This opinion is nonprecedential except as provided by Minn.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
A22-1002

State of Minnesota,
Respondent,

vs.

Corey Allen Wuori,
Appellant.

Filed May 30, 2023
Affirmed
Cochran, Judge

Cass County District Court
File No. 11-CR-21-212

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

Benjamin T. Lindstrom, Cass County Attorney, Walker, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Rachel F. Bond, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Cochran, Presiding Judge; Worke, Judge; and Smith, Tracy M., Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

In this direct appeal from convictions of criminal vehicular homicide and criminal vehicular operation, appellant challenges the district court's denial of his motion to suppress evidence from a blood sample obtained pursuant to a search warrant. Because the

information in the search-warrant application established probable cause to believe that evidence of a crime would be found in appellant's blood, we affirm.

FACTS

On February 1, 2021, law enforcement received a 911 call reporting a motor vehicle crash in Cass County, Minnesota. A state trooper responded to the call. When the trooper arrived at the scene, she observed multiple injured persons, various emergency vehicles and personnel, and two damaged vehicles—a grey truck and a white SUV. The trooper learned that there were two people in the grey truck at the time of the crash—a male driver and a female passenger. The trooper observed the male driver being extricated from the truck and the female passenger, who had been ejected from the truck, being tended to by medical personnel. The driver of the white SUV was deceased.

Other law-enforcement officers at the scene identified the male driver as appellant Corey Allen Wuori. A paramedic told the trooper that Wuori smelled of alcohol. The trooper smelled alcohol inside the truck, as did a police officer on the scene. And the trooper learned that a family member of Wuori had allegedly stopped at the accident site and poured out a bottle of alcohol from the truck before law enforcement arrived.

Wuori left the scene by ambulance. The trooper sent an officer to meet Wuori at the hospital to obtain more information about the accident. When the officer arrived at the hospital, Wuori was yelling in pain while medical personnel tended to his injuries. The officer smelled alcohol on Wuori and asked Wuori how much he had to drink. Wuori did not respond and refused to take a preliminary breath test (PBT).

Meanwhile, the trooper sought a search warrant for a blood sample from Wuori. In the search-warrant application, the trooper stated that "[p]eace officers believed [Wuori] was driving, operating, or controlling a motor vehicle" at the accident site based on the "smell of alcohol from vehicle and person, alcohol dumped out at scene by family, smell of alcohol from person at hospital, PBT refusal." The trooper also stated that, "[f]rom the investigation, peace officers concluded that at the time [Wuori] was driving, operating, or controlling the motor vehicle, [Wuori] was under the influence of a combination of alcohol and controlled substance(s)" based on the following information:

> Male suspect was involved in a two vehicle fatal crash. Male suspect was identified as Corey Allen Wuori, DOB 2/25/81.
>
> According to witness, Wuori was traveling east on [Minnesota Highway] 200 in a grey Chevy truck. The witness, also traveling east on [Minnesota Highway] 200, stated that she saw the grey truck driving up behind her vehicle at a high rate of speed. The witness feared that the grey truck would rear end her. As the truck approached closer, it veered out into the oncoming lane to pass her vehicle. In the opposing lane, traveling west was a white SUV. The grey truck hit the SUV in a head on collision, causing both vehicles to slide north into the ditch. The female driver of the white SUV was killed on impact. The female passenger of the grey truck was thrown from the vehicle and possibly run over by the white SUV. She had head trauma and internal trauma.
>
> Ambulance personnel [were] able to tell [the trooper] they smelled the smell of an alcoholic beverage coming from Wuori. There was a bottle of alcohol on the ground in the wreckage. A family member of Wuori had poured the bottle out on scene before police arrived.
>
> At the hospital, [the officer] met with Wuori. [The officer] could smell an overwhelming smell of an alcoholic beverage coming from Wuori. Wuori would not admit to

> drinking. [The officer] asked for Wuori to submit to a PBT. Wuori refused. No other tests could be done as he was on a gurney and strapped to a backboard.

Based on this information, the trooper requested "a search warrant to obtain [a] blood sample [from Wuori] as evidence of the crime(s) of driving, operating or being in physical control of a motor vehicle while impaired, and criminal vehicular operation/homicide." The trooper sent the warrant application to a district court judge, who issued a search warrant for the blood sample.

After the trooper notified the officer that the search warrant had been issued, the officer obtained a blood sample from Wuori. Testing later revealed that Wuori had an alcohol concentration of 0.089 at the time the sample was taken. Wuori's blood also tested positive for amphetamine and methamphetamine.

Respondent State of Minnesota charged Wuori with three counts of criminal vehicular homicide, in violation of Minn. Stat. § 609.2112, subd. 1(a)(1), (4), (6) (2020), and three counts of criminal vehicular operation, in violation of Minn. Stat.§ 609.2113, subd. 3(1), (4), (6) (2020).

Wuori moved to suppress the evidence obtained from the blood sample, arguing that the search warrant authorizing the blood sample was not supported by probable cause.[1]

[1] Wuori also moved to suppress certain medical records and all evidence obtained during the search of his vehicle. The district court determined that only medical records pertaining to Wuori's blood sample would be admissible at trial, and it denied his motion to suppress the evidence obtained during the vehicle search. Wuori does not challenge either of these decisions on appeal.

The state opposed the motion. Following a hearing, the district court denied Wuori's motion based on its conclusion that the search warrant was supported by probable cause.

Wuori waived his right to a jury trial and stipulated to the state's evidence pursuant to Minn. R. Crim. P. 26.01, subd. 4, to preserve his right to appeal the district court's denial of his motion to suppress. The district court found Wuori guilty and convicted him of one count of criminal vehicular homicide, in violation of Minn. Stat. § 609.2112, subd. 1(a)(6), and one count of criminal vehicular operation, in violation of Minn. Stat. § 609.2113, subd. 3(6). The district court sentenced Wuori to 84 months in prison for criminal vehicular homicide and one year in prison for criminal vehicular operation, with credit for time served.

Wuori appeals.

DECISION

Wuori challenges the district court's denial of his motion to suppress the evidence obtained from his blood sample, arguing that the search warrant authorizing the blood draw was not supported by probable cause.[2]

Both the United States and Minnesota Constitutions prohibit unreasonable searches and seizures and provide that a search warrant must be supported by probable cause. U.S. Const. amend. IV; Minn. Const. art. 1, § 10. A blood draw is a search subject to these

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[2] Wuori also argues that the blood sample was not justified by the exigent-circumstances exception to the warrant requirement. Because we conclude that the search-warrant application authorizing the blood draw was supported by probable cause, we do not consider whether exigent circumstances provide an alternative basis to support the authorization of the blood draw.

constitutional requirements. *Missouri v. McNeely*, 569 U.S. 141, 148 (2013); *State v. Stavish*, 868 N.W.2d 670, 675 (Minn. 2015). "Probable cause exists if the judge issuing a warrant determines that 'there is a fair probability that contraband or evidence of a crime will be found'" in the place to be searched. *State v. Yarbrough*, 841 N.W.2d 619, 622 (Minn. 2014) (quoting *Illinois v. Gates*, 462 U.S. 213, 238 (1983)). An issuing judge's probable-cause determination is "a practical, common-sense decision." *Id.* In rendering this decision, an issuing judge "is entitled to draw common-sense and reasonable inferences from the facts and circumstances given." *State v. Eggler*, 372 N.W.2d 12, 15 (Minn. App. 1985), *rev. denied* (Minn. Sept. 19, 1985).

When reviewing a challenge to a search warrant, "our only consideration is whether the issuing judge had a substantial basis for concluding that probable cause existed." *State v. Fawcett*, 884 N.W.2d 380, 384 (Minn. 2016) (quotation omitted). "Our review is limited to the information presented in the warrant application" and any supporting affidavit. *Id.* at 384-85. To determine whether there was a substantial basis, we "consider the totality of the circumstances" and are "careful not to review each component of the affidavit in isolation." *Id.* at 385 (quotation omitted). We also acknowledge that affidavits "are normally drafted by nonlawyers in the midst and haste of criminal investigation" and therefore do not require "elaborate specificity." *State v. Anderson*, 439 N.W.2d 422, 425 (Minn. App. 1989) (quoting *Gates*, 462 U.S. at 235), *rev. denied* (Minn. June 21, 1989). "We defer to the issuing magistrate, 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 (quotation omitted).

Here, law enforcement sought a blood sample from Wuori "as evidence of the crime(s) of driving, operating, or being in physical control of a motor vehicle while impaired, and criminal vehicular operation/homicide." A person is guilty of driving while impaired if they "drive, operate, or [are] in physical control of any motor vehicle" while under the influence of alcohol or a controlled substance. Minn. Stat. § 169A.20, subd. 1(1)-(2) (2020). A person is guilty of criminal vehicular homicide if they cause the death of another while negligently operating a motor vehicle under the influence of alcohol or while any amount of a controlled substance is present in the person's body. Minn. Stat. § 609.2112, subd. 1(a)(2)(i), (6) (2020). And a person is guilty of criminal vehicular operation if they cause great bodily harm to another while negligently operating a motor vehicle under the influence of alcohol or while any amount of a controlled substance is present in the person's body. Minn. Stat. § 609.2113, subd. 1(2), (6) (2020). By executing the search warrant, the issuing judge determined that there was probable cause to believe that a sample of Wuori's blood would provide evidence of one or more of these crimes.

Wuori acknowledges that the search-warrant application alleged sufficient facts for the issuing judge to have a substantial basis to conclude that Wuori was involved in the accident, that Wuori was under the influence of alcohol or a controlled substance at the time of the accident, that the accident resulted in death and bodily injury, and that the accident was caused by negligent driving. Wuori nevertheless argues that the search-warrant application did not allege sufficient facts for the issuing judge to conclude that Wuori was the driver of the grey truck. We disagree.

Taken as a whole, the factual allegations in the search-warrant application are sufficient to support the issuing judge's probable-cause determination. The search-warrant application was drafted by the trooper who responded to the scene of the accident. The search-warrant application alleged that a witness saw Wuori "traveling" in a grey truck, that the truck drove up behind the witness "at a high rate of speed," and that the witness feared that the truck would rear-end her vehicle. The search-warrant application also alleged that the witness saw the truck swerve into the opposing lane of traffic to pass her vehicle and collide head-on with the white SUV. And the search-warrant application identified only three people involved in the two-vehicle crash: "the female driver of the white SUV," "the female passenger of the grey truck [who] was thrown from the vehicle" and Wuori. Given that Wuori and the female passenger were the sole occupants of the grey truck identified in the search-warrant application, these allegations are sufficient to support a reasonable inference that Wuori was the driver. *See Yarbrough*, 841 N.W.2d at 622; *Eggler*, 372 N.W.2d at 15. This inference is reinforced by another allegation in the search-warrant application: Wuori's refusal to take a PBT at the hospital. In sum, the totality of the circumstances alleged in the search-warrant application and their logical inferences provided the issuing judge with "a substantial basis for concluding that [there was] probable cause" to believe that Wuori was the driver of the grey truck and that evidence of a crime would be found in a sample of Wuori's blood. *Fawcett*, 884 N.W.2d at 384 (quotation omitted).

We are not persuaded otherwise by Wuori's argument that the search warrant's reference to Wuori "traveling" in the grey truck supports an inference that Wuori was

present in the truck at the time of the crash but *not* an inference that he was driving the truck. As discussed above, the search-warrant application provided, in relevant part, that: a witness saw Wuori "traveling" behind her in a grey truck "at a high rate of speed," the grey truck veered into oncoming traffic to pass her vehicle, and the grey truck hit the oncoming white SUV. Given this description, it is reasonable to infer that the trooper used the word "traveling" to connote "driving." *See Gates*, 462 U.S. at 235-36 (explaining that many search warrants are properly issued "on the basis of nontechnical, common-sense judgments of laymen"); *Eggler*, 372 N.W.2d at 15 (providing that an issuing judge is "entitled to draw common-sense and reasonable inferences from the facts and circumstances given"). It is also reasonable to infer that the witness was focused on the driver of the grey truck, not the passenger, because the driver posed an immediate threat to her safety. Accordingly, it is reasonable to infer that the witness identified Wuori as the driver of the truck, even though the search-warrant application referred to Wuori as "traveling" in the truck. Wuori's argument is also unpersuasive because it considers the word "traveling" in isolation rather than considering "the totality of the circumstances" alleged in the search-warrant application. *See Fawcett*, 884 N.W.2d at 385 (providing that courts "consider the totality of the circumstances" and do not review each component of a search-warrant application in isolation). For the reasons explained above, the factual allegations in the search warrant, taken as a whole, were sufficient for the issuing judge to infer that Wuori was driving the truck at the time of the crash.

In sum, we discern no error in the district court's determination that the search-warrant application provided the issuing judge with probable cause to believe "that

there [was] a fair probability that . . . evidence of a crime [would] be found" in Wuori's blood. *Yarbrough*, 841 N.W.2d at 622 (quotation omitted). Accordingly, we conclude that the district court did not err by denying Wuori's motion to suppress the evidence obtained from the blood sample.

Affirmed.