

*This opinion is nonprecedential except as provided by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
A24-1546**

State of Minnesota,
Respondent,

vs.

Tyler Walker,
Appellant.

**Filed July 7, 2025
Affirmed
Bratvold, Judge**

Hennepin County District Court
File No. 27-CR-19-24910

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

Mary F. Moriarty, Hennepin County Attorney, Adam Petras, Senior Assistant County Attorney, Clare Diegel, Director of Professional Standards, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Anders J. Erickson, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bjorkman, Presiding Judge; Bratvold, Judge; and Harris, Judge.

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

In this appeal from an order denying relief, appellant argues that the district court abused its discretion by summarily denying his preliminary application to vacate his

conviction for aiding and abetting second-degree unintentional felony murder. The unambiguous language of the Act of May 19, 2023 (act), 2023 Minn. Laws ch. 52, art. 4, § 24, at 864-68, authorizes appellant’s preliminary application and gives a district court discretion to summarily deny an application when an applicant is not in custody or under court supervision. Because appellant was not in custody or under court supervision at the time of the district court’s decision, we conclude that the district court did not abuse its discretion in summarily denying appellant’s preliminary application. Thus, we affirm.

FACTS

In June 2020, appellant Tyler Walker pleaded guilty to aiding and abetting second-degree unintentional felony murder for the death of a man shot on Hennepin Avenue in Minneapolis. In August 2020, the district court entered Walker’s conviction under Minn. Stat. § 609.19, subd. 2(1) (2018), with reference to Minn. Stat. § 609.05, subd. 1 (2018). The district court sentenced him to 57 months’ imprisonment—a mitigated downward durational departure. Walker did not appeal.

On June 3, 2024, Walker submitted a preliminary application for relief under the act, which allows district courts to vacate convictions for aiding and abetting first- and second-degree felony murder if certain conditions are met. 2023 Minn. Laws ch. 52, art. 4, § 24, at 864-68. Walker’s application stated that he was “serving the supervised release portion of his fifty-seven-month prison sentence” for second-degree murder but “did not cause the death of a human being” and “was not a majority participant in the underlying felony offense.” As also stated in the preliminary application, Walker’s sentence would expire on July 4, 2024.

On July 30, 2024, the district court summarily denied Walker’s application. The district court reasoned that Walker was “not eligible for relief” under the act because he was “not in the custody of the commissioner of corrections (including supervised release) nor under court supervision.” The district court acknowledged that Walker was serving the supervised-release portion of his sentence when he filed the preliminary application, but that he “completed his sentence” before the district court considered the application. The district court added that “[t]here was no way to complete the entire process” under the act before Walker’s sentence expired.

Walker appeals.

DECISION

In May 2023, the legislature passed two laws intended “to narrow the scope of liability for aiding and abetting first- and second-degree felony murder.” *Raisch v. State*, 8 N.W.3d 237, 239 (Minn. App. 2024). First, the legislature amended Minnesota Statutes section 609.05 (2022) by adding subdivision 2a, which created an exception that narrowed criminal liability for aiding and abetting a death caused by another during the commission of a felony. 2023 Minn. Laws ch. 52, art. 4, § 3, at 850-51 (codified at Minn. Stat. § 609.05, subd. 2a (Supp. 2023)). Second, the legislature provided for retroactive application of this new provision by authorizing persons previously convicted of aiding and abetting first- and second-degree felony murder to petition to have their convictions vacated if they meet certain criteria. 2023 Minn. Laws ch. 52, art. 4, § 24, at 864-68.¹ The legislature set a

¹ While the act is part of the Minnesota Session Laws, it is not codified as a statute.

deadline for retroactive relief, providing that preliminary applications must be submitted no later than October 1, 2025. *Id.*, subd. 4(d), at 865. The legislature later extended this deadline to October 1, 2026. 2024 Minn. Laws ch. 123, art. 4, § 21, at 2271.

The act sets out a two-step process for retroactive relief. 2023 Minn. Laws ch. 52, art. 4, § 24, subds. 4-7, at 865-68. First, an individual seeking relief must submit a preliminary application. *Id.*, subds. 4-5, at 865-66. Second, an individual seeking relief must petition to vacate the conviction. *Id.*, subd. 6(a), at 866-67. “A petition to vacate can be filed only if the district court makes an affirmative determination on the preliminary application.” *Raisch*, 8 N.W.3d at 240.

The act lays out a timeline and criteria for a determination on the preliminary application. Within 90 days of receiving a preliminary application, “the reviewing judge shall determine whether, in the discretion of that judge, there is a reasonable probability that the application is entitled to relief.” 2023 Minn. Laws ch. 52, art. 4, § 24, subd. 5(c), at 865.² “In making the determination, . . . the reviewing judge shall consider the preliminary application and any materials submitted with the preliminary application and may consider relevant records in the possession of the judicial branch.” *Id.*, subd. 5(d), at 866. If the reviewing judge determines there is a reasonable probability that the applicant is entitled to relief, the judge notifies the applicant and the prosecutorial office, after which

² The “reviewing judge” under the act is the district court. *See Raisch*, 8 N.W.3d at 240 n.1 (“[T]he supreme court ordered that, in the interests of the efficient administration of justice, applicants shall submit their preliminary application in their criminal case in the district court where the conviction was entered.”).

the applicant has 60 days to file and serve a petition to vacate the conviction. *Id.*, subds. 5(g), 6(a), at 866.

The district court may “summarily deny an application,” on grounds enumerated under the act, one of which is “the applicant is not in the custody of the commissioner of corrections or under court supervision.” *Id.*, subd. 5(e)(2), at 866.³ A district court’s denial of a preliminary application is appealable as an order denying postconviction relief. *Raisch*, 8 N.W.3d at 241-42. It is therefore reviewed for abuse of discretion. *Caldwell v. State*, 853 N.W.2d 766, 770 (Minn. 2014).

Walker appeals from the district court’s order summarily denying his preliminary application, which precludes Walker from petitioning under the act. The district court determined that Walker was not in custody or under court supervision at the time it considered his preliminary application. Walker does not dispute the district court’s determination that he was not in custody or under court supervision when the district court

³ Subdivision 5(e) of the act provides:

The court may summarily deny an application when:

(1) the application does not contain the information required under subdivision 4, paragraph (a);

(2) the applicant is not in the custody of the commissioner of corrections or under court supervision;

(3) the applicant was not convicted of a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), for crimes committed before August 1, 2023; or

(4) the issues raised in the application are not relevant to the relief available under this section or have previously been decided by the court of appeals or the supreme court in the same case.

Id., subd. 5(e), at 866.

summarily denied his preliminary application. We agree that the record shows Walker was on supervised release when he filed his preliminary application and his sentence expired by the time the district court considered his preliminary application.

Walker instead argues that the district court abused its discretion by denying his application because “the plain language of the Act, when read in its proper context, does not allow for a district court to summarily deny an application when the applicant filed the application while in custody or supervision.” The state agrees that Walker’s “preliminary application should *not* have been denied on the ground” cited by the district court and “respectfully asks this Court to reverse the denial of [Walker’s] preliminary application on the specific, cited ground and remand to [the] district court.” But an appellate court is “not bound by the arguments made by the parties.” *State v. Beganovic*, 991 N.W.2d 638, 644 n.2 (Minn. 2023); *see also State v. Hannuksela*, 452 N.W.2d 668, 673 n.7 (Minn. 1990) (“It is the responsibility of appellate courts to decide cases in accordance with law, and that responsibility is not to be diluted by counsel’s oversights, lack of research, failure to specify issues or to cite relevant authorities.”).

This appeal asks us to interpret the act’s provisions on summary denial of the preliminary application. Appellate courts “review questions of statutory interpretation *de novo*.” *State v. Defatte*, 928 N.W.2d 338, 340 (Minn. 2019). Appellate courts “interpret statutes to ascertain and effectuate the Legislature’s intent.” *State v. Plancarte*, 20 N.W.3d 30, 37 (Minn. 2025); *see* Minn. Stat. § 645.16 (2024) (“The object of all interpretation and construction of laws is to ascertain and effectuate the intention of the legislature.”). “If the language of a statute is clear on its face, then the statute is unambiguous, and we apply its

plain meaning.” *Plancarte*, 20 N.W.3d at 37. A statute is ambiguous when it “is susceptible to more than one reasonable interpretation.” *Id.* (quotation omitted).

Walker argues that the summary-denial provision is “plain” when read in context and allows a district court to summarily deny a preliminary application only if the applicant was not in custody or under supervision *at the time* the preliminary application *is filed*. Under this reading of the summary-denial provision, a district court may *not* summarily deny a preliminary application if the applicant was discharged from custody or supervision *after* their preliminary application was filed.

Walker’s interpretation, however, adds language to the summary-denial provision. Subdivision 5(e) provides that a preliminary application may be summarily denied “when . . . the applicant is not in the custody of the commissioner of corrections or under court supervision.” 2023 Minn. Laws ch. 52, art. 4, § 24, subd. 5(e)(2), at 866. Subdivision 5(e) uses the present tense. The summary-denial provision does *not* say, “at the time the preliminary application is filed.” We will not add language to a statute. *Beganovic*, 991 N.W.2d at 643. Because the language of the relevant provision unambiguously authorizes a district court to, as the district court did here, summarily deny a preliminary application when the applicant is not in custody or under supervision, we conclude that the district court did not err when it summarily denied Walker’s preliminary application.

Walker makes four arguments, urging that we reject this interpretation of the summary-denial provision. We address each argument in turn.

First, Walker argues that “the Act does not require the applicant to allege within his application that he will be in custody or on supervised release on the unknown date when the court rules on the application” and that “it is only reasonable to conclude that the Act requires an applicant to be in custody or on supervision when the applicant files the preliminary application.” Walker is correct that subdivision 4(a) and (b) does not require that an applicant state that they will be in custody or under court supervision when the court rules on the application. 2023 Minn. Laws ch. 52, art. 4, § 24, subd. 4(a)-(b), at 865. Subdivision 4(a) and (b) sets out the contents of the preliminary application and does not mention custody or supervision status, although the applicant is to provide a brief statement explaining why they are entitled to relief. *Id.*

But Walker’s reasoning is faulty because, when the district court reviews a preliminary application, it is not limited to the application itself. Subdivision 5(d) provides that “the reviewing judge shall consider the preliminary application and any materials submitted with the preliminary application and may consider relevant records in the possession of the judicial branch.” *Id.*, subd. 5(d), at 866. Here, the district court referred to the Minnesota Department of Corrections Offender Locator for Walker, which was filed along with Walker’s preliminary application and shows that Walker’s sentence would expire on July 4, 2024. Thus, the required contents of the preliminary application do not affect our analysis of the grounds for summary denial.⁴

⁴ Still, we also note that Walker’s preliminary application stated that his sentence would expire on July 4, 2024.

Second, Walker relies on a form of the preliminary application available on the Minnesota Judicial Branch website. Walker contends that the form “makes clear that what matters is that the applicant is in custody at the time the application is submitted because the form asks the applicant to indicate whether he is ‘*currently* in the custody of the commissioner of corrections’ or ‘*currently* under court supervision.’” This is not persuasive. While the act authorizes the judicial branch to “establish a standardized preliminary application form,” the language used in the form is not part of the act, nor does the form’s language guide our analysis. *Id.*, subd. 4(c), at 865; *see State v. Overweg*, 922 N.W.2d 179, 183 (Minn. 2019) (“If a statute is unambiguous, we apply the statute’s plain meaning.” (quotation omitted)). Although appellate courts interpret a statute in context, that context is language in the statute itself. *See State v. Gaiovnik*, 794 N.W.2d 643, 647 (Minn. 2011) (stating that appellate courts “do not examine different provisions in isolation” and instead “construe a statute as a whole, and words and sentences are understood in the light of their context” (quotations omitted)).

Third, Walker notes that the preliminary application precedes the submission of a petition for relief. From this, Walker infers that, “[d]uring the petition process, and when the district court rules on a petition, the Legislature did not require the petitioner to be in custody or on supervised release.” He also argues that “it is not reasonable to conclude that an applicant must be in custody or on supervision when the district court rules on a *preliminary application* but is not required to be in custody or on supervised release the next day when the *petition* process begins.”

Walker is somewhat correct. The required contents for a petition are set out in subdivision 6(a). 2023 Minn. Laws ch. 52, art. 4, § 24, subd.6(a), at 866-67. The petition must have the same information required for the preliminary application as well as “a statement of why the petitioner is entitled to relief” and “any other relevant information.” *Id.* Subdivision 6(a) does not provide that a petitioner must state whether they are in custody or under supervision. *Id.* But the contents of a petition for relief do not logically inform the unambiguous meaning of the summary-denial provision. Nor it is necessary for the petition to include information on whether the applicant is in custody or under court supervision. Before an applicant can petition for relief under the act, they must pass the first step and therefore survive summary denial, so there is no need to repeat the inquiry into whether an applicant is in custody or under supervision.

Fourth, Walker makes a policy argument, contending that “it would be fundamentally unfair for the applicant’s custody status to be dictated by when the district court decides to rule on an application instead of when the applicant submits the application.” Walker adds that “there is no indication that the Legislature intended for the court to have the power to dictate whether an application can be summarily denied based solely on *when* the court decides to rule on the application.”

Courts interpret and apply unambiguous acts and statutes as written and do not consider policy arguments to the contrary. *State v. Carson*, 902 N.W.2d 441, 446 (Minn. 2017) (“[P]ublic policy concern[s] should be directed to the Legislature because we must read this state’s laws as they are, not as some argue they should be.” (quotation omitted)). The express purpose of the act is to receive petitions for retroactive relief in limited

circumstances, specifically for persons convicted of first- or second-degree felony murder based on aiding and abetting “and who [are] in the custody of the commissioner of corrections or under court supervision.” 2023 Minn. Laws ch. 52, art. 4, § 24, subd. 1, at 864. Given that the act’s purpose provision explicitly states that retroactive relief is available to persons in custody or under court supervision, the summary-denial provision aligns with this purpose.

The limited availability of retroactive relief finds support in our caselaw. Generally, persons are not entitled to relief based on retroactive application of a statute unless expressly provided by the legislature. *State v. Kirby*, 899 N.W.2d 485, 494 (Minn. 2017). The legislature agrees with this view. Minn. Stat. § 645.21 (2024) (“No law shall be construed to be retroactive unless clearly and manifestly so intended by the legislature.”). In the act, the legislature expressly provided for limited retroactive relief using unambiguous language and adopted provisions for summary denial on specified grounds. Therefore, Walker’s policy argument is unpersuasive.

In sum, we conclude that the district court did not abuse its discretion. The unambiguous language of the act authorized the district court to summarily deny Walker’s preliminary application because he was not in custody or under supervision at the time the district court ruled on the preliminary application.

Affirmed.