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**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-1510**

State of Minnesota,
Respondent,

vs.

Juan Carlos Garcia Morales,
Appellant.

**Filed July 22, 2019
Affirmed
Jesson, Judge**

Sherburne County District Court
File No. 71-CR-17-505

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

Kathleen Heaney, Sherburne County Attorney, Samuel Wertheimer II, Chief Deputy
County Attorney, Elk River, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Julie Loftus Nelson, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Schellhas, Presiding Judge; Jesson, Judge; and Smith,
Tracy M., Judge.

UNPUBLISHED OPINION

JESSON, Judge

Early one morning in February 2017, appellant Juan Carlos Garcia Morales ran a
red light, causing a fatal car accident. Officers applied for and received a search warrant

for Garcia Morales's blood. His blood tested positive for amphetamine and methamphetamine. Garcia Morales moved to suppress the results of the blood test because the search warrant lacked probable cause. The district court denied his motion, and Garcia Morales was convicted of criminal vehicular homicide and reckless driving following a jury trial. On appeal, Garcia Morales challenges the district court's denial of his motion to suppress the results of his blood test. We affirm.

FACTS

Around 7:55 one morning in February 2017, appellant Juan Carlos Garcia Morales was involved in a two-vehicle collision at the intersection of County Road 81 and Highway 10 in Sherburne County. Shortly thereafter, law enforcement responded to the scene. At the time of the crash, it was light outside and the road conditions were good. Two witnesses' statements established that Garcia Morales ran a red light and crashed into the side of another car, killing the driver.

According to witnesses, following the accident, Garcia Morales appeared to be dazed. But he was oriented to time and place and able to answer law enforcement's questions. When asked about the crash, Garcia Morales stated that "somebody ran a red light," but he did not know if it was him or the other driver. He said that he was distracted at the time of the crash, because he was thinking about an argument he had with his girlfriend earlier that morning. After seeing the severity of the crash, Garcia Morales became less cooperative. He asked about the other driver. Garcia Morales's demeanor at the scene of the accident did not suggest that he was under the influence of alcohol. While

in the ambulance, Garcia Morales was asked if he remembered what happened, and he responded that he did not. He was then taken to the hospital.

At the hospital, Minnesota State Patrol Sergeant David Stadther interviewed Garcia Morales. Sergeant Stadther testified that Garcia Morales went in and out of consciousness and would need to be woken up. After being asked about what color the light was at the time of the crash, Garcia Morales answered that he did not know, according to Sergeant Stadther, and denied that he had been drinking. At some point during the interview, Garcia Morales lost consciousness and became unresponsive.

Meanwhile, Captain Sam Olson of the Big Lake Police Department went to the address listed on Garcia Morales's driver's license in an attempt to obtain information about his mental state or whereabouts prior to the crash. Upon arrival at the address, Captain Olson noticed a car in front of the residence, belonging to Garcia Morales's ex-girlfriend, G.S., but he did not receive a response after knocking.¹ After returning to his office, he made contact with G.S. via telephone, who reported that she and Garcia Morales were no longer dating and that he no longer lived with her, but his mail was still delivered to her address. G.S. confirmed that Garcia Morales dropped her off at her home that morning after 7:00. He was upset because he had seen her with another man, according to G.S.

Captain Olson then asked about Garcia Morales's drug and alcohol use. G.S. replied that she and Garcia Morales had used methamphetamine on the weekends together in the

¹ Captain Olson testified that he was aware that G.S., Garcia Morales's ex-girlfriend, lived at that address.

past. But when asked about the last time she knew Garcia Morales used methamphetamine, G.S. responded that she did not know of him using methamphetamine since he was released from jail in October 2016, four months before. And when Captain Olson asked whether Garcia Morales had “used any type of drugs in the last couple days,” G.S. was “hesitant to answer but stated that she did not believe so.” Captain Olson briefed the lead investigator, Minnesota State Trooper Jason Curtis, on his conversation with G.S.

Trooper Curtis followed up with G.S., who stated that she and Garcia Morales had breakfast at a restaurant in Becker that morning. She also confirmed that prior to Garcia Morales being released from jail in October, they used methamphetamine together. G.S. stated that they were no longer together. And she admitted that, because she no longer sees Garcia Morales, she probably would not know if he recently used drugs.

Trooper Curtis then provided the information from his investigation—including the information he received from Captain Olson—to Sergeant Stadther, who was assigned to prepare the affidavit in support of a search warrant for a sample of Garcia Morales’s blood. When asked about drafting the affidavit, Sergeant Stadther testified that he used a special search warrant template that had been created for use in driving-while-impaired and criminal-vehicle-operation cases. And that it was his first time using this template. The warrant template used fill-in and drop-down boxes for the information.

The supporting affidavit and application for the search warrant stated that at approximately 7:55 a.m., Garcia Morales was involved in a car crash, which resulted in

one fatality. And the application stated that Garcia Morales was one of the drivers based upon the following facts:

[Garcia Morales] was observed at the scene by witnesses driving west on Hwy. 10 running a red light at CR 81. Witnesses observed him exit his car looking at the vehicle he hit in a daze. He also advised T/Sgt. Stadther that he didn't know what color the light was at the time. It was later learned from Big Lake Officers that his live in girlfriend [said] that he has been a know[n] meth user in the past. He had just been in a verbal domestic with his girlfriend just prior to the crash and left his residence around 0730. She advised Trooper Curtis that when he left the residence he didn't look tired. It is unknown what he did between the time he left the residence and the time of the crash, which was around 0755 am. It is also unknown why he would run a red light at a very open intersection with good visibility.

The affidavit also stated:

From their investigation, Troopers/officers formed the belief that at the time of the collision, the suspect [Garcia Morales] was the driver and was under the influence of alcohol in violation of Minnesota law based on the following facts:

T/Sgt. spoke with Garcia Morales at the St. Cloud Hospital and he was unaware of what color light he had. It was later learned by officers [sic]

At the contested omnibus hearing, Sergeant Stadther testified that it appeared that the last sentence was cut off, but he did not know why the remainder of the sentence was missing. And while Sergeant Stadther could not explain why the rest of the sentence was missing, he had no reason to believe that the signing judge had been presented with anything different. He also testified that the statement in the affidavit about officers having reason to believe that Garcia Morales was "under the influence of alcohol" at the time of

the crash was an error and the affidavit should have stated that there was a reason to believe that Garcia Morales was “under the influence of drugs.”

After being presented with the application for and affidavit in support of a search warrant, the signing judge authorized a search warrant for a sample of Garcia Morales’s blood. The results of the blood sample test indicated the presence of amphetamine and methamphetamine. Garcia Morales was charged with reckless driving and criminal vehicular homicide.²

Garcia Morales moved to suppress the results of the blood test, arguing that: (1) the search warrant application lacked probable cause on its face, and (2) the search warrant was invalid because there were material misstatements of facts and omissions that were made deliberately or with reckless disregard for the truth. Following a contested omnibus hearing, the district court denied Garcia Morales’s motions, finding that the search warrant was facially valid and that any misstatements or omissions were not material and were not done deliberately or with reckless disregard for the truth. The case proceeded to a jury trial, where Garcia Morales was found guilty on both counts. Garcia Morales appeals.

D E C I S I O N

The United States and Minnesota Constitutions provide that search warrants must be supported by probable cause. U.S. Const. amend. IV; Minn. Const. art. 1, § 10. This court provides great deference to the district court’s determination, and we review only whether the issuing judge had a substantial basis for concluding that probable cause

² In violation of Minn. Stat. §§ 169.13, subd. 1(a), (c) (reckless driving), 609.2112, subd. 1(a)(6) (criminal vehicular homicide) (2016).

existed. *State v. Fawcett*, 884 N.W.2d 380, 384-85 (Minn. 2016). To determine if there was a substantial basis, this court looks to the totality of the circumstances. *State v. Wiley*, 366 N.W.2d 265, 268 (Minn. 1985). And this court defers to the signing judge, “recognizing that doubtful or marginal cases should be largely determined by the preference to be accorded to warrants.” *Fawcett*, 884 N.W.2d at 385 (quotations omitted). Garcia Morales makes two arguments attacking the basis for probable cause: that a substantial basis did not exist to believe that he operated his car negligently with drugs in his body, and that material omissions in the affidavit invalidated the search warrant. We address each issue in turn.

Substantial Basis

Here, the facts presented to the district court in the search warrant application included that Garcia Morales was one of the drivers involved in a fatal crash that occurred in February 2017 at 7:55 in the morning at the intersection of Highway 10 and County Road 81. Witnesses observed Garcia Morales driving west, running the red light, and crashing into another car. Then, he got out of his car and looked at the other car in a daze. He did not know what color the light was at the time. The accident occurred after a verbal dispute with his ex-girlfriend, and he left her house around 7:30 a.m. The ex-girlfriend stated that he used methamphetamine in the past. She also stated that Garcia Morales did not look tired when he left her house that morning. It is unknown both what Garcia Morales did between when he left his ex-girlfriend’s house and the crash and why he ran a red light at an open intersection with good visibility. Based upon these facts, the signing judge authorized the search warrant.

After reviewing the affidavit in support of the search warrant, and because of the great deference this court provides to the district court's decision, we conclude that, based on the totality of the circumstances, there was a substantial basis to support the district court's finding that probable cause existed to support the search warrant for Garcia Morales's blood. See *Fawcett*, 884 N.W.2d at 385. But in our reading of the facts contained in the affidavit, we give little, if any, weight to Garcia Morales's past drug use because the search warrant application does not indicate how long ago in the "past" he used methamphetamine. And being dazed following a major car accident is not an uncommon experience. As a result, we accord that fact little weight as well. Disregarding the past drug use and his dazed demeanor, we turn to the balance of information before the district court. The affidavit contains the information that the officers formed the belief that Garcia Morales was the driver and was under the influence of drugs because of their interactions with him. And it implies that, because there is no other reasonable explanation as to why Garcia Morales ran a red light, on a clear day, through an open intersection with good visibility, that the officers suspected drug use by Garcia Morales.

Without question, these facts present a doubtful case of probable cause—a case that causes us concern. But the resolution of doubtful or marginal cases "should be largely determined by the preference to be accorded to warrants." *United States v. Ventresca*, 380 U.S. 102, 109, 85 S. Ct. 741, 746 (1965). Accordingly—keeping in mind the great deference given to the district court's decision and the preference accorded to search warrants—we determine that a substantial basis existed to support the district court's finding of probable cause to support the search warrant for Garcia Morales's blood.

Because the warrant's affidavit provided a substantial basis to conclude that Garcia Morales had been under the influence of drugs at the time of the crash, we conclude that the district court did not err when it denied his motion to suppress the blood test results.

Material Omissions

Garcia Morales further contends that the search warrant was invalid because it omitted the fact his "past" drug use was four months prior to the crash and that G.S. stated that "she didn't know of [Garcia Morales] using meth" in those four months. Under *Franks v. Delaware*, warrants supported by deliberately falsified or misrepresented material facts lack probable cause. 438 U.S. 154, 155-56, 98 S. Ct. 2674, 2676 (1978); *see also State v. Doyle*, 336 N.W.2d 247, 250, 252 (Minn. 1983) (including omissions as a form of misrepresentation). To determine if the warrant is invalidated on these grounds, courts use a two-prong test: (1) whether the affiant deliberately made statements that were false or in reckless disregard for the truth; and (2) whether the omission was material. *State v. Andersen*, 784 N.W.2d 320, 327 (Minn. 2010). An omission is material if, when the omitted facts are included, the warrant would lack probable cause. *Id.* We review the first prong of deliberate misrepresentations under the clearly-erroneous standard, and the second prong of materiality de novo. *Id.*

Here, the omitted information about Garcia Morales's past drug use did not rise to the level of a material omission. Even if the information dating his past known drug use to October was included in the search warrant application, probable cause to search his blood would still remain, as addressed above. Further, if one were to include the omitted information regarding Garcia Morales not using methamphetamine for four months,

provided by G.S., we would need to include all of the omitted information provided. This information includes G.S.’s hesitation in answering the officer’s questions, her caveats that she “didn’t know if he used meth” in those four months, and her agreement that she “probably really wouldn’t know if [Garcia Morales] was using drugs just because [she doesn’t] see him.” And when all of the information provided by G.S. is included in the search warrant application, it does not rise to the level of materiality. *See Andersen*, 784 N.W.2d at 327 (stating that an omission is material if, when supplied, “probable cause to issue the search warrant no longer exists”). Because the omissions were not material, we do not need to reach the issue of whether the omissions were made in reckless disregard of the truth.³ *Id.* at 329.

In sum, given the great deference this court gives to the district court’s decision, and the preference accorded to search warrants, the district court did not err when it found that probable cause existed to support the search warrant. There was a substantial basis for the district court to determine that Garcia Morales had been under the influence of drugs at the time of the crash and the omission of the timing of his past drug use was immaterial.

Affirmed.

³ The application and supporting affidavit for the search warrant contained an incomplete sentence and a box, which was marked, indicating that officers had a reason to believe Garcia Morales was under the influence of alcohol at the time of the crash. But there is no evidence as to what the complete sentence would have stated. As such, we are unable to determine whether the omitted information is material. And regarding the incorrectly marked box, citing the suspected influence of alcohol rather than drugs, Garcia Morales concedes that the record supports a conclusion that it was an “innocent or negligent” misrepresentation that does not invalidate the search warrant. *See State v. Moore*, 438 N.W.2d 101, 105 (Minn. 1989) (stating that a search warrant will not be invalidated by innocent or negligent misrepresentations).