



May 2018 Supreme Court and Appellate Court Decisions

Supreme Court:

[A17-0017](#) *State of Minnesota, Respondent, vs. Ryan David Petersen, Appellant.*
Ramsey County.

1. The district court did not abuse its discretion when it rejected appellant's straight guilty plea to second-degree intentional murder after the court learned that the State had begun proceedings to indict appellant for first-degree premeditated murder.

2. Sufficient evidence supports appellant's conviction of first-degree premeditated murder. The circumstances proved, examined as a whole, exclude beyond a reasonable doubt any reasonable inference other than that appellant premeditated the victim's murder.

Affirmed. Justice Margaret H. Chutich.

Took no part, Chief Justice Lorie S. Gildea.

[A16-1526](#) *Tramayne Colfred Williams, Appellant, vs. State of Minnesota, Respondent.*

[A16-1527](#) **Court of Appeals.**

When a defendant files a motion under Minn. R. Crim. P. 27.03, subd. 9, to correct a sentence after the time for direct appeal has passed, the defendant bears the burden of proving that the sentence was not authorized by law.

Affirmed. Chief Justice Lorie S. Gildea.

Court of Appeals:

[A17-0491](#) *State of Minnesota, Respondent, vs. Cicero Deshawn Taylor, Appellant.*
Ramsey County District Court, Hon. Elena L. Ostby.

A search warrant that mistakenly includes an incorrect person's name does not lack sufficient particularity when the warrant provides a description of the correct person to be searched that includes the correct person's name, date of birth, and location, and the person intended to be searched was searched.

Affirmed. Judge Jill Flaskamp Halbrooks.

[A17-0545](#) *State of Minnesota, Respondent, vs. Corey Davis, Jr., Appellant.*
Hennepin County District Court, Hon. Kerry Meyer.

When police stop and detain a person unconstitutionally and obtain information that leads them to search the area, the district court is not precluded from applying the fruit-of-the-poisonous-tree doctrine and suppressing evidence found during the search even if the defendant abandoned the evidence before police began the unconstitutional detention.

Reversed and remanded. Judge Kevin G. Ross.

A17-1083 *Megan Ashley Olson, et al., Respondents vs. One 1999 Lexus MN License Plate No. 851LDV VIN: JT6HF10U6X0079461, Appellant.*

Scott County District Court, Hon. Christian S. Wilton.

Minn. Stat. § 169A.63, subd. 9(d) (2016), is unconstitutional as applied to respondents, the driver and the registered owner of a vehicle that was seized after driver's driving while impaired (DWI) arrest, because their right to procedural due process was violated when they were denied prompt, post-deprivation judicial review for over 18 months pending the resolution of the driver's related criminal action.

Affirmed. Judge Michael L. Kirk.

A17-1278 *State of Minnesota, ex rel. Steven Leino, petitioner, Appellant, vs. Tom Roy, Commissioner of Corrections, Respondent.*

Anoka County District Court, Hon. James A. Cunningham, Jr.

The Minnesota Department of Corrections' use of review hearings in administering re-incarceration of offenders for violations of conditional release is lawful.

Affirmed. Judge Michelle A. Larkin.

A17-0609 *State of Minnesota, Respondent, vs. Cesar Rosario Lopez-Ramos, Appellant.*

Nobles County District Court, Hon. Gordon L. Moore, III.

I. When an interpreter contemporaneously translates a criminal defendant's foreign-language statement to law enforcement, absent a motive to mislead or distort, or other facts indicating miscommunication or inaccuracy, the interpreter's translation may be regarded as the statement of the defendant.

II. When the state seeks to admit into evidence a criminal defendant's admission made through an interpreter, upon a Confrontation Clause or hearsay objection, a district court must determine as a preliminary fact question whether the interpreter's translation can fairly be attributable to the defendant, or whether the interpreter is an independent declarant.

III. When a defendant is deemed the declarant of his or her translated statement, the Confrontation Clause is not implicated, and the statement is admissible as a party admission under Minn. R. Evid. 801(d)(2)(A).

Affirmed. Judge Denise D. Reilly.

A17-1182 *Adam Bandemer, Respondent, vs. Ford Motor Company, Appellant, Eric Hanson, et al., Defendants.*

Todd County District Court, Hon. Douglas P. Anderson.

Minnesota's five-factor test to determine whether Minnesota has specific personal jurisdiction over a nonresident is consistent with the principle reiterated by the United States Supreme Court in *Bristol-Myers Squibb Co. v. Super. Ct.*, 137 S. Ct. 1773 (2017), that there must be a connection between the forum and the specific claim at issue.

Affirmed. Judge Peter M. Reyes, Jr.

A17-1978 *State of Minnesota, Respondent, vs. Everett Overweg, Appellant.*

Murray County District Court, Hon. Terry S. Vajgrt.

The ten-year conditional-release term mandated under Minn. Stat. § 617.247, subd. 9 (2008), is authorized only if an offender was convicted and sentenced for a qualifying offense before the commission of the present offense.

Reversed and remanded. Judge Heidi S. Schellhas.

A17-1463 ***State of Minnesota, Appellant, vs. Heath Allen Atwood, Respondent.***

Murray County District Court, Hon. Terry S. Vajgrt.

The seizure of a patient's blood sample pursuant to a search warrant addressed to a hospital does not violate the statutory physician-patient privilege because a blood sample collected by the hospital as part of medical treatment does not constitute "information" under the plain language of Minn. Stat. § 595.02, subd. 1(d) (2016).

Reversed and remanded. Judge Francis J. Connolly.

A17-0986 ***State of Minnesota, Respondent, vs. Deronti Rogers, Jr., Appellant.***

Stearns County District Court, Hon. Judge Andrew R Pearson.

The plain language of Minn. Stat. § 609.582, subd. 1(b) (2014), requiring possession of "any article . . . fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon," does not require a burglary victim to be present, observe the article, and subjectively conclude that it is a dangerous weapon. It is sufficient that the article's appearance supports an objective belief that it is a dangerous weapon.

Affirmed. Judge Michelle A. Larkin.

A17-1710 ***State of Minnesota, Appellant, vs. Donyale Damon Gayles, Respondent.***

Olmsted County District Court, Hon. Judge Pamela King.

The probable-cause standard applies when determining whether the law and proffered evidence support submission of an aggravating sentencing factor to the jury under Minnesota Rule of Criminal Procedure 11.04, subdivision 2(a).

Reversed. Judge James B. Florey.