

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A26-0061**

Nicholas Raymond Zandstra, petitioner,
Appellant,

vs.

Commissioner of Public Safety,
Respondent.

**Filed September 8, 2026
Affirmed
Bentley, Judge**

Wright County District Court
File No. 86-CV-25-1658

James M. Ventura, Wayzata, Minnesota (for appellant)

Keith Ellison, Attorney General, Laura Taken-Holtze, Assistant Attorney General, St. Paul,
Minnesota (for respondent)

Considered and decided by Johnson, Presiding Judge; Bentley, Judge; and Bond,
Judge.

NONPRECEDENTIAL OPINION

BENTLEY, Judge

In this appeal from a district court order sustaining the revocation of his driver's license, appellant argues that his license should be reinstated because the revocation was based on a blood sample that was collected at night pursuant to a search warrant that was not authorized for execution during nighttime hours, in violation of Minn. Stat. § 626.14,

subd. 1 (2024). The commissioner concedes that the warrant did not authorize a nighttime search but argues that the statutory violation in this case does not justify rescission of the revocation decision. We agree with the commissioner and therefore affirm.

FACTS

The following facts derive from evidence and testimony received at the implied-consent hearing.

On a December evening around 7:30 p.m., a deputy with the Wright County Sheriff's Office responded to a call about a vehicle rollover. On the scene, the deputy found a utility task vehicle (UTV) on its side, pulling a trailer. The driver was still in the vehicle, complaining of rib and chest pain and unable to get out. The deputy identified the driver as appellant Nicholas Raymond Zandstra. The fire department arrived on the scene to remove Zandstra from the vehicle and placed him in an ambulance to be transported to the hospital for his injuries. During this time, the deputy observed "two aluminum cans, [beer] containers, in the cup holder of the vehicle" that were "cracked open" with "the liquid . . . spewing out of the containers." The deputy also "noticed the odor of alcohol" and that Zandstra's speech was slurred when they spoke.

Suspecting Zandstra of driving while under the influence of alcohol, the deputy began applying for a search warrant for a blood or urine sample. The deputy was a relatively new officer who had applied for a search warrant one other time. In the search warrant application, the deputy described his observations of the accident as well as the two open beer cans, Zandstra's slurred speech, "and a strong smell of an alcoholic beverage coming from his person." The deputy failed to check the box on the electronic warrant

application meant to signal the need for a nighttime warrant because, according to his testimony, he “was unaware at that time, with it being [his] second search warrant, that there was a box to check for it to be after 8:00 p.m.” The deputy did not otherwise explain the necessity of a nighttime search warrant. He submitted the warrant application at 8:18 p.m. The judge signed the warrant at 8:37 p.m., authorizing the collection of a blood or urine sample. The warrant contained language authorizing the deputy to execute the warrant “between the hours of 7 a.m. and 8 p.m.”

As the deputy was applying for and waiting on the search warrant, Zandstra was receiving medical treatment. The deputy testified that, after receiving the signed search warrant, he was unaware that it authorized a search only during daytime hours and believed he had a valid warrant allowing him to request that Zandstra provide a blood or urine test that evening. After waiting for a hospital staff member to become available who was authorized to draw blood, the deputy executed the search warrant around 9:30 p.m. Zandstra submitted to the blood test, and the results of the test revealed an alcohol concentration above the legal limit.

Based on those test results, the Minnesota Department of Public Safety revoked Zandstra’s license under Minnesota Statutes section 171.177 (2024). Zandstra petitioned for judicial review of the revocation and subsequently moved to suppress the results of his blood test on the grounds that the warrant was invalid under Minnesota Statutes section 626.14 and that, consequently, the blood draw was an illegal search in violation of his constitutional rights.

The district court conducted an implied-consent hearing at which the arresting deputy and Zandstra testified, and both the search warrant application and the warrant were received as exhibits. In an order following the hearing, the district court sustained the license revocation. The district court explained that, “[b]ecause there is no caselaw that directly addresses the issue of whether a violation of section 626.14 warrants rescission under section 171.177,” it was “apply[ing] principles of criminal law to determine whether rescission is warranted.” It applied the framework used in *State v. Jordan*, 742 N.W.2d 149 (Minn. 2007), and established in *State v. Jackson*, 742 N.W.2d 163 (Minn. 2007), which considered whether a violation of section 626.14 required suppression of evidence in a criminal proceeding, and reasoned that, although the blood draw was in violation of section 626.14, suppression of the resulting evidence was unnecessary because the violation “was of a technical nature and did not subvert the purpose of the statute.” The district court also noted that “[t]he officer applied for and obtained judicial authorization for the search without an overly intrusive invasion of [Zandstra’s] privacy as the authorized blood draw occurred while he was in a medical setting, not in his home.”

Zandstra appeals.

DECISION

Under the implied-consent law, Minnesota Statutes sections 169A.50 to 169A.53 (2024), a person consents to a blood or urine test to determine the presence of a controlled substance when an officer has probable cause to believe that the person was driving while impaired and the person was involved in an accident that resulted in property damage or personal injury. Minn. Stat. § 169A.51, subd. 1(a), (b)(2). “[A] blood or urine test may be

conducted only pursuant to a search warrant or a judicially recognized exception to the search warrant requirement.” *Id.*, subd. 3(a). If the officer executes the search warrant and certifies that there was probable cause to believe that the person was driving under the influence and that the person’s test results indicate an alcohol concentration of 0.08 or more, then the commissioner must revoke the person’s driver’s license. Minn. Stat. § 171.177, subds. 3(2)(i), 5(a).

A person whose license was revoked may petition for judicial review of that decision. Minn. Stat. §§ 169A.53, subd. 2, 171.177, subd. 11. By statute, the scope of an implied-consent hearing is limited to certain enumerated subjects, including whether the “licensed peace officer appl[ied] for a search warrant in accordance with the requirements set forth in sections 626.04 to 626.18.” Minn. Stat. § 171.177, subd. 12(b)(4).

The commissioner has the burden of proof in implied-consent proceedings, and the standard of proof is a preponderance of the evidence. *Johnson v. Comm’r of Pub. Safety*, 392 N.W.2d 359, 362 (Minn. App. 1986). The application of a statute to undisputed facts, as exist in this case, is a legal question that this court reviews de novo. *AIM Dev. (USA), LLC v. City of Sartell*, 946 N.W.2d 330, 335 (Minn. 2020).

Minnesota Statutes section 626.14, subdivision 1, provides:

A search warrant may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits that a nighttime search outside those hours is necessary to prevent the loss, destruction, or removal of the objects of the search or to protect the searchers or the public.

The parties agree that the deputy did not have a valid nighttime search warrant and that he performed the blood draw outside the statutorily authorized hours of 7 a.m. to 8 p.m. The question before this court is whether that statutory violation requires rescission of his license revocation.

The parties frame their arguments around the supreme court's caselaw addressing violations of section 626.14, subdivision 1, in the context of a motion to suppress in a criminal proceeding and maintain that this caselaw also applies in an implied-consent proceeding. Indeed, Zandstra filed a motion to suppress evidence of the blood draw in the implied-consent hearing. Consistent with the parties' presentation of the issue on appeal, we also apply the supreme court's caselaw addressing violations of section 626.14 in the criminal context and assume it applies with equal force in an implied-consent proceeding.

In *Jackson*, the supreme court held that "the suppression of evidence obtained in violation of a statute or rule" is not required "when the violation is merely technical and did not subvert the basic purpose of the statute." 742 N.W.2d at 168 (quotation omitted). In contrast, "serious violations which subvert the purpose of established procedures will justify suppression." *State v. Cook*, 498 N.W.2d 17, 20 (Minn. 1993). The supreme court further held that the purpose of section 626.14 is "to protect against, at a minimum, the indignity of being roused out of bed in the middle of the night and made to stand by in nightclothes," and, more broadly, to protect one's "freedom from intrusion during a period of nighttime repose." *Jackson*, 742 N.W.2d at 170-71 (emphasis omitted). When evaluating whether an unauthorized nighttime search intruded into a period of nighttime repose, courts

look at “what the officers kn[e]w at the time” they began the search. *Jordan*, 742 N.W.2d at 154.

Considering the circumstances here, we cannot conclude that executing a search warrant for Zandstra’s blood sample in the hospital during nighttime hours subverted the statutory purpose of section 626.14. Zandstra was in the emergency room and, to the deputy’s knowledge, was receiving medical treatment for his injuries at the time of the warrant application and search. This contrasts with cases involving violations of section 626.14, subdivision 1, that resulted in the execution of search warrants at a home during the nighttime hours. *See, e.g., Jackson*, 742 N.W.2d at 169-72 (outlining a history of “aversion to nighttime intrusion into the home”); *Jordan*, 742 N.W.2d at 153 (suppressing evidence seized during a nighttime search of defendant’s home when officers “did not know whether . . . any . . . occupants of the home were sleeping, were engaged in particularly personal behavior which they were attempting to keep private, or were in their nightclothes”). Here, Zandstra was not in his home. He had been out driving a UTV after dark, had an accident, and then was brought to the emergency room to receive medical care. Having blood drawn while being treated in an emergency room does not involve “the indignity of being roused out of bed in the middle of the night and made to stand by in nightclothes” in the way that a search of one’s home during the night might. *Jackson*, 742 N.W.2d at 170.

Zandstra argues that this court “need not analyze if [Zandstra] was asleep, was in a hospital gown, or attempting to rest while awaiting medical treatment,” because the focus should be on the invasive nature of the blood draw and Zandstra’s interests in the contents

of his own body. We agree with the premise that a blood draw is a significant intrusion, but we disagree that this factor is dispositive to our analysis of whether the purpose of the nighttime warrant provision was subverted by execution of the warrant at night. *Jackson* and its progeny established that the primary inquiry is about the disturbance to an individual's period of nighttime repose, not the nature of the search or invasion itself. *Id.* at 171. Zandstra does not allege that he had entered a period of nighttime repose and does not otherwise explain how the execution of the warrant at 9:30 p.m. was more invasive in these circumstances than it would have been if executed before 8 p.m.

In his arguments comparing the facts here with other cases addressing violations of section 626.14, Zandstra focuses on how far outside the permitted hours the warrant was executed, pointing out that here, it was an hour and a half past the permitted hours. He compares this with what this court determined to be a “de minimis” violation in *State v. Goodwin*—two minutes before daytime hours began. 686 N.W.2d 40, 43-44 (Minn. App. 2004), *rev. denied* (Minn. Dec. 14, 2004). He suggests that the amount of elapsed time here supports a determination that the violation was serious. We are unpersuaded. Caselaw shows that the timing of the search is one factor to be considered and is not definitive. *Jackson*, 742 N.W.2d at 170-73. We must look more broadly at the purpose of the statute and whether that was subverted, and for the reasons outlined above, we conclude that here it was not.

Zandstra briefly argues that the nighttime blood draw was a constitutional violation, in addition to a statutory violation, but he does not argue that the constitutional inquiry calls for a different analysis or remedy than the statutory one. The supreme court has

recognized that “there are constitutional implications that underlie Minn. Stat. § 626.14 and that the statute is a means by which defendants are protected from unconstitutional nighttime searches.” *Jackson*, 742 N.W.2d at 174. Zandstra has not identified a constitutional interest that is different from the interests also protected by section 626.14. We therefore decline to engage in a separate constitutional analysis.

In sum, the deputy’s untimely execution of the warrant for Zandstra’s blood was a technical violation of Minnesota Statutes section 626.14, subdivision 1, not a serious statutory violation or a constitutional violation. For that reason, the district court did not err by sustaining the revocation of his license.

Affirmed.