

SUPREME COURT OF MINNESOTA

State v. Mohs

743 N.W.2d 607 (Minn. 2008) · No. A06-199 · Decided January 10, 2008

SUMMARY

The Minnesota Supreme Court considered whether a bench warrant issued after Jeffrey David Mohs failed to appear violated the federal or state warrant clauses because it was based on the issuing judge's personal knowledge rather than sworn testimony and did not specify a bail amount. The court held that the warrant was constitutionally valid because the judge personally observed Mohs's nonappearance and that neither the Minnesota Constitution nor the Minnesota Rules of Criminal Procedure required bail to be stated on the face of this type of bench warrant. The court affirmed the conviction and the denial of the suppression motion.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Paul H. Anderson, Justice
JURISDICTION	Minnesota
DECIDED	January 10, 2008
DOCKET	A06-199
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mohs appealed his conviction for fifth-degree controlled substance possession after the district court denied his motion to suppress methamphetamine seized during execution of a bench warrant. The Minnesota Court of Appeals affirmed, and the Minnesota Supreme Court granted review and affirmed.
STANDARD OF REVIEW	The opinion applies constitutional and rule-based review to determine whether the bench warrant was valid and whether suppression was required; no separate formal standard-of-review statement appears.
PRECEDENTIAL VALUE	Published Minnesota Supreme Court opinion; precedential.
PARTIES	Jeffrey David Mohs v. State of Minnesota

TOPICS

- suppression of evidence
- fourth amendment
- probable cause
- bail
- criminal procedure

PRACTICE AREAS

criminal procedure

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether a bench warrant issued for failure to appear violated the Fourth Amendment or article I, section 10 of the Minnesota Constitution because the facts supporting probable cause were not presented through an affidavit, oath, or affirmation.
2. Whether the bench warrant lacked probable cause because the issuing court did not know the reason for Mohs's failure to appear.
3. Whether the Minnesota Constitution or Minnesota Rules of Criminal Procedure required the bench warrant to specify a bail amount on its face.

HOLDINGS

1. A bench warrant does not violate the federal or Minnesota warrant clauses when it is based on the issuing judge's personal knowledge, obtained in the judge's official capacity, that the defendant had notice of a scheduled court appearance but failed to appear.
2. A bench warrant issued to bring a defendant before the court after a failure to appear does not violate the warrant clauses merely because the court does not know the reason for the failure to appear.
3. Neither article I, section 7 of the Minnesota Constitution nor the Minnesota Rules of Criminal Procedure requires a bail amount to be stated on the face of a bench warrant issued because a defendant violated release conditions. The "Body Only" warrant was valid.

KEY QUOTATIONS

“Accordingly, we hold that the district court did not violate either the federal or Minnesota Constitution when it issued a bench warrant based on its personal knowledge, obtained in its official capacity, that Mohs had notice of the scheduled court appearance but did not appear.” (at 613)

“In this context, we conclude that the reason for the defendant's failure to appear is not a necessary fact to the court's probable cause determination.” (at 614)

“Therefore, we conclude that neither Article I, section 7, of the Minnesota Constitution nor the Minnesota Rules of Criminal Procedure require that a bail amount be specified on the face of a bench warrant issued based on a violation of the defendant's conditions of release.” (at 615)

FACTUAL BACKGROUND

Mohs was scheduled to appear for a pretrial hearing and jury trial but failed to appear despite his attorney's representation that he knew the date and time. The district court issued a bench warrant based on the presiding judge's personal knowledge of Mohs's nonappearance, and the warrant was marked "Body Only" without a stated bail amount. While executing the warrant, a police officer saw Mohs discard and stomp objects, arrested him, and recovered a glass pipe and a plastic bag containing methamphetamine.

PROCEDURAL HISTORY

After Mohs failed to appear for scheduled proceedings, the Anoka County District Court issued a bench warrant marked "Body Only." Police arrested Mohs while executing the warrant and seized methamphetamine. The district court denied suppression, Mohs submitted the case for a stipulated-facts court trial under State v. Lothenbach, and he was convicted; the court stayed adjudication for five years. The Minnesota Court of Appeals affirmed the suppression ruling, and the Minnesota Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Lothenbach, 296 N.W.2d 854, 857-58 (Minn. 1980)
- Jones v. United States, 357 U.S. 493, 498 (1958)
- Johnson v. United States, 333 U.S. 10, 13-14 (1948)
- State v. Meizo, 297 N.W.2d 126, 128 (Minn. 1980)
- Ex parte Robinson, 86 U.S. 505, 510 (1873)
- Ex parte Terry, 128 U.S. 289, 313 (1888)
- McGrain v. Daugherty, 273 U.S. 135, 156-58 (1927)
- State v. Noble, 842 P.2d 780, 782 (Or. 1992)
- State v. Davidson, 618 N.W.2d 418, 425 (Neb. 2000)
- United States v. Evans, 574 F.2d 352, 355 (6th Cir. 1978)
- People v. Allibalogun, 727 N.E.2d 633, 636 (Ill. App. Ct. 2000)
- State v. Pinela, 830 P.2d 179, 181 (N.M. Ct. App. 1992)
- Kosanda v. State, 727 S.W.2d 783, 784-85 (Tex. App. 1987)
- Knajdek v. West, 278 Minn. 282, 153 N.W.2d 846 (1967)
- State v. Pett, 253 Minn. 429, 432-33, 92 N.W.2d 205, 207-08 (1958)
- State v. Mohs, 726 N.W.2d 816, 819-22 (Minn. Ct. App. 2007)