

SUPREME COURT OF MINNESOTA

State of Minnesota v. Marvin Russell Larsen

650 N.W.2d 144 (Minn. 2002) · No. No. C5-01-980 · Decided August 29, 2002

SUMMARY

The Minnesota Supreme Court held that a conservation officer's warrantless entry into an occupied fish house to conduct a routine license inspection violated the Fourth Amendment and article I, section 10 of the Minnesota Constitution. The court concluded that occupants have a reasonable expectation of privacy in a fish house and that recreational angling does not fall within the closely regulated industry exception to the warrant requirement. The court affirmed suppression of the evidence and dismissal of the charges.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Justice Stringer; Justice Meyer; other members of the court en banc
JURISDICTION	Minnesota
DECIDED	August 29, 2002
DOCKET	No. C5-01-980
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed from an order suppressing evidence and dismissing the charges. The court of appeals affirmed, and the Minnesota Supreme Court granted review.
STANDARD OF REVIEW	The court independently reviewed pretrial suppression orders when the facts were undisputed and reviewed statutory constitutionality and construction de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	State of Minnesota v. Marvin Russell Larsen

TOPICS

- suppression of evidence
- fourth amendment
- search and seizure
- warrant requirement
- criminal procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- search and seizure
- evidence

QUESTIONS PRESENTED

1. Whether an occupant of an occupied fish house has a reasonable expectation of privacy protected by the Fourth Amendment and article I, section 10 of the Minnesota Constitution.
2. Whether a conservation officer may enter and inspect an occupied fish house without a warrant, consent, probable cause, or articulable suspicion under Minn. Stat. § 97A.215, subdivision 3.
3. Whether the closely regulated-industry exception to the warrant requirement applies to recreational ice fishing and fish houses.
4. Whether the evidence obtained during the warrantless entry and search was properly suppressed.

HOLDINGS

1. An occupant of an occupied fish house has a reasonable expectation of privacy because the structure protects occupants from the elements and may contain facilities for eating, sleeping, and other personal activities.
2. A conservation officer's warrantless entry into an occupied fish house is per se unreasonable and unconstitutional under the Fourth Amendment and article I, section 10 of the Minnesota Constitution absent express consent or another circumstance justifying entry.
3. Recreational angling from a private fish house is not a closely regulated industry within the meaning of the administrative-inspection exception to the warrant requirement.
4. Minn. Stat. § 97A.215, subdivision 3, must be interpreted to incorporate constitutional protections into its authorization for entry and inspection at reasonable times; the statute itself was not declared unconstitutional.

KEY QUOTATIONS

“As conservation officers are subject to the same constitutional constraints as other law enforcement officers in the performance of their duties, the warrantless search of a fish house by a conservation officer is per se unreasonable in the absence of express consent or other circumstance justifying entry and therefore is unconstitutional under the Fourth Amendment of the United States Constitution and article I, § 10 of the Minnesota Constitution.” (154)

FACTUAL BACKGROUND

A Minnesota conservation officer was conducting routine license checks of occupied fish houses on Circle Lake. Without consent or any reason to suspect a fishing-law violation, the officer knocked, identified himself, and simultaneously opened Larsen's fish-house door. After entering, he observed marijuana and an excessive number of fishing lines, conducted a pat-down, and discovered marijuana. Larsen was charged with controlled-substance possession and unlawful angling, but the district court suppressed the evidence and dismissed the charges.

PROCEDURAL HISTORY

A conservation officer entered Larsen's occupied fish house without consent, a warrant, probable cause, or articulable suspicion during a routine license check. The district court suppressed the resulting evidence and

dismissed the charges. The Minnesota Court of Appeals affirmed, holding that the statutory inspection authority was subject to constitutional limitations. The Minnesota Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Harris, 590 N.W.2d 90, 98 (Minn. 1999)
- State v. Othoudt, 482 N.W.2d 218, 221 (Minn. 1992)
- State v. Behl, 564 N.W.2d 560, 566 (Minn. 1997)
- State v. Murphy, 545 N.W.2d 909, 914 (Minn. 1996)
- Boutin v. LaFleur, 591 N.W.2d 711, 714 (Minn. 1999), cert. denied, 528 U.S. 973 (1999)
- Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting)
- State v. Hardy, 577 N.W.2d 212, 215, 217 (Minn. 1998)
- Katz v. United States, 389 U.S. 347, 352, 357, 359 (1967)
- Matter of Welfare of D.A.G., 484 N.W.2d 787, 789 (Minn. 1992)
- O'Connor v. Johnson, 287 N.W.2d 400, 405 (Minn. 1979)
- Minnesota v. Carter, 525 U.S. 83, 88, 90-91 (1998)
- Rakas v. Illinois, 439 U.S. 128, 143 n.12 (1978)
- Payton v. New York, 445 U.S. 573, 589-90 (1980)
- Delaware v. Prouse, 440 U.S. 648, 659, 662-64 (1979)
- State v. Perkins, 582 N.W.2d 876, 878 (Minn. 1998)
- Garza v. State, 632 N.W.2d 633, 639 (Minn. 2001)
- State v. Goodrich, 256 N.W.2d 506, 510 (Minn. 1977)
- State v. Bryant, 287 Minn. 205, 211-12, 177 N.W.2d 800, 804 (1970)
- Brown v. Texas, 443 U.S. 47, 51-52 (1979)
- Michigan Department of State Police v. Sitz, 496 U.S. 444, 455 (1990)
- Ascher v. Commissioner of Public Safety, 519 N.W.2d 183, 186-87 (Minn. 1994)
- State v. Sorenson, 441 N.W.2d 455, 459 (Minn. 1989)
- New York v. Burger, 482 U.S. 691, 699-703 (1987)
- United States v. Biswell, 406 U.S. 311, 316 (1972)
- Colonnade Catering Corp. v. United States, 397 U.S. 72 (1970)
- Almeida-Sanchez v. United States, 413 U.S. 266, 271 (1973)
- State v. Britton, 604 N.W.2d 84, 89 (Minn. 2000)
- State v. Pike, 551 N.W.2d 919, 922 (Minn. 1996)
- State v. Johnson, 444 N.W.2d 824, 827 (Minn. 1989)
- Berge v. Commissioner of Public Safety, 374 N.W.2d 730, 732-33 (Minn. 1985)

- Marben v. State, Department of Public Safety, 294 N.W.2d 697, 699 (Minn. 1980)
- State v. Engholm, 290 N.W.2d 780, 784 (Minn. 1980)
- State v. Johnson, 257 N.W.2d 308, 309 (Minn. 1977)
- State v. McKinley, 305 Minn. 297, 303-04, 232 N.W.2d 906, 910-11 (1975)

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