

Criminal Case Law Summary

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August 2017

DWI & Implied Consent

State v. Trahan

886 N.W.2d 216 (Minn. 2016)



Chief Justice Gildea

Warrantless *blood* test was not constitutional under any exception to the Fourth Amendment warrant requirement.

Defendant could not be convicted of test refusal.

State v. Trahan

886 N.W.2d 216 (Minn. 2016)



Chief Justice Gildea

Good faith exception recognized in *Lindquist* does not apply because Trahan was not seeking to suppress any evidence.

State v. Thompson

886 N.W.2d 224 (Minn. 2016)



Chief Justice Gildea

Warrantless *urine* test was not constitutional under an exception to the Fourth Amendment warrant requirement.

Defendant could not be convicted of test refusal.

State v. Brooks

__N.W.2d__, 2017 WL 2063011 (Minn. App. May 15, 2017)



Judge Larkin

Rules announced in U.S. Supreme Court's decision in *Birchfield v. North Dakota*, and in Minnesota Supreme Court's decisions in *State v. Thompson* and *State v. Trahan* did not apply retroactively on collateral review.

Fourth Amendment

State v. DeLottinville

890 N.W.2d 116 (Minn. 2017)



Justice Lillehaug

Police officer's entry into boyfriend's home to arrest defendant pursuant to arrest warrant did not violate Fourth Amendment.

A search warrant is not required.

**A case to
watch...**

State v. Chute

887 N.W.2d 834 (Minn. App. Nov. 21, 2016) *rev. granted* (Minn. Feb. 14, 2017)



Chief Judge Cleary

If police enter the curtilage of a home for the purpose of conducting an warrantless search, the entry violates the 4th Amendment.

Search unlawful because police did not have implied permission to enter homeowner's driveway.

5th Amendment

State v. Lilienthal

889 N.W.2d 780 (Minn. 2017)



Justice Hudson

The admission of
post-arrest, pre-
Miranda silence was
not plain error.

**Cases to
watch...**

State v. Diamond

890 N.W.2d 143 (Minn. App.) *rev. granted* (Minn. Mar. 28, 2017)



Judge Smith

Defendant's Fifth Amendment privilege against compelled self-incrimination was not violated when the trial court ordered him to provide a fingerprint to unlock the defendant's cellular telephone.

State v. Heinonen

889 N.W.2d 817 (Minn. App.) *rev. granted* (Minn. Apr.26, 2017)



Judge Hooten

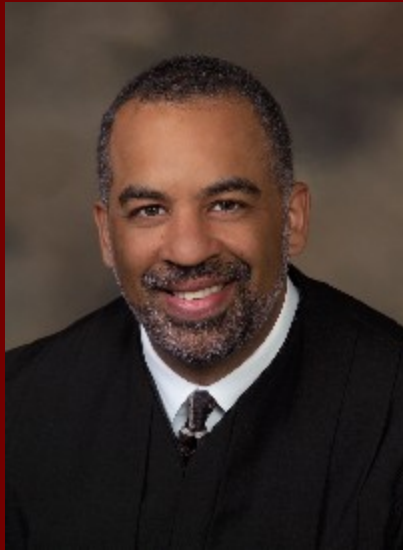
Officers' request that defendant consent to provide a DNA sample did not constitute "interrogation" for purposes of *Miranda*.

6th

Amendment

State v. Andersen

__N.W.2d__, 2017 WL 2837154 (Minn. App. July 3, 2017)



Judge Ross

A doctor's report that is prepared for treatment purposes and that is only coincidental to a criminal investigation is not a testimonial statement subject to the Confrontation Clause.

Statutory Construction

BB GUNS

State v. Haywood

886 N.W.2d 485 (Minn. 2016)



Justice Hudson

A BB gun (powered by compressed air) is not a firearm for purposes of Minnesota felon gun prohibition in Minn. Stat. § 609.165

ASSAULT

State v. Dorn

887 N.W.2d 826 (Minn. 2016)



Justice Mckeig

Assault (harm) statute does not require that defendant intended to inflict bodily harm but only that the defendant intended to do the act that caused bodily harm.

The intent required is intent to commit battery – *i.e.* the blows to the victim were not accidental but intentional.

Guilty Pleas

Taylor v. State

887 N.W.2d 821 (Minn. 2016)



Justice Anderson

A defendant's lack of awareness of a collateral consequence – predatory offender registration – does not render a guilty plea unintelligent or entitle a defendant to withdraw it.

Taylor v. State

887 N.W.2d 821 (Minn. 2016)



Justice Anderson

Defense attorney's failure to advise a defendant about predatory-offender-registration requirements before the defendant enters a guilty plea does not violate a defendant's rights to the effective assistance of counsel.

State v. Brown

896 N.W.2d 557 (Minn. App. 2017)



Judge Ross

- Potential out-of-state probation-violation penalty in unrelated case is not direct consequence of defendant's guilty plea.
- Misinformation about collateral consequence does not render guilty plea unintelligent and manifestly unjust.

State v. Ellis-Strong

__N.W.2d__, 2017 WL 2625507 (Minn. App. June 19, 2017)



Judge Kirk

Affirmative misadvice on a collateral consequence of a conviction renders a guilty plea invalid when such misadvice amounts to ineffective assistance of counsel.

State v. Ellis-Strong

__N.W.2d__, 2017 WL 2625507 (Minn. App. June 19, 2017)



Judge Kirk

Defense counsel's affirmative misadvice about the length of defendant's predatory offender registration period was objectively unreasonable and ineffective.

**A case to
watch...**

State v. Wheeler

889 N.W.2d 807 (Minn. App. Jan. 23) *rev. granted* (Minn. Apr. 18, 2017)



Judge Rodenberg

District court did not impermissibly participate in the plea negotiations by requesting updates on the negotiation process, advising the parties of the benefits of resolution, or by informing the parties of plea terms it would reject.

Padilla

Sanchez v. State

890 N.W.2d 716 (Minn. 2017)



Justice Stras

When it is "truly clear" a guilty plea will result in deportation, defense counsel must affirmatively advise a defendant that the plea will subject the defendant to deportation.

Sanchez v. State

890 N.W.2d 716 (Minn. 2017)



Justice Stras

If the law is not succinct and straightforward, then the attorney's obligation is more limited, and all counsel must do is advise a noncitizen client that pending criminal charges may carry a risk of adverse immigration consequences.

Sanchez v. State

890 N.W.2d 716 (Minn. 2017)



Justice Stras

Consequences of pleading to 3^o Criminal Sexual Conduct were not "sufficiently clear" to require defense counsel to advise defendant that deportation was "certain."

Lee v. United States

__U.S.__, 137 S.Ct. 1958 (2017)



Chief Justice Roberts

"Deficient advice about deportation is prejudicial if there is a "reasonable probability that, but for counsel's errors, [the defendant] would not have pleaded guilty and would have insisted on going to trial."

Lee v. United States

__U.S.__, 137 S.Ct. 1958 (2017)



Chief Justice Roberts

The prejudice inquiry
“focuses on a defendant’s
decisionmaking” and not
exclusively on the viability
of a trial defense.

Trial Practice & Criminal Procedure

“For Cause” Juror Challenges

State v. McKinley

891 N.W.2d 64 (Minn. App. 2017)



Judge Schellhas

When a district court is convinced that a juror is untruthful, evasive, or lacking in candor during voir dire, criminal rule allows court to remove the juror for cause.

RULE 30

DISMISSALS

State v. Olson

884 N.W.2d 321 (Minn. 2016)



Justice Stras

- Rule 30.01 gives prosecutors the authority to dismiss citations, tab charges and complaints without permission of the court.
- There is no good faith requirement for dismissal under Rule 30.01.

State v. Olson

884 N.W.2d 321 (Minn. 2016)



Justice Stras

Whether a refiled charge should be dismissed is governed by Rule 30.02.

Speedy Trial

State v. Osorio

891 N.W.2d 620 (Minn. 2017)



Justice Anderson

In assessing potential speedy trial violation, state is responsible for "negligently" failing to locate and apprehend a defendant who failed to respond to a summons to appear in court.

State v. Osorio

891 N.W.2d 620 (Minn. 2017)



Justice Anderson

Speedy trial right was not violated where defendant did not timely assert his right and could not show prejudice.

Motion to Reopen

State v. Thomas

891 N.W.2d 612 (Minn. 2017)



Chief Justice Gildea

Under Rule 26.03, the district court has discretion to grant or deny the state's motion to reopen its case to offer additional evidence after the state has rested its case.

District court acted within its discretion in granting state's motion to reopen its case-in-chief in response to defendant's motion for judgment of acquittal.

Sentencing

State v. Rund

896 N.W.2d 527 (Minn. 2017)



Justice Chutich

Defendant's age, remorse and acceptance of responsibility, and particular amenability to probation and treatment did not support downward durational sentencing departure.

A terroristic threat is not less serious than a "typical" case when it is communicated via social media.

State v. Kirby

__N.W.2d__, 2017 WL 3161079 (Minn. July 26, 2017)



Justice Lillehaug

The amelioration doctrine requires resentencing of a person whose conviction was not yet final when the provisions of the Drug Sentencing Reform Act (DSRA) that modified presumptive Guidelines ranges became effective.

State v. Otto

__N.W.2d__, 2017 WL 3161109 (Minn. July 26, 2017)



Justice Lillehaug

The provisions of the Drug Sentencing Reform Act that modify the elements of controlled substance crimes apply only to crimes committed on or after August 1, 2016.

The DSRA does not retroactively invalidate convictions obtained under the previous law.

Restitution

State v. Willis

__N.W.2d__, 2017 WL 2961122 (Minn. July 12, 2017)



Chief Justice Gildea

Rules of evidence
apply to contested
restitution hearings.

State v. Rodriguez

889 N.W.2d 332 (Minn. App. 2017)



Judge Hooten

A restitution hearing is a critical stage of a prosecution and the defendant had a constitutional right to be present.

Expungement

State v. S.A.M.

891 N.W.2d 602 (Minn. 2017)



Justice Anderson

Defendant's felony burglary conviction, which was later deemed to be a misdemeanor under Minn. Stat. § 609.13, is a felony conviction for purposes of the expungement statute.

Thank You