

STATE OF MINNESOTA
IN COURT OF APPEALS



State of Minnesota,

Respondent,

**SPECIAL
TERM
ORDER¹**

vs.

#A24-0269

Michael Tien Huynh,

Petitioner.

Considered and decided by Segal, Chief Judge; Ross, Judge; and Johnson, Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE
FOLLOWING REASONS:**

Petitioner Michael Tien Huynh seeks discretionary review of the district court's January 19, 2024 pretrial order denying his motion to suppress a statement he made to police. The state has not filed a response.

Huynh is charged with six counts of criminal sexual conduct. Huynh moved to suppress a statement he made to a detective while he was hospitalized for treatment of injuries he sustained in a motor vehicle accident and on a 72-hour hold for suicidal ideation. After a contested omnibus hearing, the district court entered an order on January 19, 2024, denying the suppression motion.

¹ Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Criminal defendants generally do not have a right to appeal until final judgment has been entered. *State v. Verschelde*, 585 N.W.2d 429, 430 (Minn. App. 1998) (citing Minn. R. Crim. P. 28.02, subd. 2(2)). But this court “may allow an appeal from an order not otherwise appealable” in the interests of justice. Minn. R. Crim. P. 28.02, subd. 3. “Minnesota Rule of Civil Appellate Procedure 105 governs the procedure for the appeal.” *Id.*

In determining whether to grant discretionary review, this court considers multiple factors, including: whether the challenged ruling is vested in the district court’s discretion; whether the ruling is questionable or involves an unsettled area of the law; the impact of the ruling on the petitioning party’s ability to proceed; the importance of the legal issue presented; whether appellate review would benefit from the development of a more complete record; whether the legal issue would evade review if the appeal is deferred until the underlying case has been decided; and any special circumstances in the case. *Gordon v. Microsoft Corp.*, 645 N.W.2d 393, 398-402 (Minn. 2002) (addressing factors appropriately considered in deciding petitions for discretionary review). Generally, discretionary review is only extended to important legal questions that have broad applicability. *See id.* at 399 & n.7. “The supreme court later clarified that the *Gordon* factors should be strictly applied only in the context of a class-certification ruling.” *Doe 175 v. Columbia Heights Sch. Dist. No. 13*, 842 N.W.2d 38, 47 (Minn. App. 2014) (citing *Valspar Refinish, Inc. v. Gaylord’s Inc.*, No. A05-1640 (Minn. Nov. 22, 2005) (order)). In other contexts, “[t]his court has discretion to consider additional factors and circumstances

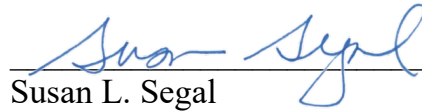
that may apply to the particular case.” *State v. Plevell*, 889 N.W.2d 584, 588 (Minn. App. 2017). A petitioner must also show a “compelling reason for this court to grant discretionary review” of a nonappealable order. *State v. Jordan*, 426 N.W.2d 495, 496 (Minn. App. 1988).

Huynh argues that the district court’s ruling is important and has broad application because it involves the question of whether a defendant on a 72-hour mental health hold is in custody to require a *Miranda* warning before being interrogated by police. We are not persuaded that this issue is sufficiently important to meet the requirements for discretionary review. The district court’s ruling does not involve an unsettled or questionable area of law but the application of existing law with which Huynh disagrees. Huynh’s arguments regarding the importance of the question focus entirely on how the district court’s ruling is important to his case. For example, he argues that discretionary review is necessary to promote settlement and his ability to negotiate. And he argues that an appeal from final judgment does not provide him an adequate remedy because jurors would be prejudiced against him based on his statement. But neither argument shows how the district court’s ruling has broad applicability. Moreover, the criminal rules provide for a court trial or expedited review of dispositive pretrial rulings, and Huynh has not shown how these remedies are inadequate. *See* Minn. R. Crim. P. 26.01, subds. 2, 3, 4. Finally, Huynh has not shown a compelling reason that would persuade us to exercise our discretionary appellate jurisdiction, and the time and expense of a jury trial does not by itself establish such a compelling reason. *See State v. Smith*, 656 N.W.2d 420, 423-24 (Minn. App. 2003).

IT IS HEREBY ORDERED: The petition for discretionary review is denied.

Dated: March 19, 2024

BY THE COURT

A handwritten signature in blue ink, appearing to read "Susan Segal", is written over a horizontal line.

Susan L. Segal
Chief Judge