June 2018 Supreme Court and Appellate Court Decisions

Supreme Court

A16-2001 ***State of Minnesota, Respondent, vs. Scott Ross Hunn, Appellants, Supreme Court***
Judge Lillehaug

On a request to consent to urine testing, a driver's limited constitutional right to counsel recognized in *Friedman v. Commissioner of Public Safety,* 473 N. W. 2d 828 (minn. 1991), is not triggered unless the statutory implied-consent advisory is read.

Affirmed. Judge Lillehaug

Court of Appeals

A17-1006 ***State of Minnesota, Respondent, vs. Jermaine Harry Rudolph, Appellant.***
Ramsey County District Court, Judge Kalitowski

On appeal from his convictions of two counts of first-degree criminal sexual conduct, appellant argues that he is entitled to a new trial because the prosecutor committed prejudicial unobjected-to misconduct, and the district court erred by entering two convictions for the same conduct under Minn. Stat. § 609.04 (2016). Appellant also filed a pro se supplemental brief in which he challenged his conviction. We affirm one of the convictions and reverse and remand to correct the warrant of commitment.

Affirmed in part, reversed in part and remanded by Judge Kalitowski.

A17-0898 ***State of Minnesota, Respondent, vs. Anton Leo Schloegl, III, Appellant A17-0898, State of Minnesota, Respondent, vs. Anton Leo Schloegl, III, Appellant A17-1301***
Washington County District Court, Judge Ross

A district court's no-contact order violates a criminal defendant's constitutional right to confront a witness when the order states that the defendant is prohibited from contact with the witness even in a court proceeding, the defendant indicates that he interprets the order as prohibiting him from

personally cross-examining the witness, and the district court does not relieve the defendant of the purported consequences of violating the order for the purpose of facilitating cross-examination.
Affirmed in part, Judge Ross, dissenting in part, Judge Worke

A17-0993 ***State of Minnesota, Respondent, vs. Ohagi Charles Walker, Appellant***
Hennepin County District Court, Judge Kirk
A "merged" or "combined" conviction or sentence is not a permissible disposition under Minnesota law.
Affirmed in part, reversed in part, and remanded. Judge Kirk

A17-1050 ***State of Minnesota, Respondent, vs. Jeremy Jake Clarin, Appellant***
Dakota County District Court, Judge Reyes
State must prove beyond a reasonable doubt that appellant unlawfully possessed methamphetamine because unlawfulness is an element of the charge of second-degree controlled-substance crime, under Minn. Stat 152.022 (2014).
Affirmed. Judge Reyes

A17-0710 ***State of Minnesota, Respondent, vs. Marie Jessica Hall, Appellant.***
Hennepin County District Court, Hon. Paul Scoggin. Chief Judge Edward J. Cleary. Judge Carol A. Hooten
I. Under Minn. Stat. § 609.195(a) (2014), the phrase "without intent to effect the death of any person" is an element of the crime of third-degree murder that the state is required to prove beyond a reasonable doubt.
II. The phrase "any person" in Minn. Stat. § 609.195(a) extends to any person, including the appellant.
Affirmed in part, reversed in part, and remanded. Chief Judge Cleary. Concurring in part, dissenting in part. Judge Hooten.

A17-0647 ***State of Minnesota, Respondent, vs. Gary Stephen Gundy, Appellant.***
St. Louis County District Court, Hon. Sally Tarnowski. Judge Jill Flaskamp Halbrooks.
Under Minn. Stat. § 609.352, subd. 2a(1) (2012), statements made to an intermediary constitute electronic solicitation of a child when the person makes the statements with the objective of engaging a child in sexual conduct.
Affirmed. Judge Halbrooks.

A17-0870 ***State of Minnesota, Respondent, vs. Guntallwon Karloyea Brown, Appellant.***
Hennepin County District Court, Hon. Juan Hoyos. Judge Jill Flaskamp Halbrooks
Applying the three-factor balancing test in *Winston v. Lee*, 470 U.S. 753, 105 S. Ct. 1611 (1985), a procedure to remove suspected narcotics from appellant's rectum, which was authorized by a valid search warrant and performed by a medical doctor in a hospital setting after appellant declined less-intrusive options, did not violate federal and state constitutional protections against unreasonable searches and seizures.

Affirmed. Judge Halbrooks.