

Questionable Marijuana Odor Stop Expansion – Challenging Probable Cause

Wright County Watch MN

<https://wrightcountywatch.wordpress.com/2025/03/08/questionable-marijuana-odor-stop-expansion-challenging-probable-cause/>

Traffic ticket Officer Comments:

Named caller driving complaint with contact information aired by msp.

Located vehicle and stopped, driver identified and could **smell** marijuana from vehicle, driver said he had not been smoking earlier, some was in the Car which was why there was a smell, provided small amount in plastic non-compliant baggie from his pocket, citation issued/warned for tint.

Officer Name [Matthew Lisic](#)

86-CR-25-1377

Marijuana Odor Stop by Wright County Deputy Raises Legal Questions Amidst Pattern of Scrutiny

WRIGHT COUNTY, MN – A traffic stop initiated from a driving complaint recently evolved into a roadside marijuana investigation conducted by a Wright County Sheriff’s deputy whose methods have previously been scrutinized in court. The incident, involving Deputy Matthew Lisic and driver Tadych, highlights the complex legal landscape surrounding cannabis odor since its legalization and adds another example to the deputy’s documented history of escalating minor stops into criminal inquiries.

According to a summary of the officer’s comments, the stop was initiated after a named caller reported a driving complaint. After locating and stopping the vehicle, Deputy Lisic reported he “could smell marijuana from vehicle.” This observation prompted him to expand the scope of the stop beyond the initial complaint to question the driver about marijuana.

The driver reportedly admitted he had not been smoking but that some marijuana was in the car, which was the source of the smell. He then produced a small amount of cannabis from his pocket in a “plastic non-compliant baggie.” The encounter concluded with a citation or warning for window tint, while the initial driving complaint was seemingly set aside.

The “Odor-Plus” Standard in Minnesota Law

The deputy’s decision to expand the stop based on the odor of marijuana touches on one of the most significant recent changes in Minnesota law. Following the 2023 Minnesota Supreme Court ruling in *State v. Torgerson*, the [mere odor of cannabis is no longer sufficient](#) on its own to provide probable cause for a search of a vehicle.

Because cannabis is legal for adults to possess and consume, its scent alone does not automatically imply a crime is being committed. For a search to be constitutional, law enforcement must have “odor-plus”—the smell of marijuana plus other articulable evidence that points to a specific criminal violation, such as driving while impaired or an “open container” violation for possessing cannabis in non-compliant packaging.

In the Tadych stop, the driver's own admission and his production of the non-compliant baggie provided the deputy with the "plus" factor, establishing an open-container violation. [However, other court rulings have found](#) that the very act of questioning a driver about a marijuana odor, without a pre-existing "plus" factor, can itself be an unconstitutional expansion of a stop.

Part of a Documented Pattern

This incident does not exist in a vacuum. Deputy Lisic's history, as documented in public court records, shows a pattern of escalating encounters that have been challenged or invalidated in court.

In a 2021 DWI case, a Wright County judge ruled that Deputy Lisic had engaged in an **"unlawful expansion of the initial stop"** and **"lacked probable cause to arrest,"** leading to the suppression of all evidence.

In a separate 2025 Felony DUI case, charges were dismissed after a state crime lab found **no controlled substances** in a driver's system, directly contradicting the deputy's detailed report of observing numerous symptoms of methamphetamine impairment.

While the stop of Mr. Tadych resulted in only a minor citation, it exemplifies a policing method that has been found unconstitutional in other instances. It underscores an ongoing tension between law enforcement tactics and the evolving interpretation of constitutional rights in a post-legalization Minnesota, particularly when conducted by an officer with a documented history of having his methods successfully challenged in court.