

SUPREME COURT OF NORTH DAKOTA

State of North Dakota v. Jered Mark Petersen

State v. Petersen, 2023 ND 155 (2023) · No. No. 20230049 · Decided August 17, 2023

SUMMARY

The North Dakota Supreme Court reversed a criminal judgment entered after Jered Mark Petersen conditionally pleaded guilty to actual physical control of a vehicle while under the influence of alcohol. The Court held that officers unlawfully searched Petersen’s semi-truck by opening the passenger door and entering without first attempting to obtain a response from outside the vehicle, and that the community caretaker and inevitable discovery doctrines did not apply. The case was remanded to permit Petersen to withdraw his guilty plea and for further proceedings.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Jerod E. Tufte, Justice; Jon J. Jensen, Chief Justice; Daniel J. Crothers, Justice; Lisa Fair McEvers, Justice; Douglas A. Bahr, Justice
JURISDICTION	North Dakota
DECIDED	August 17, 2023
DOCKET	No. 20230049
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a criminal judgment entered after a conditional guilty plea to actual physical control of a vehicle while under the influence of alcohol, with the right reserved to appeal the denial of a motion to suppress.
STANDARD OF REVIEW	The Supreme Court defers to the district court’s factual findings and resolves testimonial conflicts in favor of affirmance, but reviews legal questions fully. Whether law enforcement violated constitutional prohibitions against unreasonable search and seizure is a question of law.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion; precedential.
PARTIES	Jered Mark Petersen v. State of North Dakota

TOPICS

suppression of evidence

fourth amendment

search and seizure

warrant requirement

exclusionary rule

PRACTICE AREAS

criminal procedure

constitutional criminal procedure

DUI/DUS

evidence

QUESTIONS PRESENTED

1. Whether officers conducted an unreasonable warrantless search by opening the door of Petersen's parked semi-truck and stepping onto the running boards without first attempting to obtain a response from outside the vehicle.
2. Whether the community caretaking exception to the warrant requirement justified the officers' warrantless entry into the semi-truck.
3. Whether the inevitable discovery doctrine prevented suppression of the evidence despite the unlawful entry.

HOLDINGS

1. Law enforcement conducted an unreasonable warrantless search when it opened Petersen's semi-truck door and stepped onto the running boards to gather information without first attempting to obtain a response from outside the vehicle.
2. The inevitable discovery doctrine did not apply because the State failed to prove how the evidence would have been legally discovered without the unlawful entry.
3. The order denying suppression and the criminal judgment were reversed, and the case was remanded to permit Petersen to withdraw his guilty plea and for further proceedings consistent with the opinion.

KEY QUOTATIONS

"Thus, we conclude law enforcement was acting outside the scope of the community caretaking function when opening the semi door and stepping onto the running boards in an attempt to gather information without first attempting to get a response from outside of the vehicle." (¶ 16)

"Second, the State must prove that the evidence would have been found without the unlawful activity and must show how the discovery of the evidence would have occurred." (¶ 17)

"Evidence obtained after law enforcement unlawfully opened Petersen's semi door must be suppressed under the exclusionary rule." (¶ 19)

FACTUAL BACKGROUND

At approximately 1:48 a.m., Fargo police responded to a report that a semi-truck had struck a vehicle in a bar parking lot and that the semi's driver was asleep. Without first knocking, calling out, or otherwise attempting to obtain a response from outside the semi, an officer opened the unlocked passenger door and stepped onto the running boards. The officers eventually entered the cab, woke Petersen, observed signs of intoxication, identified him, and administered sobriety and chemical tests.

PROCEDURAL HISTORY

Petersen moved to suppress evidence obtained after Fargo police officers opened the door of his idling semi-truck and entered the cab while he was asleep. The district court denied the motion, concluding the community caretaking exception applied. Petersen entered a conditional guilty plea, was sentenced with execution stayed pending appeal, and appealed the suppression ruling. The North Dakota Supreme Court reversed the suppression order and criminal judgment and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Suppress evidence obtained after law enforcement unlawfully opened Petersen's semi-truck door; allow Petersen to withdraw his guilty plea; conduct further proceedings consistent with the opinion.

CASES CITED

- State v. Boger, 2021 ND 152, ¶ 7, 963 N.W.2d 742
- United States v. Jones, 565 U.S. 400, 404, 408 n.5 (2012)
- New York v. Class, 475 U.S. 106, 114-15, 119 (1986)
- State v. Washington, 2007 ND 138, ¶ 10, 737 N.W.2d 382
- State v. Stewart, 2014 ND 165, ¶ 12, 851 N.W.2d 153
- Bridgeford v. Sorel, 2019 ND 153, ¶¶ 8, 10, 13, 18, 20, 25-26, 930 N.W.2d 136
- Florida v. Jardines, 569 U.S. 1, 8 (2013)
- Rist v. N.D. Department of Transportation, 2003 ND 113, ¶¶ 2, 11, 665 N.W.2d 45
- Lapp v. N.D. Department of Transportation, 2001 ND 140, ¶¶ 15-16, 632 N.W.2d 419
- United States v. Lewis, 869 F.3d 460, 461-64 (6th Cir. 2017)
- State v. Asbach, 2016 ND 152, ¶ 13, 882 N.W.2d 251
- State v. Holly, 2013 ND 94, ¶ 54, 833 N.W.2d 15
- State v. Krall, 2023 ND 8, ¶ 12, 984 N.W.2d 669