

MN DWI Blood Test Protections Continue to Erode in State v. Wood

Minnesota appellate courts continue to beat down constitutional rights for drivers in MN DWI blood test cases.[1] This time, the onslaught continued in State v. Wood. While Appellant Wood's unfortunate result was significantly impacted by unlucky timing, he also was on the receiving end of the appellate bench favoring search warrants over statutes.

Importantly, Wood's DWI incident occurred in March of 2016. This was prior to the new DWI Refusal laws for blood and urine testing going into effect. Thus, the analysis from court of appeals in this case could be distinguished for any new cases on that basis alone. However, the opinion still indicates the court's overall disdain for cases of this nature.

In [Criminal Defense Attorney Woodbury MN](#) Wood's case, an officer stopped his vehicle after noticing expired tabs. During this stop officers believed Wood to be under the influence of methamphetamine due to several traits he was displaying. Wood denied being under the influence of any substance and said he would not voluntarily submit to a blood test when officers asked him. After this initial refusal, officers obtained a search warrant to conduct an evidentiary blood test. Officers then transported Wood to the hospital where he requested to speak with attorney, which officers ignored. The officers again requested that Wood submit to the blood test, which was denied. At this time, officers and hospital staff physically restrained Wood and forcibly conducted the blood draw.



Ultimately, Wood's blood test revealed amphetamines and methamphetamine were in his system. Wood's attorney moved to suppress the blood test results because the officers violated his statutory right to not be subjected to a blood test after he refused to submit to one. The court denied this motion, citing that the officers were under no obligation to read Wood the implied consent advisory. Additionally, the court stated that officers used lawful, well-established means to conduct a blood test pursuant to the signed warrant. On appeal, the court of appeals had to determine the issue of whether law enforcement officers were permitted to execute a search warrant, even after the defendant objected to the blood test and under the laws in place in March of 2016.

Court of Appeals Decision

The court evaluated Wood's argument that officer's violated Minn. Stat. 169A.52. Wood argued that if a person refuses to permit to a test, then a test must not be given under that statutory framework. The State countered this argument by noting that the 2014 statute is part of the

implied consent advisory, which the officers did not invoke because they never read Wood the advisory. When the court is presented with two different interpretations of statutory language, as they were here, they must then engage in statutory interpretation. First, the court must determine if the statutory language is ambiguous on its face.[2] A statute is determined to be ambiguous if it has more than one reasonable interpretation from the language. If ruled unambiguous, the court must then apply the plain meaning of the statutory language. When applying this plain language, the court is to do so under the idea that “text may not be divorced from context,” which means that the statutory provision must be viewed in light of the whole statute and not just that small portion being interpreted. With all this in mind, the court determined that the state had the correct understanding of the statutory language in place at the time of the incident. This means that the statutory language that Wood based his argument on unambiguously authorized the taking of a sample in March of 2016.

Wood also contended that the amendments made to the implied consent statutes in 2017 should be taken into consideration. The implied consent laws now provide that blood and urine tests may not be conducted if the person refuses, even with a valid warrant authorizing the search. The new laws also mandate that someone being subjected to a blood or urine test must be informed that refusal is a crime, which would then invoke the implied consent laws. But, the court reasoned that the incident occurred prior to these law changes taking place and did not apply to Wood’s case.

Mr. Wood appears to be a victim of timing and circumstance. Thankfully, the new laws provide greater protections to Minnesota citizens today. Even though drinking and driving is a very serious public safety concern, it does not mean that you should then have your liberties imposed upon. The current laws are starting to reflect that notion, which is a solid step in the right direction.

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[1]Recently, we reviewed what is new with DWI blood tests in State v. Rosenbush.

[2]State v. Thonesavanh, 904 N.W.2d 432 (Minn. 2017).

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