

*This opinion is nonprecedential except as provided by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
A25-1383**

State of Minnesota,
Appellant,

vs.

Stephen Kelly Weaver,
Respondent.

**Filed March 16, 2026
Affirmed
Halbrooks, Judge***

Nobles County District Court
File No. 53-CR-25-324

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

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Considered and decided by Smith, Tracy M., Presiding Judge; Wheelock, Judge;
and Halbrooks, Judge.

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

NONPRECEDENTIAL OPINION

HALBROOKS, Judge

In this prosecution pretrial appeal, appellant argues that the district court erred by granting respondent's motion to dismiss the charge of fifth-degree controlled-substance crime for lack of probable cause. In particular, appellant maintains that the district court erred in determining that a small plastic baggie containing a residual amount of methamphetamine is not drug paraphernalia as defined by Minnesota law. Because the district court did not err in interpreting the applicable statutes, we affirm.

FACTS

In April 2025, appellant State of Minnesota charged respondent Stephen Kelly Weaver with fifth-degree possession of a controlled substance after a small plastic baggie containing white residue that field-tested positive for methamphetamine was discovered in Weaver's possession. Weaver moved to dismiss the charge for lack of probable cause. The district court granted the motion, concluding that, under the relevant Minnesota Statutes, it is not a crime to possess methamphetamine residue in drug paraphernalia and that the plastic baggie containing methamphetamine residue found in Weaver's possession constituted drug paraphernalia. The state now appeals.

DECISION

The state challenges the dismissal of the possession-of-a-controlled-substance charge. But as a threshold matter, we must consider whether the state is entitled to appellate review because "[t]he [s]tate's ability to appeal in a criminal case is limited." *State v. Lugo*, 887 N.W.2d 476, 481 (Minn. 2016). "When the [s]tate appeals a pretrial order, it must

show clearly and unequivocally (1) that the district court’s ruling was erroneous and (2) that the ruling will have a ‘critical impact’ on the [s]tate’s ability to prosecute the case.” *State v. Underdahl*, 767 N.W.2d 677, 683 (Minn. 2009); *see* Minn. R. Crim. P. 28.04, subd. 2(2). Dismissal of a charge satisfies the critical-impact requirement. *State v. Serbus*, 957 N.W.2d 84, 87 (Minn. 2021). Because the district court here dismissed the fifth-degree-possession charge, the state has satisfied the critical-impact requirement. *See id.*

Turning to the merits of the state’s claim, the state argues that the district court erred by concluding that, under the relevant Minnesota Statutes, a plastic baggie containing a residual amount of a controlled substance constitutes drug paraphernalia. This argument presents a question of statutory interpretation. The interpretation of a statute is a question of law, which we review de novo. *Id.*

Our objective when interpreting a statute is to ascertain and effectuate the intent of the legislature. Minn. Stat. § 645.16 (2024). “If the Legislature’s intent is clear from the statute’s plain and unambiguous language, then we interpret the statute according to its plain meaning without resorting to the canons of statutory construction.” *Serbus*, 957 N.W.2d at 87 (quotation omitted). But if “a statute is susceptible to more than one reasonable interpretation, then the statute is ambiguous” and we may consider the canons of statutory construction. *State v. Hayes*, 826 N.W.2d 799, 804 (Minn. 2013).

Here, Weaver was charged with fifth-degree possession of a controlled substance in violation of Minn. Stat. § 152.025, subd. 2(1) (2024). That statute provides that “[a] person is guilty of controlled substance crime in the fifth degree” if he “unlawfully possess one or more mixtures containing a controlled substance classified in Schedule I, II, III, or IV,

except cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products or a residual amount of one or more mixtures of controlled substances in drug paraphernalia.” Minn. Stat. § 152.025, subd. 2(1). “Drug paraphernalia” is defined as

all equipment, products, and materials of any kind, except those items used in conjunction with permitted uses of controlled substances under this chapter or the Uniform Controlled Substance Act, which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, or (3) enhancing the effect of a controlled substance.

Minn. Stat. § 152.01, subd. 18(a) (2024).

The district court determined that, under section 152.025, subdivision 2(1), it is not a crime to possess methamphetamine residue in drug paraphernalia. The district court then determined that, because the methamphetamine found in the plastic baggie in Weaver’s possession “was only a residual amount,” and the plastic baggie containing the residual amount of methamphetamine satisfied the statutory definition of drug paraphernalia, there was no probable cause for the fifth-degree-possession charge.

As the state acknowledges, it “does not challenge the district court’s conclusion that the methamphetamine [Weaver] was alleged to have possessed was a ‘residual amount.’” But the state argues that the “district court’s conclusion that a plastic baggie containing a controlled substance is drug paraphernalia as defined in Minnesota law is erroneous as a matter of law.” We disagree.

Minnesota Statutes section 152.025, subdivision 2(1), provides that it is unlawful to possess “one or more mixtures” of certain controlled substances, including methamphetamine. *See* Minn. Stat. § 152.025, subd. 2(1) (stating that it is unlawful to possess “one or more mixtures containing a controlled substance classified in Schedule . . . II”); *see also* Minn. Stat. § 152.02, subd. 3 (2024) (classifying methamphetamine in Schedule II). The statute provides exceptions for certain cannabis and hemp products. Minn. Stat. § 152.025, subd. 2(1). It also provides an exception for “a residual amount of one or more mixtures of controlled substances *contained in drug paraphernalia*.” *Id.* (emphasis added). Thus, as the state acknowledges, “if the only controlled substance a person possesses is a residual amount of the controlled substance found in ‘drug paraphernalia,’ the person’s conduct does not violate section 152.025, subd. 2(1).” And, because the state agrees that Weaver possessed a “residual amount” of methamphetamine in a plastic baggie, the sole question before us is whether the plastic baggie that contained the methamphetamine residue is “drug paraphernalia” under Minnesota Statutes.

As stated above, “[d]rug paraphernalia” is defined by Minnesota law. Minn. Stat. § 152.01, subd. 18(a). Subject to certain exceptions not relevant here, “‘drug paraphernalia’ means all equipment, products, and materials . . . which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, or (3) enhancing the effect of a controlled substance.” *Id.*

The “state concedes that a plastic baggie is ‘a product, or material of any kind.’” And, as the state points out, “it cannot be seriously argued that a small plastic baggie is

knowingly and intentionally used primarily in injecting, inhaling, or otherwise introducing into the human body or enhancing the effect of a controlled substance.” Nor does Weaver argue that a plastic baggie is primarily used in such instances. Thus, as the state contends, “if a small plastic baggie is drug paraphernalia[,] it must be so because it is ‘knowingly and intentionally used primarily’ in the *manufacturing* of a controlled substance.” (Emphasis omitted and added.)

The word “manufacturing” is not defined in Minnesota Statutes chapter 152. But the chapter defines the word “manufacture.” Minn. Stat. § 152.01, subd. 7 (2024). Under that definition, “[m]anufacture,’ in places other than a pharmacy, means and includes the production, cultivation, quality control, and standardization by mechanical, physical, chemical, or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, relabeling, filling, or by other process, of drugs.” *Id.*

Here, the plastic baggie found in Weaver’s possession contained methamphetamine residue, indicating that the plastic baggie was used to pack or repack methamphetamine. Because the plastic baggie was used in the packing or repacking of the controlled substance, it constitutes equipment, products, or materials that were knowingly or intentionally used primarily in the “manufacturing” of controlled substances. *See id.* (stating that the definition of “manufacture” includes the “packing” or “repacking . . . of drugs”). Therefore, under the plain and unambiguous language of the Minnesota Statutes, the plastic baggie falls within the definition of drug paraphernalia. *See id.*, subd. 18(a) (stating that “‘drug paraphernalia’ means all equipment, products, and materials . . . used primarily in . . . manufacturing a controlled substance”).

To persuade us otherwise, the state argues that we should apply the dictionary definition of ‘drug paraphernalia’” rather than the definition of “manufacture” contained in section 152.01, subdivision 7. But it is unnecessary to look to the dictionary definition in this instance because the legislature has provided a definition of “manufacture.” *See Wayzata Nissan, LLC v. Nissan N. Am., Inc.*, 875 N.W.2d 279, 286 (Minn. 2016) (“When a word is defined in a statute, we are guided by the definition provided by the Legislature”; “[w]hen there is no applicable statutory definition, we often consult dictionary definitions to discern a word’s plain meaning.”). Although the legislature defined “manufacture” and not “manufacturing,” such a distinction is not dispositive because the difference is syntactical, not definitional. *See State v. Schmid*, 859 N.W.2d 816, 820-21 (Minn. 2015) (declining to provide two different definitions for “take” and “taking” when “the difference is not definitional, but syntactical”); *see also Johnston v. State*, 955 N.W.2d 908, 911 (Minn. 2021) (stating that the “verb ‘convicted’ and its related noun ‘conviction’ should be given similar meanings when interpreting different subdivisions of [Minnesota Statutes] section 590.01”).

The state acknowledges that “there is some support for [the] notion” that “‘manufacture’ and ‘manufacturing’ are merely different forms of the same word.” But the state argues that the application of the statutory definition of “manufacture,” rather than the dictionary definition of “manufacturing,” “ignores the history of the definition of ‘manufacture’ in section 152.01 and the context in which ‘manufacturing’ is used here.” We disagree.

Our review of the legislative history of the definition of “manufacturing” reveals that the statutory definition of “manufacture” should also apply to the word “manufacturing” within chapter 152. For example, prior to 1988, the legislature defined the term “manufacturing” in chapter 152 rather than the term “manufacture.” *See* Minn. Stat. § 152.01, subd. 7 (1988). At that time, “[m]anufacturing’ in places other than a pharmacy,” meant and included “packing [or] repacking . . . drugs.” *Id.* Although the legislature amended section 152.01 in 1989 to change the defined term from “manufacturing” to “manufacture,” the definition of the term “manufacture” was virtually identical to the term “manufacturing,” with the only change being the addition of the word “cultivation” after “production.” 1989 Minn. Laws ch. 290, art. 3, § 2, at 1595. The legislature’s decision to change the defined term from “manufacturing” to “manufacture,” without materially changing the definition, indicates that the word “manufacture” is to be used synonymously with the word “manufacturing.”

The state also argues that, because some sections in chapter 152 use the term “‘manufacturing’ in conjunction with ‘packaging,’” the application of the definition of “manufacture” in section 152.01, subdivision 7, to the definition of drug paraphernalia would render “the inclusion of the term ‘packaging’ in th[o]se sections . . . ‘superfluous, void, or insignificant.’” Again, we disagree. “[T]here is no rule of construction that precludes redundancy in a statute.” *Bank Midwest Minn., Iowa, N.A. v. Lipetzky*, 674 N.W.2d 176, 181 (Minn. 2004). And the applicable Minnesota Statutes here are clear and unambiguous.

“Drug paraphernalia” is clearly defined and includes “equipment, products, and materials” used in “manufacturing a controlled substance.” Minn. Stat. § 152.01, subd. 18(a). Moreover, the unambiguous definition of “manufacture” includes the “packing” or “repacking” of drugs. *Id.*, subd. 7. Furthermore, any difference between the terms “manufacturing” and “manufacture” is syntactical, rather than definitional. *See Schmid*, 859 N.W.2d at 820-21. In fact, a determination that the difference between these two terms is syntactical is supported by the history of the legislature’s definition of the terms. Although there may be some redundancy in chapter 152 when “manufacturing” is given the definition of “manufacture” contained in that chapter, such a redundancy does not create an ambiguity or otherwise change the definition of the terms. *See Util. Air Regul. Grp. v. Env’t Prot. Agency*, 573 U.S. 302, 320 (2014) (stating that “the presumption of consistent usage readily yields to context” (quotation omitted)); *see also Conn. Nat’l Bank v. Germain*, 503 U.S. 249, 253 (1992) (“Redundancies across statutes are not unusual events in drafting, and so long as there is no positive repugnancy between two laws, a court must give effect to both.” (quotation omitted)). As such, we conclude that the statutory definition of “manufacture” contained in section 152.01, subdivision 7, is controlling as to the plain and unambiguous meaning of “manufacturing” in the definition of “drug paraphernalia.”

The state further argues that the district court’s decision is erroneous because its interpretation of the definition of the statute defining “drug paraphernalia” “failed to account for the requirement that to be ‘drug paraphernalia’ an item must be *knowingly or intentionally used primarily* in the manufacturing of controlled substances.” The state

contends that, because a baggie is a “common household item[] *primarily* used to store and transport any number of things,” a baggie cannot constitute drug paraphernalia. We are not persuaded.

As noted above, drug paraphernalia consists of “all equipment, products, and materials of any kind . . . which are knowingly or intentionally used primarily in . . . manufacturing a controlled substance.” Minn. Stat. § 152.01, subd. 18(a). The word “primarily” in the statute does not mean that the “equipment, products, and materials” can be used *only* for drug manufacturing. Rather, the phrase “knowingly or intentionally” indicates that “equipment, products, and materials” are drug paraphernalia *if* the equipment, products, or materials were “knowingly or intentionally used primarily in . . . manufacturing a controlled substance.” *Id.* In other words, the word “primarily” in the statute refers to *how* the equipment or materials were “knowingly or intentionally used.” *See id.* “‘Manufacture,’ in places other than a pharmacy, means and includes the . . . packing [or] repacking . . . of drugs.” *Id.*, subd. 7. Because the baggie here contained methamphetamine residue, it is equipment or material that was knowingly or intentionally used primarily in the packing or repacking of drugs. Therefore, under the plain language of the statute, the baggie constitutes drug paraphernalia, and the district court did not err in dismissing the fifth-degree-controlled-substance charge for lack of probable cause.

Affirmed.