

SUPREME COURT OF MINNESOTA

State of Minnesota v. Dontrell Dyna Flowers

734 N.W.2d 239 (Minn. 2007) · No. A05-213 · Decided June 28, 2007

SUMMARY

The Minnesota Supreme Court reviewed Dontrell Dyna Flowers's conviction for being a prohibited person in possession of a firearm. The court addressed the warrantless vehicle search, impeachment with a prior conviction, an officer's improper testimony that the firearm was stolen, and the district court's supplemental jury instruction on knowledge and possession. The court reversed the conviction, concluding that the warrantless search was not justified under the automobile or Terry exceptions and addressing the remaining issues.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Paul H. Anderson, Justice; G. Barry Anderson, Justice; Russell A. Anderson, Chief Justice; Gildea, Justice
JURISDICTION	Minnesota
DECIDED	June 28, 2007
DOCKET	A05-213
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Flowers appealed his conviction for being a prohibited person in possession of a firearm. The Minnesota Court of Appeals affirmed, and the Minnesota Supreme Court granted review.
STANDARD OF REVIEW	Suppression rulings are reviewed de novo when the facts are undisputed, with factual findings reviewed to determine whether the district court erred as a matter of law. Impeachment rulings and mistrial rulings are reviewed for abuse of discretion. The propriety of jury instructions is reviewed for legal error.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Minnesota; portions of the opinion are joined by a majority, while the suppression analysis was subject to separate opinions.
PARTIES	Dontrell Dyna Flowers v. State of Minnesota

TOPICS

search and seizure

suppression of evidence

fourth amendment

criminal procedure

jury instructions

PRACTICE AREAS

criminal procedure

constitutional law

evidence

jury instructions

QUESTIONS PRESENTED

1. Whether the warrantless search of the vehicle was justified under the automobile exception or the Terry protective-search exception.
2. Whether the district court erred by allowing the State to impeach Flowers with a prior conviction without making a record that it considered the Jones factors.
3. Whether the district court abused its discretion by denying a mistrial after an officer testified that the firearm was stolen.
4. Whether the district court's supplemental jury instruction improperly permitted an inference of knowing possession from the firearm's location in an area under Flowers' exclusive control.

HOLDINGS

1. The State failed to establish probable cause to search the vehicle under the automobile exception. Flowers's furtive movements and delayed stop, without additional facts such as knowledge of a criminal record, a tip, or observed evidence of contraband, did not establish probable cause.
2. Although Flowers's movements gave officers reasonable suspicion of criminal activity and a reasonable belief that he might be armed and dangerous, the officers exceeded the permissible scope of a Terry search by returning to the vehicle and conducting another search after searching Flowers, conducting a protective vehicle search, and completing a dog sniff, without new specific and articulable facts.
3. The district court erred by failing to make a record showing that it considered and weighed the Jones factors before permitting impeachment with the prior conviction. Because the case was being reversed and remanded on other grounds, the court did not independently decide whether the error was harmless or whether the conviction was otherwise admissible.
4. The supplemental instruction was erroneous because it stated that knowledge may be inferred from the firearm's presence in a place under Flowers's exclusive control without adequately informing the jury that the inference was permissive and need not be drawn.

KEY QUOTATIONS

“Article I, Section 10 of the Minnesota Constitution requires that each incremental intrusion during a traffic stop be tied to and justified by one of the following: (1) the original legitimate purpose of the stop, (2) independent probable cause, or (3) reasonableness, as defined in Terry.” (251)

“The Minnesota Constitution does not allow us to reach such a holding.” (258)

“We conclude that the district court failed to properly inform the jury that any inference was permissive, and failed to instruct the jury that it was not required to accept that the inference necessarily followed from the

facts.” (262)

“For all of the aforementioned reasons, we reverse and remand to the district court for a new trial.” (262)

FACTUAL BACKGROUND

At approximately 11 p.m., Minneapolis police stopped Flowers for driving a vehicle without a rear license-plate light. Flowers did not immediately stop and, while driving slowly through an alley, made repeated movements toward the passenger and driver's doors. After Flowers stopped, officers conducted a felony-style stop, handcuffed and searched him, searched the vehicle, and used a drug-sniffing dog; those searches revealed no weapon or contraband. Officers later returned to the vehicle, partially loosened the driver's door panel and lifted the power-window control panel, discovering a 9-millimeter firearm concealed in the door.

PROCEDURAL HISTORY

After police found a firearm in the vehicle Flowers was driving, he was convicted under Minn. Stat. § 624.713, subd. 1(b), and sentenced to 60 months in prison. The district court denied suppression, permitted impeachment with a prior conviction, denied a mistrial after testimony that the gun was stolen, and gave an additional instruction concerning knowledge and possession. The court of appeals affirmed. The Minnesota Supreme Court reversed and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the district court for a new trial. On remand, the district court was instructed to specifically address and make a record concerning the Jones factors before ruling on impeachment by the prior conviction.

CASES CITED

- State v. Harris, 590 N.W.2d 90, 98 (Minn. 1999)
- State v. Burbach, 706 N.W.2d 484, 488 (Minn. 2005)
- State v. Ture, 632 N.W.2d 621, 627 (Minn. 2001)
- Maryland v. Dyson, 527 U.S. 465, 467 (1999)
- State v. Search, 472 N.W.2d 850, 852 (Minn. 1991)
- State v. Dineen, 296 N.W.2d 421, 422 (Minn. 1980)
- State v. Gallagher, 275 N.W.2d 803, 807-08 (Minn. 1979)
- State v. Munoz, 385 N.W.2d 373, 376 (Minn. App. 1986)
- United States v. Parr, 843 F.2d 1228, 1229, 1232 (9th Cir. 1988)
- Terry v. Ohio, 392 U.S. 1, 21, 27, 30 (1968)
- State v. Dickerson, 481 N.W.2d 840, 843, 846 (Minn. 1992), *aff'd*, 508 U.S. 366 (1993)

- Adams v. Williams, 407 U.S. 143, 146 (1972)
- State v. Askerooth, 681 N.W.2d 353, 362-65, 369 (Minn. 2004)
- State v. Waddell, 655 N.W.2d 803, 809-10 (Minn. 2003)
- Michigan v. Long, 463 U.S. 1032, 1049 (1983)
- State v. Payne, 406 N.W.2d 511, 513-14 (Minn. 1987)
- State v. Sanders, 339 N.W.2d 557, 560 (Minn. 1983)
- Atwater v. City of Lago Vista, 532 U.S. 318, 354 (2001)
- State v. Swanson, 707 N.W.2d 645, 654-55 (Minn. 2006)
- State v. Jones, 271 N.W.2d 534, 537-38 (Minn. 1978)
- State v. Manthey, 711 N.W.2d 498, 506 (Minn. 2006)
- State v. Haglund, 267 N.W.2d 503, 506 (Minn. 1978)
- State v. Olson, 482 N.W.2d 212, 215-16 (Minn. 1992)
- State v. Litzau, 650 N.W.2d 177, 185-87 (Minn. 2002)
- State v. Florine, 303 Minn. 103, 105, 226 N.W.2d 609, 611 (1975)

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