NOT DESIGNATED FOR PUBLICATION

No. 125,181

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

JUNCTION CITY POLICE DEPARTMENT,
Appellee,

v.

$454,280 U.S. Currency, More or Less,
2013 Chevrolet Silverado,
2015 Lance Camper,
Suspected Trace Amounts of Marijuana, and
Drug Paraphernalia,
Defendants,

ROBERT E. HENDERSON,
Appellant,

and

OREGON COMMUNITY CREDIT UNION,
Appellee.

MEMORANDUM OPINION

Appeal from Geary District Court; STEVEN L. HORNBAKER and KEITH L. COLLETT, judges. Opinion filed June 30, 2023. Affirmed.

Michael E. Francis, of Topeka, and *Jonathan F. Andres*, pro hac vice, of Jonathan F. Andres P.C., of St. Louis, Missouri, for appellant.

Tony Cruz, assistant county attorney, and *Derek Schmidt*, attorney general, for appellee.

Before COBLE, P.J., HILL and ATCHESON, JJ.

PER CURIAM: This appeal is about whether a district court, while trying a civil forfeiture action, can simply rely on a criminal court's prior ruling that a search and seizure conducted during a traffic stop was legal. In other words, does the doctrine of collateral estoppel apply in an action where a police department is seeking the forfeiture of seized property?

During a June 2015 traffic stop that resulted in a full search of Robert Henderson's truck, a police officer with the Junction City Police Department discovered $454,280 in cash, as well as other documents and materials that raised suspicions of marijuana trafficking. During the stop Henderson offered half of the money to one of the officers if he would let him go on down the road. The tactic failed.

The State pressed criminal charges against Henderson, charging him with alternative counts of having an unlawful association with money that was to be "used for or had been derived from" the trafficking of illegal drugs, bribery, and misdemeanor possession of marijuana. His jury convicted him of bribery and possession of money derived from the distribution of marijuana, and it found him not guilty of possession of marijuana and the alternative charge of possession of money to be used to acquire marijuana.

Henderson appealed, challenging the denial of his motion to suppress, the sufficiency of the evidence used to convict him on the drug charge, and the adequacy of the jury instructions regarding the alternative drug counts. That said, he did not challenge his conviction for bribery. His convictions were affirmed by this court. *State v. Henderson*, No. 121,264, 2021 WL 300277 (Kan. App. 2021) (unpublished opinion). But we note that on appeal, this court did not address Henderson's argument about the denial of his motion to suppress because he failed to preserve it. See 2021 WL 300277, at *1-2.

While the criminal charges were being litigated, the Police Department seized the money, a 2013 Chevrolet Silverado pickup truck, a slide-in camper, and drug paraphernalia from Henderson. In August 2015, the Police Department petitioned the district court seeking an *in rem* forfeiture of the seized items. In this civil action, Henderson moved to suppress the evidence discovered during the stop. But he maintained his constitutional right against self-incrimination and offered no testimony. The district court eventually denied Henderson's motions. The court found that Henderson lacked standing to make a claim to the property because of his failure to comply with K.S.A. 60-4111. The court ordered the forfeiture of all the property to the Police Department.

Henderson appealed this forfeiture ruling to our court in *Junction City Police Dept. v. $454,280 in U.S. Currency*, No. 118,231, 2018 WL 4939366, at *1 (Kan. App. 2018) (unpublished opinion). A panel of this court found the lower court had erred by not applying the 2018 amendments to the Kansas Standard Asset Seizure and Forfeiture Act, K.S.A. 60-4101 et seq., to Henderson's claim when it granted summary judgment. The panel directed the court to reexamine its conclusion that Henderson lacked standing to challenge the civil forfeiture action in light of those procedural amendments that applied retroactively. As a result, the panel reversed and remanded the case to the district court. See 2018 WL 4939366, at *7-9.

After remand, Henderson again moved to suppress, arguing that the evidence seized from his truck following the traffic stop, as well as any derivative evidence, should be suppressed because the search and seizure violated his rights under the Fourth Amendment to the United States Constitution. The district court later dismissed Henderson's motion to suppress based on the preclusion doctrine.

In June 2020, the district court held a bench trial. At the hearing, the district court admitted the criminal trial transcript, the transcript from previous suppression hearings, the transcript of the criminal preliminary hearing, and the trial exhibits from Officer

Blake's patrol vehicle. Henderson lodged a continuing objection to the admission of the trial exhibits.

The district court ordered the forfeiture of the seized property and awarded all of it to the Police Department. In the decision, the district court reiterated its previous finding that Henderson's motion to suppress was barred by the preclusion doctrine. The court concluded Henderson's rights were not violated during the initial stop and eventual seizure.

In this appeal, Henderson presses two claims of error. First, he contends the district court simply should not have relied on collateral estoppel because an exception to the rule applies here. Second, he claims that the court ignored additional evidence he wanted to present that would show the search and seizure in his criminal prosecution was unreasonable.

The exclusionary rule applies to civil forfeiture cases.

The protection of the exclusionary rule extends to cases such as Henderson's. Illegally seized evidence cannot be admitted in the prosecution of a crime. Nor can it be admitted in a subsequent civil forfeiture action. In *State v. 1990 Lincoln Town Car*, 36 Kan. App. 2d 817, 820-21, 145 P.3d 921 (2006), our court held that the protections against unreasonable searches and seizures guaranteed by the Fourth Amendment to the United States Constitution and section 15 of the Kansas Constitution Bill of Rights apply to forfeiture actions, although such proceedings are civil in nature.

The *Town Car* panel relied on *One 1958 Plymouth Sedan v. Pennsylvania,* 380 U.S. 693, 696, 702, 85 S. Ct. 1246, 14 L. Ed. 2d 170 (1965), where the United States Supreme Court addressed Fourth Amendment protections in forfeiture actions and held that "the constitutional exclusionary rule does apply to such forfeiture proceedings." The

panel reasoned that our Kansas Supreme Court has implicitly adopted the same view that the exclusionary rule applies when considering the propriety of a search in a forfeiture action in *State ex rel. Love v. One 1967 Chevrolet*, 247 Kan. 469, 471, 475-77, 799 P.2d 1043 (1990). We see no reason to depart from this holding. If the actions of the police were illegal in the criminal case, they do not become legal in a companion civil case.

Our holding follows that of the court in *State v. One 2008 Toyota Tundra*, 55 Kan. App. 2d 356, Syl. ¶ 1, 415 P.3d 449 (2018). The court held:

> "Although forfeiture actions are civil in nature, the protections against unreasonable searches and seizures guaranteed by the Fourth Amendment to the United States Constitution and § 15 of the Kansas Constitution Bill of Rights are applicable. Therefore, the constitutional exclusionary rule applies to forfeiture proceedings." Syl. ¶ 1.

> "The Fourth Amendment to the United States Constitution protects the 'right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.' U.S. Const. amend IV. Section 15 of the Kansas Constitution Bill of Rights provides the same protection from unlawful government searches and seizures as the Fourth Amendment." Syl. ¶ 2.

These rulings compel us to hold that if the search and seizure of this property was illegal, then the Police Department is not entitled to forfeiture. But there is a notable difference between Henderson's case and the *Toyota Tundra* forfeiture action. The court in *Toyota Tundra* found that the search was illegal. Here, the civil court relied on the findings of the criminal court that the search was legal.

That brings us to consider the doctrine of collateral estoppel and whether the court could rely upon that doctrine in ruling upon the admission and forfeiture of the seized property.

Did the district court properly rely on collateral estoppel?

Our reading of the record persuades us that the district court, even though it had admitted all of the criminal trial transcripts as well as transcripts from other proceedings in the prosecution of Henderson, relied only on collateral estoppel to find the search and seizure by the Police Department was legal and subject to forfeiture.

Collateral estoppel applies when:

(1) a court has rendered a prior judgment on the merits that determined the rights and liabilities of the parties on the issue based on ultimate facts as disclosed by the pleadings and judgment;

(2) the parties are the same or in privity as in the prior proceeding; and

(3) the issue litigated has been determined and is necessary to support the judgment.

In re Care & Treatment of Easterberg, 309 Kan. 490, 502, 437 P.3d 964 (2019).

The effects of the application of the doctrine are illustrated by the court in *In re Tax Appeal of Fleet*, 293 Kan. 768, 778, 272 P.3d 583 (2012), where the court held: "Issue preclusion prevents a second litigation of the same issue between the same parties, even when raised in a different claim or cause of action."

Those three requirements to apply the doctrine are satisfied here. The record discloses that the district court relied on the ruling from Henderson's criminal prosecution as the basis for applying the doctrine of collateral estoppel. In that case, Henderson had moved to suppress, which the district court denied following an evidentiary hearing. This satisfies the first factor. Similarly, the second and third factors are also satisfied because the parties are the same or in privity with one another, and the issue litigated—the motion to suppress—was determined and necessary to support the judgment—Henderson's prosecution.

We must now determine whether an exception to the doctrine applies here. Our Supreme Court has held that because law does change, collateral estoppel is not immutable:

> "'Although an issue is actually litigated and determined by a valid and final judgment, and the determination is essential to the judgment, relitigation of the issue in a subsequent action between the parties is not precluded in the following circumstances:
>
> . . . .
>
> "'(2) The issue is one of law and (a) the two actions involve claims that are substantially unrelated, or (b) a new determination is warranted in order to take account of an intervening change in the applicable legal context or otherwise to avoid inequitable administration of the laws.'" *KPERS v. Reimer & Kroger Assocs., Inc.*, 262 Kan. 635, 671, 941 P.2d 1321 (quoting Restatement [Second] of Judgments § 28 [1982]).

Has the law on the search of automobiles changed so the doctrine of collateral estoppel cannot apply here?

Henderson argues the district court erred in applying the doctrine of collateral estoppel, contending that an exception applies. Henderson relies on four cases: the United States Supreme Court's decision in *Rodriguez v. United States*, 575 U.S. 348, 135 S. Ct. 1609, 191 L. Ed. 2d. 492 (2015), and our Kansas Supreme Court's decisions in *State v. Jimenez*, 308 Kan. 315, 420 P.3d 464 (2018); *State v. Schooler*, 308 Kan. 333, 419 P.3d 1164 (2018); and *State v. Lowery*, 308 Kan. 359, 420 P.3d 456 (2018). He contends that those cases have changed the law applicable to traffic stops. As a result, the district court's prior determination of the motion to suppress needed to be reconsidered based on those rulings. All those cases dealt with the Fourth Amendment to the United States Constitution.

In *Rodriguez*, the United States Supreme Court held that, absent reasonable suspicion of or probable cause to believe other criminal activity is occurring, traffic stops could not be measurably extended beyond what is necessary to process the infraction

prompting the stop. 575 U.S. at 355. The *Rodriguez* Court also explained that, together with determining whether to issue a traffic ticket, an officer's "mission" also includes ordinary inquiries related to the stop, including checking a driving license, determining whether the driver has outstanding warrants, and inspecting the automobile's registration and proof of insurance. An officer is also allowed to take negligibly burdensome precautions to ensure their safety. That said, on-scene investigations of other crimes divert from the mission of the stop and are not permissible *de minimis* intrusions. 575 U.S. at 355-57. Put differently, "[a]authority for the seizure thus ends when tasks tied to the traffic infraction are—or reasonably should have been—completed." 575 U.S. at 354.

Moving to the Kansas cases, we look first at *Jimenez.* In *Jimenez*, a police officer stopped a driver for following too closely. Jimenez then provided the police officer with a copy of her driving license and the automobile's rental agreement. The police officer also noticed money bundled in a rubber band contained in the glove box. During the stop, the police officer asked Jimenez to accompany him to his vehicle, and Jimenez did so. During their conversation, Jimenez and the police officer communicated using a smartphone application due to a language barrier between the two. The police officer asked Jimenez several questions, including where she was headed, where she had slept recently, her trip's purpose, and whom she planned on visiting. Eventually, the police officer requested warrant checks and criminal history reports for Jimenez and her passenger. Not long after, the police officer used his police dog to sniff around the car, and the dog eventually alerted to the police officer. The police officer and another officer then searched the vehicle. They did not find drugs, but they discovered three currency bundles which totaled approximately $50,000. The State then charged Jimenez with criminal transportation of drug proceeds and, alternatively, criminal transfer of drug proceeds.

Jimenez moved to suppress the evidence before trial, arguing:

- The police officer lacked reasonable suspicion to pull over the vehicle;

- the police officer measurably extended the stop by asking about her travel plans before processing her license and warrant information;
- any statements she gave violated *Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966); and
- any statements made after *Miranda* warnings were given were tainted by previous illegal questioning.

The district court eventually agreed with Jimenez' argument about the police officer's measurable extension of the stop, finding no articulable facts supported reasonable suspicion of criminal activity to justify the delay.

On appeal, our Supreme Court applied the *Rodriguez* holding to the case, finding that a plain reading of the case "shows the [United States Supreme] Court's intention to clarify that any traffic stop extension without reasonable suspicion or consent—by even a *de minimis* length of time—amounts to an unreasonable seizure when the delay is based on anything but the articulated components of the stop's mission." 308 Kan. at 326. As such, our Supreme Court concluded that *Rodriguez* did not envision unbridled questions about travel plans as part of routine traffic stop questioning. Instead, whether and to what extent such questions may be asked as part of the police officer's mission depend on the circumstances of the stop. 308 Kan. at 327. Our Supreme Court clarified that "[s]uch inquiries could be within a particular stop's mission if it were shown they 'serve the same objective as enforcement of the traffic code: ensuring that vehicles on the road are operated safely and responsibly.'" 308 Kan. at 329 (quoting *Rodriguez*, 575 U.S. at 355). As a result, our Supreme Court concluded that the police officer's measurable extension of the stop violated Jimenez' Fourth Amendment rights. 308 Kan. at 331.

Then, in *Schooler*, our Supreme Court again applied the holding from *Rodriguez* to a traffic stop case. There, a police officer pulled Schooler over after noticing snow obstructing the license tag's lower half. When the police officer approached Schooler's

vehicle, Schooler provided the officer with his driving license and a rental agreement. The police officer then asked about Schooler's travel plans, and Schooler provided inconsistent and peculiar answers. The police officer also noticed a large duffel bag, the odor of air fresheners, multiple cell phones, and debris in the back seat. Eventually, the police officer asked Schooler to come to the police vehicle, and Schooler did so. The police officer also requested a drug dog.

While inside the vehicle, the police officer continued to question Schooler about his plans, given the confusing responses Schooler previously gave. The stop continued for about 18 minutes before the police officer told Schooler he was allowed to leave. But just after that, the police officer asked Schooler whether he would answer a few more questions. When Schooler said he wanted to get back on the road, the police officer detained Schooler. A drug dog arrived soon after and alerted to the police officer, who ultimately discovered 38 pounds of marijuana inside the vehicle. The district court later suppressed the evidence.

On appeal, our Supreme Court reversed the district court's ruling. 308 Kan. at 356. Our Supreme Court concluded that, even though Schooler's travel plans were not relevant to a traffic infraction for a license tag obscured by snow, the police officer's questioning did not impermissibly extend the stop because the questioning occurred concurrently with the officer performing tasks to complete the stop and was justified based on the discrepancies between Schooler's story and the rental agreement. 308 Kan. at 347-48.

Then, in *Lowery*, our Supreme Court dealt with another traffic stop where a police officer pulled Lowery over for following too closely. Lowery then provided the police officer with his driving license and vehicle registration, and Lowery advised the police officer the vehicle belonged to his friend. Lowery eventually accompanied the police officer to his police vehicle. While inside, the police officer asked about Lowery's travel plans, and Lowery told the police officer where he had been and where he was going. The

police officer asked Lowery's passenger similar questions. Not long after, the police officer issued Lowery a citation and told him he could leave. Even so, the police officer continued to ask Lowery questions, including whether he could search the vehicle. Lowery declined, and the police officer eventually detained Lowery.

The police officer contacted the police department and asked if any canine units were available, but he never got a response. The police officer then had a backup officer stay with Lowery while he drove home to retrieve his drug dog. When the police officer returned, the dog alerted the police officer to Lowery's trunk. A subsequent search revealed drug-related evidence, and the State later charged Lowery with criminal transportation of drug proceeds, possession of marijuana, and criminal transfer of drug proceeds. Following a hearing on Lowery's motion to suppress said evidence, the district court granted the motion.

On appeal, our Supreme Court again applied the *Rodriguez* ruling, as well as *Jimenez* and *Schooler*. In doing so, our Supreme Court took no issue with the police officer's travel plan questions because such questions "could reasonably relate to an infraction for driving too closely." 308 Kan. at 365 (citing 4 LaFave, Search & Seizure § 9.3(d) [5th ed. 2017]). Even so, our Supreme Court concluded that the police officer did not have reasonable suspicion to extend the stop based on all of the circumstances. Our Supreme Court found that the six circumstances the police officer relied on did not favor finding reasonable suspicion. As a result, our Supreme Court affirmed the district court's suppression of the evidence. 308 Kan. at 366-70.

We turn now to the criminal prosecution to put the application of these Kansas rulings into perspective. The *Jimenez*, *Schooler*, and *Lowery* opinions were all issued on June 22, 2018. That same day, Henderson moved to suppress in his criminal case. Henderson later supplemented his motion to suppress shortly after those opinions were issued. In the supplement, Henderson argued the evidence discovered during the June

2015 traffic stop should be suppressed based on our Supreme Court's rulings in *Jimenez* and *Lowery*.

In the criminal prosecution, the district court denied Henderson's motion to suppress, finding that Officer Blake had a reasonable basis to perform the traffic stop because Henderson failed to use his turn signal when pulling away from the shoulder of the road. The district court then summarized how the traffic stop began, with Officer Blake approaching Henderson's vehicle on the passenger side. When Officer Blake asked Henderson to join him in his vehicle, Henderson did so.

While inside the police vehicle, Officer Blake asked Henderson various questions, including his travel plans. But the district court did not question Officer Blake's questioning because he continued to move forward with the enforcement action. Put differently, Officer Blake asked the questions concurrently with the tasks he performed during the stop. Thus, the questioning did not measurably extend the stop. Nor did the fact that Officer Blake used his drug dog to go around the camper because Officer Blake did this task while he waited for Henderson's criminal background check information. The district court summarized its ruling by stating there was no extra delay:

> "Again, to look at it a different way, if the questions that aren't directly related to travel plans are not asked, if the K-9 is not run around the camper, the stop lasts the same amount of time as it did if you measure . . . the original enforcement action ending when dispatch returns."

Without explicitly citing *Rodriguez*, the district court still applied the reasoning of the case to its ruling. See 575 U. S. at 357 ("The critical question, then, is not whether [an unrelated investigation] occurs before or after the officer issues a ticket, . . . but whether conducting the [unrelated investigation] 'prolongs'—*i.e.,* adds time to—'the stop.'"). And in *Jimenez*, our Supreme Court stated:

> "[O]fficers engaging in traffic stops in *Rodriguez*' wake must be attentive to how and when they conduct what may be viewed as unrelated inquiries. They must be especially careful to ensure nonconsensual inquiries occur concurrently with the tasks permitted for such stops so they will not measurably extend the time it would otherwise take. We would more simply describe this today as multitasking. If not, the unrelated inquiries must be supported by reasonable suspicion, probable cause, or consent. Without this, the detention becomes unconstitutional." 308 Kan. at 325-26.

The district court's ruling in Henderson's criminal case shows it believed that Officer Blake's questioning occurred concurrently with him completing the "mission" of his stop, which was to issue Henderson a warning ticket for failing to signal when pulling away from the shoulder of the road.

With this record, we are not persuaded by Henderson's argument that the criminal court used an incorrect analysis in reaching its conclusion. This undermines his argument that a new ruling on his motion to suppress is warranted to consider an intervening change in the applicable legal context. See *KPERS*, 262 Kan. at 671.

Henderson then argues that we should not use collateral estoppel when dealing with pure questions of law. See *KPERS*, 262 Kan. at 671. But an issue of fairness must be considered when making such a ruling. As our United State Supreme Court pointed out:

> "'When the claims in two separate actions between the same parties are the same or are closely related . . . it is not ordinarily necessary to characterize an issue as one of fact or of law for purposes of issue preclusion. . . . In such a case, it is unfair to the winning party and an unnecessary burden on the courts to allow repeated litigation of the same issue in what is essentially the same controversy, even if the issue is regarded as one of "law."' [Citation omitted.]" *United States v. Stauffer Chemical Co.*, 464 U.S. 165, 171, 104 S. Ct. 575, 78 L. Ed. 2d 388 (1984).

The subject matter of Henderson's motions to suppress filed in both his criminal case and civil forfeiture case are related. The motions involve the same parties, the same facts, and the same overriding issue—whether the evidence Officer Blake discovered during the June 2015 traffic stop should be suppressed.

In our view, the general prohibition against using issue preclusion on pure questions of law should not apply here. The district court did not err by applying collateral estoppel because the district court in Henderson's criminal case rendered a prior judgment on the merits regarding Henderson's motion to suppress, the parties are the same or in privity with one another, and the issue litigated was determined and is necessary to support the judgment. See *In re Care & Treatment of Easterberg*, 309 Kan. at 502; *In re Tax Appeal of Fleet*, 293 Kan. at 778.

Henderson offers an additional argument in support of his position that the civil court should not have relied on collateral estoppel. He claims there has been a change in the law and relies upon the holding in *Carpenter v. United States*, 585 U.S. ___, 138 S. Ct. 2206, 201 L. Ed. 2d 507 (2018). In that case, prosecutors applied for court orders allowing it to access cell-site location information as part of an investigation into four men suspected of robbing a series of Radio Shack and T-Mobile stores in Detroit.

Federal magistrate judges had issued two orders allowing the government to access such information. Both orders produced several days' worth of location information from MetroPCS and Sprint. That data allowed the government to access nearly 13,000 location points cataloguing Carpenter's movements. At trial, an FBI agent testified about this data, and Carpenter was ultimately convicted of six counts of robbery and five counts of carrying a firearm during a federal crime of violence. He was sentenced to more than 100 years in prison. Carpenter eventually appealed those convictions, arguing the government violated his rights under the Fourth Amendment to the United States Constitution.

The *Carpenter* Court overturned the convictions, ruling that the government must obtain a warrant supported by probable cause to obtain cell-site location information. The Supreme Court expressly narrowed the *Carpenter* ruling:

> "Our decision today is a narrow one. We do not express a view on matters not before us: real-time CSLI or 'tower dumps' (a download of information on all the devices that connected to a particular cell site during a particular interval). We do not disturb the application of [*Smith v. Maryland*, 442 U.S. 735, 99 S. Ct. 2577, 61 L. Ed. 2d 220 (1976)] and [*United States v. Miller*, 425 U.S. 435, 96 S. Ct. 1619, 48 L. Ed. 2d 71 (1976)] or call into question conventional surveillance techniques and tools, such as security cameras. Nor do we address other business records that might incidentally reveal location information. Further, our opinion does not consider other collection techniques involving foreign affairs or national security." 138 S. Ct. at 2220.

Henderson's argument is not persuasive. First, no cell-site location information was used by the police in the prosecution of Henderson for making his bribe or for the other charges. But the Police Department did obtain information from a license plate reader operated by the Boone County Missouri Sheriff's Office on I-70 in Missouri. The information indicated that the license plate on the pickup truck had passed through that location several times. This additional information gave the officers reason to disbelieve what Henderson was telling them.

There is a fundamental difference between cell-site location information and the information contained on a license plate. A license plate is made to be seen by all who care to look. No one has an expectation of privacy of their vehicle's license plate number. License plate information from a plate reader recording the numbers from cars passing beneath it is not similar to the location information derived from cell towers. License plate information is a recording of public information.

In contrast, in *Carpenter*, the FBI agent had access to almost 13,000 location points in mapping Carpenter's movements. That information was automatically collected by the cell phone companies for commercial purposes—the efficient use of a cell phone. This was not a collection of public information. The expectation of privacy arises from a person's movements and that person's cell phone is not recording public information as a license plate reader does. It records information purely for technical reasons.

To sum up, we do not see how the ruling in *Carpenter* applies here. This argument does not persuade us that there has been a change in the law that would bar the application of collateral estoppel by the district court.

Henderson's final argument concerning the findings of the district court is unpersuasive.

Henderson also argues that the district court's conclusion is not supported by substantial competent evidence and the court's factual findings are insufficient.

Here, the facts are undisputed. Henderson argues the district court's decision is not supported by substantial competent evidence because "the forfeiture case presented additional facts beyond those offered in support of his motion to suppress in the criminal proceeding." This contention is unpersuasive.

In Henderson's criminal case, the district court did not consider the transcripts of Henderson's previous probable cause hearing, his previous suppression hearing, or his preliminary hearing. But this is essentially a distinction without a difference. In ruling on the motion to suppress in his criminal case, the district court considered Henderson's motions and held a hearing on the matter. As stated above, the district court then denied the motion.

In this civil proceeding, the district court considered all those transcripts and arrived at the same conclusion, based in part on the criminal court's rulings. But the other transcripts were simply not pertinent to whether Henderson's motion to suppress should be granted. That issue has remained the same throughout—whether the district court should relitigate the motion to suppress in this civil case. The record shows that the district court's ruling is supported by substantial competent evidence. Henderson does not challenge the evidence—he simply disagrees with the court's conclusion.

Henderson also argues that the district court's judgment lacks sufficient factual findings. The district court's findings about Henderson's motion to suppress were clear—collateral estoppel prevented it from relitigating the issue since it had been decided. Though the findings were succinct, they do not prevent meaningful appellate review of the issue. We reject this argument.

We find no reason in this record to disturb the district court's judgment.

Affirmed.