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**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-0102**

State of Minnesota,
Respondent,

vs.

Shane Michael Wolden,
Appellant.

**Filed January 22, 2019
Affirmed
Larkin, Judge**

Hennepin County District Court
File No. 27-CR-16-31959

Keith M. Ellison, Attorney General, St. Paul, Minnesota; and

Michael O. Freeman, Hennepin County Attorney, Jillian M. Dease, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Joseph P. Tamburino, Hillary B. Parsons, Caplan & Tamburino Law Firm, P.A., Minneapolis, Minnesota (for appellant)

Considered and decided by Larkin, Presiding Judge; Connolly, Judge; and Reyes,
Judge.

UNPUBLISHED OPINION

LARKIN, Judge

Appellant challenges his convictions of criminal vehicular operation, arguing that the district court erred by denying his motion to suppress. Because the district court correctly concluded that the emergency-aid exception justified law enforcement's warrantless entry into a residence where appellant was arrested, we affirm.

FACTS

In December 2016, respondent State of Minnesota charged appellant Shane Michael Wolden with criminal vehicular operation: causing great bodily harm while under the influence of alcohol. The charges stemmed from a motor-vehicle accident. Wolden moved to suppress evidence supporting the charge. The district court held a hearing on Wolden's motion and heard testimony from Sergeant Buffie of the Golden Valley Police Department. The district court also received photographs of the accident scene, as well as a squad video depicting officers' actions after the accident, as exhibits.

The evidence showed that on December 10, 2016, several police officers responded to a motor-vehicle accident at 5900 Westbrook Road in Golden Valley. Upon arrival, the officers observed a vehicle with extensive damage. Photographs of the accident scene showed that the windshield of the vehicle was shattered and contained a large hole on the driver's side. Those photographs also showed debris strewn around the front end of the vehicle, one of the vehicle's wheels on the ground across the street from the vehicle, a light pole sheared off from its base, the detached lamp from that light pole, and a downed street sign. Blood was visible on both the driver's and passenger's sides of the vehicle, including

on top of the vehicle's sunroof. Sergeant Buffie testified that the caller who reported the accident was at the scene and told the officers that the occupants of the vehicle "had left on foot." The officers determined that Wolden was a registered owner of the vehicle.

Officers were informed that there was a man with a severe head injury in front of a different caller's residence. Officers responded to that residence and spoke to the man, who was identified as C.T. C.T. had been a passenger in the vehicle at the time of the accident. C.T. had severe injuries. Sergeant Buffie testified that C.T.'s "eye was bulging out of his head really bad, filled with blood," that he had "numerous lacerations on his head and was actively bleeding with blood running down his face," and that he "looked horrific." Sergeant Buffie testified that he believed that the other occupant of the vehicle "most likely looked like [C.T.] or potentially worse." Officers called for an ambulance for C.T., and he was eventually transported to a hospital.

At the accident scene, C.T. was initially uncooperative and claimed that he had been alone in the vehicle. Officers told C.T. multiple times how important it was to find the other occupant of the vehicle in case that person needed medical assistance. Sergeant Buffie testified that he raised his voice and desperately pleaded with C.T. to tell him where the other occupant of the vehicle was because the seriousness of C.T.'s injuries made him concerned about the other occupant. C.T. eventually stated that his friend "Shane" had been driving at the time of the accident.

Police dispatch informed the officers that Wolden had prior contact with law enforcement at a residence at 5630 Kentley Avenue, which was less than a mile from the accident scene. Officers went to that address and found, outside the garage of the residence,

a man's watch and what appeared to be a key fob for the same make and model as the vehicle involved in the accident. Officers elected not to set up a perimeter around the residence. Instead, officers entered the residence and announced their presence. Sergeant Buffie testified that he entered the residence because he believed that the driver of the vehicle, Wolden, was potentially in worse condition than C.T. and could have been severely injured.

The officers encountered three people in the residence and were informed that Wolden stayed in the basement. Sergeant Buffie testified that he told the first person that he encountered that the officers were there because there was a "serious car accident down the street."

Officers went to the basement and saw Wolden lying on a bed, under the covers. Wolden was not wearing a shirt and was wearing one shoe. Officers saw cuts and scrapes on Wolden's hands that contained both fresh and dried blood. The officers asked Wolden if he was all right and whether he needed an ambulance. Wolden stated that he did not need an ambulance. Wolden's responses to the officers' questions were delayed. The officers removed Wolden's blanket to check for concealed weapons and other injuries.

Officers observed that Wolden's breathing and heartbeat were rapid. While Wolden was talking to the officers, they detected a strong odor of alcohol and noticed that his speech was slurred and his eyes were bloodshot and watery. Wolden told officers a second time that he did not need an ambulance. Law enforcement administered field sobriety tests, and Wolden performed poorly on the tests.

Officers took Wolden into custody and transported him to the Golden Valley Police Department, where law enforcement read him an implied-consent advisory and asked him to submit to a breath test. Wolden agreed to take the test, which registered a 0.19 alcohol concentration.

In support of his motion to suppress, Wolden argued that “the arresting officers made a warrantless entry into [his] house without consent or exigent circumstances to justify the entry.” The district court denied Wolden’s motion to suppress, reasoning that the emergency-aid exception to the warrant requirement justified the officers’ warrantless entry. In April 2017, the state amended the complaint to add a count of criminal vehicular operation: causing great bodily harm and leaving the scene of the collision. Wolden stipulated to the prosecution’s case to obtain review of the district court’s ruling on his motion to suppress. The district court found him guilty as charged, entered judgments of conviction on October 23, 2017, and stayed imposition of sentence for two years. This appeal follows.

D E C I S I O N

Wolden contends that the district court erred by denying his motion to suppress, arguing that the emergency-aid exception to the warrant requirement did not justify the officers’ warrantless entry into the residence. When reviewing a district court’s pretrial order on a motion to suppress evidence, this court reviews the district court’s factual findings for clear error and its legal determinations de novo. *State v. Gauster*, 752 N.W.2d 496, 502 (Minn. 2008). A district court’s application of an exception to the warrant

requirement is a legal determination. *Ries v. State*, ___ N.W.2d ___, ___, 2018 WL 6332362, at *5 (Minn. Dec. 5, 2018).

The United States and Minnesota Constitutions prohibit unreasonable government searches and seizures of “persons, houses, papers, and effects.” U.S. Const. amend. IV; Minn. Const. art. I, § 10. “It is a basic principle of Fourth Amendment law that searches and seizures inside a home without a warrant are presumptively unreasonable.” *Payton v. New York*, 445 U.S. 573, 586, 100 S. Ct. 1371, 1380 (1980) (quotation omitted). “Nevertheless, the warrant requirement is subject to certain limited exceptions, and law enforcement officers . . . ‘may enter a home without a warrant to render emergency assistance to an injured occupant or to protect an occupant from imminent injury.’” *State v. Lemieux*, 726 N.W.2d 783, 787-88 (Minn. 2007) (quoting *Brigham City v. Stuart*, 547 U.S. 398, 403, 126 S. Ct. 1943, 1947 (2006)).

In applying the emergency-aid exception to the warrant requirement, “two principles must be kept in mind: first, that the burden is on the state to demonstrate that police conduct was justified under the exception; and second, that an objective standard should be applied to determine the reasonableness of the officer’s belief that there was an emergency.” *Id.* at 788. The Minnesota Supreme Court uses a two-part test to determine whether a search was reasonable under the emergency-aid exception. *Ries*, 2018 WL 6332362, at *9 (citing *Lemieux*, 726 N.W.2d at 788). First, the police must have “reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property.” *Id.* (quoting *Lemieux*, 726 N.W.2d at 788). And second, “[t]here must be some reasonable basis, approximating

probable cause, to associate the emergency with the area or place to be searched.” *Id.* (alteration in original) (quoting *Lemieux*, 726 N.W.2d at 788). “Under the emergency-aid exception, it does not matter if officers have reason to believe some criminal activity is afoot as long as they are objectively motivated by the need to give aid.” *Id.* (citing *Brigham City*, 547 U.S. at 404, 126 S. Ct. at 1948).

Wolden argues that “Officer Buffie did not have reasonable grounds to believe that there was an emergency and that [Wolden] needed immediate assistance.” However, the district court found that the vehicle “had extensive damage in multiple areas” and that “there was blood visible on both the driver’s side and passenger’s side of the vehicle.” This finding is unchallenged, and the photographs of the vehicle and accident scene support it. The district court also found that when officers encountered C.T. he had “severe injuries including numerous lacerations, and blood running down his face and head.” That finding is supported by the record, particularly, Sergeant Buffie’s testimony regarding C.T.’s “horrific” appearance. The totality of these circumstances provided the officers objectively reasonable grounds to suspect that Wolden might be seriously injured and need immediate aid.

Wolden argues that “a witness saw two men running away from the damaged vehicle, militating against a conclusion that they were both severely injured.” The record refutes this argument. Sergeant Buffie testified that the caller who reported the accident was at the scene and told law enforcement that the occupants of the vehicle “had left on foot,” and not that they had run from the vehicle.

Wolden also argues that “Sergeant Buffie talked to the passenger involved in the accident and [Buffie] did not show any concern whatsoever about [Wolden’s] well-being.” The record refutes this argument. Sergeant Buffie testified that he desperately pleaded with C.T. to tell him where the other occupant of the vehicle was and that he raised his voice to convey how urgent it was to find that person, given the possibility that the other occupant was seriously injured.

Wolden further argues that C.T. informed Sergeant Buffie that “he was much more injured than his friend” and that “[t]hat statement should have reasonably assuaged Sergeant Buffie’s concerns that [Wolden’s] life was in immediate danger.” Although C.T. told Sergeant Buffie that he was in worse condition than the other occupant of the vehicle, it was reasonable for the officers to doubt C.T.’s statement because C.T. had just been in a serious accident and was injured, C.T. initially was not cooperative with law enforcement, and the extensive vehicle damage indicated that the driver may have been significantly injured. Given the condition of the vehicle and C.T.’s injuries, it was objectively reasonable for the officers to believe that Wolden, the reported driver of the vehicle, was seriously injured and might need aid.

Lastly, Wolden argues that because “the officers did not call for an ambulance” or “back-up medical personnel” before arriving at the residence, there were not reasonable grounds to believe that he was seriously injured. But as noted above, the accident scene and C.T.’s condition provided reasonable grounds to suspect that Wolden might be seriously injured and need aid. The fact that the officers did not call for an ambulance or medical personnel before locating and observing Wolden does not negate that suspicion.

In sum, Wolden's arguments regarding the first part of the emergency-aid test are not persuasive. The circumstances of this case show that the officers had objectively reasonable grounds to believe that there was an emergency at hand and that Wolden needed immediate medical assistance.

We turn to the second part of the emergency-aid test: whether there was some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched. Probable cause "exists where the facts and circumstances within the officer's knowledge and of which he has reasonably trustworthy information are sufficient in themselves to warrant a reasonable man of reasonable caution in [a] belief." *State v. Gallagher*, 275 N.W.2d 803, 806 (Minn. 1979). "The probable-cause standard is an objective one that considers the totality of the circumstances." *State v. Johnson*, 689 N.W.2d 247, 251 (Minn. App. 2004) (quotation omitted), *review denied* (Minn. Jan. 20, 2005).

Here, police dispatch informed the officers that Wolden had prior contact with law enforcement at the residence to be searched, which was less than a mile from the accident scene. Officers found, outside the garage of the residence, a man's watch and what appeared to be a key fob for the same make and model as the vehicle involved in the accident. Based on the information from police dispatch connecting Wolden to the residence, the proximity of the residence and accident scene, and the discovery of a key fob, outside of the garage of the residence, for a vehicle with the same make and model as the accident vehicle, there was a reasonable basis approximating probable cause to believe Wolden was at the residence and to associate the emergency with the residence.

Wolden’s arguments to this court heavily emphasize the officers’ subjective intent. Specifically, Wolden argues that “[t]he search of [his] home was primarily motivated by Sergeant Buffie’s intent to arrest and seize evidence.” We do not address such arguments because the officers’ subjective intent is irrelevant. *See Ries*, 2018 WL 6332362, at *8 (“Consistent with established Fourth Amendment case law, . . . ‘[t]he officer’s subjective motivation is irrelevant.’” (alteration in original) (quoting *Brigham City*, 547 U.S. at 404, 126 S. Ct. at 1948)); *id.* at *9 n.6 (rejecting consideration of officers’ subjective motivations as a component of the emergency-aid test). The record establishes that the officers were objectively motivated by the need to render aid, which is sufficient to justify the warrantless entry. Nonetheless, we observe that Sergeant Buffie’s statements to C.T. expressing concern regarding Wolden’s condition, as well as the officers’ questions of Wolden regarding his medical condition and need for an ambulance, show that the warrantless entry was primarily motivated by an intent to provide immediate medical assistance.

Based on our de novo application of the two-part emergency-aid test, we conclude that the emergency-aid exception justified the officers’ warrantless entry into the residence. Indeed, it is arguable that “the officers would have been derelict in their duty if they had acted otherwise.” *Id.* at *10 (quotation omitted). The district court therefore did not err by denying Wolden’s motion to suppress.

Affirmed.