

CASE NO. 17-002  
SUPREME COURT

ANT v. STATE OF MINNESOTA

**Parties:**     **Appellants – Ant**  
                  **Respondent – State of Minnesota**

**Issues:**

- (1)       Did the Sgts. conduct a legal search of Mr. Ant’s vehicle under the standards iterated in the *Belton* case and its progeny?
  
- (2)       Are there overriding public policy concerns for allowing the Sgts. to conduct the search of the vehicle that outweigh the privacy concerns explained in the *Belton* line of cases?

On January 21, 2015, acting under an anonymous tip that the residence at 1234 Main St., Saint Paul, MN was being used to sell drugs, Sgts. Smith and Johnson arrived to question the owner. The Sgts. knocked on the door and asked to speak with the owner. Mr. Horace Ant, the individual who answered the door, informed the Sgts. that the owner was not available, but that he might be back later in the evening. The Sgts. told Mr. Ant that they would return later, and left the property.

Upon returning to the station, the Sgts. conducted a background search of Mr. Horace Ant to determine the veracity of his statement. As a result of their search, the Sgts. discovered that Mr. Ant’s license had been suspended and that he had outstanding warrants for his arrest in the state of Vermont for the theft of the state’s greatest resource, hand-augered maple syrup.

With this new information in hand, the Sgts. decided to return to 1234 Main St. to discuss Mr. Ant’s suspended license and Vermont theft. After exiting their vehicle near the residence, the Sgts. encountered a man who, despite being known by Sgt. Smith as Tony Coach, gave the Sgts. the false name of Anthony Vuitton. The Sgts. arrested Mr. Coach for providing a false name and, with him secured in the back of their vehicle, the Sgts. proceeded to the front of the residence.

As the officers were making their way to the front door, another vehicle, driven by Mr. Ant, pulled into the residence’s driveway. The Sgts. identified the driver of the car as Mr. Ant by flashing a flashlight at the windshield as the car pulled in. When Mr. Ant exited the vehicle, Sgt. Johnson walked towards him to confirm his identity. After getting close enough to identify him, approximately 12 to 14 feet, Sgt. Johnson informed Mr. Ant that he was under arrest.

After securing Mr. Ant in handcuffs, the officers radioed for assistance. A short time later, four police cars arrived on the scene and, between the 13 additional officers, were able to place Mr. Ant in the back of the one of the support vehicles.

Freed from the burden of having to make sure Mr. Ant did not escape from his handcuffs, Sgts. Johnson and Smith decided to search Mr. Ant's vehicle. Sgt. Johnson found a loaded .38 revolver in the trunk and Sgt. Smith found a bag of cocaine in a picnic basket in the front seat.

Armed with the evidence discovered in Mr. Ant's vehicle, the State of Minnesota charged Mr. Ant with possession of narcotics and other drug paraphernalia, as well as a 2<sup>nd</sup> degree weapons charge.

At the district court level, Mr. Ant moved to suppress the evidence obtained through the search of the vehicle. His counsel argued that the search violated the 4<sup>th</sup> Amendment, explaining that the decision in *Belton* did not authorize the search because he posed no risk to 15 officers at the scene, he was secured in handcuffs in the back of a police car.

During the suspension hearing, upon being prompted as to why he conducted the search, Sgt. Johnson stated that they searched Mr. Ant's vehicle because they wanted to and the law allowed it. In its decision, the trial court agreed with the Sgt. and the State, finding that the search was within the parameters laid out in the *Belton* case. The court highlighted the fact that the Sgts. observed Mr. Ant breaking the law (driving with a suspended license) and the search occurred shortly after that arrest. Furthermore, the *Belton* line of cases supported the search of Mr. Ant's car because those cases support a search when the vehicle or containers in the vehicle are within the immediate control of the arrestee.

Mr. Ant appealed the trial court's decision, arguing that the Sgts.' actions were outside the *Belton* parameters. Between the 15 officers at the scene to secure two suspects and Mr. Ant's handcuffed position in the back of one of those vehicles, Mr. Ant argued that he posed no threat to the officers. Furthermore, he argued there was no other legitimate basis for searching the vehicle, including the search incident to the arrest for driving with a suspended license. The appeals court agreed with Mr. Ant and reversed the trial court's finding that the Sgts. conducted an authorized search, excluding the evidence secured therein.

The State petitioned this court to review the appellate court's decision.