarding appellant's rental of and frequent visits to his storage units." *Id.* at 205.

The supreme court concluded that appellant's criminal record did "not provide probable cause for the search of the storage unit for drugs and weapons" because his most recent conviction was from five years earlier. *Id.* The supreme court also concluded that the BCA agent's suspicions did not provide probable cause because the application for the search warrant failed to specify information about the two vehicles the BCA agent considered suspicious. *Id.* at 205–06. Lastly, reasoning that it was unsure whether the

storage unit manager's information was "fresh," the supreme court concluded that "[w]ithout more, the mere fact of frequent visits to a storage unit [did] not provide evidence of the fair probability that contraband [was] inside." *Id.* at 206 (quotation omitted).

Johnson also asserts that law enforcement did not have probable cause based on our nonprecedential opinion in *State v. Christianson*, No. A21-1138, 2022 WL 3149262, at *3–4 (Minn. App. Aug. 8, 2022). There, law enforcement stopped the appellant's vehicle because his license was canceled as inimical to public safety. *Christianson*, 2022 WL 3149262, at *1. A police officer arrested the appellant and retrieved his K-9 partner from his vehicle. *Id.* at *1-2. The dog jumped into the driver's seat of the appellant's vehicle and alerted to the presence of narcotics. *Id.* at *2. The district court denied appellant's motion to suppress evidence. *Id.*

On appeal, the state argued that law enforcement had probable cause based on: their "immediate observation of an open beer bottle in plain sight; [appellant's] admission to using methamphetamine a few days earlier; inconsistencies between [appellant's] and the passenger's statements regarding their whereabouts that day"; appellant's field sobriety test; the officer's testimony that he detected an odor of marijuana before the dog search; and "the recovery of marijuana and paraphernalia from the passenger." *Id.* at *4. We disagreed and instead concluded that the automobile exception did not apply because "there was no probable cause to believe that the center console contained illegal drugs or evidence of criminal drug-related activity." *Id.* at *3–4. In reaching that conclusion, we reasoned: that the district court did not make findings about whether appellant was impaired; that the district court did not analyze whether appellant's failed field sobriety test was sufficient to

raise suspicion of driving while impaired; that the district court did not find the officer's testimony about the odor of marijuana credible; and that the remaining circumstances "would not lead a reasonable officer to suspect that the center console concealed illegal drugs or evidence of drug-related criminal activity." *Id.*

Johnson's reliance on *Carter* and *Christianson* is unpersuasive because both cases are distinguishable from the facts before us. In *Carter*, the BCA agent had observed suspicious activity at the storage unit facility on a single day. 697 N.W.2d at 203. Here, the investigator was tracking Johnson for ten days before law enforcement conducted the traffic stop of Johnson's vehicle. And although Johnson maintains that the circumstances of his case are "a far cry from *Christianson*," we conclude that the factual findings set forth in the district court's memorandum and order denying Johnson's motion to suppress would warrant a reasonably prudent person to believe that Johnson's vehicle contained contraband.

In particular, Johnson visited the trailer park in Sartell, which was known to law enforcement as a location where narcotics were distributed and sold. He also went to several residences owned by people that law enforcement knew sold controlled substances and was twice seen at the home of a known narcotics seller. Between December 9 and 18, 2021, the investigator saw that Johnson visited about 25 residences in six counties at all hours of the day and night. Some of those residences were linked to controlled substances. And the investigator testified that the number of visits to different locations was "the most he had ever seen in that time period."

On December 19, 2021, at around 4:00 a.m., Johnson traveled to the Twin Cities. Johnson stopped at three homes: one in Fridley, one in St. Louis Park, and one in Minneapolis. Around 11:00 a.m., Johnson stopped at the trailer park in Sartell for almost two hours. At the time, Johnson had an outstanding felony body-only arrest warrant for his "alleged criminal conduct with narcotics." When law enforcement stopped Johnson's vehicle, Johnson was slow to pull over and made movements toward the center of the van. After Johnson was arrested—but before the challenged sniff inside his vehicle—law enforcement discovered a butane torch on Johnson's person and observed another butane torch in Johnson's vehicle. Based on his training and experience, Deputy J.G. knew that people commonly use such butane torches to smoke methamphetamine.

Given the totality of these particular facts, we conclude that law enforcement had probable cause to believe that the search of Johnson's vehicle with a narcotics-detection dog would result in a discovery of evidence or contraband. *See Lester*, 874 N.W.2d at 771.

DECISION

Under the Fourth Amendment to the United States Constitution and article I, section 10 of the Minnesota Constitution, a nonconsensual warrantless sniff inside a vehicle by a narcotics-detection dog is a search for which law enforcement must have probable cause to believe will result in a discovery of evidence or contraband. Because law enforcement had probable cause to search Johnson's vehicle, we conclude that Johnson's challenge to the denial of his motion to suppress evidence and to dismiss the charges is unavailing.

Affirmed.