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**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-1293**

State of Minnesota,
Respondent,

vs.

Joseph Gordon Jerome Walker,
Appellant.

**Filed May 28, 2019
Affirmed
Reilly, Judge**

Douglas County District Court
File No. 21-CR-17-771

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

Chad Larson, Douglas County Attorney, Alexandria, Minnesota (for respondent)

Charles L. Hawkins, Arthur J. Waldon, Minneapolis, Minnesota (for appellant)

Considered and decided by Bratvold, Presiding Judge; Rodenberg, Judge; and
Reilly, Judge.

UNPUBLISHED OPINION

REILLY, Judge

Appellant challenges his conviction for a controlled-substance crime, arguing that the district court erred in denying his motion to suppress evidence found during a warrantless search of his residence. We affirm.

DECISION

Appellant argues that the district court erred by denying his motion to suppress evidence obtained from the warrantless search of his home, because the search was not justified under the emergency-aid exception to the warrant requirement.

Police officers looked through a window of appellant's home to ensure the safety of a woman in the home, identified as K.A., following reports that appellant swung a shovel at or near her in the parking lot of a nearby bar. Officers saw K.A., who did not appear injured. Officers also saw drugs and drug paraphernalia on a table near the window. Officers obtained and executed a search warrant and collected the drugs. The state charged appellant with controlled-substance crimes and criminal damage to property. Appellant moved to suppress the evidence, but the district court denied the motion on the ground that the officer's warrantless search was justified under the emergency-aid exception to the warrant requirement. The district court conducted a stipulated-facts trial and found appellant guilty of one count of first-degree possession of cocaine.

The United States and Minnesota Constitutions protect an individual from unreasonable searches and seizures by the government. U.S. Const. amend. IV; Minn. Const. art. 1, § 10. A "search" occurs "upon an official's invasion of a person's reasonable expectation of privacy." *State v. Johnson*, 831 N.W.2d 917, 922 (Minn. App. 2013), *review denied* (Sept. 17, 2013). The Fourth Amendment generally requires a warrant before the government can search the home of a private individual. *State v. Richards*, 552 N.W.2d 197, 203 (Minn. 1996). A search conducted without a warrant is presumptively unreasonable and, if no exception applies, the fruits of the search must be suppressed. *State*

v. Hummel, 483 N.W.2d 68, 72 (Minn. 1992). Minnesota recognizes several exceptions to the search warrant requirement, including the emergency-aid exception. *State v. Lemieux*, 726 N.W.2d 783, 787-88 (Minn. 2007); *Richards*, 552 N.W.2d at 203. “[T]he emergency-aid exception is a subset of the exigent-circumstances exception to the warrant requirement.” *Ries v. State*, 920 N.W.2d 620, 631 (Minn. 2018). Minnesota courts “recognize exigencies in circumstances when police are objectively motivated by the need to render aid or prevent injury.” *Id.* (citation omitted). Whether a recognized exception to the Fourth Amendment applies is a question of law subject to de novo review. *State v. Zornes*, 831 N.W.2d 609, 621 (Minn. 2013). The state bears the burden of establishing that an exception to the warrant requirement exists. *State v. Johnson*, 689 N.W.2d 247, 251 (Minn. App. 2004), *review denied* (Minn. Jan. 20, 2005).

The district court determined that the officer’s actions were justified under the emergency-aid exception to the warrant requirement. We agree. This exception permits a police officer to conduct a warrantless entry “to render emergency assistance to an injured occupant or to protect an occupant from imminent injury.” *Lemieux*, 726 N.W.2d at 787-88. Minnesota uses a two-part test to determine whether the emergency-aid exception applies. *Ries*, 920 N.W.2d at 632 (citation omitted). 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.* (quotation omitted). Second, “[t]here must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched.” *Id.* (quotation omitted). “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 v. Stuart*, 547 U.S. 398, 404, 126 S.Ct. 1943, 1948 (2006)).¹

Reasonable grounds to believe an emergency required immediate assistance

Under the first prong, we consider whether the police officers had reasonable grounds to believe that there was an emergency and “an immediate need for their assistance for the protection of life or property.” *Lemieux*, 726 N.W.2d at 788. A reviewing court applies an objective standard to determine the reasonableness of the officer’s belief that an emergency exists. *State v. Othoudt*, 482 N.W.2d 218, 223 (Minn. 1992). To determine whether an officer’s actions meet this standard, we ask “whether with the facts available to the officer at the moment of the . . . search, would a person of reasonable caution believe that the action taken was appropriate.” *Id.*

The first prong is satisfied. Witnesses reported to the police officers that appellant and K.A. were fighting at the bar, and that appellant was trying to “fight everybody.” Appellant swung a shovel at or near K.A. and hit a vehicle with the shovel. Appellant appeared intoxicated or under the influence of narcotics. An officer testified that “[w]ith a bar fight it’s kind of a chaotic scene,” and “[his] concern was . . . there may be a domestic assault that occurred.” The officer stated that his goal was “to find [K.A.] right away.” Officers went to appellant’s home and knocked on the front door, but the occupants refused to answer. Officers saw a woman open the curtains and then shut them immediately.

¹*Lemieux* originally held that the officer’s search must not be primarily motivated by the intent to arrest and seize evidence. 726 N.W.2d at 788. But the Supreme Court rejected that approach in *Brigham City*, stating that “[t]he officer’s subjective motivation is irrelevant.” 547 U.S. at 404, 126 S. Ct. at 1948; *Ries*, 920 N.W.2d at 632 n.6.

Concerned for K.A.'s safety, the officers looked through a window. They did not enter the home. Based on this evidence, we determine that the officers had reasonable grounds to believe there was an emergency requiring immediate assistance inside the home.

Appellant argues that the facts were not sufficient to justify the officers' belief that there was an emergency. We disagree. The emergency-aid exception does not apply when a police officer has merely a vague understanding that a potential victim "may need help." *State v. Fitzgerald*, 562 N.W.2d 288, 288 (Minn. 1997). But the emergency-aid exception does not require the commission of a serious or violent crime. *Ries*, 920 N.W.2d at 631. Instead, "[t]he need to protect or preserve life or avoid serious injury is justification for what would be otherwise illegal absent an exigency or emergency." *Id.* at 630 (quotation omitted). Law enforcement officers are justified in interfering in an individual's privacy without a warrant "to render emergency assistance to an injured occupant or to protect an occupant from imminent injury." *Id.* (quotation omitted). Here, the violent altercation at the bar, coupled with the officers' experiences with domestic abuse situations, and their concern for K.A.'s safety, were sufficient to give the officers reasonable grounds to believe that an emergency existed in the home requiring immediate assistance.

Reasonable basis associated with the emergency

Second, we determine that there was a "reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched." *Lemieux*, 726 N.W.2d at 788. The record supports a finding that there was a reasonable basis, approximating probable cause, to associate the emergency with appellant's home. See *State v. Gallagher*, 275 N.W.2d 803, 806 (Minn. 1979) (noting that 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'). The second factor is satisfied.

Applying the two-factor test, we determine that the record supports a conclusion that the emergency-aid exception to the warrant requirement applies. Accordingly, the district court properly denied appellant's motion to suppress on that basis, and we affirm.

Affirmed.