

*This opinion is nonprecedential except as provided by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
A21-0077**

Ronald James Fairbanks, petitioner,
Respondent,

vs.

State of Minnesota,
Appellant.

**Filed November 8, 2021
Affirmed
Connolly, Judge**

St. Louis County District Court
File No. 69DU-CR-16-1197

Zorislav R. Leyderman, The Law Office of Zorislav R. Leyderman, Minneapolis,
Minnesota (for respondent)

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

Kimberly J Maki, St. Louis County Attorney, Nick D. Campanario, Assistant County
Attorney, Duluth, Minnesota (for appellant)

Considered and decided by Florey, Presiding Judge; Connolly, Judge; and Reyes,
Judge.

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

Appellant State of Minnesota challenges an order declaring respondent eligible for compensation based on exoneration, arguing that Minn. Stat. § 590.11, subd. 2 (2020), does not apply to him. Because we conclude that it does apply, we affirm.

DECISION

“Whether a petitioner meets the statutory definition of ‘exonerated’ presents a question of statutory interpretation which we review de novo.” *Buhl v. State*, 922 N.W.2d 435, 438 (Minn. App. 2019).

In 2017, this court concluded that respondent Ronald Fairbanks’ guilty plea to failure to register as a predatory offender lacked an adequate factual basis, reversed his conviction, and remanded for further proceedings. *State v. Fairbanks*, No. A16-1778 (Minn. App. May 8, 2017). At that time, Minn. Stat. § 590.11, subd. 1(1) (2016), defined “exoneration” to mean that “a court of this state (i) vacated or reversed a judgment of conviction on grounds consistent with innocence and the prosecutor dismissed the charges; or (ii) ordered a new trial on grounds consistent with innocence and the prosecutor dismissed the charges or the petitioner was found not guilty at the new trial.”

In September 2017, the supreme court severed subdivision 1(1)(i) on the ground that having a prosecutor dismiss charges after a court had vacated or reversed the judgment of conviction on those charges violated equal protection and was illegal. *Back v. State*, 902 N.W.2d 23, 25, 30 (Minn. 2017).

After *Back* severed subdivision 1(1)(i), “a petitioner [could] qualify as exonerated only under Minn. Stat. § 590.11, subd. 1(1)(ii),” which provided that the order for a new trial was a prerequisite for exoneration. *Buhl*, 922 N.W.2d at 438. Despite *Back*’s holding, however, a prosecutor in January 2018 dismissed all charges against respondent, whose conviction had been reversed in May 2017.

In June 2019, respondent filed a petition for compensation based on exoneration under Minn. Stat. § 590.11 (2018). On July 1, 2019, the legislature’s amendments to Minn. Stat. § 590.11 became effective. Two of them, one substantive and one procedural, are relevant here. First, a new definition of “exonerated” replaced the one severed by *Back* and defined “exonerated” to mean that a court: “(i) vacated, reversed or set aside a judgment of conviction on grounds consistent with innocence and there are no remaining felony charges in effect against the petitioner from the same behavioral incident, or if there are remaining felony charges against the petitioner from the same behavioral incident, the prosecutor dismisses those remaining felony charges.” Minn. Stat. § 590.11, subd. 1(b)(1)(i) (Supp. 2019). Thus, the prosecutor was to dismiss only charges that had not led to the vacated or reversed convictions.

The procedural amendment at the end of subdivision 2 enabled those who, before July 1, 2019, did not meet the previous definition of “exonerated,”—i.e., either their convictions had not been vacated or reversed by a court, or the charges had not been dismissed by a prosecutor, or both—to petition for exoneration under the new statute. It read:

If, before July 1, 2019, a person did not meet both requirements of Minnesota Statutes 2018, section 590.11, subdivision 1, clause (1), item (i), and did not file a petition or the petition was denied, that person may commence an action meeting the requirements under subdivision 1, paragraph (b), clause (1), item (i), on or after July 1, 2019, and before July 1, 2021.

Minn. Stat. § 590.11, subd. 2.

In January 2020, the district court denied respondent's petition, concluding that, while respondent was not eligible for compensation under Minn. Stat. § 590.11 (2018), he "may qualify for compensation under the amended version enacted in 2019" if he "refile[d] a petition prior to July 1, 2021."

In March 2020, respondent accordingly filed a second petition. The state moved to dismiss it as untimely. The district court relied on the procedural amendment in Minn. Stat. § 590.11, subd. 2, to conclude that the petition was timely; it then denied the state's motion and scheduled an evidentiary hearing. At the July 2020 hearing, respondent testified credibly as to his cognitive and memory impairments, and evidence of those impairments was presented. In December 2020, the district court granted respondent's petition and concluded that respondent was eligible to claim compensation for 274 days in custody under Minn. Stat. §§ 611.362–.368 (2020).

The state argues that the district court erred by permitting respondent to file a second petition because Minn. Stat. § 590.11, subd. 2, permits actions to be brought by those who, before July 1, 2019, did not meet the two requirements of the 2018 statute defining "exonerated"—i.e., that a court had reversed or vacated their conviction and that the prosecutor had dismissed the charges—and respondent did meet those two requirements: his conviction was reversed by this court in September 2017 and his charges were dismissed by a prosecutor in January 2018.

But that dismissal of charges after this court's reversal of the conviction was illegal. *See Back*, 902 N.W.2d at 30 (referring to such a dismissal as "legally impossible"). If the prosecutor's dismissal of those charges was not legally possible, the charges were not

legally dismissed; therefore, respondent did not meet the second requirement of Minn. Stat. § 590.11, subd. 1(1)(i) (2018), and the last sentence of Minn. Stat. § 590.11, subd. 2, permitting those who did not meet those requirements to file petitions between July 1, 2019, and July 1, 2021, did apply to him.

To hold otherwise would be to hold that the legislature intended a prosecutor's illegal act to deprive otherwise eligible petitioners of the right to seek exoneration, an absurd result. Courts may presume that "the legislature does not intend a result that is absurd." Minn. Stat. § 645.17 (1) (2020). *Back* concluded that, under the former version of Minn. Stat. § 590.11, "the Legislature has set up a regime under which a claimant's eligibility to file a compensation petition is contingent on whether the prosecutor has performed a legally impossible act" and found a violation of equal protection "[b]ecause there is no rational basis for such a classification." 902 N.W.2d at 30. Denying eligibility because a prosecutor's illegal act caused a claimant to meet an illegal statutory requirement also lacks any rational basis.¹

Affirmed.

¹ We note that this situation is not likely to recur: Minn. Stat. § 590.11, subd. 2, permits filing of petitions between July 1, 2019, and July 1, 2021, which has now passed.