

STATE OF MINNESOTA

IN SUPREME COURT

A22-0192

Hennepin County

Moore, III, J.

State of Minnesota,

Appellant,

vs.

Filed: August 30, 2023
Office of Appellate Courts

Stafon Edward Thompson,

Respondent.

Keith M. Ellison, Attorney General, Saint Paul, Minnesota; and

Mary F. Moriarty, Hennepin County Attorney, Sarah J. Vokes, Mark V. Griffin, Assistant County Attorneys, Minneapolis, Minnesota, for appellant.

Rachel Moran, University of Saint Thomas Legal Services Clinic, Ka Bao Jennrich, Ashley Fischer, Kimberly Meyer, Certified Student Attorneys, Minneapolis, Minnesota, for respondent.

S Y L L A B U S

We need not decide whether the district court erred in concluding that petitioner was entitled to postconviction relief in the form of a substantive sentencing hearing because the unique circumstances of this case would warrant the exercise of this court's inherent supervisory powers to direct that the district court hold a substantive sentencing hearing in accordance with *State v. Warren*, 592 N.W.2d 440, 451–52 (Minn. 1999).

Affirmed.

OPINION

MOORE, III, Justice.

Appellant State of Minnesota argues that the Hennepin County District Court abused its discretion when it granted respondent Stafon Edward Thompson postconviction relief by ordering a substantive sentencing hearing. Thompson's postconviction petition requested a substantive sentencing hearing to consider whether Thompson's modified sentences of life in prison with the possibility of release should be served consecutively or concurrently. Irrespective of the district court's authority to order this relief, the unique circumstances of this case would warrant the exercise of this court's inherent supervisory powers to direct that the district court hold a substantive sentencing hearing in accordance with *State v. Warren*, 592 N.W.2d 440, 451–52 (Minn. 1999). Accordingly, we affirm.

FACTS

In 2009, a jury found Stafon Edward Thompson guilty of two counts of first-degree murder in violation of Minn. Stat. § 609.185(a)(1) (2022) for the premeditated killings of Katricia Daniels and her 10-year-old son Robert Shepard.¹ Thompson was 17 years old when he committed the offenses. At that time, Minnesota's sentencing statutes mandated that Thompson receive two sentences of life in prison without the possibility of release. *See* Minn. Stat. § 609.106, subd. 2(1) (2008). However, the district court had discretion in

¹ The underlying facts of Thompson's offenses are discussed in greater detail in *State v. Thompson (Thompson I)*, 788 N.W.2d 485, 488–91 (Minn. 2010).

whether to impose the two mandatory sentences consecutively or concurrently. *See* Minn. Sent. Guidelines II.F.2.b (2008).

The district court proceeded to sentencing immediately after the jury returned its verdicts, without ordering a presentence investigation report. Five family members provided victim impact statements to the court. Thompson's counsel made no argument on the issue of whether Thompson's sentences should be imposed consecutively or concurrently. The district court sentenced Thompson to two consecutive sentences of life in prison without the possibility of release. We affirmed Thompson's convictions and sentences on direct appeal. *State v. Thompson (Thompson I)*, 788 N.W.2d 485, 496 (Minn. 2010).

Thompson's co-defendant, Brian Flowers, was also convicted of two counts of premeditated murder under aiding and abetting theories of liability for the deaths of Daniels and Shepard. Flowers was 16 years old when he committed the offenses. Like Thompson, the district court sentenced Flowers to two consecutive sentences of life in prison without the possibility of release. We affirmed Flowers's convictions and sentences on direct appeal. *State v. Flowers (Flowers I)*, 788 N.W.2d 120, 134 (Minn. 2010).

In 2012, the United States Supreme Court announced in *Miller v. Alabama* that the mandatory imposition of a sentence of life imprisonment without the possibility of release for a juvenile offender violates the Eighth Amendment's prohibition on cruel and unusual punishment. 567 U.S. 460, 479 (2012). The following year, both Thompson and Flowers filed federal habeas corpus petitions challenging their mandatory sentences of life in prison

without the possibility of release under the new constitutional rule of law announced in *Miller*. From here, the co-defendants' cases took different paths.

In 2014, a federal district court judge granted Flowers's habeas petition, finding that *Miller* applied retroactively. *Flowers v. Roy*, No. CIV. 13-1508, 2014 WL 1757898, at *5–9 (D. Minn. May 1, 2014). The federal district court remanded Flowers's case to the state district court for resentencing without any limitations on the scope of the resentencing hearing. The state district court resentedenced Flowers to two concurrent sentences of life in prison with the possibility of release after 30 years.² In doing so, the district court determined that *Miller* and our decision in *Jackson v. State*, 883 N.W.2d 272, 281–82 (Minn. 2016), limited its discretion to impose the sentences consecutively. We reversed and remanded the case to the district court “to exercise its discretion to determine whether consecutive or concurrent sentences are appropriate.” *Flowers v. State (Flowers II)*, 907 N.W.2d 901, 907–08 (Minn. 2018). Flowers's resentencing is currently proceeding in state district court.

The same year that Flowers's habeas petition was granted, a different federal district court judge denied Thompson's habeas petition based on its conclusion that *Miller* did not apply retroactively. *Thompson v. Roy*, No. 13-CV-1524, 2014 WL 1234498, at *2 (D. Minn. Mar. 25, 2014), *aff'd*, 793 F.3d 843 (8th Cir. 2015), *cert. granted, judgment vacated*, 577 U.S. 1188 (2016). While Thompson's appeal was working its way through

² The imposition of sentences of life in prison with the possibility of release after 30 years was consistent with *Jackson v. State*, 883 N.W.2d 272, 281–82 (Minn. 2016) (adopting a remedy of “as-applied severance and revival”).

the federal court system, the U.S. Supreme Court announced in *Montgomery v. Louisiana* that its holding in *Miller* is a new substantive rule of constitutional law that must be applied retroactively. 577 U.S. 190, 206 (2016). In light of *Montgomery*, the federal district court vacated the “without possibility of release” provision of Thompson’s sentence and remanded to the state district court for resentencing. *Thompson v. Roy*, No. 13-CV-1524, 2016 WL 7231599, at *1 (D. Minn. Dec. 14, 2016). The state district court resentenced Thompson to two consecutive sentences of life in prison with the possibility of release after 30 years. The state district court did not hold a hearing on the issue of whether Thompson’s sentences should be served consecutively or concurrently because it determined that the remand from federal court was limited to the “without possibility of release” provisions of the sentences.

On appeal, we affirmed the district court’s conclusions regarding the limited remand from federal court. *State v. Thompson (Thompson II)*, 942 N.W.2d 350, 354–55 (Minn. 2020). Specifically, we determined that because “the remand order was limited to the singular issue of the possibility of release . . . the district court’s limited revision of the sentences from [life in prison without the possibility of release] to life with the possibility of release after 30 years—without reconsidering the issue of whether the sentences should be consecutive—was not an abuse of discretion.” *Id.* We specifically noted that “[t]he substantive issue of whether Thompson’s consecutive sentences are commensurate with his culpability and criminality under the standard articulated in *State v. Warren*, 592

N.W.2d 440, 451–52 (Minn. 1999), is not properly before us.”³ *Id.* at 355 n.5. But we also noted that “[n]othing in our decision today forecloses Thompson from seeking otherwise available relief under the Minnesota postconviction statute, Minn. Stat. § 590.01.” *Id.*

In February 2021, Thompson filed a postconviction petition. His petition requested a substantive sentencing hearing to consider whether, pursuant to the test articulated in *Warren*, 592 N.W.2d at 451–52, his modified sentences of life in prison with the possibility of release after 30 years should be served concurrently rather than consecutively. Thompson argued that the failure to hold such a hearing violated his constitutional rights to equal protection and procedural due process. In its answer, the State wrote:

The fact that [Thompson] is the only convicted juvenile multiple murderer who has never been able to offer arguments about his consecutive sentences clearly implicates his rights to Equal Protection and Due Process. The legal mechanism to protect these rights is a postconviction petition pursuant to Minn. Stat. § 590. *If petitioner complies with the requirements under § 590 he is entitled to a review of his sentence.*

(Emphasis added; footnote omitted.)

In an order filed on December 14, 2021, the district court granted Thompson’s postconviction petition. The court determined that the 2-year time bar in Minn. Stat. § 590.01, subd. 4 (2022), did not start to run until March 26, 2019—the date Thompson’s

³ In *State v. Warren*, we held that “[w]hen reviewing a defendant’s challenge to the imposition of consecutive sentences for multiple convictions of first degree murder involving more than one victim, we consider whether consecutive sentences are ‘commensurate with culpability and not an exaggeration of defendant’s criminality.’” 592 N.W.2d at 451 (quoting *Bangert v. State*, 282 N.W.2d 540, 547 (Minn. 1979)). In doing so, “[w]e are also guided by past sentences imposed on other offenders.” *Id.* While sentencing in such cases “is within the discretion of the trial court absent an abuse of discretion[,]” the “exacting” abuse of discretion standard “is not a limitless grant of power to the trial court.” *Id.*

corrected sentences of life with the possibility of release after 30 years were imposed. The district court reasoned that the time bar began on this date because Thompson’s postconviction petition focused on his sentences, not his convictions. The district court therefore concluded that Thompson’s postconviction petition was timely.

As for the procedural bar articulated in *State v. Knaffla*, 243 N.W.2d 737, 741 (Minn. 1976), the district court determined that the facts of Thompson’s case satisfied the two exceptions for claims that should have been known, but were not raised, in an earlier proceeding.⁴ More specifically, the court determined that Thompson’s postconviction petition raised a claim that presented a novel legal issue that was unavailable at the time of his direct appeal because the consecutive sentences “only carried legal significance” after Thompson’s sentences were changed to life with the possibility of release after 30 years in accordance with the rule announced in *Montgomery*, 577 U.S. at 206. The district court also concluded that “it is not in the interest of justice or judicial efficiency to expect a defendant to raise every issue in their initial appeal that may only take on legal significance down the road.”

In addition to concluding that Thompson properly pled his case under section 590.01 by filing a timely postconviction petition, which raised claims that were not procedurally

⁴ When a claim was not previously raised, there are two exceptions to the *Knaffla* bar: “(1) a novel legal issue is presented that was unavailable at the time of the direct appeal; or (2) the interest of justice requires review.” *Chavez-Nelson v. State*, 948 N.W.2d 665, 673 (Minn. 2020). In the context of *Knaffla*, “the interests-of-justice exception applies only when the claim has substantive merit and the petitioner did not deliberately and inexcusably fail to raise the [claim]” in previous appeals. *Thoresen v. State*, 965 N.W.2d 295, 304 (Minn. 2021) (alteration in original) (citation omitted) (internal quotation marks omitted).

barred under *Knaffla*, the district court also considered Thompson’s equal protection and procedural due process claims. The district court noted that the State, in its answer, “nearly concede[d]” the violations of Thompson’s constitutional rights by acknowledging that Thompson would be entitled to a hearing if he had properly pled his case under section 590.01.⁵

In discussing the equal protection claim, the court observed, “No rational basis was provided [by the State] for why Mr. Thompson should be treated differently, other than the State’s argument [that] Mr. Thompson is not [substantively] entitled to the concurrent sentences he would seek at the contested sentencing hearing.” The court also concluded that past cases involving juvenile offenders who were sentenced to consecutive sentences of life in prison supported Thompson’s procedural due process claim. The court reasoned that these cases—especially Flowers’s case—established “a procedural due process interest [that] Mr. Thompson will be afforded the same individualized consideration before consecutive . . . sentences [of life with the possibility of release after 30 years] are imposed.” It also observed, “This expectation is strengthened by the State’s request for the same hearing for [Flowers], its historical willingness to have the contested hearing Mr. Thompson seeks, and the many near-concessions made in the briefing to this court.” (Footnote omitted.)

⁵ The district court acknowledged the State’s argument that Thompson should not be granted a sentencing hearing because, under the State’s view of our precedent, Thompson would not be entitled to concurrent sentences. But the district court concluded that Thompson “raised constitutional grounds sufficient to meet the requirements of § 590.01.”

Based on the analysis outlined above, the district court ordered a substantive sentencing hearing at which it would consider, pursuant to the test articulated in *Warren*, whether Thompson’s modified sentences should be served consecutively or concurrently. The State now appeals the district court’s postconviction order.

ANALYSIS

“We review postconviction decisions for an abuse of discretion.” *Peltier v. State*, 946 N.W.2d 369, 372 (Minn. 2020). “A district 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.” *State v. Guzman*, 892 N.W.2d 801, 810 (Minn. 2017). The party seeking relief from the district court’s decision must show the district court abused its discretion. *See State v. Vick*, 632 N.W.2d 676, 688 (Minn. 2001) (explaining that Vick, the appellant, “bears the burden of showing that the court abused [its] discretion”); *State v. Doppler*, 590 N.W.2d 627, 633 (Minn. 1999) (same).

On appeal, the State argues the district court abused its discretion by granting Thompson’s postconviction petition.⁶ According to the State, Thompson’s postconviction

⁶ The State also argues the district court ordered a de facto *Miller* hearing, which focuses on consideration of the juvenile’s age at the time of the crime. *See Miller*, 567 U.S. at 465; *Montgomery*, 577 U.S. at 195; *Jones v. Mississippi*, 593 U.S. ___, 141 S. Ct. 1307, 1311 (2021); *State v. McInnis*, 962 N.W.2d 874, 882 n.3 (Minn. 2021). We disagree. The district court was clear in its conclusions of law that the hearing Thompson is entitled to is “a resentencing hearing consistent with the Minnesota Supreme Court’s decision[] in *Warren*.” A *Warren* hearing is for the purpose of “determining whether to impose permissive consecutive sentences,” and for which “a sentencing court considers whether, when compared to past sentences imposed on other offenders for similar crimes, consecutive sentences are commensurate with the defendant’s culpability and criminality.” *Flowers II*, 907 N.W.2d at 907. Any overlap of the factors considered at *Warren* and *Miller*

petition is untimely because “Thompson’s *conviction* was final 90 days after this Court issued *Thompson I* in 2010, and he did not raise this claim within two years.” (Emphasis added.) The State also contends that the claims raised in Thompson’s postconviction petition are procedurally barred and do not satisfy the *Knaffla* exceptions. The State asserts that the appropriateness of consecutive sentencing is not a “novel legal issue” and that the interests-of-justice exception is not satisfied in this case because “Thompson deliberately and inexcusably failed to raise the issue in his last appeal.” The State also argues that the district court incorrectly determined that denying Thompson a substantive sentencing hearing would violate his rights to equal protection and procedural due process.

We need not decide whether the district court erred in concluding that Thompson was entitled to postconviction relief in the form of a substantive sentencing hearing. Even if the district court erred, the unique circumstances of this case would warrant the exercise of this court’s inherent supervisory powers to direct that the district court hold a substantive sentencing hearing in accordance with *Warren*, 592 N.W.2d at 451–52. “Justice is a process, not simply a result.” *State v. Lefthand*, 488 N.W.2d 799, 802 (Minn. 1992). This process requires the entire “criminal justice system, including judges, prosecutors and defense lawyers” to be “responsible for the fair administration of justice.” *State v. Windish*, 590 N.W.2d 311, 319 (Minn. 1999).

hearings does not mean that a *Warren* hearing is—or that it will necessarily become—a de facto *Miller* hearing. *See id.* (distinguishing *Miller* and *Warren* hearings).

It is true that “the precise contours of our supervisory power are not easily delineated.” *Chambers v. State*, 831 N.W.2d 311, 341 (Minn. 2013) (Paul H. Anderson, J., dissenting), *overruled by Jackson v. State*, 883 N.W.2d 272 (Minn. 2016), and *abrogated by Montgomery v. Louisiana*, 577 U.S. 190 (2016). However, we also recognize that “the thread that binds our court’s interests-of-justice jurisprudence is . . . quite simple: our court must, at times, act as a backstop—the court of last resort—to protect ‘the human, political, and property rights guaranteed by the constitution.’” *Id.* (quoting *In re Petition for Integration of the Bar of Minn.*, 12 N.W.2d 515, 518 (1943)). Our supervisory powers also may be used to serve the principle of constitutional avoidance. In the past, there have been circumstances where we have chosen not to determine whether a constitutional right exists, but have instead grounded relief in the exercise of our supervisory power to ensure the fair administration of justice. *See State v. Scales*, 518 N.W.2d 587, 592 (Minn. 1994).

Thompson’s case is exceptional in light of the significant constitutional developments in juvenile sentencing that have occurred since Thompson was originally sentenced in 2009. Three years after Thompson’s sentences were imposed, the Supreme Court announced in *Miller* a new rule of constitutional law that prohibited mandatory life sentences without the possibility of release for juveniles. 567 U.S. at 479. Four years later, the Court held that the *Miller* rule must be applied retroactively to juveniles whose sentences were already final. *Montgomery*, 577 U.S. at 206. In short, it became clear that Thompson’s original sentences were unconstitutional 7 years after they were imposed as a result of two landmark Supreme Court cases. Moreover, the specific circumstances of Thompson’s sentencing are extraordinarily rare. The parties identify relatively few

juvenile offenders in Minnesota who received mandatory sentences of life in prison without the possibility of release before the *Miller* rule was announced by the Supreme Court. Moreover, they identify only two juvenile offenders who received *multiple* mandatory sentences of life in prison without the possibility of release: Thompson and his co-defendant, Flowers.

When Thompson was resentenced on the limited remand from the federal courts, he challenged the state district court's conclusion that it could not reconsider the issue of consecutive sentencing. We affirmed the district court on appeal, concluding that the remand order allowed the district court to revise Thompson's sentences from life in prison without the possibility of release to life with the possibility of release after 30 years without reconsideration of whether the sentences should be consecutive. *Thompson II*, 942 N.W.2d at 354–55. However, in the same opinion, we signaled to Thompson that “[n]othing in our decision today forecloses Thompson from seeking otherwise available relief under the Minnesota postconviction statute.” *Id.* at 355 n.5. Thompson subsequently filed a postconviction petition, which requested a substantive sentencing hearing as to whether his sentences should be served concurrently.

In light of the unique circumstances of this case, including our statement in *Thompson II*, it would be manifestly unfair for the district court not to hold a substantive sentencing hearing in accordance with *Warren*, 592 N.W.2d at 451–52. We emphasize, however, that Thompson's sentencing hearing should be limited to the issue of whether concurrent or consecutive sentences are appropriate. While the district court may consider

all facts relevant to the *Warren* considerations, this hearing is not an occasion to relitigate Thompson's guilt of the crimes of which he was convicted in 2009.

CONCLUSION

For the foregoing reasons, we affirm the decision of the district court.

Affirmed.