

*This opinion is nonprecedential except as provided by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
A25-0710**

State of Minnesota,
Respondent,

vs.

Nathan Luhring,
Appellant.

**Filed December 15, 2025
Affirmed
Bjorkman, Judge**

Blue Earth County District Court
File No. 07-CR-08-3255

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

Patrick R. McDermott, Blue Earth County Attorney, Jonathan M. Janssen, Assistant
County Attorney, Mankato, Minnesota (for respondent)

Zachary S. Webster, Jacob M. Birkholz, Birkholz & Associates, LLC, Mankato, Minnesota
(for appellant)

Considered and decided by Worke, Presiding Judge; Bjorkman, Judge; and
Cochran, Judge.

NONPRECEDENTIAL OPINION

BJORKMAN, Judge

Appellant challenges the district court's denial of his petition under Minn. Stat.
§ 609.165 (2024) to restore his firearms rights, arguing that the district court erred in

concluding that his misdemeanor conviction does not fall within the scope of that statute. We affirm.

FACTS

In 2008, appellant Nathan Luhring was charged with gross misdemeanor malicious punishment of a child, misdemeanor disorderly conduct, and misdemeanor domestic assault. He pleaded guilty to the first two charged offenses in exchange for the state's agreement to dismiss the domestic-assault charge. The district court convicted him of disorderly conduct and stayed adjudication of the malicious-punishment charge. Luhring was discharged from probation in 2010, at which time the malicious-punishment charge was dismissed.

In April 2024, Luhring petitioned the district court under Minn. Stat. § 609.165, subd. 1d, to restore his firearm rights. He averred that he is prohibited from possessing and otherwise dealing with firearms pursuant to 18 U.S.C. § 922(g)(9) (2018) (“misdemeanor crime of domestic violence”), and Minn. Stat. § 624.713, subd. 10(vii) (2024), which incorporates the federal law, but that there is good cause to restore his firearm rights. The district court denied the motion, reasoning that Luhring's misdemeanor conviction is not a conviction of a “crime of violence” within the scope of Minn. Stat. § 609.165, subd. 1d, and therefore that statute “does not provide a remedy for him to restore his firearm rights.” Luhring moved for amended findings, which the district court denied.

Luhring appeals.

DECISION

The question whether Luhring may petition for restoration of his firearm rights under Minn. Stat. § 609.165, subd. 1d, turns on interpretation of that statute. Statutory interpretation presents a question of law, which we review de novo. *State v. Letourneau*, 23 N.W.3d 386, 391 (Minn. 2025).

When interpreting a statute, our goal is to discern and effectuate the legislature’s intent. *State v. Abdus-Salam*, 1 N.W.3d 871, 876 (Minn. 2024); *see also* Minn. Stat. § 645.16 (2024). We first determine whether the statute’s language is ambiguous, meaning that it has more than one reasonable interpretation. *State v. Henderson*, 907 N.W.2d 623, 625 (Minn. 2018). In doing so, we read the statute “as a whole” and consider its “text and textual context.” *Letourneau*, 23 N.W.3d at 391 (quotation omitted). We construe statutory words and phrases “according to . . . their common and approved usage,” unless they are “technical words and phrases” that “have acquired a special meaning,” in which case we use that special meaning. Minn. Stat. § 645.08(1) (2024). If the whole statute is unambiguous, we simply apply its plain meaning. *Henderson*, 907 N.W.2d at 625.

The provision at issue states:

A person prohibited by state law from shipping, transporting, possessing, or receiving a firearm or ammunition because of a conviction or a delinquency adjudication for committing a *crime of violence* may petition a court to restore the person’s ability to possess, receive, ship, or transport firearms and otherwise deal with firearms and ammunition.

Minn. Stat. § 609.165, subd. 1d (emphasis added). The phrase “crime of violence” is the focus of this appeal.

No definition of that phrase appears in subdivision 1d. The same phrase appears in two other subdivisions of the statute, followed in each instance by the words “as defined in” Minn. Stat. § 624.712, subd. 5 (2024). Minn. Stat. § 609.165, subs. 1a, 1b(a). The referenced definition encompasses only felony offenses and, therefore, does not encompass Luhring’s misdemeanor conviction.¹ See Minn. Stat. § 624.712, subd. 5. The parties dispute whether that definition applies to the phrase “crime of violence” in subdivision 1d.

Luhring urges us to conclude that it does not. He asserts that applying that definition in subdivision 1d improperly adds words to that subdivision. And he contends it negates the reference to Minn. Stat. § 624.712, subd. 5, in those other subdivisions because, without it, that statute’s definition of “crime of violence” would not apply. See Minn. Stat. § 624.712, subd. 1 (2024) (stating that “this section” defines terms for Minn. Stat. §§ 624.711-.717 (2024)).

We readily agree that it is not our role to add to or subtract from a statute. *State v. Jorgenson*, 946 N.W.2d 596, 607 (Minn. 2020). And we agree—consistent with that principle—that when the legislature uses modifying language in one part of a statute but not in another, we generally treat that omission as an indication that the legislature did not intend the modification to apply to parts of the statute where it was not used. See *id.* (stating “a condition expressly mentioned in one clause of a subdivision provides evidence that the Legislature did not intend for the condition to apply to other clauses in which the condition is not stated” (quotation omitted)). But not always. Effectuating a whole statute

¹ We observe that it also does not encompass Luhring’s other two charged offenses—gross misdemeanor malicious punishment of a child and misdemeanor domestic assault.

means “harmoniz[ing]” its various parts and accounting for “statutory context.” *State v. Johnson*, 995 N.W.2d 155, 160 (Minn. 2023); *see also State v. Vagle*, 24 N.W.3d 481, 490 (Minn. 2025) (warning against reading a statutory phrase “in isolation rather than in context”). Sometimes, context shows that the only way to harmonize all parts of a statute is to apply a modification throughout, even when not expressly stated. *See Vagle*, 24 N.W.3d at 490 (concluding that the definition of “serial number or other identification” in two subparts of Minn. Stat. § 609.667 (2024) with reference to federal firearm law does not, when viewed in context, preclude applying that same definition to “identified by a serial number” in the statute’s third subpart).

That is the case here. When a person is convicted of a felony, they lose their civil rights. *Schroeder v. Simon*, 985 N.W.2d 529, 536 (Minn. 2023) (citing Minn. Const. art. VII, § 1); *see also State v. Craig*, 826 N.W.2d 789, 792 (Minn. 2013) (recognizing that felons are traditionally prohibited from possessing firearms). The provision at issue is part of the statute that restores these rights (including firearm rights) when a person’s criminal conviction is discharged.

Subdivision 1. **Restoration.** When a person has been deprived of civil rights by reason of conviction of a crime and is thereafter discharged, such discharge shall restore the person to all civil rights and to full citizenship, . . . the same as if such conviction had not taken place, and the order of discharge shall so provide.

Subd. 1a. **Certain convicted felons ineligible to possess firearms or ammunition.** The order of discharge must provide that a person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm or ammunition for the remainder of the person’s lifetime. Any

person who has received such a discharge or . . . whose ability to possess firearms and ammunition has been restored under subdivision 1d, shall not be subject to the restrictions of this subdivision.

Subd. 1b. **Violation and penalty.** (a) Any person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, and who ships, transports, possesses, or receives a firearm or ammunition, commits a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

. . . .
(c) The criminal penalty in paragraph (a) does not apply to any person . . . whose ability to possess firearms and ammunition has been restored under subdivision 1d.

Subd. 1c. [Repealed, 1999 c 61 s 2]

Subd. 1d. **Judicial restoration of ability to possess firearms and ammunition by felon.** A person prohibited by state law from shipping, transporting, possessing, or receiving a firearm or ammunition because of a conviction or a delinquency adjudication for committing a crime of violence may petition a court to restore the person's ability to possess, receive, ship, or transport firearms and otherwise deal with firearms and ammunition.

The court may grant the relief sought if the person shows good cause to do so and the person has been released from physical confinement.

If a petition is denied, the person may not file another petition until three years have elapsed without the permission of the court.

Minn. Stat. § 609.165, subds. 1-1d.

These first four subdivisions—tellingly grouped as 1, 1a, 1b, and 1d—form a coherent multifaceted process for restoring a person's rights upon discharge from a felony criminal conviction. The first subdivision provides that a person convicted of a felony *must* have all civil rights restored upon discharge from the conviction. *Id.*, subd. 1; *see*

Schroeder, 985 N.W.2d at 546 (describing Minn. Stat. § 609.165, subd. 1, as addressing restoration of rights “to persons convicted of a felony”). The next subdivision creates an exception to this general rule, stating that such a discharge does not restore firearm rights to persons convicted of a felony “crime of violence, as defined in section 624.712, subdivision 5”—*unless* their “ability to possess firearms and ammunition has been *restored under subdivision 1d.*” Minn. Stat. § 609.165, subd. 1a (emphasis added).² The third subdivision makes it a crime for felons described in subdivision 1a to ship, transport, possess, or receive a firearm or ammunition. *Id.*, subd. 1b. And the fourth subdivision—expressly referenced in subd. 1a—creates a discretionary mechanism for a court to restore firearm rights to a person convicted of a “crime of violence.” *Id.*, subd. 1d. This clear structure persuades us that the same definition of “crime of violence” must apply throughout for the whole statute to make sense and work harmoniously.

This conclusion finds further support in the broader statutory context, which reveals that the legislature generally uses “crime of violence” as a technical term with a consistent specialized meaning. When deciding whether a statutory phrase has a technical meaning, we consider “the context in which the phrase appears” because we assume that the legislature acts with full knowledge of statutes on “the same subject.” *State v. Bradley*, 4 N.W.3d 105, 112 (Minn. 2024). The context of Minn. Stat. § 609.165 includes the numerous other statutes that use the phrase “crime of violence.”

² We note that the juvenile rights-restoration statute, Minn. Stat. § 242.31, subd. 2a (2024), says essentially the same thing; it also links the definition of “crime of violence” in Minn. Stat. § 624.712, subd. 5, and restoration of firearm rights under Minn. Stat. § 609.165, subd. 1d.

Commonly, the legislature defines that phrase with a reference to Minn. Stat. § 624.712, subd. 5. *See* Minn. Stat. § 504B.171, subd. 2a (2024) (defining “crime of violence” per Minn. Stat. § 624.712, subd. 5); Minn. Stat. § 299C.37, subd. 1(a) (2024) (same). Or it uses a subset of that list of felonies. *See* Minn. Stat. § 260B.171, subd. 9(3) (2024) (defining “crime of violence” per Minn. Stat. § 624.712, subd. 5, excepting offenses under chapter 152); Minn. Stat. § 504B.171, subd. 2a (same). Even in the rare instance in which the legislature defines “crime of violence” more expansively, it does so by adding to that list. *See* Minn. Stat. § 299F.72, subd. 1b (2024) (defining “crime of violence” per Minn. Stat. § 624.712, subd. 5, plus certain domestic-assault convictions); Minn. Stat. § 609.668, subd. 1(c) (2024) (same). This shows that when the legislature intends the phrase to sweep in a non-felony, it will say so. Overall, we discern that the legislature uses “crime of violence” as a technical phrase with a special meaning that encompasses only violent felonies unless specified otherwise.

In sum, the phrase “crime of violence” in Minn. Stat. § 609.165, subd. 1d, when viewed in the context of the whole statute and other statutes that use the same phrase, is susceptible of only one reasonable interpretation—that it means the list of felonies assigned to that phrase in Minn. Stat. § 624.712, subd. 5. Because that definition does not include Luhring’s misdemeanor conviction, the district court did not err by denying his petition to restore his firearm rights.

Affirmed.