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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0861**

State of Minnesota,
Respondent,

vs.

Charquandra Charnetta Henry,
Appellant.

**Filed June 1, 2026
Affirmed
Beane, Judge**

Ramsey County District Court
File No. 62-CR-23-4673

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

Irene Kao, St. Paul City Attorney, Keiran Bleich, Assistant City Attorney, St. Paul,
Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Roy G. Spurbeck, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bentley, Presiding Judge; Beane, Judge; and Smith,
John, Judge.*

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

NONPRECEDENTIAL OPINION

BEANE, Judge

In this direct appeal from the judgment of conviction for negligent storage of firearms, appellant Charquandra Charnetta Henry argues that the evidence is insufficient to prove that she stored or left a loaded firearm where a child was likely to gain access. Because the evidence was sufficient to support Henry's conviction, we affirm.

FACTS

On August 9, 2023, police officers executed a search warrant for firearms, drugs, and evidence of gun-making at a St. Paul townhouse where Henry lived with her three children, who were approximately eight, six, and three years old. The target of the search warrant was J.S., Henry's former partner and the father of her three children. J.S. had been periodically staying at the townhouse at Henry's request because she felt unsafe there and needed "protection."

When the search warrant was executed, Henry was at work, but J.S. was at the townhouse with their two older children. Officers searched the townhouse, including the three upstairs bedrooms. The two children's bedrooms were on one side of the hallway, and Henry's bedroom was across the hall, about three to four feet away. In Henry's bedroom, officers found three firearms, two of which were loaded. One of the loaded firearms was a handgun in a black backpack that was on the floor at the foot of the bed. Another loaded handgun was in the outer pocket of a tan rifle bag that was along the wall near the foot of the bed. The rifle bag also contained an unloaded assault rifle in the main compartment. The backpack and rifle bag were each secured only by a zipper, and neither

handgun had a trigger lock. Officers also found loaded magazines, unloaded 3-D printed magazines, tactical vests, and other “survival gear” strewn about Henry’s bedroom.

While officers searched the townhouse, two other officers waited outside with the two children. An officer’s body-worn camera captured the following statements:

Child 1: There’s nothing, um, nothing in the house. Lemme um, like some guns. That my dad keeps.

Officer 1: Some guns that your dad keeps.

Child 1: Yeah.

Child 2: No, he keeps, if you see a little tiny like, um, black bag, uh, his stuff is in there to keep us safe and stuff. He uses that, he brings the room every time, but sometimes.

Child 1: Sometimes he brings a gun with him. If he, someone trying to hurt him or shoot him.

Officer 2: Hopefully no one is trying to hurt him.

Child 1: No one is trying to hurt him. Right now.

Henry returned to the townhouse during the search, and officers detained her until the search was completed. While detained, she expressed frustration with being made to wait for police officers to “search everything that I own” and stated that “none” of the property in the townhouse belonged to J.S. She also indicated that she assumed officers were looking for “a gun hiding in some of them clothes somewhere.”

Respondent State of Minnesota charged Henry with the negligent storage of a firearm in violation of Minnesota Statutes section 609.666, subdivision 2 (2022). Henry waived her right to a jury trial.

At the bench trial, Officer B.W. and Officer C.R. testified. Both officers were present at the townhouse when the search warrant was executed. Officer B.W. testified regarding the interior search of the home and the evidence recovered. Officer B.W. also testified that, based on his experience, a seven- or eight-year-old child would have been

capable of firing either handgun by pulling the slide back and pulling the trigger. Officer C.R. was outside the townhouse during the search and testified that her body-worn camera recorded the statements made by the children.

Henry testified in her own defense. Henry testified that she did not know J.S. kept any belongings at her residence until the day before officers executed the search warrant. J.S. stayed overnight on August 8, and the two slept in her room in the same bed. Before Henry left for work that morning, she noticed “a brown bag on top of the shelf [in the closet] with a bunch of other bags, black bag, trash bags, plus garbage bags” but “thinking nothing of it, finished getting ready for work.” Henry testified that she did not believe the bags contained guns, that she was not aware J.S. had guns in the home, and that she had never seen guns in the home. Henry also stated that she does not own any guns.

Henry explained that J.S. was the victim of a shooting in 2020. Following the shooting, J.S. told Henry that he was “going to get a firearm to protect hi[m]self,” but Henry was “not aware that he got one.” Henry also testified that she talked with J.S. about gun safety and that J.S. “just pretty much kept ’em out of sight, out of mind, didn’t let me or the kids come in contact with them or see ’em.” Henry acknowledged that it was possible he may have had a gun. Henry stated that J.S. talked to the children about gun safety, but she was not aware if the children had seen any guns. J.S. was accused of shooting a firearm outside of the townhouse, but Henry stated that she did not know anything about that.

Henry further testified that she and J.S. kept 3-D printers at the townhouse for a small business J.S. planned to start. Henry stated that it was J.S. who used the printers and

that she did not know how to work them. The unloaded magazines confiscated by officers during the search of the townhouse were made using 3-D printers.

At the conclusion of the bench trial, the district court found Henry guilty. The district court found that Henry's testimony was not credible and determined that "[u]nder the circumstances, [Henry] knew or had reason to know the firearms were negligently stored in the bedroom and knew or reasonably should have known a minor child could access the loaded firearm(s)." The district court convicted Henry and sentenced her to 360 days in jail, with 359 days stayed for two years and credit for one day of time served.

Henry appeals.

DECISION

Henry argues that the evidence is insufficient to support her conviction for negligent storage of a firearm under Minnesota Statutes section 609.666, subdivision 2, because the statute applies only to a person who "negligently stores or leaves" a loaded firearm where the person reasonably should know a child is likely to gain access to it. A sufficiency-of-the-evidence argument based on the meaning of a criminal statute presents a question of statutory interpretation that we review de novo. *State v. Henderson*, 907 N.W.2d 623, 625 (Minn. 2018). In evaluating such arguments, our review proceeds in two steps: we first interpret the meaning of the statute and determine whether it is ambiguous, and we next apply that interpretation to determine whether the evidence was sufficient to establish guilt. *State v. Robinson*, 921 N.W.2d 755, 758 (Minn. 2019).

A.

We turn first to the interpretation of the relevant statutory language. In doing so, our objective is to “ascertain and effectuate the intention of the legislature.” Minn. Stat. § 645.16 (2024); *see also Henderson*, 907 N.W.2d at 625. “The first step in statutory interpretation is to determine whether the statute’s language, on its face, is ambiguous.” *Larson v. State*, 790 N.W.2d 700, 703 (Minn. 2010) (quotation omitted). The language of a statute is ambiguous if it is “subject to more than one reasonable interpretation.” *State v. Maurer*, 741 N.W.2d 107, 111 (Minn. 2007). If a statute is unambiguous, we apply its plain meaning. *Henderson*, 907 N.W.2d at 625.

Henry was convicted of and sentenced for violating the negligent-storage-of-a-firearm statute, which provides, “A person is guilty of a gross misdemeanor who negligently stores or leaves a loaded firearm in a location where the person knows, or reasonably should know, that a child is likely to gain access, unless reasonable action is taken to secure the firearm against access by the child.” Minn. Stat. § 609.666, subd. 2. Although section 609.666 includes statutory definitions for the terms “firearm,” “child,” and “loaded,” it does not define the words “negligently stores or leaves.”¹ *See* Minn. Stat. § 609.666 (2022). Because those words are not defined in the statute, we look to dictionary definitions to determine their plain and ordinary meanings. *Henderson*, 907 N.W.2d at 626.

“Store,” when used as a transitive verb as it is here, means “[t]o reserve or put away for future use.” *The American Heritage Dictionary of the English Language* 1720 (5th ed.

¹ We also note that neither we nor the Minnesota Supreme Court has previously interpreted this statutory language.

2018). “Leave,” when similarly used, means “[t]o go without taking or removing.” *Id.* at 1001. And “negligently” is a legal term of art that means “fail[ing] to exercise the level of care that a person of ordinary prudence would exercise under the same or similar circumstances.” *Doe 169 v. Brandon*, 845 N.W.2d 174, 177 (Minn. 2014); *see also State v. Munnell*, 344 N.W.2d 883, 886 (Minn. App. 1984) (defining negligence and explaining that the Minnesota Supreme Court has “upheld the constitutionality of using an ordinary negligence standard in criminal statutes”). Consistent with that definition, the model jury instruction on negligent storage of a firearm defines negligence as “the doing of something that a reasonable person would not do or the failure to do something that a reasonable person would do under the circumstances.” 10A *Minnesota Practice*, CRIMJIG 22.19 (2024).

Although both parties contend that the statute is unambiguous, their interpretations differ. Henry argues that the statute only “criminalizes the actions of the person who stores or leaves a firearm” in the first instance and therefore does not apply to another person who merely discovers a firearm but leaves it undisturbed. (Emphasis omitted.) In response, the state argues that the statute requires only that a person “allow a firearm to remain in a place or condition that a reasonable person would not” under the circumstances. We conclude that the state’s interpretation is correct.

Here, when the statute is read as a whole and the plain and ordinary meaning of the undefined terms are applied, the statute is unambiguous. In adopting the negligent-storage-of-a-firearm statute, the legislature chose to criminalize the negligent act of leaving a loaded firearm accessible to a child. Minn. Stat. § 609.666, subd. 2. The term “negligently”

encompasses “the failure to do something that a reasonable person would do under the circumstances.” CRIMJIG 22.19. Applying the definition of negligence with the plain and ordinary meaning of the terms “stores or leaves,” a person violates the statute if they choose not to take or remove a loaded firearm from a location where the person knows, or reasonably should know, that a child is likely to gain access.

Henry suggests that this interpretation would “criminalize a person’s knowledge that a firearm generally might be present in a home.” Not so. Even when a criminal statute does not expressly state that knowledge is a requirement, that “statutory silence is typically insufficient to dispense with the mens rea requirement.” *State v. Salyers*, 858 N.W.2d 156, 161 (Minn. 2015) (applying a knowledge requirement to Minn. Stat. §§ 609.165, subd. 1b(a), .667(3), and .67, subd. 2 (2014), despite none of the statutes expressly stating such a requirement). In the context of the negligent-storage-of-a-firearm statute, the state needs to prove that the person charged knew that a firearm was present where a child is likely to gain access. In other words, our interpretation of the statute still requires a volitional act—a person must make a knowing decision to leave a firearm where it is accessible to a child when a reasonable person would not have done so under the circumstances. We conclude that this interpretation reflects the legislature’s judgment that, when firearms and children are present, individuals who know or should know of their presence must take reasonable steps to secure the firearms against access by a child.

B.

Having interpreted the words “negligently stores or leaves” as they are used in Minnesota Statutes section 609.666, subdivision 2, we turn to whether sufficient evidence

supports Henry's conviction. The state needed to prove three elements: (1) Henry had knowledge of the presence of a loaded firearm; (2) she negligently stored or left a loaded firearm in a location where she knew, believed, or should reasonably have known, that a child under the age of 18 was likely to gain access to it; and (3) she did not take reasonable action to secure the firearm against access by the child. *See* Minn. Stat. § 609.666, subd. 2. The parties stipulated that firearms were found at Henry's home in St. Paul and that the firearms were loaded.

When evaluating the sufficiency of the evidence, we “carefully examine the record to determine whether the facts and the legitimate inferences drawn from them would permit the jury to reasonably conclude that the defendant was guilty beyond a reasonable doubt of the offense of which he was convicted.” *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016) (quotation omitted). In evaluating the sufficiency of the evidence presented in a bench trial, we use the same standard of review as in an appeal after a jury trial. *State v. Palmer*, 803 N.W.2d 727, 733 (Minn. 2011).

Henry's insufficiency-of-the-evidence argument rests mainly on the premise that she could not have violated the statute because J.S.—and not Henry—was “the person who negligently stored or left the firearms.” But as explained above, because Henry can still be found to have violated the statute even if she was not the one who initially placed the loaded firearms inside the bags, this argument is unpersuasive. We understand Henry also to challenge the sufficiency of the evidence to support the knowledge element of the negligent-storage-of-a-firearm offense. Under our interpretation of the statute, Henry's conviction can be sustained only if the evidence is sufficient to prove that she knew a

loaded firearm was present where a child was likely to gain access and that she left the firearm there without taking reasonable steps to secure it.

The standard under which appellate courts review a sufficiency-of-the-evidence claim depends on whether the state relied on direct or circumstantial evidence to prove the challenged element of the offense. *State v. Jones*, 4 N.W.3d 495, 500 (Minn. 2024). “Direct evidence is evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption.” *State v. Loveless*, 987 N.W.2d 224, 247 (Minn. 2023) (quotation omitted). In contrast, circumstantial evidence is “evidence from which the factfinder can infer whether the facts in dispute existed or did not exist.” *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (quotation omitted). Because no direct evidence was presented to prove that Henry knew the bags in her bedroom contained loaded firearms, the knowledge element of Henry’s conviction for negligent storage of a firearm relies on circumstantial evidence. *See State v. Siirila*, 193 N.W.2d 467, 473 (Minn. 1971) (explaining that knowledge may be proved by circumstantial evidence).

Appellate courts apply a “heightened two-step analysis” for offenses proved by circumstantial evidence. *Jones*, 4 N.W.3d at 500. The first step requires us “to winnow down the evidence presented at trial by resolving all questions of fact in favor of the . . . verdict, which results in a subset of facts that constitute the circumstances proved.” *State v. Firkus*, 31 N.W.3d 468, 478 (Minn. 2026) (quotations omitted). In identifying the circumstances proved, we are not permitted “to re-weigh the evidence.” *Id.* at 479. Inferences do not constitute circumstances proved and “should never be included in the first step.” *Id.* at 483.

In the second step, we consider the circumstances proved as a whole and determine “whether a reasonable inference of guilt can be drawn and no reasonable inference inconsistent with guilt can be drawn.” *Id.* at 484. We do not defer to the fact-finder at this step but instead “independently assess the reasonableness of the inferences of guilt and not guilt.” *Id.* “If the circumstances proved when viewed as a whole, support a reasonable inference that is inconsistent with guilt, the evidence is not sufficient to support the conviction and we must reverse.” *Id.* at 483 (quotations omitted). But we will not reverse a conviction “based on mere conjecture.” *Id.* at 484 (quoting *State v. Tscheu*, 758 N.W.2d 849, 861 (Minn. 2008)).

Here, the circumstances proved that are consistent with the verdict are as follows: (1) J.S. was the victim of a shooting in 2020, and J.S. had told Henry that he was going to get a firearm for protection; (2) Henry asked J.S. to stay at the townhouse periodically because she felt unsafe there and needed “protection”; (3) Henry gave J.S. permission to keep personal items at the townhouse; (4) Henry discussed gun safety with J.S. and was aware that J.S. talked openly with the children about gun safety; (5) Henry’s two older children knew J.S. kept guns in the home and described a black bag containing guns;² (6) before she left for work on the morning of the search, Henry noticed the bags that contained the loaded firearms and knew they did not belong to her; (7) the bags containing

² The children’s knowledge is established by the body-worn camera footage where the children state, “There’s nothing, um, nothing in the house. Lemme um, like some guns. That my dad keeps,” “if you see a little tiny like, um, black bag, uh, his stuff is in there to keep us safe and stuff,” and “Sometimes he brings a gun with him. If he, someone trying to hurt him or shoot him.”

loaded firearms were out in the open in Henry’s bedroom; (8) Henry left for work without moving the bags or doing anything to secure them; (9) police officers found multiple firearms—two loaded and one unloaded—loaded magazines, and 3-D printed magazines that were also out in the open; (10) Henry’s children were present in the home; and (11) during the search, Henry indicated that police were looking for “a gun hiding in some of them clothes somewhere.”

We do not include among the circumstances proved Henry’s testimony that she did not believe the bags contained guns, was not aware J.S. had guns in the home, and had never seen guns in the home. We also do not include Henry’s testimony that J.S.’s bags were out of the children’s reach. Because this testimony contradicts facts that support the verdict and the district court found that Henry’s testimony was not credible, these statements are not circumstances proved. *See Firkus*, 31 N.W.3d at 488-89 (excluding “four discrete facts [the defendant] argue[d] should be included in the circumstances proved because the jurors were required to evaluate the credibility of the witnesses and weigh the evidence, which includes evidence contradicting these facts”); *see also State v. Hawes*, 801 N.W.2d 659, 670-71 (Minn. 2011) (stating that defendant’s testimony that conflicts with the state’s evidence that supports the verdict is not considered when identifying the circumstances proved).

Having identified the circumstances proved, we next consider “whether the reasonable inferences that can be drawn from the circumstances proved, when viewed as a whole and not as discrete, isolated facts, are consistent with the hypothesis that [Henry] is guilty and inconsistent with any rational hypothesis other than guilt.” *See Firkus*, 31

N.W.3d at 483. We conclude that the circumstances proved by the state are consistent with the hypothesis that Henry knew the bags J.S. brought to her home and stored in her bedroom contained guns. After J.S. told Henry he was going to get a gun, Henry asked J.S. to stay at her home for “protection.” When he did so, J.S. brought bags to the home. Henry’s elementary-school-aged children knew that at least one of those bags contained guns, and J.S. openly discussed gun safety with both Henry and the children. And police ultimately found loaded firearms in those bags. All these circumstances lead to a clear conclusion that Henry knew there were guns among J.S.’s belongings in the home, and rather than taking reasonable steps to secure them, she left them in a bedroom where the children could access them.

Henry contends that a “reasonable hypothesis consistent with innocence is that [J.S.], who owned the guns and was inside the house in [Henry]’s absence, stored or left the firearms in the zipped closed tan bag and in the zipped closed black backpack on the bedroom floor.” We disagree. Henry’s argument again rests on the premise that she cannot violate the statute if she was not the person who put the firearms in the unsecured bags in the bedroom in the first place, which we have already rejected. Henry also suggests it would be plausible to conclude that Henry simply did not know the closed containers in her bedroom contained firearms. But we conclude that such an inference is not reasonable based on the circumstances proved here.

These circumstances proved are consistent with the rational hypothesis that Henry negligently left loaded firearms where a child was likely to access them in violation of the

statute, and they are inconsistent with any rational inference other than guilt. Thus, the evidence is sufficient to support Henry's conviction.

Affirmed.