

SUPREME COURT OF MINNESOTA

State v. Netland

762 N.W.2d 202 (Minn. 2009) · No. No. A06-1511 · Decided February 12, 2009

SUMMARY

The Minnesota Supreme Court held that Jakklyn Netland's due process rights were not violated when an officer deemed her breath test deficient and declined to administer a second breath test. The court also held that Minnesota's criminal test-refusal statute did not violate the Fourth Amendment or the Minnesota Constitution because exigent circumstances arising from the dissipation of alcohol justified a warrantless blood-alcohol search when probable cause existed to suspect an offense involving chemical impairment. The court reversed the court of appeals and affirmed in part.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Gildea, Justice; Page, Justice; Anderson, Paul H., Justice; Meyer, Justice
JURISDICTION	Minnesota
DECIDED	February 12, 2009
DOCKET	No. A06-1511
DISPOSITION	other
PROCEDURAL POSTURE	The State sought review of the court of appeals' reversal of Netland's conviction for second-degree criminal test refusal on due process grounds. Netland cross-petitioned for review of the constitutionality of Minnesota's criminal test-refusal statute under the Fourth Amendment and the Minnesota Constitution.
STANDARD OF REVIEW	Constitutional issues, including due process and the constitutionality of a statute, are reviewed de novo. Statutes are presumed constitutional, and the challenger bears the burden of proving unconstitutionality beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Minnesota
PARTIES	State of Minnesota v. Jakklyn M. Netland

TOPICS

criminal procedure

due process

fourth amendment

search and seizure

warrant requirement

PRACTICE AREAS

Criminal law

Constitutional law

DWI and implied consent

QUESTIONS PRESENTED

1. Whether the circumstances of Netland's breath test violated substantive due process because the officer allegedly acted in bad faith, denied her the full testing cycle or a second test, or engaged in conscience-shocking conduct.
2. Whether Minnesota's criminal test-refusal statute violated the Fourth Amendment and article I, section 10 of the Minnesota Constitution by authorizing a warrantless search for blood-alcohol evidence.
3. Whether the unconstitutional-conditions doctrine required invalidation of the criminal test-refusal statute.

HOLDINGS

1. The circumstances of Netland's chemical test did not violate due process. The court declined to recognize a freestanding due process standard requiring a 'meaningful opportunity to obey the law' and held that the officer's conduct did not constitute bad faith, fundamental unfairness, or conscience-shocking governmental misconduct.
2. The criminal test-refusal statute did not violate the Fourth Amendment or article I, section 10 of the Minnesota Constitution because the exigency exception permits a warrantless blood-alcohol test when police have probable cause to suspect a crime in which chemical impairment is an element.
3. The court did not decide whether the unconstitutional-conditions doctrine applies to Fourth Amendment rights or Minnesota constitutional rights because Netland failed to establish that the underlying warrantless search was unconstitutional.

KEY QUOTATIONS

"We hold that the criminal test-refusal statute does not violate the prohibition against unreasonable searches and seizures found in the federal and state constitutions because under the exigency exception, no warrant is necessary to secure a blood-alcohol test where there is probable cause to suspect a crime in which chemical impairment is an element of the offense." (214)

"Only the most extreme instances of governmental misconduct satisfy this exacting standard." (210)

FACTUAL BACKGROUND

A police officer stopped Netland after observing erratic driving and signs of alcohol impairment. Following her arrest, the officer read the implied-consent advisory, and Netland agreed to testing after consulting counsel, but requested a blood test while the officer directed her to take a breath test. Netland made 19 unsuccessful attempts to provide an adequate breath sample; the officer denied a second breath test, but she obtained an independent

urine test showing a blood-alcohol concentration of 0.036. A jury convicted her of criminal test refusal but acquitted her of driving while impaired.

PROCEDURAL HISTORY

A jury convicted Netland of second-degree criminal test refusal but acquitted her of third-degree driving while impaired. The district court denied her motion for a new trial. The court of appeals held that the test-refusal statute did not violate the constitutional prohibition against unreasonable searches but reversed the conviction on due process grounds. The Minnesota Supreme Court reversed the court of appeals' due process ruling and upheld the statute against the constitutional search-and-seizure challenge.

DISPOSITION

other

CASES CITED

- State v. Dorsey, 701 N.W.2d 238, 249 (Minn. 2005)
- Grayned v. City of Rockford, 408 U.S. 104, 108 (1972)
- State v. Christensen, 439 N.W.2d 389, 390 (Minn. App. 1989)
- In re Linehan, 594 N.W.2d 867, 872 (Minn. 1999)
- State v. Quick, 659 N.W.2d 701, 712 (Minn. 2003)
- State v. Larivee, 656 N.W.2d 226, 230-32 (Minn. 2003)
- United States v. Salerno, 481 U.S. 739, 746 (1987)
- Mumm v. Mornson, 708 N.W.2d 475, 487-90 (Minn. 2006)
- Rochin v. California, 342 U.S. 165, 172 (1952)
- State v. Shriner, 751 N.W.2d 538, 540-50 (Minn. 2008)
- State v. Paul, 548 N.W.2d 260, 265-67 (Minn. 1996)
- Skinner v. Ry. Labor Executives' Ass'n, 489 U.S. 602, 616-17 (1989)
- Schmerber v. California, 384 U.S. 757, 772 (1966)
- Brigham City v. Stuart, 547 U.S. 398, 403-05 (2006)
- State v. Olson, 482 N.W.2d 212, 214 (Minn. 1992)
- Council of Indep. Tobacco Mfrs. of Am. v. State, 713 N.W.2d 300, 306 (Minn. 2006)
- Frost v. R.R. Comm'n of Cal., 271 U.S. 583, 592-94 (1926)
- O'Hare Truck Serv., Inc. v. City of Northlake, 518 U.S. 712, 721 (1996)
- Dolan v. City of Tigard, 512 U.S. 374, 407 n. 12 (1994)
- Rumsfeld v. Forum for Academic & Institutional Rights, Inc., 547 U.S. 47, 59-60 (2006)
- Ohio Adult Parole Auth. v. Woodard, 523 U.S. 272, 286 (1998)
- State v. Hanley, 363 N.W.2d 735, 738 (Minn. 1985)
- State v. George, 557 N.W.2d 575, 580 (Minn. 1997)

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