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Minn. Stat. § 480A.08, subd. 3 (2018).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-0344**

State of Minnesota,
Respondent,

vs.

Alberto Fuentes Cruz,
Appellant.

**Filed December 30, 2019
Affirmed
Cochran, Judge**

Nobles County District Court
File No. 53-CR-17-205

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

Joseph M. Sanow, Nobles County Attorney, Worthington, Minnesota; and

Travis J. Smith, Special Assistant County Attorney, Slayton, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Sharon E. Jacks, Assistant Public
Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bjorkman, Presiding Judge; Cochran, Judge; and
Klaphake, Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

UNPUBLISHED OPINION

COCHRAN, Judge

On direct appeal from his convictions of misdemeanor driving while impaired (DWI) and driving after cancelation, appellant argues that the district court erred by denying his suppression motion. We affirm.

FACTS

In February 2017, appellant Alberto Fuentes Cruz was lawfully stopped by a sheriff's deputy for failing to properly signal a lane change. Upon speaking with appellant, the deputy detected an odor of alcohol and observed several signs that led the deputy to believe appellant was under the influence of a stimulant. Although appellant was unable to complete field sobriety testing due to a bad hip, the deputy obtained a preliminary breath test (PBT), which revealed an alcohol concentration of 0.019%. The deputy also checked appellant's license information, which revealed that appellant's driving privileges were canceled as inimical to public safety (IPS).

Appellant was arrested for driving a vehicle while having a canceled-IPS driving status. He was then transported to the Nobles County Jail where, as part of the standard booking process, appellant was asked to provide a urine sample. The urine sample tested positive for methamphetamine. A jail sergeant informed the deputy of the test results. The deputy then applied to the Nobles County District Court for a search warrant to obtain a sample of appellant's blood. The search warrant application noted that appellant submitted a urine sample at the jail, which "gave a positive result for methamphetamine." The district court issued the search warrant, and the blood sample confirmed the presence of

methamphetamine in appellant's system. Respondent State of Minnesota subsequently charged appellant with one count of gross misdemeanor driving after cancelation—IPS, and one count of misdemeanor driving while under the influence of a controlled substance.

Appellant moved to suppress the results of the blood test as fruits of an unlawful search, arguing that the search warrant was invalid because it “was based solely on private medical data which was improperly disclosed by jail staff to an investigating police officer during the course of a criminal investigation.” The district court determined that data stemming from a “urine sample collected as part of the booking process is ‘corrections and detention data’” under the Minnesota Government Data Practices Act (MGDPA). *See* Minn. Stat. §§ 13.01-.90 (2018 & Supp. 2019). The district court also determined that although this corrections and detention data is classified as private under the MGDPA, *see* Minn. Stat. § 13.85, subd. 2, it “may be released to law enforcement if necessary for law enforcement purposes” under Minn. Stat. § 13.85, subd. 5. The district court, therefore, denied appellant's motion to suppress because the results of the urine test were “appropriately reported to law enforcement.”

After stipulating to the state's case under Minn. R. Crim. P. 26.01, subd. 4, the district court found appellant guilty and convicted him of both the charged offenses. This appeal follows.

D E C I S I O N

Appellant challenges the denial of his motion to suppress the blood test results, arguing that the results of his urine test collected by jail staff and disclosed to the deputy under Minn. Stat. § 13.85, subd. 5, may not be disclosed to the district court as part of a

search warrant application. When reviewing a district court's pretrial order on a motion to suppress, this court reviews the district court's factual findings for clear error and its legal determinations de novo. *State v. Ortega*, 770 N.W.2d 145, 149 (Minn. 2009). Because appellant stipulated to the state's evidence pursuant to rule 26.01, subdivision 4, our "review is further limited to the pretrial order that denied [appellant's] motion to suppress." *Id.*

The state contends that appellant's argument is not properly before us because appellant's argument to the district court was more narrow than his argument on appeal. The state notes that, in his suppression motion, appellant argued that the MGDPA precluded jail staff from disclosing the results of appellant's urine sample to law enforcement. On appeal, appellant appears to concede that the disclosure of this corrections and detention data to law enforcement did not violate the MGDPA, and instead argues that disclosure of this same data by law enforcement to the courts violated the MGDPA. "It is well settled that a party may not raise issues for the first time on appeal." *Taylor v. State*, 910 N.W.2d 35, 38 (Minn. 2018) (quotation omitted). Although the argument appellant makes on appeal was not clearly articulated before the district court, the record reflects that appellant generally argued below that it was a violation of the MGDPA to use the results of a urine test, taken as part of the booking process, in the search warrant affidavit and that the evidence obtained as a result of the search warrant should be suppressed. We therefore conclude that appellant's argument is properly before us.

Turning to the merits of appellant's argument, we note that the parties stipulated that the MGDPA issue is "dispositive" and that suppression of the blood test is warranted

if appellant “prevail[s] on appeal.” By their stipulation, the parties agree that the MGDPA issue is dispositive. See Minn. R. Crim. P. 26.01, subd. 4(c) (stating that defendant and prosecutor “must acknowledge that the pretrial issue is dispositive, or that a trial will be unnecessary if the defendant prevails on appeal”). But the parties do not reference, nor are we aware of, any authority that holds that the exclusionary rule applies to the MGDPA. Cf. *State v. Mike*, 919 N.W.2d 103, 110-11 (Minn. App. 2018) (recognizing that not all statutory violations require suppression of evidence), *review denied* (Minn. Aug. 20, 2019). Nonetheless, we need not decide whether a violation of the MGDPA requires suppression of the blood test results because we conclude that appellant has not shown a violation of the act. Cf. *State v. Smith*, 367 N.W.2d 497, 504 (Minn. 1985) (declining to decide whether disclosure of the address of a welfare client to police, absent a court order, violated the MGDPA because even if there was a technical violation, suppression was not required).

We begin our analysis of the MGDPA by interpreting the applicable statutory language. “The objective of statutory interpretation is to ascertain and effectuate the Legislature’s intent.” *State v. Struzyk*, 869 N.W.2d 280, 284 (Minn. 2015). When interpreting a statute, words and phrases are “construed according to the rules of grammar and according to their common and approved usage.” *State v. Pakhnyuk*, 926 N.W.2d 914, 920 (Minn. 2019) (quotation omitted). A statute is ambiguous only when the statutory language is subject to more than one reasonable interpretation, and if the statute is unambiguous, we apply the statute’s plain meaning. *State v. Fleck*, 810 N.W.2d 303, 307 (Minn. 2012). Statutory-interpretation issues are reviewed de novo. *State v. Vasko*, 889 N.W.2d 551, 556 (Minn. 2017).

The MGDPA “regulates the collection, creation, storage, maintenance, dissemination, and access to government data in government entities.” Minn. Stat. § 13.01, subds. 1, 3. A government entity is “a state agency, statewide system, or political subdivision.” Minn. Stat. § 13.02, subd. 7a. The MGDPA differentiates between “data on individuals” and “data not on individuals.” See Minn. Stat. § 13.02, subds. 4, 5. “After the initial classification as either data on individuals or not on individuals, the data is categorized as either public, private, or confidential.” *Int’l Bhd. Of Elec Workers, Local No. 292 v. City of St. Cloud*, 765 N.W.2d 64, 66 (Minn. 2009). Public data on individuals is accessible to the public. Minn. Stat. § 13.02, subd. 15. Private data on individuals is data which is made not public by statute or federal law, but is accessible to the subject of the data. Minn. Stat. § 13.02, subd. 12. Confidential data on individuals is data made not public by statute or federal law, and is not accessible to the individual subject of that data. Minn. Stat. § 13.02, subd. 3. While private data and confidential data generally may not be disclosed to the public, private data may be disclosed as specifically authorized by law. Minn. Stat. § 13.05, subd. 4(b).

Under Minn. Stat. § 13.85, subd. 2, certain “corrections and detention data on individuals are classified as private.” “Corrections and detention data” is data on individuals that is “created, collected, used or maintained because of their lawful confinement or detainment in state reformatories, prisons and correctional facilities, municipal or county jails, lockups, workhouses, work farms and all other correctional and detention facilities.” Minn. Stat. § 13.85, subd. 1. Corrections and detention data may be released “to any law enforcement agency, if necessary for law enforcement purposes, or to

the victim of a criminal act where the data are necessary for the victim to assert the victim's legal right to restitution." Minn. Stat. § 13.85, subd. 5. And Minn. Stat. § 13.85, subd. 4 provides that "[a]fter any presentation to a court, any data made private or confidential by this section shall be public to the extent reflected in court records."

Here, the parties agree that the test results from the urine sample collected at the county jail are private "corrections and detention data" within the meaning of the MGDPA. Appellant appears to concede that the jail was authorized to release the results of the urine test to the deputy for "law enforcement purposes" under section 13.85, subdivision 5. But appellant argues that because the district court "is part of the judiciary," which is separate and distinct from law enforcement, the deputy lacked authority under the MGDPA to release appellant's urine-test results to the court in the warrant application. Appellant argues that disclosure of his urine-test results to the district court in the search warrant application violated the MGDPA, and therefore the search warrant was invalid and the results of his blood test should be suppressed.¹ We disagree.

When interpreting a statute, we must construe the statute "as a whole and the words and sentences therein are to be understood in light of their context." *State v. Alarcon*, 932 N.W.2d 641, 646 (Minn. 2019) (quotations omitted). Various provisions of the same statute must also be "interpreted in the light of each other, and the legislature must be presumed to have understood the effect of its words and intended the entire statute to be

¹ Appellant appears to contend that if the search warrant is determined to be invalid, both of his convictions should be reversed. But appellant's conviction of driving after cancelation was not dependent upon the information sought in the search warrant. Consequently, appellant's challenge on appeal is limited to his DWI conviction.

effective and certain.” *Van Asperen v. Darling Olds, Inc.*, 93 N.W.2d 690, 698 (Minn. 1958).

Construing section 13.85 as a whole, and its words and sentences in light of their context, we conclude that the disclosure of appellant’s urine-test results to the district court in the search-warrant affidavit did not violate the MGDPA. Although appellant’s urine-test results are private corrections and detention data under Minn. Stat. § 13.85, subd. 2, these results may be released “to any law enforcement agency, if necessary for law enforcement purposes.” Minn. Stat. § 13.85, subd. 5. A search warrant serves a law enforcement purpose.

Additionally, subdivision 4 of the statute provides that “[a]fter any presentation to a court, any data made private . . . by this section shall be public to the extent reflected in court records.” *Id.*, subd. 4. The fact that Minn. Stat. § 13.85, subd. 4 contemplates that private data under section 13.85 may be presented to a court indicates that private corrections and detention data may be disclosed by law enforcement to the district court “for law enforcement purposes” without violating the MGDPA. And the provision in subdivision 4 that the private corrections and detention data becomes public only “to the extent reflected in court records” demonstrates that the filing of private data with the courts is not the same as disclosing private data to the public and is permitted by the MGDPA.

Finally, appellant’s argument, if adopted, would lead to an absurd result. *See* Minn. Stat. § 645.17(1) (2018) (directing that courts are to presume that “the legislature does not intend a result that is absurd”). As the state points out, if the MGDPA precludes law enforcement from filing private corrections and detention data with the courts in a

search-warrant application, then law enforcement would also be precluded from disclosing criminal investigative data to the courts. *See* Minn. Stat. § 13.82, subd. 7 (“[I]nvestigative data collected or created by a law enforcement agency in order to prepare a case against a person, whether known or unknown, for the commission of a crime . . . for which the agency is the primary investigative responsibility are confidential or protected nonpublic while the investigation is active.”). If that were the case, then law enforcement would be severely hampered in obtaining search warrants and investigating crimes.

Because the results of appellant’s urine test were validly disclosed to the district court by law enforcement for law enforcement purposes in the search warrant application, appellant’s claim of a violation of the MGDPA is without merit. Appellant has not shown that the district court erred in denying his motion to suppress. We therefore affirm appellant’s convictions.

Affirmed.