

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

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2015 ND 50

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Douglas Dale Wojahn,

Petitioner and Appellant

v.

Grant Levi, Director of the North  
Dakota Department of Transportation,

Respondent and Appellee

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No. 20140315

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Appeal from the District Court of Billings County, Southwest Judicial District,  
the Honorable Zane Anderson, Judge.

AFFIRMED.

Per Curiam.

Thomas F. Murtha IV, P.O. Box 1111, Dickinson, ND 58602-1111, for  
petitioner and appellant.

Douglas B. Anderson, Office of Attorney General, 500 N. Ninth St., Bismarck,  
ND 58501-4509, for respondent and appellee.

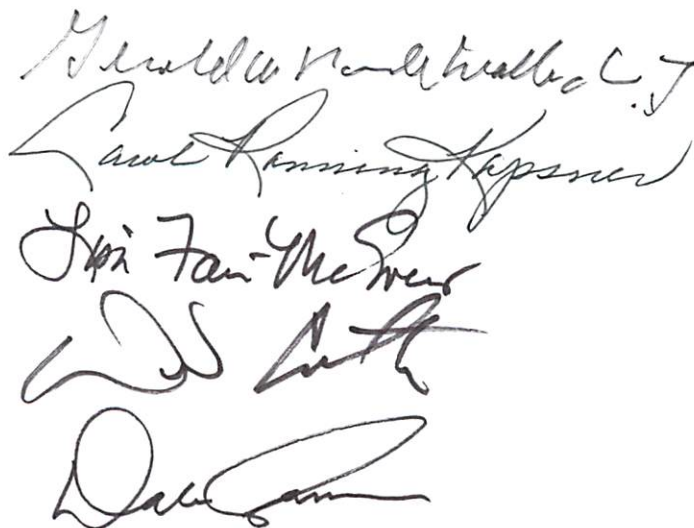
Wojahn v. Levi

No. 20140315

**Per Curiam.**

[¶1] Douglas Wojahn appealed from a district court judgment affirming a Department of Transportation order suspending his North Dakota driving privileges for 91 days. Wojahn argued the warrantless search of his breath and blood was unlawful, his consent to the searches was coerced, and the implied consent statute is unconstitutional under the Fourth Amendment and N.D. Const. art. I, § 8. We have previously determined that consent to a blood-alcohol test is not, standing alone, involuntary or coerced because an individual is advised of the implied consent law which criminalizes refusal. See State v. Beylund, 2015 ND 27, ¶ 1; State v. Harns, 2015 ND 45, ¶ 1, and cases cited therein. Wojahn's argument that the implied consent laws violate the Fourth Amendment and N.D. Const. art. I, § 8, or fall within the unconstitutional conditions doctrine have previously been rejected. State v. Birchfield, 2015 ND 6, ¶¶ 11-17, 858 N.W.2d 302; Beylund v. Levi, 2015 ND 18, ¶¶ 14-30. We summarily affirm under N.D.R.App.P. 35.1(a)(7).

[¶2]



Gerald W. Nordmark, C.J.  
Paul Hennings Kepsner  
John Farn-McSwain  
[Signature]  
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IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

**JUDGMENT**

Supreme Court No. 20140315  
Billings County Case No. 2014-CV-00008

Appeal from the district court for Billings County.

**Douglas Dale Wojahn,**

**Petitioner and Appellant**

v.

**Grant Levi, Director of the North  
Dakota Department of Transportation,**

**Respondent and Appellee**

[¶1] This appeal having been heard by the Court at the February 2015 Term before:

[¶2] Chief Justice Gerald W. VandeWalle, Justice Dale V. Sandstrom, Justice Carol Ronning Kapsner, Justice Daniel J. Crothers, and Justice Lisa Fair McEvers;

[¶3] and the Court having considered the appeal, it is ORDERED AND ADJUDGED that the judgment of the district court is AFFIRMED under N.D.R.App.P. 35.1(a)(7).


[¶4] IT IS FURTHER ORDERED AND ADJUDGED that Grant Levi, Director of the North Dakota Department of Transportation have and recover from Douglas Dale Wojahn costs and disbursements on this appeal under Rule 39, N.D.R.App.P., to be taxed and allowed in the court below.

[¶5] This judgment, together with the opinion of the Court filed this date, constitutes the mandate of the Supreme Court on the date it is issued to the district court under N.D.R.App.P. 40.

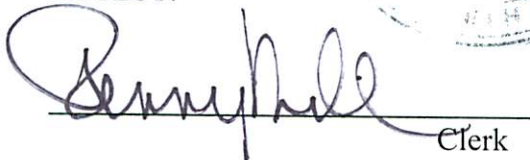
Dated: March 19, 2015



By the Court:

  
Chief Justice

ATTEST:

  
Clerk