

SUPREME COURT OF MINNESOTA

State of Minnesota v. Bonnie Ann Lindquist

869 N.W.2d 863 (Minn. 2015) · No. A12-0599 · Decided August 19, 2015

SUMMARY

The Minnesota Supreme Court held that a defendant may raise a constitutional challenge based on an intervening change in law when the objection would previously have been futile. The court adopted the good-faith exception to the exclusionary rule for evidence obtained through objectively reasonable reliance on binding appellate precedent. It affirmed Bonnie Ann Lindquist’s DWI conviction because the officer reasonably relied on then-binding precedent permitting the warrantless blood draw.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Justice Anderson; Chief Justice Gildea; Justice Lillehaug; Justice Page
JURISDICTION	Minnesota
DECIDED	August 19, 2015
DOCKET	A12-0599
DISPOSITION	affirmed
PROCEDURAL POSTURE	Lindquist sought review of her DWI convictions after the court of appeals affirmed. While her direct appeal was pending, Missouri v. McNeely changed Minnesota law concerning warrantless blood draws. The Minnesota Supreme Court granted review concerning forfeiture of the McNeely claim, the constitutionality of the blood draw, and adoption of the Davis good-faith exception to the exclusionary rule.
STANDARD OF REVIEW	Questions concerning forfeiture of a constitutional claim and related legal issues are reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Bonnie Ann Lindquist v. State of Minnesota

TOPICS

- suppression of evidence
- fourth amendment
- search and seizure
- exclusionary rule
- criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Lindquist forfeited her constitutional challenge to the warrantless blood draw by failing to raise it in the district court and before the first appeal, when *Missouri v. McNeely* later changed the governing law.
2. Whether Minnesota should adopt the *Davis v. United States* good-faith exception to the exclusionary rule for evidence obtained in objectively reasonable reliance on binding appellate precedent.
3. Whether the *Davis* good-faith exception applies to the results of Lindquist's warrantless blood draw.
4. Whether the warrantless blood draw was constitutional under *McNeely*.

HOLDINGS

1. A criminal defendant does not forfeit a constitutional challenge that was not asserted in the district court when an intervening Supreme Court decision creates a new rule of constitutional criminal procedure and the challenge would have been futile under controlling precedent.
2. The exclusionary rule does not apply to violations of the Fourth Amendment or Article I, Section 10, of the Minnesota Constitution when law enforcement acts in objectively reasonable reliance on binding appellate precedent that specifically authorizes the challenged police practice.
3. The Minnesota exception adopted in this case is limited to objectively reasonable reliance on binding appellate precedent that specifically authorizes the police conduct; it does not extend to persuasive precedent, unsettled law, or other good-faith exceptions not expressly adopted.
4. The blood-test results were admissible because the officer acted in objectively reasonable reliance on then-binding Minnesota precedent holding that alcohol dissipation created a single-factor exigency supporting a warrantless blood draw.

KEY QUOTATIONS

“A criminal defendant does not forfeit the right to bring a constitutional challenge not asserted at the district court when a Supreme Court decision creates an intervening change in the law and the defendant’s argument would have otherwise been futile prior to the intervening decision.” (869 N.W.2d at 863-64)

“The exclusionary rule does not apply to violations of the Fourth Amendment to the U.S. Constitution, or Article I, Section 10, of the Minnesota Constitution, when law enforcement acts in good-faith, objectively reasonable reliance on binding appellate precedent.” (869 N.W.2d at 864)

*“The officer’s “compliance” with *Shriner* and *Netland* was reasonable and did not extend those cases beyond their holdings.”* (869 N.W.2d at 890)

FACTUAL BACKGROUND

Police responded to a single-vehicle accident in which a passenger suffered a head injury. Officers determined that Lindquist had been driving and observed slurred speech, an unsteady gait, red eyes, and failed field sobriety

tests. After Lindquist declined a preliminary breath test, an officer arrested her and obtained a warrantless, nonconsensual blood draw without reading the implied-consent advisory. The blood test showed an alcohol concentration of .23 approximately two hours after driving.

PROCEDURAL HISTORY

A jury acquitted Lindquist of two criminal-vehicular-operation counts but convicted her of two third-degree DWI counts after the district court admitted alcohol-concentration test results from a warrantless blood draw. The court of appeals initially affirmed, but the Supreme Court vacated and remanded for consideration of *McNeely* and *State v. Brooks*. On remand, the court of appeals again affirmed, concluding that Lindquist forfeited her constitutional challenge and declining to adopt the Davis exception. The Supreme Court reversed that forfeiture determination but affirmed the conviction because the exclusionary rule did not apply to evidence obtained in objectively reasonable reliance on binding appellate precedent.

DISPOSITION

affirmed

CASES CITED

- *Davis v. United States*, 564 U.S. 229 (2011)
- *Missouri v. McNeely*, 569 U.S. 141 (2013)
- *State v. Shriner*, 751 N.W.2d 538 (Minn. 2008)
- *State v. Netland*, 762 N.W.2d 202 (Minn. 2009)
- *State v. Osborne*, 715 N.W.2d 436 (Minn. 2006)
- *State v. Ali*, 855 N.W.2d 235 (Minn. 2014)
- *State v. Beaulieu*, 859 N.W.2d 275 (Minn. 2015)
- *State v. Houston*, 702 N.W.2d 268 (Minn. 2005)
- *United States v. Calandra*, 414 U.S. 338 (1974)
- *Weeks v. United States*, 232 U.S. 383 (1914)
- *Mapp v. Ohio*, 367 U.S. 643 (1961)
- *United States v. Leon*, 468 U.S. 897 (1984)
- *State v. Lien*, 265 N.W.2d 833 (Minn. 1978)
- *State v. Wiberg*, 296 N.W.2d 388 (Minn. 1980)
- *Johnson v. State*, 673 N.W.2d 144 (Minn. 2004)
- *Kahn v. Griffin*, 701 N.W.2d 815 (Minn. 2005)
- *State v. Smith*, 367 N.W.2d 497 (Minn. 1985)
- *State v. Hardy*, 577 N.W.2d 212 (Minn. 1998)
- *State v. Doughty*, 472 N.W.2d 299 (Minn. 1991)
- *State v. Brooks*, 838 N.W.2d 563 (Minn. 2013)
- *State v. Wasson*, 615 N.W.2d 316 (Minn. 2000)

- State v. Zanter, 535 N.W.2d 624 (Minn. 1995)

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