

SUPREME COURT OF COLORADO

People v. Ackerman

2015 CO 27 (2015) · No. 14SA358 · Decided April 20, 2015

SUMMARY

The Colorado Supreme Court reviewed an interlocutory appeal concerning the suppression of blood-draw results obtained from Travis Brandt Ackerman after a fatal ATV accident. The court held that exigent circumstances justified the involuntary, warrantless first blood draw because police were still investigating the accident and learned that medical procedures could alter Ackerman's blood-alcohol content before a warrant could be obtained. The court reversed the suppression order and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Colorado
WRITING FOR THE COURT	Justice Boatright
JURISDICTION	Colorado
DECIDED	April 20, 2015
DOCKET	14SA358
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The People brought an interlocutory appeal under C.A.R. 4.1 from an order suppressing the results of the first warrantless blood draw.
STANDARD OF REVIEW	A suppression order presents a mixed question of law and fact. The court defers to factual findings supported by competent evidence but reviews the legal effect of those facts de novo; constitutional conclusions are examined under the totality of the circumstances.
PRECEDENTIAL VALUE	Published, precedential en banc opinion of the Supreme Court of Colorado
PARTIES	The People of the State of Colorado v. Travis Brandt Ackerman

TOPICS

- fourth amendment
- search and seizure
- suppression of evidence
- interlocutory appeal

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether exigent circumstances justified the involuntary, warrantless first blood draw under the Fourth Amendment and article II, section 7 of the Colorado Constitution.
2. Whether the trial court erred by concluding that an expedited warrant process and the elapsed time before the draw precluded a finding of exigent circumstances.

HOLDINGS

1. Exigent circumstances justified the involuntary, warrantless blood draw because police were still investigating the accident and preparing the warrant affidavit when they learned that the unconscious and injured defendant was about to undergo medical procedures that could alter his blood-alcohol content and make him unavailable for testing.
2. Exigent circumstances are determined under a totality-of-the-circumstances inquiry focused on whether obtaining a warrant would be impractical without significantly undermining the efficacy of the search.

KEY QUOTATIONS

“Under the totality of the circumstances, these exigent circumstances made it impractical for the police to obtain a search warrant and justified the blood draw.” (¶ 27)

“In our analysis, we look at the totality of the circumstances to determine whether exigent circumstances made it impractical for police to obtain a warrant without significantly undermining the efficacy of the search.” (¶ 19)

“Therefore, exigent circumstances justified the involuntary, warrantless blood draw in this case.” (¶ 26)

FACTUAL BACKGROUND

Ackerman was driving an ATV after alcohol was reportedly involved when the ATV crashed while he was attempting to elude a police officer. Ackerman suffered serious injuries, was transported unconscious to a hospital, and was being prepared for a CAT scan and possible surgery while officers were still investigating the accident scene and preparing a warrant affidavit. Concerned that the medical procedures could alter his blood-alcohol content and make him unavailable for testing, an officer ordered a warrantless blood draw before the affidavit was complete; a warrant was obtained later for two additional draws.

PROCEDURAL HISTORY

Ackerman was charged with vehicular homicide, vehicular eluding involving death, driving under the influence, driving under the influence per se, and reckless driving. The Larimer County District Court found probable cause and upheld the second and third blood draws but suppressed the first blood draw because it found no exigent circumstances. The People appealed the suppression ruling, and the Colorado Supreme Court reversed and remanded.

DISPOSITION

REMAND INSTRUCTIONS

The case was remanded to the trial court for further proceedings consistent with the opinion.

CASES CITED

- People v. Munoz-Gutierrez, 2015 CO 9, ¶ 14, 342 P.3d 439, 443
- People v. Syrie, 101 P.3d 219, 222 (Colo. 2004)
- People v. Hopkins, 870 P.2d 478, 480 (Colo. 1994)
- Grassi v. People, 2014 CO 12, ¶ 23, 320 P.3d 332, 338
- People v. Schall, 59 P.3d 848, 851-53 (Colo. 2002)
- Schmerber v. California, 384 U.S. 757, 766-72 (1966)
- Mapp v. Ohio, 367 U.S. 643, 660 (1961)
- People v. Sutherland, 683 P.2d 1192, 1194 (Colo. 1984)
- People v. Milhollin, 751 P.2d 43, 48-49 (Colo. 1988)
- People v. Shepherd, 906 P.2d 607, 608-10 (Colo. 1995)
- People v. Drake, 785 P.2d 1257, 1264 (Colo. 1990)
- People v. Brunsting, 2013 CO 55, ¶¶ 24-32, 307 P.3d 1073, 1079-81
- People v. Aarness, 150 P.3d 1271, 1277-78 (Colo. 2006)
- People v. Kluhsman, 980 P.2d 529, 534 (Colo. 1999)
- Missouri v. McNeely, 133 S. Ct. 1552 (2013)
- People v. Schaufele, 2014 CO 43, ¶ 32, 325 P.3d 1060, 1066