

*This opinion is nonprecedential except as provided by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
A25-0571**

State of Minnesota,
Respondent,

vs.

Aaron James Beaulieu,
Appellant.

**Filed December 1, 2025
Reversed and remanded
Larkin, Judge**

Mille Lacs County District Court
File No. 48-CR-10-1656

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

Corey J. Haller, Mille Lacs County Attorney, Timothy S. Kilgriff, Assistant County Attorney, Milaca, Minnesota (for respondent)

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Considered and decided by Larkin, Presiding Judge; Wheelock, Judge; and Florey, Judge.*

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

NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellant challenges the district court's denial of his second preliminary application to vacate his convictions for aiding and abetting second-degree felony murder. We reverse and remand.

FACTS

Respondent State of Minnesota charged appellant Aaron James Beaulieu with aiding and abetting second-degree intentional murder; aiding and abetting second-degree felony murder (first-degree assault); and aiding and abetting second-degree felony murder (kidnapping). The matter proceeded to a jury trial, and the jury was permitted to consider two lesser offenses, third- and fifth-degree assault. The jury found Beaulieu not guilty of aiding and abetting second-degree intentional murder, guilty of both counts of aiding and abetting second-degree felony murder, and guilty of third- and fifth-degree assault.

We affirmed Beaulieu's convictions on appeal, and the supreme court denied Beaulieu's petition for review. *State v. Beaulieu*, No. A12-0977, 2013 WL 4779016, at *5 (Minn. App. Sept. 9, 2013), *rev. denied* (Minn. Nov. 26, 2013).

Our opinion described the evidence supporting the jury's guilty verdicts as follows. In July 2010, the victim was at Nathan Bugg's residence with Bugg, Joshua Boyd, and Beaulieu. Bugg testified that Beaulieu became angry, yelled at the victim, and later charged at the victim, knocked him to the ground, and began punching him in the head. Bugg testified that the victim was down on the ground trying to protect himself and that Beaulieu stood over the victim and punched him in the head more than five times. Bugg

testified that, when Beaulieu stopped punching the victim, Boyd dragged the victim into the garage. Boyd then began kicking the victim in the body and head. Bugg testified that he kicked the victim as well because he was afraid of Boyd, and that he and Beaulieu tried to pull Boyd away from the victim. At trial, Bugg could not recall whether Beaulieu kicked the victim in the garage. But a few days after the offense, Bugg told another individual that Boyd and Beaulieu were stomping on the victim's head.

Bugg testified that, when they stopped assaulting the victim, they left him moaning on the garage floor and went inside the house. Bugg and Boyd later loaded the victim into the back of Boyd's Suburban. Bugg testified that the victim was snoring and unconscious at that time. Bugg testified that Beaulieu told Boyd to take the victim home, but no one called the police, an ambulance, or the victim's mother or girlfriend. A search party later found the victim's burned body in the woods.

Beaulieu's cousin M.J. testified that Beaulieu told him about the assault. M.J. testified that Beaulieu said he beat the victim up, knocked the victim to the ground, and then helped the victim back up. According to M.J., Beaulieu stated that Boyd then started beating on the victim, knocked him to the ground, stomped on his head, and that Bugg helped Boyd kick the victim. M.J. acknowledged giving a prior statement indicating that Beaulieu kicked the victim in the body and back. Beaulieu told M.J. that Beaulieu and Boyd talked to potential witnesses and told them not to say anything.

In April 2024, Beaulieu filed a preliminary application to vacate his felony-murder convictions¹ under a newly enacted law that provides a process to vacate a conviction of aiding and abetting second-degree felony murder under certain circumstances. 2023 Minn. Laws ch. 52, art. 4, § 24, at 864-68. The district court summarily denied Beaulieu’s application.

In January 2025, Beaulieu filed a second preliminary application for relief.² In his application, Beaulieu asserted that he “did not cause the death of a human being and did not act with extreme indifference to human life” because, “after [his] initial fight with the victim, [he] helped the victim off the ground, tried to stop his codefendant from harming the victim, and asked his codefendant to bring the victim home.” The district court denied Beaulieu’s second preliminary application.

Beaulieu appeals from the denial of his second preliminary application for relief.

DECISION

In 2023 and 2024, the legislature enacted a process that allows a person convicted of aiding and abetting second-degree³ felony murder to petition the district court to vacate

¹ The record indicates that judgment of conviction was entered on each of the felony-murder guilty verdicts. In his preliminary applications in district court and in his brief to this court, Beaulieu referenced a single conviction. We use the term “convictions” without determining whether multiple convictions were appropriate. See Minn. Stat. § 609.04 (2008) (“Upon prosecution for a crime, the actor may be convicted of either the crime charged or an included offense, but not both.”).

² 2024 amendments to the law authorized reapplication after clarifying that an applicant must establish either that he was not a major participant *or* that he did not act with extreme indifference to human life. See 2024 Minn. Laws ch. 123, art. 4, §§ 19-21, at 2268-71.

³ The Act also authorizes relief from a conviction of aiding and abetting first-degree felony murder under Minn. Stat. § 609.185(a)(3) (2024). 2023 Minn. Laws ch. 52, art. 4, § 24, at 864.

that conviction. 2023 Minn. Laws ch. 52, art. 4, § 24, at 864-68, *amended by* 2024 Minn. Laws ch. 123, art. 4, §§ 19-21, at 2268-71. We refer to these 2023 and 2024 session laws collectively as “the Act.”⁴ The legislature passed the Act “to narrow the scope of liability for aiding and abetting . . . second-degree felony murder.” *See Raisch*, 8 N.W.3d at 239 (discussing the 2023 session law).

Under Minnesota’s aiding and abetting statute, “[a] person is criminally liable for a crime committed by another if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures the other to commit the crime.” Minn. Stat. § 609.05, subd. 1 (2008). A person liable under that standard “is also liable for any other crime committed in pursuance of the intended crime if reasonably foreseeable by the person as a probable consequence of committing or attempting to commit the crime intended.” *Id.*, subd. 2 (2008). In 2023, the aiding and abetting statute was amended to restrict liability as follows: “A person may not be held criminally liable for [second-degree felony murder] for a death caused by another unless the person was a major participant in the underlying felony and acted with extreme indifference to human life.” 2023 Minn. Laws ch. 52, art. 4, § 3, subd. 2a(b), at 850.

⁴ The Act is not codified in the Minnesota statutes, likely because the application procedure for seeking relief from an aiding and abetting felony-murder conviction is time-limited. *See Raisch v. State*, 8 N.W.3d 237, 242 n.3 (Minn. App. 2024) (discussing the 2023 session law), *rev. denied* (Minn. Nov. 19, 2024); *see also* 2024 Minn. Laws ch. 123, art. 4, § 21, at 2271 (extending the deadline for certain persons seeking relief to October 1, 2026).

Overview of the Act

The Act provides that a person convicted of second-degree felony murder “under the theory of liability for crimes of another and who is in the custody of the commissioner of corrections or under court supervision is entitled to petition to have the person’s conviction vacated pursuant to this section.” *Id.*, § 24, subd. 1, at 864. The Act states:

Subd. 3. Notification. (a) By September 1, 2024, the commissioner of corrections shall notify individuals convicted [of second-degree felony murder] of the right to file a preliminary application for relief if:

. . . .

(2) the person was convicted [of second-degree felony murder], and the person:

- (i) did not cause the death of a human being; and
- (ii) was not a major participant in the underlying felony or did not act with extreme indifference to human life.

. . . .

(c) The commissioner of corrections may coordinate with the judicial branch to establish a standardized notification form.

2024 Minn. Laws ch. 123, art. 4, § 19, subd. 3, at 2268-69.

To obtain relief under the Act, a convicted person must first submit a preliminary application. 2023 Minn. Laws ch. 52, art. 4, § 24, subd. 4, at 865. Next, the district court must determine whether to approve the preliminary application; if the district court does so, the applicant may file a petition to vacate the conviction. *Id.*, subds. 5-6, at 865-67. The relevant part of the Act provides:

Subd. 4. Preliminary application. (a) An applicant shall submit a preliminary application The preliminary application must contain:

- (1) the applicant's name and, if different, the name under which the person was convicted;
- (2) the applicant's date of birth;
- (3) the district court case number of the case for which the person is seeking relief;
- (4) a statement as to whether the applicant was convicted following a trial or pursuant to a plea;
- (5) a statement as to whether the person filed a direct appeal from the conviction, a petition for postconviction relief, or both;
- (6) a brief statement, not to exceed 3,000 words, explaining why the applicant is entitled to relief under this section from a conviction for the death of a human being caused by another; and
- (7) the name and address of any attorney representing the applicant.

(b) The preliminary application may contain:

- (1) the name, date of birth, and district court case number of any other person charged with, or convicted of, a crime arising from the same set of circumstances for which the applicant was convicted; and
- (2) a copy of a criminal complaint or indictment, or the relevant portions of a presentence investigation or life imprisonment report, describing the facts of the case for which the applicant was convicted.

(c) The judicial branch may establish a standardized preliminary application form, but shall not reject a preliminary application for failure to use a standardized form.

Id., subd. 4, at 865.

The Act directs the district court's review of a preliminary application as follows:

Subd. 5. Review of preliminary application. (a) Upon receipt of a preliminary application, the court administrator . . . shall immediately direct attention of the filing thereof to the chief judge or judge acting on the chief judge's behalf who shall promptly assign the matter

....

(c) Within 90 days of . . . receiving the 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 under this section.*

(d) In making the determination under paragraph (c), 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(a)-(d), at 865-66 (emphasis added).

The Act provides that the district court may “summarily deny” an application if:

(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 [second-degree felony murder] 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. A subsequent preliminary application may also be “summarily” denied in some instances. *Id.*, subd. 5(f), at 866.

If the district court “determines that there is not a reasonable probability that the applicant is entitled to relief,” then it must provide the applicant with a brief statement explaining how it reached its determination. *Id.*, subd. 5(h), at 866. If that occurs, “the applicant cannot proceed to the second step” of the application process, which is the filing of a petition to vacate the conviction. *Raisch*, 8 N.W.3d at 240.

If, however, the reviewing judge determines that there is a reasonable probability that the applicant is entitled to relief, the district court “shall send notice” to the applicant and the applicant’s attorney, if any, the prosecuting attorney, and if the applicant is without counsel, to the state public defender. 2023 Minn. Laws ch. 52, art. 4, § 24, subd. 5(g), at 866. Next, “the individual seeking relief shall file and serve a petition to vacate the conviction.” *Id.*, subd. 6(a), at 866-67. The petition must contain the information required in a preliminary application, and it may contain “other relevant information,” such as “police reports, trial transcripts, and plea transcripts involving the petitioner or any other person investigated for, charged with, or convicted of a crime arising out of the same set of circumstances” underlying the petitioner’s conviction. *Id.*

The Act requires the prosecuting attorney to “respond to the petition by answer or motion.” *Id.*, subd. 6(c), at 867. The prosecuting attorney’s response may “serve notice of the intent to support the petition or include a statement explaining why the petitioner is not entitled to relief along with any supporting documents.” *Id.* The petitioner “may file a reply” to the prosecutor’s response. *Id.*, subd. 6(d), at 867. Next, the district court must do one of three things: (1) if the prosecutor supports the petition, “schedule the matter for sentencing or resentencing,” (2) deny the petition “if additional information or submissions establish that there is not a reasonable probability that the applicant is entitled to relief,” or (3) “schedule the matter for a hearing and issue any appropriate order regarding submission of evidence or identification of witnesses.” *Id.*, subd. 6(e), at 867. Any hearing “shall” be “conducted pursuant to Minnesota Statutes, section 590.04,” which governs hearings on

petitions for postconviction relief. *Id.*, subd. 6(f), at 867; *see* Minn. Stat. § 590.04 (2024) (governing hearings on a postconviction petition).

Ultimately, a petitioner who was convicted of aiding and abetting second-degree felony murder is entitled to relief if he shows the following circumstances by a preponderance of the evidence: (1) he did not cause the death of a human being *and* (2) he *either* was not “a major participant in the underlying felony” *or* he did not “act with extreme indifference to human life.” 2024 Minn. Laws ch. 123, art. 4, § 20, subd., 7(b), at 2269. As used in the Act, “‘major participant’ has the meaning given in Minnesota Statutes, section 609.05, subdivision 2a, paragraph (c).” 2023 Minn. Laws ch. 52, art. 4, § 24, subd. 2, at 864. Thus, a major participant includes a person who “caused substantial bodily harm to another during the commission of the underlying felony.” Minn. Stat. § 609.05, subd. 2a(c)(2) (2024). The Act does not define “extreme indifference to human life.”

Standard of Review

Denial of a preliminary application under the Act is appealable as a denial of postconviction relief. *Raisch*, 8 N.W.3d at 242. We review the denial of a preliminary application under the Act for an abuse of discretion. *State v. Griffin*, 24 N.W.3d 247, 254 (Minn. 2025). An abuse of discretion occurs when a decision “is based on an erroneous view of the law or is against logic and the facts in the record.” *Id.* at 255 (quotation omitted). We review findings of fact for clear error and legal conclusions de novo. *Id.*

We review issues of statutory interpretation de novo. *Hagen v. Steven Scott Mgmt., Inc.*, 963 N.W.2d 164, 169 (Minn. 2021). In that review, we try to “effectuate the intention of the legislature, reading the statute as a whole.” *Id.* (quotation omitted). We look at the

plain and ordinary meaning of a statute’s words and phrases to see if the language is ambiguous, that is, whether it is “subject to more than one reasonable interpretation.” *Id.* (quotation omitted). If the language is unambiguous, we enforce it as written. *Id.*

Beaulieu’s Arguments

Beaulieu raises three arguments in support of his claim that the district court abused its discretion in denying his second preliminary application. As discussed below, this court previously addressed the same arguments in a recent nonprecedential opinion, *Kimbrough v. State*, which is persuasive here. No. A24-1810, 2025 WL 2318008 (Minn. App. Aug. 11, 2025); *see* Minn. R. Civ. App. P. 136.01, subd. 1(c) (“Nonprecedential opinions and order opinions are not binding authority except as law of the case, res judicata or collateral estoppel, but nonprecedential opinions may be cited as persuasive authority.”).

Legislative Intent

Beaulieu argues that the legislature’s intent under the Act was “to allow any individual who is in custody or on supervision, and [who] was convicted of aiding and abetting felony murder, to petition the district court to vacate a felony murder conviction.” Essentially, Beaulieu contends that an applicant is entitled to proceed to the petition stage if he has the required custody or supervision status and a qualifying conviction.

As noted in *Kimbrough*, Beaulieu’s assertion is “refuted by the plain language of the Act.” 2025 WL 2318008, at *7. The Act states that although certain individuals are “entitled to petition” to have their convictions vacated, the district court must first authorize the petition. 2023 Minn. Laws. ch. 52, art. 4, § 24, subds. 1, 5-7, at 864-68. And the district court cannot authorize a petition unless it determines—based on its review of a preliminary

application—that “there is a reasonable probability that the [applicant] is entitled to relief.” *Id.*, subds. 5(c), (g), 6, at 865-67. Finally, the Act clearly states that a person is “entitled to relief” from a conviction of aiding and abetting second-degree felony murder only if the person “shows by a preponderance of the evidence” that the person “did not cause the death of a human being” and either was “not a major participant in the underlying felony” or “did not act with extreme indifference to human life.” 2024 Minn. Laws ch. 123, art. 4, § 20, subd. 7(b), at 2269.

“[A] statute should be read and construed as a whole so as to harmonize and give effect to all its parts.” *State v. Johnson*, 995 N.W.2d 155, 160 (Minn. 2023). When the relevant provisions of the Act are read together and construed as a whole, they establish that a person is “entitled to petition” to have a conviction vacated only if the district court determines that the person’s preliminary application shows a reasonable probability that the person is “entitled to relief.” See 2023 Minn. Laws. ch. 52, art. 4, § 24, subds. 1, 5-6, at 864-67. And a person is “entitled to relief” only if he shows that he did not cause a death and that he was not “a major participant in the underlying felony” or that he “did not act with extreme indifference to human life.” 2024 Minn. Laws ch. 123, art. 4, § 20, subd. 7(b), at 2269. Contrary to Beaulieu’s assertion, an applicant is not entitled to petition to vacate a conviction based only on the assertions that he has been convicted of aiding and abetting second-degree felony murder and that he has the necessary custody or supervision status. See *Raisch*, 8 N.W.3d at 240 (“A petition to vacate can be filed only if the district court makes an affirmative determination on the preliminary application.”).

Summary Denial

Beaulieu also argues that the district court did not justify “summarily” denying his second preliminary application with a finding that one of the articulated statutory grounds for a summary denial existed. Again, the Act generally provides that a preliminary application may be “summarily” denied for the following reasons: (1) the application does not include statutorily required information, (2) the applicant is not in custody or under court supervision, (3) the applicant was not convicted of an applicable felony-murder offense, or (4) the issues raised are irrelevant or have been previously determined by an appellate court. 2023 Minn. Laws ch. 52, art. 4, § 24, subd. 5(e), at 866. What occurred here was not a summary denial, as defined in the Act. *See Kimbrough*, 2025 WL 2318008, at *6. Instead, the district court denied Beaulieu’s second preliminary application based on its reasonable-probability determination.

Improper Ruling on the Merits

Finally, Beaulieu argues that the district court improperly ruled on the merits of his request for relief. Beaulieu contends that during the application stage, a district court is not permitted “to make factual and legal determinations.” But, as discussed in *Kimbrough*, the Act requires the district court to make a reasonable-probability determination at the application stage. 2025 WL 2318008, at *6. The applicant is “entitled to petition” to have a conviction vacated only if the district court determines that the preliminary application shows a reasonable probability that the applicant is “entitled to relief.” *See* 2023 Minn. Laws. ch. 52, art. 4, § 24, subds. 1, 5-6, at 864-67. And an applicant is “entitled to relief” only if he shows that he did not cause a death and either that he was not “a major participant

in the underlying felony” or that he “did not act with extreme indifference to human life.” 2024 Minn. Laws ch. 123, art. 4, § 20, subd. 7(b), at 2269. Thus, the district court’s ruling on a preliminary application requires some assessment of the particular facts of a case.

In *Griffin*, the supreme court affirmed a district court’s denial of a preliminary application, which was based on the district court’s determination that Griffin caused the death of the victim, which in turn was based on Griffin’s application, supporting materials, and the supreme court’s decisions in Griffin’s prior appeals. 24 N.W.3d at 255-56. The supreme court noted, “The facts established at trial and described in Griffin’s prior appeals, as well as our prior holding that the trial evidence supported a reasonable inference that Griffin shot [the victim] with an intent to kill him, support the district court’s rejection of Griffin’s apparent claim that he did not cause the death of a human being.” *Id.* at 255-56 (quotation and citation omitted).

Griffin indicates that a district court is, to some degree, empowered to make legal and factual determinations when ruling on a preliminary application. But Beaulieu argues that the degree to which a district court may do so should be limited. Two circumstances are relevant here.

First, when making a reasonable-probability determination at the preliminary-application stage, the district court does not have the benefit of a fully developed record. See 2023 Minn. Laws ch. 52, art. 4, § 24, subd. 5(c), (d), at 865-66. But an opportunity to more fully develop the record does not result unless the district court approves a preliminary application and authorizes the applicant to file a petition. *Id.*, subds. 5(g), 6, at 866-67. When an applicant is authorized to do so, the petition may:

contain any other relevant information, including police reports, trial transcripts, and plea transcripts involving the petitioner or any other person investigated for, charged with, or convicted of a crime arising out of the same set of circumstances for which the petitioner was convicted.

Id., subd. 6(a), at 866-67. Moreover, the prosecuting attorney is not allowed to participate in the proceeding until the petition stage. *See id.*, subd. 6(c), at 867 (requiring prosecutor to respond to the petition). The prosecuting attorney may supplement the record only at the petition stage. *See id.* (stating that the prosecuting attorney must respond to the petition and that the response may “include a statement explaining why the petitioner is not entitled to relief along with any supporting documents”).

Second, a district court is not generally allowed to resolve material factual disputes based on an undeveloped record at the preliminary stage of a legal proceeding. For example, under Minnesota’s postconviction statute, a person convicted of a crime may seek relief by filing a petition claiming that the conviction “violated the person’s rights under the Constitution or laws of the United States or of the state.” Minn. Stat. § 590.01, subd. 1(1) (2024). An evidentiary hearing on a postconviction petition must be held unless “the petition and the files and records of the proceeding conclusively show that the petitioner is entitled to no relief.” Minn. Stat. § 590.04, subd. 1.

And the Minnesota Supreme Court has stated:

The postconviction court must hold an evidentiary hearing to resolve *factual disputes that are material to determining the legal issues raised* in the postconviction petition when those factual disputes were not resolved in the proceedings resulting in a conviction.

Thoresen v. State, 965 N.W.2d 295, 303 (Minn. 2021) (emphasis added).

In *Raisch*, we held that a denial of a preliminary application under the Act based on a determination that there was not a reasonable probability that the applicant is entitled to relief “is an appealable order as from a denial of postconviction relief.” 8 N.W.3d at 238. In reaching that conclusion, we noted the similarities between the Act and Minnesota’s postconviction statutes.⁵ *Id.* at 241. Based on those similarities, we were “persuaded that the postconviction remedy is broad enough to encompass the preliminary application procedure in the act.” *Id.* at 242; *see Griffin*, 24 N.W.3d at 254 (noting that, because denial of a preliminary application had been treated as a denial of postconviction relief for purposes of jurisdiction, the same standard of review should govern).

We are again influenced by our postconviction jurisprudence when reviewing the district court’s application of the Act here. Under that jurisprudence and consistent with *Griffin*, a district court may deny a preliminary application if the record conclusively shows that the applicant is not entitled to relief. *See Griffin*, 24 N.W.3d at 256 (affirming denial of preliminary application based on supreme court’s “prior holding that the trial evidence supported a reasonable inference that Griffin shot [the victim] with an intent to kill him” (quotation omitted)).

Again, a petitioner who was convicted of aiding and abetting second-degree felony murder is entitled to relief if he shows the following circumstances by a preponderance of the evidence: (1) he did not cause the death of a human being *and* (2) he *either* was not “a

⁵ Indeed, the Act states that a hearing on a petition “shall be . . . conducted pursuant to Minnesota Statutes, section 590.04.” 2023 Minn. Laws ch. 52, art. 4, § 24, subd. 6(f), at 867; *see* Minn. Stat. § 590.04 (governing hearings on a postconviction petition).

major participant in the underlying felony” *or* he did not “act with extreme indifference to human life.” 2024 Minn. Laws ch. 123, art. 4, § 20, subd. 7(b), at 2269. In determining that there was no reasonable probability that Beaulieu was entitled to relief on his second preliminary application, the district court reasoned that the record showed that he was both a “major participant” and that he acted with extreme indifference to human life.

There is no factual dispute regarding whether Beaulieu was a “major participant,” which is defined to include a person who “caused substantial bodily harm to another during the commission of the underlying felony.” Minn. Stat. § 609.05, subd. 2a(c)(2). As the district court properly reasoned, Beaulieu was found guilty of third-degree assault, and the infliction of substantial bodily harm is an element of third-degree assault. *See* Minn. Stat. § 609.223, subd. 1 (2008) (“Whoever assaults another and inflicts substantial bodily harm may be sentenced to imprisonment . . .”).

However, we cannot say that the record conclusively establishes that Beaulieu acted with extreme indifference to human life.⁶ Although the Act defines “major participant,” it

⁶ The state argues that under the amended language of the Act, an applicant must show *both* that he was not a major participant and that he did not act with extreme indifference to human life. Originally, the Act required a person seeking relief to show both that he “was not a major participant in the underlying felony” *and* that he “did not act with extreme indifference to human life.” 2023 Minn. Laws ch. 52, art. 4, § 24, subds. 3(a)(2)(ii), 7(b)(2), at 864, 868. But the Act was amended to permit the right to seek relief if the defendant “was not a major participant in the underlying felony” *or* “did not act with extreme indifference to human life.” *See* 2024 Minn. Laws ch. 123, art. 4, §§ 19, 20, at 2268-69. It is clear that the major-participant and extreme-indifference showing are alternatives. *See State v. Loge*, 608 N.W.2d 152, 155 (Minn. 2000) (“[I]n the absence of some ambiguity surrounding the legislature’s use of the word ‘or,’ we will read it in the disjunctive and require that only one of the possible factual situations be present in order for the statute to be satisfied.”). In sum, under the amended language, a petitioner may obtain relief if he shows by a preponderance of the evidence that (1) he did not cause the

does not define “extreme indifference to human life,” and the district court did not indicate what definition it used to conclude that Beaulieu acted with extreme indifference. Also, although the trial evidence was largely undisputed regarding some of the factual circumstances on which the district court relied (e.g., Beaulieu was the initial assailant and inflicted multiple punches to the victim’s head), the evidence was conflicting regarding a significant circumstance on which the district court relied: whether Beaulieu stomped on the victim’s head or body after the victim was rendered unconscious. Finally, there was evidence that might suggest that Beaulieu did not act with extreme indifference (e.g., Bugg and Beaulieu tried to pull Boyd away from the victim, and Beaulieu told Boyd to take the victim home).

Because there is a factual dispute regarding whether or not Beaulieu acted with extreme indifference to human life, and because the district court did not explain what definition of extreme indifference it used for the purpose of its conclusion that Beaulieu acted with extreme indifference—a necessary analytical step in determining which disputed facts are material to that conclusion—the district court prematurely determined that there was no reasonable probability of relief. We therefore reverse and remand for Beaulieu to file his petition under the Act.

That said, we do not suggest that Beaulieu must be allowed to advance to the hearing stage. The Act authorizes the district court to assess whether a person should advance to a

death of a human being *and* that (2) he was not “a major participant in the underlying felony” *or* he did not “act with extreme indifference to human life.” 2024 Minn. Laws ch. 123, art. 4, § 20, subd., 7(b), at 2269.

hearing at two different stages: first, at the preliminary application stage, based on a limited record submitted only by the applicant, and second, at the petition stage, based on a more fully developed record submitted by the petitioner and the prosecutor. After receipt of all submissions at the petition stage, the district court may deny the petition “if additional information or submissions establish that there is not a reasonable probability that the applicant is entitled to relief.” 2023 Minn. Laws ch. 52, art. 4, § 24, subd. 6(e), at 867. Thus, the district court retains discretion to deny Beaulieu’s request for relief once the record is more fully developed through the filing of a petition and the parties have had an opportunity to address whether Beaulieu acted with extreme indifference to human life.

Reversed and remanded.