

*This opinion is nonprecedential except as provided by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
A21-0144**

State of Minnesota,
Respondent,

vs.

Sarah Jean Solien,
Appellant.

**Filed November 29, 2021
Reversed
Worke, Judge**

Kandiyohi County District Court
File No. 34-CR-14-1128

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

Shane Baker, Kandiyohi County Attorney, Julianna Passe, Assistant County Attorney,
Willmar, Minnesota (for respondent)

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

Considered and decided by Worke, Presiding Judge; Cochran, Judge; and Cleary,
Judge.*

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

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant argues that the district court lacked jurisdiction to revoke its deferral of adjudication pursuant to Minn. Stat. § 152.18 (2014) because the revocation occurred after the expiration of the imposed term of probation. We agree and reverse.

FACTS

In May 2015, appellant Sarah Jean Solien pleaded guilty to fifth-degree possession of a controlled substance in violation of Minn. Stat. § 152.025, subd. 2 (2014). At sentencing in June 2015, the district court deferred the adjudication of guilt pursuant to Minn. Stat. § 152.18, subd. 1, and placed Solien on probation for five years.

In November 2019, the state alleged that Solien violated the terms of her probation. A contested revocation hearing was scheduled for February 10, 2020, but it was continued due to Solien being ill. The revocation hearing was then further postponed due to the COVID-19 pandemic. On June 10, the five-year probationary period imposed by the district court expired. A contested revocation hearing was ultimately held on November 2. The district court found Solien in violation of her probation, adjudicated her guilty of the offense, stayed imposition of sentence, and extended the term of Solien's probation to June 10, 2021. This appeal followed.

DECISION

Solien argues that the district court lacked subject-matter jurisdiction to revoke her probation after the probationary term expired on June 10, 2020. A court lacks subject-matter jurisdiction when it “does not have the authority to hear and determine a particular

class of actions and the particular questions that the court assumes to decide.” *Vang v. State*, 788 N.W.2d 111, 117 (Minn. 2010). “Subject-matter jurisdiction is a question of law that we review de novo.” *Daniel v. City of Minneapolis*, 923 N.W.2d 637, 644 (Minn. 2019).

Following Solien’s guilty plea to fifth-degree drug possession, the district court deferred proceedings pursuant to Minn. Stat. § 152.18. In cases of qualifying first-time drug offenders like Solien, a district court may withhold entering a judgment of conviction upon a finding or admission of guilt, “and place the person on probation upon such reasonable conditions as it may require and for a period, not to exceed the maximum sentence provided for the violation.” Minn. Stat. § 152.18, subd. 1(c). If the person successfully completes the period of probation without violating its conditions, “then upon expiration of the period the court shall discharge the person and dismiss the proceedings against that person.” *Id.* If, however, the person is found to have violated any condition of probation, “the court may enter an adjudication of guilt and proceed as otherwise provided.” *Id.*

When a defendant is alleged to have violated a condition of probation, a district court may either revoke the stay and have the defendant taken into custody or issue a summons—at any point up to six months after the expiration of the stay. Minn. Stat. § 609.14, subd. 1(a), (b) (2014). And once revocation proceedings have been initiated, “[t]he proceedings to revoke the stay shall not be dismissed on the basis that the [revocation] hearing is conducted after the term of the stay or after the six-month period.” *Id.*, subd. 1(c) (2014). In other words, if a defendant’s conduct that violates a condition of

probation occurs during the probationary term, the expiration of that term does not preclude a district court from subsequently revoking probation so long as the revocation proceedings are initiated before, or within six months of, such expiration. *See State v. Sagataw*, 892 N.W.2d 47, 50 (Minn. App. 2017).

Solien does not dispute that revocation proceedings were initiated during the term of the original five-year stay, but she asserts that the district court lost jurisdiction to revoke the stay when it expired in June 2020 because section 609.14 applies only to stays of imposition or execution of a sentence and does not govern a disposition under section 152.18. As she notes, “[t]he expiration of a sentence operates as a discharge” that deprives the court of jurisdiction to modify that sentence. *See State v. Hannam*, 792 N.W.2d 862, 864 (Minn. App. 2011). And prior to the legislature’s 1994 amendment of section 609.14—which added the language specifically permitting revocation proceedings to continue beyond the expiration of the term of a stay¹—a district court was likewise without jurisdiction to revoke probation beyond the expiration of that term. *State v. Whitfield*, 483 N.W.2d 102, 104 (Minn. App. 1992), *superseded by statute*, Minn. Stat. § 609.14 (1994); *see also In re Welfare of V.D.M.*, 623 N.W.2d 277, 280 (Minn. App. 2001) (recognizing that *Whitfield* was superseded by amendments to section 609.14), *rev. denied* (Minn. May 15, 2001). Accordingly, Solien argues that, if section 609.14 is inapplicable to a term of probation imposed pursuant to section 152.18, the district court’s jurisdiction to revoke

¹ 1994 Minn. Laws ch. 636, art. 2, § 17, at 2198-99.

probation extinguished in June 2020, and the district court’s November 2021 order must be reversed.

Whether the provisions of section 609.14 apply to probation imposed pursuant to section 152.18 presents questions of statutory interpretation that this court reviews de novo. *Roberts v. State*, 945 N.W.2d 850, 853 (Minn. 2020). The ultimate goal of statutory interpretation is to “ascertain and effectuate the intent of the Legislature.” *Id.* (quotation omitted). The first step in doing so “is to determine whether the language, on its face, is ambiguous”—that is, whether “the disputed language is subject to more than one reasonable interpretation.” *Id.* (quotation omitted). “Multiple parts of a statute may be read together so as to ascertain whether the statute is ambiguous,” and we will construe its undefined words and phrases “according to their plain and ordinary meaning.” *Christianson v. Henke*, 831 N.W.2d 532, 536-37 (Minn. 2013) (quotations omitted). “If a statute is unambiguous, we apply the statute’s plain meaning.” *State v. Powers*, 962 N.W.2d 853, 858 (Minn. 2021).

Section 609.14—which is titled only “Revocation of stay”—makes no explicit mention of the specific types of dispositions to which it applies and frequently refers only to “the stay” in its provisions without further qualification. Indeed, in subdivision 1(c)—the applicability of which is at issue in this appeal—the legislature uses the term “the stay” exclusively when providing for revocation proceedings to be “conducted after the expiration of the stay.” Minn. Stat. § 609.14, subd. 1(c).

Section 609.14, subdivision 2, provides:

Notification of grounds for revocation. The defendant shall thereupon be notified in writing and in such manner as the court directs of the grounds alleged to exist for revocation of *the stay of imposition or execution of sentence*. If such grounds are brought in issue by the defendant, a summary hearing shall be held thereon at which the defendant is entitled to be heard and to be represented by counsel.

Id., subd. 2 (emphasis added). And in subdivision 3—entitled “Sentence”—the legislature established only two permissible dispositions in the event of a district court finding grounds for revocation, making no provision for a situation in which adjudication had been deferred under section 152.18:

(1) if imposition of sentence was previously stayed, again stay sentence or impose sentence and stay the execution thereof, and in either event place the defendant on probation or order intermediate sanctions pursuant to section 609.135, or impose sentence and order execution thereof; or

(2) if sentence was previously imposed and execution thereof stayed, continue such stay and place the defendant on probation or order intermediate sanctions in accordance with the provisions of section 609.135, or order execution of the sentence previously imposed.

Id., subd. 3. These portions of the statute, Solien argues, would not make sense if the entire section was deemed applicable to stays of adjudication, and thus suggests that the legislature intended the term “stay” to uniformly include only stays of imposition or execution of a sentence. We agree and conclude that the statute is unambiguous and plainly stated, as the above-quoted sections appear to contemplate only such situations.

In addition, although section 609.14 does not define the term “stay” specifically, its consistent use of the definite article “the” suggests that the identity of the stay being

discussed in the remaining parts of the statute is somehow known to the reader at the time of its usage or has otherwise been specified. As noted, statutory provisions are not intended to be interpreted in isolation, and we examine their words and phrases “in the light of their context.” *State v. Gaiovnik*, 794 N.W.2d 643, 647 (Minn. 2011) (quotation omitted). When, as here, such context is not provided by the statute itself, we may “consider other statutes relating to the same subject matter as far as they shed light on the question.” *Carlson v. Dep’t of Emp. & Econ. Dev.*, 747 N.W.2d 367, 372 (Minn. App. 2008) (quotation omitted). Here, Minn. Stat. § 609.135 (2014) appears to provide this alluded-to context for section 609.14.

Section 609.135 is titled “Stay of imposition or execution of sentence” and begins: “Except when a sentence of life imprisonment is required by law, or when a mandatory minimum sentence is required by section 609.11, any court may stay imposition or execution of sentence” Minn. Stat. § 609.135, subd. 1(a). When explaining the conditions, durations, and limitations of such stays, the statute repeatedly uses the phrase “the stay.” *See id.*, subds. 2, 5, 6. And at no point in the statute does the legislature mention stays of adjudication or any disposition other than stays of imposition or execution of a sentence. Given, then, that section 609.14 follows shortly after, concerns the same subject matter, references section 609.135, and does not itself provide any explicit context for its use of “the stay,” it is evident that this phrase refers to—and is limited to—only those established by section 609.135: stays of imposition of sentence and stays of execution of sentence.

This interpretation is buttressed further by the fact that section 152.18 does not actually use the term “stay” to refer to any aspect of the disposition; it mentions only the deferral of prosecution and the deferral of proceedings. Minn. Stat. § 152.18, subd. 1. In addition, as previously noted, section 152.18 independently provides for a district court’s actions in the event of a defendant’s violation of any imposed condition and makes no reference to section 609.14.

We therefore conclude that the language of section 609.14, subdivision 1(c), is not ambiguous, and that its provision permitting the revocation of probation after the expiration of its term does not apply to a disposition deferring judgment pursuant to section 152.18. As such, the district court’s jurisdiction to amend its disposition was extinguished in June 2020, when Solien’s five-year probationary period expired. *See Hannam*, 792 N.W.2d at 864; *Whitfield*, 483 N.W.2d at 104.

Reversed.