

**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-0389**

Dennis Charles Roberts, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed August 12, 2019
Affirmed
Hooten, Judge**

Hennepin County District Court
File No. 27-CR-16-13478

Cathryn Middlebrook, Chief Appellate Public Defender, Jennifer Lauermann, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

Michael O. Freeman, Hennepin County Attorney, Jean Burdorf, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Considered and decided by Reilly, Presiding Judge; Johnson, Judge; and Hooten, Judge.

S Y L L A B U S

Within the context of the statutory scheme and consistent with the plain language of Minn. Stat. § 624.713, subd. 1(2) (Supp. 2015), prohibiting persons who have been adjudicated delinquent of a “crime of violence” from possessing firearms, the definition of “crime of violence” contained within Minn. Stat. § 624.712, subd. 5 (Supp. 2015), unambiguously includes juvenile adjudications for the listed offenses.

OPINION

HOOTEN, Judge

In this appeal from a conviction for possession of a firearm by an ineligible person, in violation of Minn. Stat. § 624.713, subd. 1(2), appellant argues that because he was adjudicated delinquent, rather than convicted, of a “crime of violence,” the statute does not apply to him and his conviction must be vacated. We affirm.

FACTS

The facts of this case are simple and undisputed. In 2013, when he was a minor, appellant Dennis Roberts was adjudicated delinquent of a fifth-degree drug offense, in violation of Minn. Stat. § 152.025 (2012). In 2016, after reaching the age of majority, appellant was arrested, charged with, and pleaded guilty to possession of a firearm by an ineligible person, in violation of Minn. Stat. § 624.713, subd. 1(2). The district court departed dispositionally and sentenced appellant to 60 months stayed prison time with five years of probation. In 2018, appellant violated his probation and the district court executed his sentence.

Appellant then filed a petition for postconviction relief, arguing that as a matter of law, his prior juvenile adjudication did not qualify as a “crime of violence.” The postconviction court denied appellant’s petition, concluding that appellant’s reading of the relevant statutes would contravene clear legislative intent and render relevant statutory language “meaningless.” This appeal follows.

ISSUE

Does the definition of “crime of violence” contained within Minn. Stat. § 624.712, subd. 5 (2014), encompass juvenile adjudications of the listed offenses, such that Minn. Stat. § 624.713, subd. 1(2), prohibits persons who have been adjudicated delinquent under one or more of the relevant statutes from possessing firearms?

ANALYSIS

This court reviews the denial of a postconviction petition for an abuse of discretion. *Riley v. State*, 819 N.W.2d 162, 167 (Minn. 2012). “A postconviction court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record.” *Id.* (quotation omitted). “We review findings of fact for clear error and issues of law de novo.” *Sanchez v. State*, 890 N.W.2d 716, 720 (Minn. 2017).

Appellant’s arguments require us to engage in statutory interpretation. “The threshold issue in any statutory interpretation analysis is whether the statute’s language is ambiguous.” *State v. Peck*, 773 N.W.2d 768, 772 (Minn. 2009). A statute is only ambiguous if its language is “subject to more than one reasonable interpretation.” *Id.* If this court determines that a statute is ambiguous, the next step is to consider the canons of construction set out in Minn. Stat. § 645.16 (1)-(8) (2018) to determine legislative intent. But if the “words of a law in their application to an existing situation are clear and free from all ambiguity, the letter of the law shall not be disregarded under the pretext of pursuing the spirit.” *Id.*

Courts interpret specific statutory terms “in the context of the entire statute.” *Caraco Pharm. Labs., Ltd. v. Novo Nordisk A/S*, 566 U.S. 399, 412, 132 S. Ct. 1670, 1680 (2012). “A statute should be interpreted, whenever possible, to give effect to all of its

provisions; no word, phrase, or sentence should be deemed superfluous, void, or insignificant.” *Am. Family Ins. Grp. v. Schroedl*, 616 N.W.2d 273, 277 (Minn. 2000) (quotation omitted).

Overview of the statutory scheme

Minn. Stat. § 624.713, subd. 1(2), renders ineligible to possess ammunition or firearms “a person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence.” The definitional statute, Minn. Stat. § 624.712, subd. 5, states that: “‘Crime of violence’ means: felony *convictions* of the following offenses: sections 609.185 (murder in the first degree); . . . and *chapter 152 (drugs, controlled substances)*; and an attempt to commit any of these offenses.” (Emphasis added.) Further, Minn. Stat. § 260B.245, subd. 1(b) (2018), provides, “A person who was adjudicated delinquent for, or convicted as an extended jurisdiction juvenile of, a crime of violence as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person’s lifetime.”

These statutes unambiguously criminalize possession of a firearm by a person who has been adjudicated delinquent under one of the statutes listed in the definition of “crime of violence.”

Appellant argues that a delinquency adjudication cannot constitute a “crime of violence” because section 624.712, subdivision 5, requires “convictions” for the specified statutes, and juvenile adjudications are not convictions. Respondent argues that Minn. Stat. § 260B.245, subd. 1(b), explicitly provides for a lifetime ban on possession of a firearm for a juvenile adjudication of a “crime of violence,” which clearly demonstrates the intent

of the legislature for section 624.712, subdivision 5, to refer to more than just adult convictions under the listed statutes. Appellant dismisses 260B.245, subd. 1(b), as only a “civil consequence[]” that has nothing to do with criminal penalties for possession of a firearm.

We first note that when reading Minn. Stat. § 624.713, subd. 1(2) alone, its plain language indicates that appellant’s juvenile adjudication under Minn. Stat. § 152.025, a “crime of violence,” renders him ineligible to possess a firearm. But the definition of “crime of violence” in Minn. Stat. § 624.712, subd. 5, which only refers to “convictions” of specific listed offenses, causes tension between the sections and creates the basis for appellant’s argument.

The first step in statutory interpretation is to determine whether there is an ambiguity. For a statute to be ambiguous, there must be at least two reasonable interpretations. *Peck*, 773 N.W.2d at 772. Respondent’s interpretation, that persons who have been adjudicated delinquent of a crime of violence can be convicted of possession of a firearm by an ineligible person, is one reasonable interpretation and comports with existing application of the law. *See, e.g., State v. Grillo*, 661 N.W.2d 641, 643 (Minn. App. 2003) (affirming a conviction for possession of a firearm by an ineligible person where the predicate “crime of violence” was a juvenile adjudication), *review denied* (Minn. Aug. 5 2003).

Appellant’s interpretation, that the term “convictions” in the definitional statute excludes prior juvenile adjudications, is not reasonable. Appellant’s argument is directly contradicted by other statutory language. *See* Minn. Stat. § 260B.245, subd. 1(b) (“A

person who was adjudicated delinquent for . . . a crime of violence as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person’s lifetime.”). As appellant concedes, that statute specifically contemplates an individual being adjudicated delinquent of a “crime of violence,” as laid out in Minn. Stat. § 624.712, subd. 5. Therefore, the only reasonable way to interpret the term “convictions” in the definition of “crime of violence” is that it is not limited to criminal convictions only, but refers to the elements of the offenses codified in the statutes listed within subdivision 5. *See State v. Moon*, 463 N.W.2d 517, 521 (Minn. 1990) (“We hold that the definitions of the offenses listed as crimes of violence . . . relate to the elements of the offense for which the defendant was originally convicted . . .”); *see also Markham v. Cabell*, 326 U.S. 404, 409, 66 S. Ct. 193, 195–96 (1945) (stating that a law will not be strictly read if such reading “results in the emasculation or deletion of a provision which a less literal reading would preserve”).

Minn. Stat. § 624.713, subd. 1(7) (2018), would also make no sense within the statutory context if we were to adopt appellant’s argument. That section renders ineligible to possess firearms under criminal penalty “a person under the jurisdiction of the juvenile court, who has been charged with committing a crime of violence.” Minn. Stat. § 624.713, subd. 1(7). This plainly refers to both individuals under extended juvenile jurisdiction and minors facing a delinquency petition. Under appellant’s interpretation of the term “crime of violence,” a minor who was facing a delinquency petition for one of the statutes referenced in Minn. Stat. § 624.712, subd. 5, but who had not yet been adjudicated delinquent, could be charged with violating Minn. Stat. § 624.713, subd. 1, but once

adjudicated delinquent, would be free to possess firearms without facing the possibility of such a charge. This would be an absurd result. See Minn. Stat. § 645.17 (1) (2018) (directing that courts are to presume that “the legislature does not intend a result that is absurd”). Because appellant’s literal interpretation of Minn. Stat. § 624.712, subd. 5, makes no sense in the context of the greater statutory scheme, the only reasonable interpretation is that the term “convictions” refers to the elements of the underlying statutory offenses, rather than the ultimate disposition by the district court.

State v. Moon also clearly demonstrates this principle. 463 N.W.2d at 517. That case revolved around a stay of imposition for felony theft that was subsequently reduced to misdemeanor theft when Moon was discharged from probation. *Id.* at 518–19. Moon focused his argument on the definitional statute’s inclusion of “felonious theft” as a crime of violence. *Id.* at 519–20. The issue was that felony theft was considered a “crime of violence” that carried the collateral consequence of a 10-year loss of firearms rights, while misdemeanor theft carried no such consequence under the firearms statute in effect at the time. *Id.* After a detailed analysis, the Minnesota Supreme Court stated that regardless of the fact that Moon no longer had a conviction under one of the relevant statutes, “We hold that the definitions of the offenses listed as crimes of violence in section 624.712, subdivision 5, relate to the elements of the offense for which the defendant was originally convicted rather than the disposition subsequently imposed by the trial judge.” *Id.* at 521. This holding is relevant to the instant case, where there is no debate that appellant committed all of the elements of one of the offenses that would constitute a crime of violence, and the only issue regards the ultimate disposition.

Appellant also argues that his position furthers the legislature’s purposes in enacting the delinquency provisions of the juvenile court act. But there is only one reasonable interpretation of the statutory language, rendering it unambiguous. And when a statute is unambiguous, we do not look at factors beyond the plain language of the statute to determine the intent of the legislature. *Peck*, 773 N.W.2d at 772.

D E C I S I O N

We hold that in the context of the statutory scheme, the definition of “crime of violence” contained within Minn. Stat. § 624.712, subd. 5, unambiguously includes juvenile adjudications for the listed offenses, and that Minn. Stat. § 624.713, subd. 1(2), therefore prohibits persons who have been adjudicated delinquent of a “crime of violence” from possessing firearms.

Affirmed.