



December Supreme Court and Appellate Court Published Decisions

Supreme Court

**[A16-0330](#) *State of Minnesota, Respondent, vs. Tara Renaye Molnau, Appellant.*
Court of Appeals.**

The question presented in this case is whether the police violated the Fourth Amendment when, during their execution of a warrant to search a home, they searched a purse that belonged to a guest at the home. The district court and court of appeals concluded that the search did not violate the Fourth Amendment. Because we conclude that the search was reasonable under the totality of the circumstances, we affirm.

Affirmed. Chief Justice Lorie S. Gildea.

**[A16-1213](#) *State of Minnesota, Respondent, vs. Thomas Michael Luby, Appellant.*
Dakota County.**

Appellant Thomas Michael Luby was convicted of first-degree premeditated murder, Minn. Stat. § 609.185(a)(I) (2016), and second-degree intentional murder, Minn. Stat. § 609.19, subd. 1(1) (2016), in connection with the stabbing death of his girlfriend, K.A. Luby appeals, arguing that he is entitled to a new trial because his defense counsel provided ineffective assistance by conceding the only disputed elements of the charged offenses—premeditation and intent—without his consent. We reverse both of Luby’s convictions and remand this case to the district court for a new trial.

Reversed and remanded. Justice Anne K. McKeig.

Dissenting, Justice Margaret H. Chutich and Chief Justice Lorie S. Gildea.

Appellate Court

**[A17-0462](#) *John Joseph Vondrachek, petitioner, Appellant, vs. Commissioner of Public Safety, Respondent.*
Washington County District Court, Hon. Richard C. Ilkka.**

A driver's Fourth Amendment rights are not violated when a police officer, acting on reasonable suspicion of impaired driving, asks the driver of a lawfully stopped motor vehicle to exit and perform roadside field sobriety tests.

Affirmed. Judge John R. Rodenberg.

A16-1961 *State of Minnesota, Respondent, vs. Joshua Micheal Bursch, Appellant.*

Polk County District Court, Hon. Kurt J. Marben.

An individual who is not on probation but knowingly resides with a probationer has a diminished expectation of privacy in common areas of the residence shared with the probationer. A legitimate probation-based search of such shared areas does not violate Fourth Amendment rights even if the search is done over the objection of the individual who is not on probation.

Affirmed. Judge Carol A. Hooten.

A17-0863 *Donald G. Heilman, Appellant, vs. Patrick C. Courtney, as Program Manager for Minnesota Department of Corrections, Respondent.*

Ramsey County District Court, Hon. Shawn M. Bartsh.

An inmate who enters phase II of the Challenge Incarceration Program (CIP) has not been "released from prison" for the purpose of commencing a conditional-release term imposed under Minn. Stat. § 169A.276, subd. 1(d) (2016).

Affirmed. Judge James B. Florey.

A17-1024 *State of Minnesota, Respondent, vs. Corey Isaiah Bradley, Appellant.*

Hennepin County District Court, Hon. Jeannice M. Reding.

Where a district court stays imposition of a presumptively stayed sentence under the Minnesota Sentencing Guidelines, if that stay of imposition is later vacated at a probation-revocation hearing and the sentence is imposed and executed without jury findings or a waiver, there is no Sixth Amendment violation under *Blakely v. Washington*, 542 U.S. 296, 124 S. Ct. 2531 (2004).

Affirmed. Judge James B. Florey.

A16-1509 *State of Minnesota, Respondent, vs. Aaron Jude Schnagl, Appellant.*

Chisago County District Court, Hon. Judge Todd R. Schoffelman.

In a trial for third-degree murder, under Minn. Stat. § 609.195(b) (2012), a district court does not abuse its discretion by refusing to give a specific joint-acquisition jury instruction based on *State v. Carithers*, 490 N.W.2d 620 (Minn. 1992), if the defendant and the decedent were not spouses.

Affirmed. Judge James B. Florey.

A16-2009 *State of Minnesota, Respondent, vs. Roberta Duval Parnell, Appellant.*

Dakota County District Court, Hon. Timothy J. McManus.

When a defendant is acquitted of a gross misdemeanor offense and is only found guilty of a misdemeanor offense and given a petty misdemeanor sentence, the case is not a gross misdemeanor case for purposes of the rule specifying the deadline for a direct appeal, and any appeal must be filed within the period allotted for misdemeanors.

Appeal dismissed. Judge Roger M. Klapfake.