

**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-1509**

State of Minnesota,
Respondent,

vs.

Jordan Christopher Wilde,
Appellant.

**Filed July 13, 2020
Affirmed
Bjorkman, Judge**

Olmsted County District Court
File No. 55-CR-17-4931

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

Mark A. Ostrem, Olmsted County Attorney, Jennifer D. Plante, Senior Assistant County Attorney, Rochester, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Veronica M. Surges, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bratvold, Presiding Judge; Bjorkman, Judge; and Halbrooks, Judge.*

S Y L L A B U S

A search warrant that mistakenly misidentifies the person to be searched does not lack sufficient particularity when the warrant and its supporting documents provide sufficient information to identify the intended person, the circumstances of the case present

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

no reasonable possibility that any other person would be searched, and the intended person was searched.

O P I N I O N

BJORKMAN, Judge

Appellant challenges his conviction of criminal vehicular homicide, arguing that the district court erred by denying his motion to suppress the results of a urine test because (1) the urine sample was collected under a warrant that was insufficiently particular because it mistakenly named his father as the person to be searched and (2) exigent circumstances did not justify the search. We affirm.

F A C T S

Around 11:00 p.m. on December 31, 2016, 19-year-old appellant Jordan Christopher Wilde was driving on a highway when he veered out of his lane and collided with another vehicle. Sergeant Michael Morrow of the Olmsted County Sheriff's Department was the first to arrive at the scene. He observed that the sole occupant of the other vehicle appeared to be deceased. Wilde was the sole occupant of his vehicle and told Sergeant Morrow that he had been driving. He was injured, but his injuries did not appear critical. And he was disoriented but denied drinking; a preliminary breath test confirmed that there was "no alcohol in his system." Sergeant Morrow asked Wilde if he was under the influence of narcotics, and he indicated that he had smoked marijuana before the accident. Shortly thereafter, an ambulance took Wilde to a nearby hospital for medical treatment. Sergeant Morrow asked Deputy Christopher Anderson to follow Wilde to the hospital because he intended to obtain a search warrant for Wilde's blood or urine. Deputy

Anderson watched as hospital personnel transferred Wilde to a treatment room, and he remained outside the room monitoring Wilde until Deputy Nick Jacobson, a law enforcement phlebotomist, relieved him.

Meanwhile, Sergeant Morrow contacted Detective Michael Ranfranz, the on-call detective, to begin drafting a warrant application. Sergeant Morrow briefly summarized the incident and told Detective Ranfranz he would email him a probable-cause statement. Detective Ranfranz did not have Wilde's name, so he used the license-plate number of the vehicle Wilde was driving to look up the registered owner—Chris James Wilde, who is Wilde's father. He inserted that name into the warrant application form, which automatically populated it into all name fields on the application and proposed warrant.¹ He also stated that “Wilde was the only occupant of [the vehicle with the indicated license plate] and admitted he was the driver,” the other driver was pronounced dead at the scene, and “Wilde admitted using marijuana.” To establish the details of the incident, Detective Ranfranz referenced the statement he anticipated receiving from Sergeant Morrow: “SEE ATTACHED AFFIDAVIT.”

Sergeant Morrow's affidavit correctly identified Wilde by name and birth date, detailed the facts of the accident, including Wilde's statements to him, and indicated Wilde was being transported to a particular hospital due to “a possible broken ankle and other minor injuries.” When Detective Ranfranz received the affidavit, he compared it to the application he had prepared. Seeing both “Chris” or “Christopher” and “Wilde” on both,

¹ The application actually said “Chis” throughout, but it is undisputed that this minor typographical error, while persistent, did not affect the validity of the warrant.

he “assumed they were the same names.” He attached the affidavit to the application and sent them to a judge with the proposed warrant. The judge signed the application, witnessing the detective’s oath, and issued the warrant at 1:10 a.m. Detective Ranfranz printed the documents and drove to the hospital.

At the hospital, he met Deputy Jacobson, who indicated that Wilde’s injuries were more serious than they had initially appeared and he was heading into surgery. Deputy Jacobson explained that he had attempted to obtain a blood sample; when that proved unsuccessful, he asked hospital staff to secure a urine sample from Wilde, telling them that “a search warrant was on its way.” But when Deputy Jacobson reviewed the warrant, he noticed that it did not state the name of the person they intended to search. Detective Ranfranz went to obtain a corrected warrant, and Deputy Jacobson continued to seek assistance from hospital staff in obtaining a urine sample from Wilde.

At 2:18 a.m., a nurse brought Deputy Jacobson a container of Wilde’s urine. He noted that the container identified Wilde with the name and birthdate that he knew to be associated with the driver involved in the accident. Deputy Jacobson transferred the urine to his approved urine collection kit. Shortly thereafter, Detective Ranfranz returned with a new warrant, issued at 2:29 a.m., that correctly identified Wilde. Subsequent testing confirmed that Wilde used marijuana before driving.

Wilde was charged with criminal vehicular homicide. He moved to suppress the results of the urine test, arguing that the warrant in effect at the time the urine was collected was insufficiently particular because it misidentified the person to be searched and exigent circumstances did not justify a warrantless search. The district court denied the motion,

reasoning that the error did not invalidate the warrant because it created no reasonable possibility that police would search the wrong person. Wilde subsequently waived a jury trial and submitted the charge to the district court on stipulated facts. The district court found him guilty. Wilde appeals.

ISSUE

Did the district court err by concluding that the warrant was sufficiently particular?

ANALYSIS

When reviewing a pretrial order denying a motion to suppress evidence, we independently review the facts and determine whether, as a matter of law, the district court erred in not suppressing the evidence. *State v. Askerooth*, 681 N.W.2d 353, 359 (Minn. 2004). We review the district court’s factual findings for clear error and its legal determinations de novo. *State v. Gauster*, 752 N.W.2d 496, 502 (Minn. 2008).

The United States Constitution provides that “no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” U.S. Const. amend. IV. The Minnesota Constitution states a nearly identical two-part particularity requirement. Minn. Const. art. I, § 10. Both provisions prohibit “general or exploratory searches.” *State v. Bradford*, 618 N.W.2d 782, 795 (Minn. 2000). “By limiting the authorization to search to the specific areas and things for which there is probable cause to search, the [particularity] requirement ensures that the search will be carefully tailored to its justifications[.]” *State v. Sexter*, 935 N.W.2d 157, 163 (Minn. App. 2019) (quoting *Maryland v. Garrison*, 480 U.S. 79, 84, 107 S. Ct. 1013, 1016 (1987)), review denied (Minn. Dec. 17, 2019).

Requiring particularity with respect to the place to be searched also minimizes the risk “that officers executing search warrants will by mistake search a place other than the place intended by the magistrate.” *State v. Gonzales*, 314 N.W.2d 825, 827 (Minn. 1982).

But errors in the description of the place to be searched do not necessarily invalidate a warrant. *Id.* When determining whether a search warrant is sufficiently particular, we consider whether the description in the warrant “is sufficient so that the executing officer can ‘locate and identify the premises with reasonable effort’ with no ‘reasonable probability that [other premises] might be mistakenly searched.’” *Id.* (alteration in original) (quoting *United States v. Gitcho*, 601 F.2d 369, 371 (8th Cir. 1979)). Under this analysis, we consider not only the warrant itself but also the warrant application and supporting affidavits if they are expressly incorporated into and attached to the warrant. *State v. Fawcett*, 884 N.W.2d 380, 387 (Minn. 2016) (citing *Groh v. Ramirez*, 540 U.S. 551, 557-58, 124 S. Ct. 1284, 1290 (2004)). We view these documents “in a common sense and realistic fashion rather than a grudging or negative attitude that otherwise will tend to discourage police officers from submitting their evidence to a judicial officer before acting.” *State v. Doust*, 173 N.W.2d 337, 339-40 (Minn. 1969) (quotations omitted); *see also Fawcett*, 884 N.W.2d at 385 (recognizing “preference to be accorded to warrants” (quotation omitted)).

We also consider the circumstances of the case when determining whether the warrant is sufficiently particular. *Fawcett*, 884 N.W.2d at 387. In doing so, we account for the possibility the warrant would lead officers to search the wrong location. If the intended location is the only one that fits within the scope of the warrant, there is no

reasonable probability that the executing officer will mistakenly search other premises. *See Gonzales*, 314 N.W.2d at 827 (reasoning that warrant for 41 Delos Street was sufficient to search 41 Wood Street in part because “there were no other houses bearing the number 41 in the neighborhood”); *Doust*, 173 N.W.2d at 339-40 (noting that “there was only one building in the [indicated] block”); *State v. Schnorr*, 346 N.W.2d 380, 382-83 (Minn. App. 1984) (noting that the listed address did not exist and the nearby intended address was the only one in the area bearing the indicated number).

We also account for the executing officer’s personal knowledge of the place to be searched. Such knowledge can lead the officer to the intended location despite errors in the warrant. *Gonzales*, 314 N.W.2d at 827 (noting that the executing officer personally saw the intended location before applying for the warrant); *State v. Kessler*, 470 N.W.2d 536, 539 (Minn. App. 1991) (same); *see also Gitcho*, 601 F.2d at 371 (ascribing great importance to the fact that “the agents executing the warrant personally knew which premises were intended to be searched, and those premises were under constant surveillance while the warrant was obtained”). And we account for whether the place intended to be searched was actually searched, such that no prejudice resulted from the error in the warrant. *Kessler*, 470 N.W.2d at 539.

We have applied this multi-factor analysis to a warrant to search a person. *State v. Taylor*, 910 N.W.2d 60, 66 (Minn. App. 2018) (collecting cases), *review denied* (Minn. June 19, 2018). In *Taylor*, we considered a warrant to collect a buccal swab that referenced the defendant, the person intended to be searched, but also included a reference to a second individual. *Id.* We reasoned that, despite the mistaken reference to the second individual,

“the majority of the text” provided the defendant’s complete name, date of birth, and location, leaving “no reasonable probability, based on the entirety of the search warrant, that another person might have been mistakenly searched.” *Id.*

As in *Taylor*, the warrant under review here mistakenly identified the wrong person. And we agree with Wilde that the error here is more substantial than in *Taylor*—the warrant only identified the wrong person. But we are not persuaded that the extent of the error here is determinative. As in *Taylor*, the warrant and its supporting documents contained correct information pointing to Wilde. The warrant accurately indicated that the person to be searched had both “Chris” and “Wilde” in his name, had been involved in a fatal motor vehicle accident, was located at a particular hospital, and that his blood and urine contained time-sensitive evidence. The application and attached affidavit confirmed these facts, correctly stated Wilde’s complete name and date of birth, and indicated Wilde was receiving medical care at the hospital; the judge signed the application and referenced it in the warrant, and it accompanied the warrant.²

More importantly, the erroneous references to Wilde’s father in the warrant did not create a reasonable probability, under the circumstances, that the officers would search the wrong person. The officers knew, through personal interactions with Wilde, that he was involved in a fatal accident and admitted using marijuana before driving. Deputy Anderson monitored Wilde from the scene of the accident to the hospital, and Deputy Jacobson

² The application and affidavit also detailed the facts that led police to suspect Wilde of criminal vehicular homicide, including his own admission to ingesting marijuana and driving. Wilde does not dispute that the facts known to police established probable cause to believe he committed the offense.

monitored Wilde throughout his time in the hospital. Deputy Jacobson apprised hospital staff of Wilde's status as a suspect, telling them that police were obtaining a search warrant to collect Wilde's blood or urine for testing. When the warrant arrived, Deputy Jacobson immediately recognized that it did not name the young man he had been monitoring. In short, because Deputy Jacobson knew the identity and location of the person to be searched, the warrant's error presented no reasonable probability that the wrong person would be mistakenly searched.

Wilde asserts that the error in the warrant created possible confusion because his father was also at the hospital. We are not persuaded. The record indicates that Wilde's father was in the waiting room at the hospital shortly after Wilde's arrival. Deputy Jacobson was just outside Wilde's treatment room and had no contact with the father. At no time when Wilde and his father were both present at the hospital were police uncertain whether they intended to search Wilde, whom they knew to be the driver involved in the fatal accident and whom they had been monitoring as he received urgent medical treatment, or his father, who was 26 years his senior and not a patient. The lack of confusion is compellingly confirmed by the fact that, despite the physical presence of the person erroneously named in the warrant, police never sought to execute the warrant on Wilde's father.

In sum, the warrant and its supporting documents contained sufficient information to identify Wilde; the surrounding circumstances, particularly the executing officer's personal knowledge that Wilde was the person to be searched, left no reasonable possibility that the wrong person would be searched; and police obtained a sample from only the

person intended to be searched—Wilde. The error in the warrant, though more substantial than in *Taylor*, did not result in the sort of general or exploratory search that the particularity requirement prohibits. On this record, we are satisfied that the warrant identified the person to be searched with sufficient particularity.³

D E C I S I O N

Despite mistakenly identifying Wilde’s father as the person to be searched, the warrant and its supporting documents provided sufficient information to identify Wilde, and the circumstances of the case presented no reasonable possibility that officers would search the wrong person. And police, in fact, searched only Wilde. The warrant was therefore sufficiently particular, and the district court did not err by denying Wilde’s motion to suppress.

Affirmed.

³ Because we conclude that the warrant was sufficiently particular, we affirm on that basis and decline to address the parties’ alternative arguments regarding exigent circumstances.