STATE OF MINNESOTA

IN SUPREME COURT

A22-1073

Court of Appeals — Gildea, C.J.

State of Minnesota,

Appellant,

vs.

Filed: September 6, 2023
Office of Appellate Courts

Mark Michael Mosley,

Respondent.

Keith Ellison, Attorney General, Saint Paul, Minnesota; and

Mary F. Moriarty, Hennepin County Attorney, Sarah J. Vokes, Senior Assistant County Attorney, Minneapolis, Minnesota, for appellant.

Michael Berger, Chief Public Defender, Hennepin County, Paul J. Maravigli, Assistant Public Defender, Minneapolis, Minnesota, for respondent.

Shauna Faye Kieffer, Kieffer Law LLC, Minneapolis, Minnesota, for amicus curiae the Minnesota Association of Criminal Defense Lawyers.

S Y L L A B U S

Because the informant was reliable and personally observed the reported conduct, and police corroborated details of the informant's report, police had probable cause to search the vehicle that respondent was driving.

Reversed and remanded.

O P I N I O N

GILDEA, Chief Justice.

The question in this case is whether police had probable cause to search the vehicle that respondent Mark Michael Mosley was driving. Police initiated a traffic stop after receiving a tip from an informant that a man had a firearm in the vehicle. During their search, police found a firearm in the vehicle, and the State charged Mosley with being a prohibited person in possession of a firearm in violation of Minn. Stat. § 624.713, subd. 1(2) (2022). The district court granted Mosley's motion to suppress the evidence discovered in the vehicle, including the firearm, holding that police did not have probable cause to search. The court of appeals affirmed. We granted the State's petition for review. Because the totality of the circumstances supports probable cause to search the vehicle that Mosley was driving, we reverse and remand for further proceedings.

FACTS

This case arises from a tip police received that a man had a firearm in a vehicle. Specifically, on March 9, 2021, an informant (Informant) reported to the Minneapolis Police Department that "he or she had personally observed a male in possession of a firearm inside a vehicle." The Informant also reported that "this person was selling marijuana and possessing a firearm with an extended magazine." Thirty minutes after the Informant contacted the Department, police conducted a traffic stop on the vehicle the Informant described. Police ordered the driver, respondent Mosley, out of the vehicle and searched it. During the search, police found a firearm in the vehicle.

The State subsequently charged Mosley with being a prohibited person in possession of a firearm in violation of Minn. Stat. § 624.713, subd. 1(2).[1] Mosley moved to suppress the firearm that the State obtained from the warrantless vehicle search. The district court held an evidentiary hearing on the motion, and two Minneapolis police officers testified.

At the hearing, Sergeant Schroeder of the Minneapolis Police Department's gun unit testified. Schroeder discussed the Department's use of informants generally. He explained that an informant becomes a Confidential Reliable Informant (CRI) if they have "a proven track record of providing reliable information" to law enforcement. This "track record" differentiates a CRI from other types of informers. The Department contracts with CRI's, and CRI's are typically paid or given charging or sentencing leniency in exchange for providing information to police. And if a CRI provides false information to police, the Department terminates the relationship.

Schroeder explained that the Informant in this case was a CRI, under contract with the Minneapolis Police Department. The Department paid the Informant $300 for the information that led to Mosley's arrest. Schroeder testified that he had worked with the Informant "[m]ultiple times" before, and that the information from the Informant was "[a]lways accurate, always timely, [and] reliable." Moreover, "as a result of [the Informant's] prior information," Schroeder explained that there were "dozens" of investigations, and that the information led to arrests, charges, and convictions.

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[1] Mosley was prohibited from possessing a firearm because he has a prior conviction for a crime of violence. *See* Minn. Stat. § 624.713, subd. 1(2).

Mosley's counsel asked Schroeder about the Informant's reliability. Counsel asked if police "keep track of like hits and misses with these informants, like a batting average so to speak?" Schroeder replied, "[c]ertainly," but went on to testify that police do not release that information. Following this, Mosley's counsel prompted Schroeder, asking, "[s]o the Court doesn't actually have a way to know [the informant's 'hits and misses'], right?" Schroeder answered, "[n]ot here in open court."

Schroeder also testified to his exchange with the Informant that led to Mosley's arrest. Schroeder testified that the Informant contacted him at approximately 7:00 p.m. on March 9, 2021 and provided a contemporaneous account of what the Informant was observing. Schroeder explained that the Informant told him that the Informant "personally observed a male in possession of a firearm inside a vehicle" and that "this person was selling marijuana and possessing a firearm with an extended magazine."[2] The Informant further described the person he or she observed as a "black male in their mid-20s," alone in a vehicle. The Informant described the vehicle to Schroeder as a "tan SUV," included the vehicle's license plate number, and gave Schroeder the address of the vehicle's location, noting that it was at the "Winner Gas Station." The vehicle's description sounded

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[2] Specifically, Sergeant Schroeder testified:

> The informant contacted me and told me that he or she had personally observed a male in possession of a firearm inside a vehicle. I was provided the description of a vehicle, which was I believe a tan SUV, I don't recall the make or model, and specifically a license plate. The license plate is listed in my report. I don't recall that off the top of my head. I was given a location of the vehicle, which was at the Winner Gas Station, which is located at 626 West Broadway, Hennepin County. And that this person was selling marijuana and possessing a firearm with an extended magazine.

familiar to Schroeder because he "had seen the vehicle at the same location days prior." Schroeder also emphasized that the location from where the Informant reported is an area "known for gang activity, shootings, stabbings, assaults, [and] shots fired." The Informant did not provide a description of the person's clothes and did not give a height or weight estimate.

The State asked Schroeder whether the Informant told Schroeder "approximately when they saw this male at the Winner Gas Station selling marijuana with a firearm?" Schroeder replied that the information was "current" and that Mosley's conduct was happening "right then and there." Schroeder agreed with the State that the Informant was "providing simultaneous information as they were viewing it."

When Mosley's counsel asked Schroeder "how" the Informant had "personal knowledge," Schroeder declined to say more, explaining that such "information would potentially disclose the informant's identity." Mosley's counsel pressed, asking, "[s]o you won't tell us how they had that knowledge?" Schroeder replied, "[t]hat's right."[3]

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[3] Mosley argues that the district court should have required the State to provide specifics on how the Informant observed the conduct. The State resisted, arguing that such information would lead to the disclosure of the Informant's identity. Mosley relies on *State v. Dexter*, 941 N.W.2d 388 (Minn. 2020), in arguing that he was entitled to more information. There, we explained that under Minnesota Rule of Criminal Procedure 9.01, subd. 1, "[u]pon the request of a defendant, the rule requires a prosecutor to disclose information that 'relate[s] to the case' and is within the possession and control of the prosecutor." *Id.* at 394 (quoting Minn. R. Crim. P. 9.01, subd. 1). The defense in *Dexter* sought information about the informant's "relationship with police and the informant's information-gathering activities." *Id.* at 390. Because the information the defense sought would not identify the confidential informant, we concluded that the State's common law privilege to withhold an informant's identity did not apply. *Id.* at 393.

In this case, Mosley did not identify in his Rule 9 request the additional information about the Informant that he now contends he should have received. Instead, he relies on

After receiving the tip from the Informant, Schroeder, who was then off-duty, communicated the information to Sergeant Pucley, who took over the case. Pucley testified that shortly after 7:00 p.m., Schroeder told him that a black male was "in possession of a handgun" at the Winner Gas Station. Schroeder included the description of the vehicle and its license plate number. Pucley said that he went to the gas station about "a half hour after receiving the information" from Schroeder. When Pucley arrived, he observed the vehicle that the Informant had described in the parking lot of the gas station. Pucley verified that the license plate matched the information the Informant gave to Schroeder. As Pucley and his partner attempted to get into position to observe the vehicle, the vehicle left the gas station. Pucley and his partner then initiated a traffic stop. But Mosley's vehicle continued to drive for "three quarters of a block." Pucley testified that, in his experience, people who do not immediately pull over are trying to "prolong the amount of time until they actually make contact with the police, whether that be to conceal something . . . or to retrieve some sort of weapon to assault officers."

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his cross-examination of Sergeant Schroeder to support his contention that he was entitled to more specific information. The State, through Schroeder, provided some of the information that was at issue in *Dexter*—the Informant was under contract and was paid $300. *See id.* at 394 (noting that the defense asked whether the informant was under contract and was given any consideration for the information). Schroeder also claimed that further information regarding the Informant's observation would have revealed the Informant's identity. Mosley did not develop the record at the district court on this point such that we could conclude otherwise. *See State v. Rambahal*, 751 N.W.2d 84, 90 (Minn. 2008) ("When a defendant seeks disclosure of a confidential informant's identity, '[t]he defendant has the ultimate burden of establishing the need for the disclosure.' " (quoting *State v. Ford*, 322 N.W.2d 611, 614 (Minn. 1982))). Additionally, Mosley did not raise below the issue of whether a police officer—as opposed to the prosecutor—can claim the privilege on the stand.

When Mosley stopped, the officers ordered Mosley out of the car, detained him, and then placed him in the back of a police car. Pucley testified that Mosley verbally identified himself and that he was cooperative.

After detaining Mosley, the officers searched the vehicle. Pucley testified that the officers found a "Crown Royal whiskey bag that contained marijuana and a digital scale and . . . a handgun." Officers found the handgun "concealed in a natural void [] behind the radio."

According to Pucley, after police took Mosley into custody Mosley mentioned that before the traffic stop, he had been talking to another police officer, Officer Gregory, at the gas station. Pucley testified that Officer Gregory told him that he and Mosley had been joking about "another male who was selling drugs at that location who wasn't even trying to hide it." Officer Gregory was at the traffic stop but did not testify at the evidentiary hearing.

Following the evidentiary hearing, the district court issued an order granting Mosley's motion to suppress the evidence. The district court explained that the reliability and corroboration of the Informant's tip are at issue in this case.[4] The court held that

[4] The district court cited a six-factor test used in *State v. Ross*, 676 N.W.2d 301, 304 (Minn. App. 2004) (citation omitted), and concluded that only two of those factors, (i) the Informant's history of providing reliable information and (ii) police corroboration of the information, were at issue. We have not specifically endorsed this six-factor test and this six-factor framework is not specifically before us in this case. Our case law contemplates a totality of the circumstances analysis for the assessment of probable cause, and such an assessment could include the factors listed in *Ross*. *See State v. Munson*, 594 N.W.2d 128, 136 (Minn. 1999) (noting that we consider the "totality of the circumstances" in deciding whether the information provided by an informant establishes probable cause).

because the Informant "has provided law enforcement with credible information for over a year, which has led to the recovery of evidence, arrests, and convictions in State court . . . the [I]nformant [i]s considered reliable." (citation omitted) (internal quotation marks omitted). But because police could only corroborate "minor details, such as the location and description of a vehicle," the court held that the Informant's "information lacked sufficient detail and range to establish the [Informant's] basis of knowledge." (citation omitted) (internal quotation marks omitted).

Accordingly, the district court determined that the Informant's "tip . . . lacked details to be corroborated" and "[t]he absence of other factors beyond the [Informant]'s past reliability demands a conclusion that there was insufficient probable cause for a warrantless search of the vehicle in this case." The State appealed the district court's determination that probable cause was lacking, and the court of appeals affirmed. *State v. Mosley*, No. A22-1073, 2023 WL 192899 (Minn. App. Jan. 17, 2023).

The court of appeals agreed with the district court's determination that reliability was sufficiently established through the Informant's track record of providing "credible information for over one year" leading to "evidence, arrests, and convictions." *Id.* at *3. But in considering the Informant's "basis of knowledge," the court of appeals held that "the [S]tate's evidence did not sufficiently explain the basis for the [Informant]'s claim that there was a gun in the SUV and that the male in the vehicle was selling marijuana." *Id.* at *4. The court explained that while a description of the vehicle and license plate was given, "the only description of the suspect was that he was a Black male in his mid-twenties and that he was alone." *Id.* The court noted that the tip "did not reveal *how* the [Informant]

had personally viewed a gun or knew about marijuana sales," and the court concluded that the Informant's tip "did not sufficiently connect any criminal activity to the vehicle." *Id.* at *4–5 (emphasis added). Moreover, the court held that corroboration of the Informant's tip was lacking. *Id.* at *4. The court noted that before stopping Mosley, the officers "only corroborated easily-obtained details—that, 30 minutes after the tip, the vehicle described by the [Informant] was at the location identified by the [Informant]." *Id.* As a result, the court of appeals affirmed the district court. *Id.* at *6.

One judge dissented. The dissent agreed with the majority that the Informant's reliability was established by their track record. *State v. Mosley*, No. A22-1073, 2023 WL 192899, at *6 (Minn. App. Jan. 17, 2023) (Bjorkman, J., dissenting). However, in disagreement with the majority, the dissent concluded that the Informant's basis of knowledge was established because the Informant "made it clear that they had direct, first-hand knowledge of the information." *Id.* at *8. And because of this first-hand knowledge, police did "not need" to "corroborate as many details as the officers did" in the cases relied upon by the district court and court of appeals majority. *Id.* at *8 (citing *State v. Cook*, 610 N.W.2d 664 (Minn. App. 2000), and *State v. Munson*, 594 N.W.2d 128 (Minn. 1999)). Ultimately, the dissent would have reversed the district court's order granting Mosley's motion to suppress. *Id.*

We granted the State's petition for review.

ANALYSIS

On appeal, the State contends that it established probable cause to search the vehicle that Mosley was driving under the automobile exception to the warrant requirement.[5] Both the United States Constitution and the Minnesota Constitution protect individuals from "unreasonable searches and seizures." *State v. Williams*, 794 N.W.2d 867, 871 (Minn. 2011) (citations omitted) (internal quotation marks omitted). A warrantless search is generally unreasonable, but police may conduct a warrantless search of a vehicle if police have "probable cause to believe the search will result in a discovery of evidence or contraband." *State v. Barrow*, 989 N.W.2d 682, 685 (Minn. 2023) (citation omitted) (internal quotation marks omitted); *see also State v. Munson*, 594 N.W.2d 128, 135 (Minn. 1999) (citing *Carroll v. United States*, 267 U.S. 132, 154 (1925)). Probable cause is not a high standard; it "requires something more than mere suspicion but less than the evidence necessary for conviction." *Williams*, 794 N.W.2d at 871. We review "probable cause as it relates to warrantless searches . . . de novo." *Munson*, 594 N.W.2d at 135.

The Supreme Court has described probable cause as a "fluid concept—turning on the assessment of probabilities in particular factual contexts—not . . . a neat set of legal rules." *Illinois v. Gates*, 462 U.S. 213, 232 (1983). This extends to the consideration of

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[5] When the State appeals a district court's pretrial order, "the [S]tate must . . . show both that the trial court's order will have a 'critical impact' on the [S]tate's ability to prosecute the defendant successfully and that the order constituted error." *State v. Barrett*, 694 N.W.2d 783, 787 (Minn. 2005) (citation omitted) (internal quotation marks omitted); *see* Minn. R. Crim. P. 28.04, subd. 2(2)(b). Because the district court suppressed the evidence against Mosley, and the State would be unable to prosecute Mosley without it, the parties agree, and we accept, that the ruling has a critical impact on the State's case.

informant tips as part of the probable cause inquiry. *See id.* ("Informants' tips, like all other clues and evidence coming to a policeman on the scene may vary greatly in their value and reliability." (quoting *Adams v. Williams*, 407 U.S. 143, 147 (1972))). And "the totality-of-the-circumstances analysis that traditionally has informed probable cause determinations" likewise governs the analysis when an informant is at issue. *Id.* at 238. Ultimately, probable cause to search exists if, "given all the circumstances"—"including the veracity and basis of knowledge" of the informant—"there is a fair probability that contraband or evidence of a crime will be found in a particular place." *Id.*; *see also Munson*, 594 N.W.2d at 136 ("Whether such information [provided by an informant] can establish probable cause to search depends on the totality of the circumstances of the particular case, including the credibility and veracity of the informant.").

A.

A threshold dispute between the parties is whether the vehicle was sufficiently connected to unlawful activity to support probable cause for the search. For there to be any likelihood of discovering contraband or evidence of a crime in a certain place, criminal activity must be connected to that place. *See Illinois v. Gates*, 462 U.S. 213, 238 (1983) (noting that probable cause's "fair probability" determination refers to a "particular place"). The court of appeals held, and Mosley argues, that the Informant "did not allege facts connecting the gun . . . to the vehicle." *State v. Mosley*, No. A22-1073, 2023 WL 192899, at *5 (Minn. App. Jan. 17, 2023). Specifically, the court of appeals determined that "the tip did not specify that the gun was in the vehicle, as opposed to on the male's person" and that the Informant's tip "did not include any information from

which the police could infer that the male's alleged gun possession was even unlawful." *Id.* The State disagrees and argues that Sergeant Schroeder's testimony regarding the Informant's personal observations connects the vehicle to unlawful activity involving the firearm. We agree with the State.

Sergeant Schroeder testified that The Informant described two different actions—selling drugs and possession of a firearm. The Informant did not connect the alleged drug sales to the vehicle. For example, the Informant did not say that the Informant personally observed drugs being sold from the vehicle. But the Informant did say that the Informant personally saw the person with a firearm inside the vehicle. The possession of a firearm in a vehicle is, for probable cause purposes, sufficient to create some probability that unlawful activity is occurring. *See State v. Williams*, 794 N.W.2d 867, 872–73, 875 (Minn. 2011) (holding that a firearm exposed in a public place can give rise to an "honest and strong suspicion" of unlawful activity, and upholding a warrantless search despite defendant's unknown permit status). The Informant's statement to Sergeant Schroeder that the Informant "personally observed a male in possession of a firearm inside a vehicle" therefore sufficiently connects the vehicle to potential unlawful activity.[6]

B.

The parties also dispute whether the Informant was reliable and whether police adequately corroborated details in the Informant's tip. The State contends that police had

[6] Mosley did not raise any argument below regarding a permit to possess the gun. Specifically, he did not argue that probable cause was lacking because the State did not prove that Mosley lacked a permit to carry a gun. To the extent Mosley makes that argument now, it is forfeited.

probable cause to search the vehicle based on the Informant's track record and personal observation of Mosley's criminal conduct. Mosley disagrees. Mosley argues that the Informant is of "doubtful reliability," and that corroboration of key details, as was done in *Gates*, must be done in addition to the informant's personal observations.

We have said that an informant's tip must have "sufficient indicia of reliability" for police to rely on the tip to sustain probable cause. *In re Welfare of G.M.*, 560 N.W.2d 687, 691 (Minn. 1997). In determining whether an informant's tip has "sufficient indicia of reliability," *id.*, the Supreme Court has made clear that "reliability" and "basis of knowledge," are not a rigid two-pronged test but are "relevant considerations." *Illinois v. Gates*, 462 U.S. 213, 233 (1983) (citation omitted) (internal quotation marks omitted). And importantly, a "deficiency in one may be compensated for, in determining the overall reliability of a tip, by a strong showing as to the other, or by some other indicia of reliability." *Id.*

1.

The district court and court of appeals both concluded that the Informant was reliable based on the Informant's track record with police. We agree. In *State v. Wiley*, we determined that an informant was reliable because the affidavit supporting the search warrant in that case stated that the informant had "been used over several years successfully." 366 N.W.2d 265, 269 (Minn. 1985) (internal quotation marks omitted). In *State v. Munson*, we reaffirmed this rule. 594 N.W.2d 128, 136 (Minn. 1999). We held that the officer's testimony that the informant in that case "had given the police reliable information in the past" was enough to establish reliability. *Id.* We explained that "[w]hile

the record [did] not contain specific details of the [informant]'s record, further elaboration concerning the specifics of the [informant]'s veracity is not typically required." *Id.*

Here, Officer Schroeder testified that he had worked with the Informant "[m]ultiple times" before, and that the Informant's information was "[a]lways accurate, always timely, [and] reliable." Moreover, he explained that the Informant's prior information resulted in arrests, charges, and convictions. This is more detail than we required in either *Wiley* or *Munson*.[7] Further, this testimony is bolstered by Officer Schroeder's additional testimony that if a contracted informant, like the Informant in this case, provides information later determined to be false, the police end the relationship.

Based on the Informant's track record, we hold that the Informant is reliable for our probable cause analysis.

2.

But Mosley argues that, even if the Informant may have been reliable, police did not sufficiently corroborate the tip to establish the Informant's basis of knowledge. Without more corroboration, Mosley claims the State did not establish probable cause. The court of appeals and district court agreed with Mosley. For its part, the State contends that the court of appeals and district court required more corroboration of the Informant's

[7] As we said in *Wiley*, "we prefer more specific language than 'used successfully' to establish an informant's credibility." 366 N.W.2d at 269 n.1. For example, "[i]nformation regarding the past accuracy rate of the informant and the results of prior searches based on the informant's tips, such as whether they led to arrests or convictions, should be provided." *Id.*; *see also Munson*, 594 N.W.2d at 136 ("While the record does not contain specific details of the CRI's record, further elaboration concerning the specifics of the CRI's veracity is not typically required.").

information than is necessary under our past decisions. The State explains that an informant's personal observation of criminal conduct is the preferred way of establishing the informant's basis of knowledge and that when the informant personally observed the criminal conduct, we have held that the basis of knowledge factor was satisfied in cases when police corroborated only minor details. Mosley disagrees and contends that the State is attaching "talismanic significance" to the "personal observation" aspect of the Informant's tip. Mosley argues that the court of appeals and district court merely required the same amount of corroboration required in previous decisions. The State has the better argument.

In coming to their determination that the State did not sufficiently establish the Informant's basis of knowledge to support probable cause, the district court and court of appeals relied on *State v. Munson*, 594 N.W.2d 128 (Minn. 1999), and *State v. Cook*, 610 N.W.2d 664 (Minn. App. 2000). In both cases, the informant's basis of knowledge depended on the extent to which key details of the informant's tip were corroborated. *Munson*, 594 N.W.2d at 136–37 (discussing corroboration); *Cook*, 610 N.W.2d at 668 (discussing absence of corroboration of any non-"innocuous" details). Neither case, however, involved an informant who reported personal observations of ongoing criminal conduct to police. *Munson*, 594 N.W.2d at 132 (describing tip that a vehicle containing cocaine would arrive to an address one to two hours after the tip was called in); *Cook*, 610 N.W.2d at 666, 668 (describing tip that a man was selling cocaine but "fail[ing] to offer any explanation for the basis of the CRI's claim"). Because these cases did not

involve informants who reported what they personally observed, these cases are not on point.

Our decisions in *State v. Wiley*, 366 N.W.2d 265 (Minn. 1985), and *State v. McCloskey*, 453 N.W.2d 700 (Minn. 1990), are more instructive because these cases do involve informants that reported alleged criminal conduct as they observed it. In *State v. Wiley*, we explained that an informant's "personal observation of incriminating conduct" is the "preferred basis for an informant's knowledge." 366 N.W.2d at 269. In upholding the search warrant in that case, we gave weight to the informant's basis of knowledge because the informant "observed" the contraband. *Id.* Similarly, in *State v. McCloskey*, we determined that the informant's basis of knowledge was "satisfied[] because the affidavit stated that the informant not only had bought marijuana from defendant at the house but had been present in the house, had seen what looked like cocaine, and had heard defendant refer to the substance as cocaine." 453 N.W.2d at 703. In both cases we credited the fact that the informant had personally observed the conduct or contraband and reported what they saw.

In this case, the Informant personally observed the potentially unlawful conduct. Sergeant Schroeder testified that "[t]he informant contacted me and told me that he or she had personally observed a male in possession of a firearm inside a vehicle." Based on *Wiley* and *McCloskey*, when an informant gives police information based on the informant's personal knowledge, police do not need to corroborate significant details in the tip for the tip to be sufficient to support probable cause. As we explained in *Wiley*, corroboration of minor details is enough to "lend credence" to an informant's tip based on

personal knowledge. *Wiley*, 366 N.W.2d at 269 ("While not corroboration of a key detail, the corroboration did lend credence to the informant's tip.").

The district court used the phrase "easily obtained" when describing the details of the Informant's tip that police corroborated. Police corroborated the vehicle, its location, and its license plate number. Even if the district court accurately described these details as "easily obtained," these details "lend credence" to the informant's tip. *See id.*

In sum, the reliability factor weighs toward probable cause in our totality of the circumstances analysis. Specifically, the Informant's personal observations, along with police corroboration of some details in the tip, support the conclusion that both the Informant and the source of the Informant's knowledge were reliable.

C.

Mosley also points to other circumstances that he asserts point to the absence of probable cause. Mosley argues that the 30-minute gap between the tip and the police response rendered the information stale and weighs against probable cause in this case. *See State v. Cavegn*, 356 N.W.2d 671, 673–74 (Minn. 1984) (addressing argument that information from informant was stale). We disagree. Even though there was a time-gap here, that gap is not material to the probable cause question because the described vehicle was still in the described location.

Mosley also argues that Officer Gregory knew that Mosley was not engaging in criminal activity, which belies probable cause, and Gregory's knowledge should be imputed to the other officers. In *State v. Conaway*, 319 N.W.2d 35, 40 (Minn. 1982), we described the standard for the collective knowledge doctrine. We held that the "operative

question" to determine when the collective knowledge doctrine defeats probable cause "is whether the police—as a collective body—have knowledge of information that belies probable cause at the time of the arrest." *Id.*

The record here shows that Officer Pucley testified that Officer Gregory told him that he and Mosley had been together at the gas station, "joking about another male who was selling drugs at that location who wasn't even trying to hide it." But there is nothing in the record that shows that Officer Gregory's conversation with Mosley contradicted what the Informant had reported. The record does not tell us when this conversation occurred or whether it took place while the Informant was reporting contemporaneous information to police. Defense counsel emphasized that "when Officer Gregory appears on the scene, he says yes, I was just talking with him. He doesn't say anything about 30 minutes, or 45 minutes, or an hour before. He just says I was talking." Without evidence in the record that Officer Gregory's conversation with Mosley conflicts with or otherwise undermines the Informant's observations that there was a male inside a vehicle with a firearm, Mosley's exchange with Gregory does not weigh against probable cause.[8]

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[8] The State argues that the fact that the area was known to police as a "high crime" area and that Mosley drove three-fourths of a block after police initiated the stop are additional circumstances that support probable cause. The "high crime" area, by itself, would not support probable cause. *See State v. Dickerson*, 481 N.W.2d 840, 843 (Minn. 1992). But along with other facts, we have said that recent criminal history in an area can support police "in reasonably suspecting criminal activity." *Id.* (noting that "the defendant's suspicious behavior, the history of drug activity in the immediate vicinity and [the officer's] personal experience in seizing guns from the building the defendant left justified a pat search."). Given the short distance involved, Mosley's driving conduct carries little or no weight in our analysis of probable cause.

D.

Ultimately, in our totality of the circumstances analysis, we are deciding whether "there is a fair probability that contraband or evidence of a crime will be found in a particular place." *Illinois v. Gates*, 462 U.S. 213, 238 (1983). The Informant's past reliability, personal observations, and police corroboration of some of the details in the tip, when considered together, convince us that the State met its burden and established probable cause to search the vehicle that Mosley was driving.

CONCLUSION

For the foregoing reasons, we reverse and remand to the district court for further proceedings consistent with this opinion.

Reversed and remanded.