

*This opinion is nonprecedential except as provided by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
A23-1045**

State of Minnesota,
Respondent,

vs.

Janae Marie Sullivan,
Appellant.

**Filed July 1, 2024
Reversed
Larson, Judge**

Blue Earth County District Court
File No. 07-CR-17-5099

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

Patrick R. McDermott, Blue Earth County Attorney, Susan B. DeVos, Assistant County Attorney, Mankato, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Erik I. Withall, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Gaïtas, Judge; and Larson, Judge.

NONPRECEDENTIAL OPINION

LARSON, Judge

Appellant Janae Marie Sullivan challenges her conviction for perjury in an application for public assistance under Minn. Stat. § 256.984, subd. 2 (2014). Sullivan pleaded guilty to the offense, and the district court stayed adjudication and placed Sullivan

on probation. When Sullivan subsequently violated her probationary conditions, the district court revoked the stay of adjudication and convicted her of the offense. But because revocation did not occur until after the imposed probationary term expired, Sullivan argues the district court no longer had subject-matter jurisdiction to revoke her stay of adjudication notwithstanding Minn. Stat. § 609.14, subd. 1 (Supp. 2023). We agree and reverse.

FACTS

On December 26, 2017, respondent State of Minnesota charged Sullivan with three offenses related to unlawfully obtaining public assistance, including one count of perjury in an application for public assistance pursuant to Minn. Stat. § 256.984, subd. 2. On June 17, 2019, Sullivan entered an *Alford* plea¹ for the perjury count. The parties then agreed that the state would dismiss the remaining charges, and Sullivan would receive a “stay of adjudication with supervised probation.” On September 16, 2019, the district court stayed adjudication and placed Sullivan on probation for two years. The district court also imposed certain probationary conditions, including that Sullivan complete ten days of Sentence to Service and pay \$2,563 in restitution.

On August 6, 2021, a probation officer filed a probation-revocation report alleging that Sullivan failed to complete Sentence to Service or pay restitution. The district court held a probation-revocation hearing on September 13, 2021, but continued the proceeding

¹ An *Alford* plea occurs where a defendant pleads guilty while still maintaining their innocence, and the district court accepts the plea after reasonably concluding that the evidence “would support a jury verdict of guilty and that the plea is voluntarily, knowingly, and understandingly entered.” *State v. Goulette*, 258 N.W.2d 758, 760 (Minn. 1977) (citing *North Carolina v. Alford*, 400 U.S. 25 (1970)).

to a later time to permit Sullivan to obtain counsel. In the interim, Sullivan’s two-year probationary term expired on September 16, 2021.

On December 1, 2021, with the probation-revocation hearing still pending, Sullivan moved the district court to “dismiss the probation violation and close the file.” Sullivan argued that, because her probationary term had expired, the district court lacked subject-matter jurisdiction to revoke the stay of adjudication. Following the probation-revocation hearing on December 10, 2021, the district court denied Sullivan’s motion, revoked her probation, and deferred its determination of the appropriate sanction to a future hearing. In doing so, the district court determined that Minn. Stat. § 609.14 (2022 & Supp. 2023)—which permits a district court to revoke a stay after a probationary term ends—applies to stays of adjudication and, therefore, the district court retained jurisdiction to revoke Sullivan’s stay despite the expiration of her probationary term. *See* Minn. Stat. § 609.14, subd. 1(b).

On March 14, 2022, the probation officer filed an addendum to the earlier probation-revocation report, stating that Sullivan had failed to remain law abiding, noting that she received sentences in 2021 for gross-misdemeanor DWI and gross-misdemeanor fifth-degree controlled substance crime. The district court held another probation-revocation hearing on June 1, 2022. The district court continued its stay of adjudication and reinstated Sullivan on probation, but extended her probation for one year, until June 1, 2023, to enable her to obtain employment and pay restitution.

On April 7, 2023, the probation officer filed another probation-revocation report. At a subsequent hearing, the district court found that Sullivan had violated her probation,

revoked the stay of adjudication, convicted Sullivan of the perjury offense, stayed imposition of the sentence, and reinstated Sullivan on supervised probation. This appeal follows the district court’s final judgment of conviction and stayed imposition of sentence.

DECISION

Sullivan argues the district court lacked subject-matter jurisdiction to revoke her probation after her probationary term expired on September 16, 2021. A district court lacks subject-matter jurisdiction when it lacks “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). Whether a district court has subject-matter jurisdiction is a question of law that we review de novo. *Nelson v. Schlener*, 859 N.W.2d 288, 291 (Minn. 2015).

I.

To understand the scope of the district court’s subject-matter jurisdiction, we briefly explain the legal alternatives—other than imposing an executed sentence—that a district court has after a person pleads guilty to or is found guilty of an offense.²

First, a district court may convict the defendant, pronounce and impose a sentence, and stay the execution of that sentence (a “stay of execution”). *See* Minn. Stat. § 609.135, subd. 1(a) (Supp. 2023); Minn. Sent’g Guidelines cmt. 2.C.04 (2015). When a district

² Although not relevant here, under certain circumstances a district court may also approve a continuance for dismissal, whereby “[t]he district court does not make a finding of guilt, and the defendant does not make an admission of guilt.” *See State v. Martin*, 849 N.W.2d 99, 103 (Minn. App. 2014) (quoting *State v. C.P.H.*, 707 N.W.2d 699, 703 (Minn. App. 2006)), *rev. denied* (Minn. Sept. 24, 2014).

court stays execution, it “may order intermediate sanctions” or “place the defendant on probation.” Minn. Stat. § 609.135, subd. 1(a) (Supp. 2023). If a district court grants a stay of execution, the defendant stands convicted of the offense and has been sentenced, but they need not serve the imposed sentence if they comply with the terms of the stay. *See* Minn. Stat. § 609.135, subds. 1, 2(g) (Supp. 2023). However, if a defendant violates the terms of the stay, a district court has grounds to revoke it. *See State v. Martin*, 849 N.W.2d 99, 102 (Minn. App. 2014), *rev. denied* (Minn. Sept. 24, 2014). If such grounds exist, “the district court may revoke the stay and order the execution of the previously imposed sentence.” *Id.*

Second, a district court may convict the defendant, but stay the imposition of a sentence (a “stay of imposition”). *See* Minn. Stat. § 609.135, subd. 1(a); Minn. Sent’g Guidelines cmt. 2.C.05 (2015). During a stay of imposition, the district court “may order intermediate sanctions” or “place the defendant on probation.” Minn. Stat. § 609.135, subd. 1(a). If the district court stays imposition, the defendant stands convicted, but the district court does not pronounce a sentence and never does so if the defendant complies with the terms of the stay. *See* Minn. Sent’g Guidelines cmt. 2.C.05. But if the defendant violates the terms of the stay, “the district court may pronounce and impose a sentence and either stay execution of the sentence or execute the sentence.” *Martin*, 849 N.W.2d at 102.

Third, in certain limited circumstances, a district court may “stay the adjudication of a defendant’s guilt.” *Id.* As relevant here, a district court may enter a stay of adjudication “upon agreement of the parties.” *Johnston v. State*, 955 N.W.2d 908, 912

(Minn. 2021) (quoting Minn. Stat. § 609.095(b) (2020)).³ “With a stay of adjudication, there is no conviction or sentence imposed.” *State v. Bradley*, 906 N.W.2d 856, 859 (Minn. App. 2017), *rev. denied* (Minn. Feb. 28, 2018). During a stay of adjudication, the district court may “impose conditions of probation, including jail time.” *State v. Greenough*, 915 N.W.2d 915, 918 (Minn. App. 2018). If the defendant violates the terms of the stay, the district court may vacate the stay, enter judgment, and do one of the following: stay imposition, impose a sentence and stay execution, or impose and execute the sentence. *See id.* at 918-19.

II.

We next describe the legal backdrop underlying Sullivan’s argument that the district court lacked subject-matter jurisdiction to vacate her stay of adjudication because her probationary term had already expired. As described above, when a district court imposes a stay, it has jurisdiction to revoke the stay if the defendant violates their probationary conditions. The question raised in this case is at what point the district court loses its subject-matter jurisdiction to revoke a stay when it imposes a stay of adjudication.

Prior to 1993, we concluded in a series of cases that the district court lacked subject-matter jurisdiction to revoke any stay after the defendant’s probationary term expired, even if probation-revocation proceedings commenced during the probationary term. *See State v. Whitfield*, 483 N.W.2d 102, 103-04 (Minn. App. 1992) (concluding the district court

³ Under Minn. Stat. § 609.095(b) (2022), “[e]xcept as provided in section 152.18, 609.1056, 609.375, or upon agreement of the parties, a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty plea in accordance with [Minn. R. Crim. P. 15].” (Emphasis added.)

exceeded its subject-matter jurisdiction when it revoked a stay of imposition after the defendant's probationary term expired); *State v. Stofferahn*, 434 N.W.2d 501, 502 (Minn. App. 1989) (prohibiting district court from revoking stay of sentence for probationary violations after probationary term expired). The legislature then amended section 609.14 to extend the duration during which a district court has subject-matter jurisdiction to revoke stays. See 1993 Minn. Laws ch. 326, art. 10, § 14, at 2096; 1994 Minn. Laws ch. 636, art. 2, § 17, 2198-99; see also *In re Welfare of V.D.M.*, 623 N.W.2d 277, 280 (Minn. App. 2001) (noting changes to section 609.14 superseded *Whitfield* and *Stofferahn* by "extending the time to revoke probation *past* the expiration of the stay of probation if proceedings are initiated within six months after expiration of the stay"), *rev. denied* (Minn. May 15, 2001).

Following the amendments, section 609.14 currently provides:

(a) When it appears that the defendant has violated any of the conditions of probation or intermediate sanction, or has otherwise been guilty of misconduct which warrants the imposing or execution of sentence, the court may without notice revoke the stay and direct that the defendant be taken into immediate custody.

(b) When it appears that the defendant violated any of the conditions of probation during the term of the stay, but the term of the stay has since expired, the defendant's probation officer or the prosecutor may ask the court to initiate probation revocation proceedings under the Rules of Criminal Procedure at any time within six months after the expiration of the stay If proceedings are initiated within this six-month period, the court may conduct a revocation hearing and take any action authorized under rule 27.04 at any time during or after the six-month period.

(c) Notwithstanding the provisions of section 609.135 or any law to the contrary . . . (a), the proceedings to revoke the stay

may be concluded and the summary hearing provided by subdivision 2 may be conducted after the expiration of the stay or after the six-month period set forth in paragraph (b).

Minn. Stat. § 609.14, subd. 1. In amending the statute, the legislature functionally created a six-month grace period in which the district court retains subject-matter jurisdiction to initiate probation-revocation proceedings for conduct that occurred during the probationary term that the district court may resolve either “during or after the six-month period.” *Id.*, subd. 1(b).

III.

Sullivan argues the district court lacked subject-matter jurisdiction to revoke her stay of adjudication after her probationary term expired because section 609.14, subdivision 1, only applies to stays of imposition or execution. Thus, according to Sullivan, we must follow our caselaw prior to the legislature amending section 609.14 and conclude the district court lacked subject-matter jurisdiction to revoke her stay after her probationary term expired. *See Whitfield*, 483 N.W.2d at 103-04; *Stofferahn*, 434 N.W.2d at 502. The state counters that the statute does not expressly limit its application to stays of imposition or execution, and, therefore, the statute also applies to stays of adjudication. The parties present a question of statutory interpretation that we review de novo. *Roberts v. State*, 945 N.W.2d 850, 853 (Minn. 2020).

“The object of all interpretation and construction of laws is to ascertain and effectuate the intention of the legislature. Every law shall be construed, if possible, to give effect to all its provisions.” Minn. Stat. § 645.16 (2022). The first step in statutory interpretation is to determine “whether the statute’s language is ambiguous.” *State v.*

Riggs, 865 N.W.2d 679, 682 (Minn. 2015). “A statute is ambiguous when its language is subject to more than one reasonable interpretation.” *Id.* To properly interpret a statute, we must read it in its entirety and in relation to surrounding sections “to avoid conflicting interpretations.” *Roberts*, 945 N.W.2d at 853 (quotation omitted). “If a statute is unambiguous, we apply the statute’s plain meaning.” *State v. Powers*, 962 N.W.2d 853, 858 (Minn. 2021).

To support her argument that section 609.14 does not apply to stays of adjudication, Sullivan relies on our nonprecedential opinion in *State v. Solien*, No. A21-0144, 2021 WL 5561446 (Minn. App. Nov. 29, 2021). In *Solien*, we determined that section 609.14 is unambiguous and only allows a district court to revoke “stays of imposition or execution of a sentence,” not a stay of adjudication. 2021 WL 5561446, at *3. We find our reasoning in *Solien* persuasive and adopt its reasoning. See Minn. R. Civ. App. P. 136.01, subd. 1(c) (stating that “nonprecedential opinions may be cited as persuasive authority”).

In isolation, certain aspects of section 609.14 support an understanding that the broad use of the word “stay” encompasses stays of adjudication as well as stays of imposition and execution. For instance, subdivision 1 uses the term “the stay” only in a general sense. Moreover, the title of section 609.14 is simply “Revocation of Stay.” However, when reading the statute as a whole and in context, section 609.14 plainly indicates that the legislature intended the statute—including the six-month grace period in subdivision 1—to apply only to stays of imposition and execution. See *Roberts*, 945 N.W.2d at 853.

First, in subdivision 1, the legislature’s placement of the definite article “the” before the word “stay” indicates that it had already delineated the types of stays to which section 609.14 applies. Notably, in the text of section 609.14, the legislature repeatedly references Minn. Stat. § 609.135 (2022 & Supp. 2023). *See* Minn. Stat. § 609.14, subds. 1(c), 3. The title of section 609.135 is “Stay of imposition and execution of sentence,” and that statute includes a series of provisions related to those specific dispositions. Moreover, section 609.135 appears shortly before section 609.14, and the legislature originally enacted the two statutes simultaneously, with the same titles they have today, and with section 609.135 immediately preceding section 609.14 at the time of enactment. *See* 1963 Minn. Laws ch. 753, art. 1, § 609, at 1195. Accordingly, it appears the legislature intended for the content of section 609.135 to provide context for and inform the interpretation of section 609.14.

The text of section 609.14, subdivisions 2 and 3, lends further support to this interpretation. First, subdivision 2 provides:

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.

Minn. Stat. § 609.14, subd. 2 (emphasis added). The requirement in subdivision 2 that a defendant receive notification about the grounds for revoking stays of imposition or execution, but not adjudication, indicates that the statute does not extend to stays of adjudication.

Furthermore, subdivision 3—which outlines the dispositions a district court may impose after revoking a stay—provides:

If any of such grounds are found to exist, the court may:

(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.

Minn. Stat. § 609.14, subd. 3 (emphasis added). The legislature’s decision to limit dispositions under subdivision 3 to circumstances in which the district court has revoked either a stay of imposition or execution, again, demonstrates the statute does not apply to stays of adjudication.

We conclude that the proximity and shared history between section 609.14 and section 609.135, along with the exclusive references to stays of imposition and execution within section 609.14 itself, demonstrate that the only reasonable interpretation of section 609.14 is that the legislature did not intend the statute to govern circumstances in which a district court revokes a stay of adjudication. Because section 609.14 applies only to stays of imposition and execution, we must follow our prior precedential caselaw and conclude a district court loses subject-matter jurisdiction to revoke a stay of adjudication on the date the defendant’s probationary term expires—even if probation-revocation proceedings were commenced during the probationary term. *See Whitfield*, 483 N.W.2d at

103-04 (concluding the district court exceeded its jurisdiction when it revoked a stay after the probationary term expired even though the district court initiated revocation proceedings prior to that date); *Stofferahn*, 434 N.W.2d at 502 (same).

Here, a probation officer filed a probation-revocation report on August 6, 2021, the district court held a probation-revocation hearing on September 13, 2021, but continued the proceedings so Sullivan could obtain a public defender. After Sullivan’s probationary term expired on September 16, 2021, the district court revoked her stay following a probation-revocation hearing on December 10, 2021. Because section 609.14, subdivision 1, does not apply to stays of adjudication, even though probation-revocation proceedings commenced during the probationary term, the district court’s authority to revoke Sullivan’s probation expired on September 16, 2021. Thus, the district court erred when it determined that it had subject-matter jurisdiction to revoke Sullivan’s stay of adjudication after the hearing on December 10, 2021.

Because the district court did not have subject-matter jurisdiction to revoke Sullivan’s stay of adjudication after the December 10, 2021, hearing, we reverse the district court’s judgment of conviction.⁴

Reversed.

⁴ We note that during the 2024 session, the legislature amended section 609.14 to make the statute applicable to stays of adjudication, including the six-month grace period. *See* 2024 Minn. Laws ch. 123, art. 6, §§ 10-13. As part of the amendments, the legislature created a new subdivision 5, defining “stay” for purposes of that section to include “a stay of adjudication.” *Id.* § 13. These amendments will prospectively eliminate circumstances in which a defendant can avoid consequences for violating their probationary conditions simply because the district court did not revoke the stay of adjudication prior to the end of their probationary term. Nevertheless, because the amendments take effect on August 1, 2024, *see* Minn. Stat. § 645.02 (2022), they do not impact the present case.