

*This opinion is nonprecedential except as provided by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
A25-0896**

Joseph James LaFrance, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed February 2, 2026
Affirmed
Harris, Judge**

Polk County District Court
File No. 60-CR-19-505

Joseph James LaFrance, Crookston, Minnesota (pro se appellant)

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

Greg Widseth, Polk County Attorney, Scott A. Buhler, Assistant County Attorney,
Crookston, Minnesota (for respondent)

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

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

NONPRECEDENTIAL OPINION

HARRIS, Judge

In this appeal from the district court’s order denying postconviction relief, appellant argues that the district court erred by declining to address the constitutionality of Minnesota’s firearm-prohibition laws because his requested relief amounted to an advisory opinion. Because appellant lacks standing, we affirm.

FACTS

In March 2019, respondent State of Minnesota charged appellant Joseph James LaFrance with felony threats of violence and misdemeanor domestic assault under Minnesota Statutes sections 609.713, subdivision 1, and 609.2242, subdivision 1(2) (2018). The district court convicted LaFrance of the felony threats-of-violence charge and placed him on five years of probation.

In October 2023, LaFrance was discharged from probation. His discharge order specifically stated that LaFrance could not possess a firearm or ammunition for the remainder of his lifetime because he was convicted of a crime of violence.

In August 2024, LaFrance filed a petition for postconviction relief. He argued that the district court’s discharge order was “unconstitutionally vague as-applied to the definition of the term ‘firearm.’” More specifically, LaFrance argued that the language in the discharge order “created uncertainty” as to whether the possession and use of antique firearms fell under the district court’s definition of “firearm.” In the legal memorandum attached to LaFrance’s petition, he asked the district court “to remedy the unconstitutional vagueness of the District Court’s order dated Oct. 10, 2023 discharging Petitioner from

probation.” LaFrance asked the district court to issue a declaratory judgment to assess whether the term “firearm” referenced in his discharge order also applied to antique firearms and replicas under Minnesota Statutes section 624.712, subdivision 3. The district court denied LaFrance’s petition. The district court determined that LaFrance essentially sought declaratory relief as to the definition of firearms and antique firearms through his petition for postconviction relief. The district court stated, “If [LaFrance] wishes advice on the interpretation of this or any other relevant law, he should consult an attorney. Seeking a declaratory judgment on his ability to possess, ship, transport, or receive antique firearms is requesting the equivalent of an advisory opinion, which is prohibited by law.”

LaFrance appeals.

DECISION

As a threshold matter, the state argues that this appeal should be dismissed as nonjusticiable because LaFrance lacks standing to challenge the constitutionality of Minnesota’s firearm prohibition laws.

“[A] declaratory judgment action must present an actual, justiciable controversy.” *McCaughtry v. City of Red Wing*, 808 N.W.2d 331, 337 (Minn. 2011). “To establish a justiciable controversy in a declaratory judgment action challenging the constitutionality of a law, a plaintiff must show a direct and imminent injury which results from the alleged unconstitutional provision.” *Id.* (quotation omitted). “A justiciable controversy does not exist unless the claim is capable of specific resolution by judgment rather than presenting hypothetical facts that would form an advisory opinion.” *Grove v. Simon*, 2 N.W.3d 490, 499 (Minn. 2024) (quotation omitted).

Notably, the “injury” asserted by the plaintiff cannot be based on conjecture or speculation. *McCaughtry*, 808 N.W.2d at 338. Instead, the “party must have a sufficient stake in a justiciable controversy to seek relief from a court.” *Grove*, 2 N.W.3d at 499 (quotation omitted). This is known as “standing.” *See id.* A party may demonstrate standing by showing they have suffered an actual injury-in-fact or by pointing to a statute granting standing (statutory standing). *Id.* An “injury-in-fact,” in turn, refers to a “concrete and particularized invasion of a legally protected interest.” *Webb Golden Valley, LLC v. State*, 865 N.W.2d 689, 693 (Minn. 2015) (quotation omitted). “[T]he injury must be fairly traceable to the challenged action of the defendant and likely to be redressed by a favorable judicial decision.” *Garcia-Mendoza v. 2003 Chevy Tahoe*, 852 N.W.2d 659, 663 (Minn. 2014). “We review the existence of standing de novo.” *Minnesota Voters Alliance v. Hunt*, 10 N.W.3d 163, 167 (Minn. 2024); *see also McCaughtry*, 808 N.W.2d at 337 (“Justiciability is an issue of law that we review de novo.”).

The state argues that LaFrance does not have standing because he “has not been charged with unlawfully possessing a firearm, has not been threatened with . . . criminal prosecution for doing so, and does not claim to possess any firearms or antique firearms.” LaFrance does not contest the state’s claim that he has not been charged or threatened with criminal prosecution. He instead argues that the district court erred by concluding that he sought an advisory opinion because “[t]here is nothing hypothetical in raising this issue.” He adds, “many 100’s of Minnesota citizens have been discharged from probation subject

to the same unconstitutional vagueness, resulting in an infringement upon the exercise of their 2nd Amendment rights.”¹ His argument is unavailing.

LaFrance does not have standing because he has not shown any actual, injury-in-fact stemming from the statute prohibiting certain persons from possessing firearms. LaFrance did not allege that he inherited, was gifted, or purchased an antique firearm. Additionally, as the state points out, LaFrance has not been charged or threatened with criminal prosecution of illegally possessing a firearm under Minnesota Statutes sections 624.713 or 609.165, subdivision 1b (2018). Moreover, the state asserts that so long as the item that LaFrance chooses to possess in the future falls under the definition of “antique firearm . . . he is not subject to criminal prosecution.” So, LaFrance could procure an antique firearm and the state may very well determine that he is not in violation of section 624.713. And, in the event that the state does charge LaFrance with violating that section, he will have the opportunity to establish a *prima facie* case that the firearm is an “antique firearm.” But this chain of events is based on pure speculation. As such, there is no present or directly imminent injury that requires this court’s redress.

The declaratory relief that LaFrance seeks essentially amounts to an advisory opinion, which we will not issue. *See State ex rel. Sviggum v. Hanson*, 732 N.W.2d 312, 321 (Minn. App. 2007) (“Because the nature of judicial decision-making is to resolve disputes, the judicial function does not comprehend the giving of advisory opinions.”

¹ LaFrance also argues that any definition of “firearm” in Minnesota would be preempted by federal law. But because our determination on the standing issue is dispositive of the appeal, we do not address this argument.

(quotation omitted)). Therefore, the district court did not err when it denied his petition for postconviction relief.

Affirmed.