

**STATE OF MINNESOTA
IN COURT OF APPEALS
A23-1648**

State of Minnesota,
Respondent,

vs.

William Connell Walton,
Appellant.

**Filed November 25, 2024
Reversed
Harris, Judge**

Hennepin County District Court
File No. 27-CR-22-13157

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

Mary F. Moriarty, Hennepin County Attorney, Adam E. Petras, Senior Assistant County Attorney, Minneapolis, Minnesota (for respondent)

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

Considered and decided by Harris, Presiding Judge; Larkin, Judge; and Smith, Tracy M., Judge.

SYLLABUS

A defendant may be convicted of violating a domestic-abuse no-contact order in violation of Minnesota Statutes section 629.75, subdivision 1(a)(1) (2020), even if the order was issued by a court of a jurisdiction other than Minnesota.

OPINION

HARRIS, Judge

Appellant argues in this direct appeal that his conviction for violating Minnesota’s domestic-abuse no-contact order (DANCO) statute must be reversed because appellant was convicted of violating a no-contact order issued by a Rhode Island court and the Minnesota law only applies to orders issued by Minnesota courts. We conclude that, under the plain language of Minnesota’s DANCO statute, a defendant may be convicted of violating a no-contact order issued by a non-Minnesota court. But because the evidence was insufficient to support appellant’s conviction, we reverse.

FACTS

In February 2022, a Rhode Island court issued a no-contact order in connection with a criminal proceeding, which “enjoined and restrained” appellant William Connell Walton from “having any contact with the alleged victim.”¹ The alleged victim in that order was the same alleged victim as here, M.M. The order was titled, “No-Contact Order – Domestic.” Walton personally signed the Rhode Island no-contact order.

In July 2022, Walton and M.M. got into a physical altercation at the Mall of America in Bloomington. Law enforcement originally arrested Walton for disorderly conduct. But

¹ Pursuant to Rhode Island General Laws section 12-29-2(a)(1)-(17) (Supp. 2021), domestic violence includes, but is not limited to: (1) Simple assault; (2) Felony assaults; (3) Vandalism; (4) Disorderly conduct; (5) Trespass; (6) Kidnapping; (7) Child-snatching; (8) Sexual assault; (9) Homicide; (10) Violation of a protective order; (11) Stalking; (12) Refusal to relinquish or to damage or to obstruct a telephone; (13) Burglary and Unlawful Entry; (14) Arson; (15) Cyberstalking and cyberharassment; (16) Domestic assault by strangulation; and (17) Electronic tracking of motor vehicles. Each offense noted above is specifically defined in Rhode Island law.

while conducting a records check, Bloomington police identified M.M. as the petitioner in a separate order for protection (OFP) against Walton and discovered the Rhode Island no-contact order. Bloomington police arrested Walton for violating the Rhode Island no-contact order.

Respondent State of Minnesota charged Walton with one count of felony violation of a DANCO within ten years of two or more qualified domestic-violence-related offenses under Minnesota Statutes section 629.75, subdivision 2(d)(1) (2020). The complaint alleged that Walton violated the Rhode Island no-contact order within ten years of two or more previous qualified domestic-violence-related offenses, which included North Carolina convictions for communicating threats and assaulting a detention employee.

In March 2023, Walton waived his right to a jury trial and the matter proceeded to a court trial. The state called six witnesses, including three Mall of America security officers, two Bloomington police officers, and a Mall of America video-records custodian. The district court received six exhibits offered by the state: security video from Mall of America, a photograph of M.M., the Rhode Island no-contact order, a certified North Carolina criminal record search, a North Carolina certified arrest warrant, and body-worn-camera video from a Bloomington police officer. Walton did not testify or call any witnesses. The district court found that Walton violated a no-contact order and determined that he was guilty of a felony because the violation occurred within ten years of two prior qualified domestic-violence-related offenses under Minnesota Statutes section 609.02, subdivision 16 (2020). At sentencing, the district court determined that Walton's criminal-history score was three, sentenced Walton to 21 months in prison, stayed execution, and

placed Walton on supervised probation for three years. The district court later amended Walton's sentence to 18 months. Walton appeals.

ISSUES

- I. Did the district court err by finding that the Rhode Island no-contact order qualified as a DANCO under Minnesota Statutes section 629.75, subdivision 1(a)(1)?
- II. If Minnesota Statutes section 629.75 (2020) applies to non-Minnesota no-contact orders, was the evidence sufficient to support Walton's conviction?

ANALYSIS

Walton argues that the evidence was insufficient to support his conviction of violating Minnesota's DANCO statute because the statute applies only to no-contact orders issued by Minnesota courts. We first interpret Minnesota Statutes section 629.75, subdivision 1(a), and conclude that a defendant may be charged for violating a no-contact order issued by a non-Minnesota court if the no-contact order was issued in a proceeding consistent with Minnesota Statutes section 629.75, subdivision 1(a). Then, we turn to the sufficiency of the evidence and conclude that there was insufficient evidence to support Walton's conviction because the state did not present evidence that the Rhode Island no-contact order was issued in a proceeding involving one of the offenses enumerated in section 629.75, subdivision 1(a).

- I. The district court did not err by finding that Minnesota Statutes section 629.75 applies to domestic abuse no contact orders issued outside of Minnesota.**

"A sufficiency-of-the evidence claim that turns on the meaning of the statute under which a defendant has been convicted presents a question of statutory interpretation that we review de novo." *State v. Pakhnyuk*, 926 N.W.2d 914, 920 (Minn. 2019). "The goal

of all statutory interpretation is to ascertain and effectuate the intention of the legislature,” and we construe every law “to give effect to all its provisions.” *Staab v. Diocese of St. Cloud*, 813 N.W.2d 68, 72 (Minn. 2012) (quotation omitted); *see* Minn. Stat. § 645.16 (2022).

When engaging in statutory interpretation, we first “determine whether the statute’s language, on its face, is ambiguous.” *State v. Thonesavanah*, 904 N.W.2d 432, 435 (Minn. 2017). “A statute is ambiguous only if it is subject to more than one reasonable interpretation.” *Id.* (quotation omitted). “[I]f the Legislature’s intent is clear from the statute’s plain and unambiguous language, then we interpret the statute according to its plain meaning without resorting to the canons of statutory construction.” *State v. Riggs*, 865 N.W.2d 679, 683 (Minn. 2015) (quotation omitted).

Walton contends that the statute applies only to DANCOs issued by Minnesota courts. Walton argues that the legislature “knows how to punish out-of-state violations if it wants to” because the legislature intentionally included language about non-Minnesota OFPs in the Minnesota Domestic Abuse Act. *See* Minn. Stat. § 518B.01, subd. 14(b) (2022) (stating that the crime of a violation of an OFP occurs “whenever an order for protection is granted by a judge or referee *or pursuant to a similar law of another state*, the United States, the District of Columbia, tribal lands, United States territories, Canada, or a Canadian province, and the respondent or person to be restrained knows of the existence of the order” (emphasis added)). Thus, Walton asserts, if the legislature had intended for section 629.75 to apply to non-Minnesota orders, it would have included similar language.

The state argues the legislature knows how to limit the term “courts” referenced in statutory provisions to include only courts in the state of Minnesota. *See* Minn. Stat. § 590.11, subd. 1(1) (2018) (stating that for the purpose of determining eligibility for compensation based on exoneration, “‘exonerated’ means that: (1): *a court of this state*: (i) vacated or reversed a judgement of conviction . . .; or (ii) ordered a new trial . . .” (emphasis added)); *see also* Minn. Stat. § 480.16 (2022) (providing that “[t]he chief justice . . . has discretionary authority to direct any judge . . . to hold court in any county or district . . . to the end that the *courts of this state* shall function with maximum efficiency” (emphasis added)).² The state asserts, if the legislature intended for section 629.75 to apply only to Minnesota DANCOs, it would have included language doing so.

Under Minnesota law, in order to be guilty of felony violation of a DANCO, Walton had to know of the existence of the DANCO and violate it “within ten years of the first of two or more previous qualified domestic violence-related offense convictions.” Minn. Stat. § 629.75, subd. 2 (d)(1). Minnesota Statutes section 629.75 defines a “domestic abuse no contact order” in relevant part as “an order issued by *a court* against a defendant in a criminal proceeding [for specified offenses].” Minn. Stat. § 629.75, subd. 1(a) (emphasis added). The parties’ arguments center on whether the legislature’s use of the phrase “a court” in section 629.75 was meant to limit the statute’s applicability only to DANCOs issued by Minnesota courts. To determine the legislature’s intent, we look to the plain

² In 2019, the legislature amended Minn. Stat. § 590.11 in the aftermath of *Back v. State*, 902 N.W.2d 23, 30-33 (Minn. 2017), in a way that removed the “a court of this state” statutory language from Minn. Stat. § 590.11, subd. 1. *See* 2019 Minn. Laws ch. 5, art. 2, § 13.

language of the statute and “construe words and phrases according to the rules of grammar and according to their common and approved usage.” *Rodriguez v. State Farm Mut. Auto. Ins. Co.*, 931 N.W.2d 632, 634 (Minn. 2019) (quoting Minn. Stat. § 645.08(1) (2018)) (citation omitted). And “the meaning of a word is informed by how it is used in the context of a statute.” *State v. Rogers*, 925 N.W.2d 1, 3 (Minn. 2019).

When the legislature has not defined the relevant terms, “we may consider dictionary definitions to determine a word’s common usage. *State v. Cummings*, 2 N.W.3d. 528, 533 (Minn. 2024). The relevant definition of a term depends on the context in which the term is used. *Id.* To determine the plain meaning of “a court,” we “may look to other interpretive tools to determine its meaning, including dictionary definitions.” *State v. Glover*, 952 N.W.2d 190, 193 (Minn. 2020). Black’s Law Dictionary defines “court” broadly, including such definitions as “[a] place where justice is judicially administered,” “[t]he building where the judge or judges convene to adjudicate disputes and administer justice,” and “[a] tribunal constituted to administer justice.” *Black’s Law Dictionary* 445 (12th ed. 2024). These general definitions suggest that the legislature did not intend to limit the statute to only Minnesota courts.

Similarly, it is textually significant that the legislature used the article “a,” as compared to “the.” *See Rogers*, 925 N.W.2d at 4-5 (stating that “it is textually significant when the Legislature uses ‘the’ rather than ‘a’ or ‘an’ because ‘[t]he’ is a limitation word that refers to a specific person or thing”). “A” is an indefinite article, meaning that it does not refer to a specific person or thing. *See State v. Culver*, 941 N.W.2d 134, 140 (Minn. 2020) (“[I]t is well-established that the use of the indefinite article ‘a’ or ‘an’ signals a

generic reference.”). To read the statute as Walton urges would require us to add words to the statute, and we cannot modify the statute to read “a *Minnesota* court” or “a court of *this state*,” simply because modifying language appears elsewhere in Minnesota’s domestic abuse statutes. See *Laase v. 2007 Chevrolet Tahoe*, 776 N.W.2d 431, 438 (Minn. 2009) (“We cannot rewrite a statute under the guise of statutory interpretation.”); *State v. Carufel*, 783 N.W.2d 539, 545 (Minn. 2010) (stating that “court[s] cannot add words to a statute not supplied by the legislature”).

Despite the plain meaning of “a court,” Walton argues that section 629.75 applies only to DANCOs issued by Minnesota courts because the statute limits the issuance of DANCOs to cases involving four specific Minnesota offenses. These are:

- (1) domestic abuse as defined in section 518B.01, subdivision 2;
- (2) harassment or stalking under section 609.749 when committed against a family or household member as defined in section 518B.01, subdivision 2;
- (3) violation of an order for protection under section 518B.01, subdivision 14; or
- (4) violation of a prior domestic abuse no contact order under this section or Minnesota Statutes 2008, section 518B.01, subdivision 22.

Minn. Stat. § 629.75, subd. 1(a).

Walton is correct that, when considering whether a statute is ambiguous, we must “read the statute as a whole and give effect to all of its provisions,” while “presuming that the Legislature intended the entire statute to be effective and certain.” *State v. Henderson*, 907 N.W.2d 623, 625-27 (Minn. 2018) (quotation omitted). Following this rule, we conclude that the statute yields only one reasonable interpretation: that a court may issue

the no-contact order to a defendant in a proceeding involving offenses described in Minnesota Statutes section 629.75, subdivision 1(a).

Section 629.75 lists four proceedings in which “a court” can issue a domestic-abuse no-contact order. There are proceedings for (1) domestic abuse, (2) harassment or stalking, (3) violation of an order for protection, and (4) violation of a prior domestic abuse no contact order. Minn. Stat. § 629.75, subd. 1(a)(1)-(4). Although some of these proceedings are specifically defined under Minnesota law, as Walton points out, others have general definitions. For example, the definition of domestic abuse includes “physical harm, bodily injury, or assault,” or “the infliction of fear of imminent physical harm, bodily injury, or assault.” Minn. Stat. § 518B.01, subd. 2(a)(1)-(2) (2022). Accordingly, a court in a jurisdiction other than Minnesota may issue a domestic-abuse no-contact order to a defendant in a proceeding meeting the general definition of at least one of the four proceedings defined under Minnesota Statutes section 629.75, subdivision 1(a).

In sum, because the plain and ordinary meaning of “a court” supports only one reasonable interpretation, the DANCO statute is unambiguous. Therefore, we hold that Minnesota Statutes section 629.75 plainly allows for a defendant to be charged for violating a no-contact order issued by a court within or outside of Minnesota in a proceeding consistent with the offenses identified in subdivision 1(a).

II. The evidence is insufficient to support Walton’s conviction.

Alternatively, Walton argues that the evidence was insufficient to support his conviction because the state did not present evidence that the Rhode Island no-contact order was issued in a proceeding consistent with Minnesota Statutes section 629.75,

subdivision 1(a). The state argues that the facts presented at trial about the Rhode Island no-contact order were sufficient for the district court to determine that the no-contact order was issued in a proceeding consistent with Minnesota Statutes section 629.75, subdivision 1(a), and for the district court to find Walton guilty. We agree with Walton.

When evaluating the sufficiency of the evidence, we will “uphold the district court’s finding[s] if, based on the evidence contained in the record, the [district] court could reasonably have found [the] defendant guilty of the crime charged.” *State v. Vasko*, 889 N.W.2d 551, 558 (Minn. 2017) (quotation omitted). “The evidence must be viewed in the light most favorable to the verdict, and it must be assumed that the fact-finder disbelieved any evidence that conflicted with the verdict.” *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016) (quotation omitted). “We use the same standard of review in bench trials and in jury trials in evaluating the sufficiency of the evidence.” *State v. Palmer*, 803 N.W.2d 727, 733 (Minn. 2011).

Here, the state was required to prove that (1) a court issued a domestic-abuse no-contact order in a criminal proceeding consistent with one of the four types of offenses under Minnesota Statutes section 629.75, subdivision 1(a), (2) Walton knew of the existence of the no-contact order, (3) Walton violated the no-contact order, (4) the statute’s venue requirement is satisfied, and (5) that the violation occurred within ten years of two previous qualified domestic-violence-related offenses. Minn. Stat. § 629.75.

The only element in dispute is whether the Rhode Island no-contact order was issued in a proceeding consistent with Minnesota Statutes section 629.75, subdivision 1(a). The state argues that this element is satisfied because the Rhode Island no-contact order is

captioned “No Contact Order – Domestic,” and orders Walton to “not harass, interfere with, molest, or threaten the victim in any manner,” which is similar to Minnesota’s statutory definition of domestic abuse referenced in subdivision 1(a)(1). The state also points to additional facts apparent from the face of the Rhode Island no-contact order, including that (1) it was issued as part of a criminal proceeding in which Walton was the defendant, (2) multiple copies were created for the “Court,” “Defendant,” “Victim,” and “Police” to receive a copy, and (3) a violation of the no-contact order is a criminal offense under Rhode Island laws.

However, this evidence simply proves that the Rhode Island no-contact order was issued in a criminal proceeding involving some type of domestic abuse. At trial, the state did not present any evidence about what type of criminal proceeding in which the Rhode Island no-contact order was issued to meet the requirements of section 629.75, subdivision 1.³ And because Minnesota law requires a domestic-abuse no-contact order to “be issued to a defendant whose proceeding involves at least one of four statutorily-enumerated offenses,” we cannot assume that this element was met. *State v. Ness*, 834 N.W.2d 177, 182 (Minn. 2013).

This is particularly true in this case because Minnesota and Rhode Island define domestic abuse differently. Minnesota’s definition of domestic abuse is limited to (1) physical harm, bodily injury, or assault; (2) the infliction of fear of imminent physical

³ In Rhode Island, a no contact order is issued in criminal proceedings when a person is charged with or arrested for a crime involving “domestic violence” as enumerated in Rhode Island General Laws section 12-29-2(a)(1)-(17). *See* R.I. Gen. Laws § 12-29-4 (Supp. 2021).

harm, bodily injury, or assault; and (3) specific crimes defined by Minnesota statutes—terroristic threats, criminal sexual conduct, sexual extortion, or interferences with an emergency call. Minn. Stat. § 518B.01 subd. 2(a)(1)-(3) (2022). However, Rhode Island defines domestic abuse more broadly and lists specific crimes, such as vandalism, trespass, kidnapping, and arson in its definition. R.I. Gen. Laws § 12-29-2(a). We conclude that the evidence was insufficient for a jury to have concluded that the Rhode Island no-contact order was issued in a proceeding consistent with Minnesota Statutes section 629.75, subdivision 1(a).

For example, the Rhode Island no-contact order could have been issued in a criminal proceeding involving vandalism, which may or may not be consistent with section 629.75, subdivision 1(a), depending on the circumstances of the case. Therefore, although the state proved the existence of the Rhode Island no-contact order, there was insufficient evidence for the district court to determine that the Rhode Island no-contact order was issued for domestic abuse, harassment or stalking, violation of an order for protection, or violation of a prior domestic-abuse no-contact order as defined by Minnesota law. And we also note that the state did not present evidence about when the Rhode Island no-contact order was issued, which further supports our decision to reverse for insufficient evidence. *See Ness*, 834 N.W.2d at 182 (stating that in Minnesota a DANCO “may only be issued as a pretrial or postconviction probationary order,” and must “be issued in a proceeding that is separate from but held *immediately following* a proceeding in which any pretrial release or sentencing issues are decided”).

In sum, we conclude that evidence presented at trial was insufficient to establish that the Rhode Island no-contact order was issued in a proceeding involving at least one of the offenses enumerated in section 629.75, subdivision 1(a).⁴ Therefore, because the state did not present sufficient evidence to prove that Walton violated section 629.75, we hold that the evidence was insufficient to support Walton's conviction.

DECISION

We conclude that, under the plain language of Minnesota's domestic-abuse no-contact order statute, a defendant may be convicted of violating a no-contact order issued by a court in a jurisdiction other than Minnesota. But we reverse Walton's conviction because the state did not present sufficient evidence for the district court to determine whether the Rhode Island no-contact order was issued in a proceeding consistent with Minnesota Statutes section 629.75, subdivision 1(a).⁵

Reversed.

⁴ At oral argument, the state argued that the presentence investigation (PSI) report referenced details about Walton's Rhode Island conviction. But the district court did not consider the PSI report as evidence at trial because the PSI was prepared after trial. There was also a pre-plea worksheet that includes a summary of Walton's criminal record that references his Rhode Island convictions. The district court did not consider this at trial because it was not admitted evidence and there was no trial testimony from probation. *Cf. State v. Maley*, 714 N.W. 2d. 708, 710-712 (Minn. App. 2006) (concluding, for sentencing purposes, that the state's reliance solely on a sentencing worksheet to prove the existence of out-of-state convictions was inadequate).

⁵ Walton also argues that the district court erred by sentencing Walton with a criminal-history score that included his out-of-state convictions. Because we reverse Walton's conviction, we need not decide his challenge to his sentence.