

*This opinion is nonprecedential except as provided by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
A25-1636**

State of Minnesota,
Appellant,

vs.

Abigail Violet Hollingsworth,
Respondent.

**Filed June 15, 2026
Affirmed
Larkin, Judge**

Pipestone County District Court
File No. 59-CR-23-263

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

Damain D. Sandy, Pipestone County Attorney, Adam M. Maloney, Assistant County Attorney, Pipestone, Minnesota (for appellant)

Anders J. Erickson, Johnson Erickson Criminal Defense, Minneapolis, Minnesota (for respondent)

Considered and decided by Larkin, Presiding Judge; Reyes, Judge; and Bratvold, Judge.

NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellant State of Minnesota challenges the postconviction court's order vacating, under the amelioration doctrine, respondent's conviction of first-degree controlled substance possession. We affirm.

FACTS

In July 2023, the state charged respondent Abigail Violet Hollingsworth with unlawful possession of methamphetamine under Minn. Stat. § 152.021, subd. 2(a)(1) (2022), with reference to Minn. Stat. § 152.021, subd. 2(b) (2022). The state alleged that she had possessed five ounces of a fluid mixture containing dissolved methamphetamine in a water pipe on or about July 7, 2023. On August 15, 2023, Hollingsworth pleaded guilty, and the district court later accepted her guilty plea and entered a judgment of conviction. The district court sentenced Hollingsworth to an 85-month term of imprisonment but stayed that sentence for five years. Hollingsworth did not appeal her conviction or sentence at that time.

In January 2024, Hollingsworth admitted that she had relapsed and violated the terms and conditions of her probation. The district court revoked her probation and ordered that her sentence be executed. Hollingsworth appealed the district court's revocation of her probation, and we affirmed. *State v. Hollingsworth*, No. A24-0608, 2024 WL 4879726 at *1 (Minn. App. Nov. 25, 2024), *rev. denied* (Minn. Feb. 18, 2025).

In 2025, the Minnesota Legislature amended various sections of chapter 152 of the Minnesota Statutes. 2025 Minn. Laws ch. 35, art. 4, §§ 1-6, at 677-81. As is relevant here, the legislature amended Minn. Stat. § 152.021, subd. 2(b) (2024), to effectively decriminalize the possession of any amount of “fluid used in a water pipe or any amount of a controlled substance that is dissolved in the pipe’s fluid.” Minn. Stat. § 152.021, subd. 2(b) (Supp. 2025); 2025 Minn. Laws ch. 35, art. 4, § 1, at 678. The effective-date provision

for the amendment states: “This section is effective the day following final enactment and applies retroactively from August 1, 2023.” 2025 Minn. Laws ch. 35, art. 4, § 1, at 678.

In July 2025, Hollingsworth petitioned for postconviction relief based on the amendment to Minn. Stat. § 152.021, subd. 2(b). Specifically, Hollingsworth argued that she was entitled to relief under the amelioration doctrine. The state opposed the request for relief. The postconviction court concluded that the amelioration doctrine applied and vacated Hollingsworth’s conviction.

The state appeals.

DECISION

The state contends that the postconviction court erred in vacating Hollingsworth’s conviction under the amelioration doctrine. We review application of the amelioration doctrine de novo. *State v. Loveless*, 987 N.W.2d 224, 238 (Minn. 2023).

The common-law amelioration doctrine “establishes a presumption in Minnesota that an amendment mitigating punishment applies to non-final cases.” *State v. Kirby*, 899 N.W.2d 485, 490 (Minn. 2017). “[A] statute mitigating punishment is applied to acts committed before its effective date, as long as no final judgment has been reached.” *State v. Coolidge*, 282 N.W.2d 511, 514 (Minn. 1979). More specifically, “[a]n amended statute applies to crimes committed before its effective date” if three requirements are met: “(1) there is no statement by the Legislature that clearly establishes [its] intent to abrogate the amelioration doctrine; (2) the amendment mitigates punishment; and (3) final judgment has not been entered” when the amendment takes effect. *Kirby*, 899 N.W.2d at 490. The sole issue presented in this appeal is whether the first requirement is satisfied.

As to that requirement, “the phrase ‘statement by the Legislature’ . . . means an express declaration or clear indication of the Legislature’s intent to abrogate the amelioration doctrine within an enacted statute.” *State v. Robinette*, 964 N.W.2d 143, 150 (Minn. 2021). “Abrogate” means “[t]o abolish (a law or custom) by formal or authoritative action.” *See Black’s Law Dictionary* 8 (12th ed. 2024) (defining abrogate). The state argues that “[t]he 2025 amendment contains plain language with a clear statement of intent to abrogate the amelioration doctrine.”

Caselaw provides examples of statements by the legislature that clearly establish its intent to abrogate the amelioration doctrine. For example, in *Edstrom v. State*, the supreme court concluded that the legislature expressly abrogated the amelioration doctrine when it “clearly indicated its intent that the . . . statutes [would] have no effect on crimes committed before the effective date of the act.” 326 N.W.2d 10, 10 (Minn. 1982). The statute at issue in *Edstrom* included a clause titled “‘Applicability to Past and Present Prosecutions,’” which stated that “‘crimes committed prior to the effective date of this act are not affected by its provisions.’” *Kirby*, 899 N.W.2d at 490 (quoting 1975 Minn. Laws ch. 374, § 12, at 125). The *Kirby* court stated that such language “demonstrates the Legislature’s ability to state its intent to abrogate the amelioration doctrine.” *Id.* at 489.

Similarly, in *State v. Otto*, the supreme court held that the legislature’s intent to abrogate the amelioration doctrine was “crystal clear” because the legislature stated that the relevant sections became “effective August 1, 2016, and appl[ied] to crimes committed on or after that date.” 899 N.W.2d 501, 503 (Minn. 2017) (quotation omitted). And in *State v. McDonnell*, we held that an effective-date provision did not indicate legislative

intent to apply an amendment retroactively because the effective-date provision stated that the amendment was “effective August 1, 2003, and applies to violations committed on or after that date.” 686 N.W.2d 841, 846 (Minn. App. 2004) (quotation omitted), *rev. denied* (Minn. Nov. 16, 2004).

In sum, caselaw indicates that the legislature clearly establishes its intent to abrogate the amelioration doctrine by expressly stating that a new law applies only prospectively. Conversely, caselaw indicates that the absence of such a statement does not clearly establish an intent to abrogate the amelioration doctrine. For example, in *Otto*, the supreme court explained its earlier holding in *State v. Hamilton*, 289 N.W.2d 470 (Minn. 1979), as follows: because new legislation did not include a statement regarding whether the law “applied only to crimes committed after the effective date, the presumption to apply the amelioration doctrine remained intact.” 899 N.W.2d at 503-04.

And in *Kirby*, the supreme court emphasized the juxtaposition of silence and express language in this context. 899 N.W.2d at 489-90. The *Kirby* court noted that the language at issue in *Coolidge* was silent regarding whether a statutory change should have ameliorative effect, whereas the language at issue in *Edstrom* demonstrated the legislature’s ability to state its intent to abrogate the amelioration doctrine. *Id.* at 489. Relying on that distinction, the *Kirby* court concluded that the following language did not clearly establish legislative intent to abrogate the amelioration doctrine: “This section is effective the day following final enactment.”¹ *Id.* at 490, 495 (quotation omitted). The

¹ In *State v. Basal*, we concluded that a statute’s specific effective date alone was sufficient to abrogate the amelioration doctrine. 763 N.W.2d 328, 336 (Minn. App. 2009). However,

supreme court reasoned that the effective-date provision at issue in *Kirby* was “almost identical” to language it interpreted in *Coolidge* and that such language did not abrogate the common-law amelioration doctrine. *Id.* at 490. The supreme court also reasoned that the legislature “expressly stated in other sections of the [act] that those sections only appl[ied] to crimes committed on or after the effective date.” *Id.* at 491 (quotation omitted). The supreme court stated that the absence of such language from the effective-date provision at issue in *Kirby* was telling because “it signal[ed] that the Legislature did *not* intend to abrogate the amelioration doctrine” with respect to that provision. *Id.*

Applying these principles to the language at issue here, we conclude that the effective-date provision in this case does not clearly establish legislative intent to abrogate the amelioration doctrine. Again, that provision states: “This section is effective the day following final enactment and applies retroactively from August 1, 2023.” 2025 Minn. Laws ch. 35, art. 4, § 1, at 678. Unlike the language at issue in *Edstrom* and *Otto*, which explicitly stated that the amendment applied only to crimes committed on or after the effective date, the language at issue here does not restrict application to crimes occurring on or after the effective date.

this court’s decision in *Basal* is directly contradicted by the supreme court’s subsequent decision in *Kirby*. See *Kirby*, 899 N.W.2d at 490, 495 (holding that the phrase “[t]his section is effective the day following final enactment” did not clearly express the legislature’s intent to abrogate the amelioration doctrine (quotation omitted)). If this court and the supreme court address the same legal issue, based on “nearly identical facts,” and arrive at conflicting holdings that cannot be reconciled, the supreme court’s opinion supersedes our opinion. *State v. M.L.A.*, 785 N.W.2d 763, 767 (Minn. App. 2010), *rev. denied* (Minn. Sept. 21, 2010). We therefore follow *Kirby*, and not *Basal*.

Moreover, other sections of the law at issue here—which address the definition of fentanyl and certain fentanyl-related criminal conduct—include the following language: “This section is effective August 1, 2025, and applies to crimes committed on or after that date.” *Id.*, §§ 5, 6, at 680-81. “[W]e presume that the Legislature acts with *full knowledge of existing law*, including the common law.” *State v. Woolridge Carter*, 9 N.W.3d 839, 843 (Minn. 2024) (quotation omitted). The legislature’s use of explicit language stating that the fentanyl-related amendments apply only to crimes committed on or after the effective date of those amendments indicates that the legislature intended to abrogate the amelioration doctrine with respect to those amendments, but not with respect to the amendments at issue here. *See Kirby*, 899 N.W.2d at 491.

Finally, we note the state’s argument that the postconviction court “used the amelioration doctrine as a way to insert a ‘magic-words’ requirement.” We disagree. The postconviction court’s conclusion that the effective-date provision does not clearly establish legislative intent to abolish the amelioration doctrine with respect to Minn. Stat. § 152.021, subd. 2(b), is soundly based on supreme court precedent.

Because the state has not shown that the postconviction court erred by vacating Hollingsworth’s conviction, we affirm.

Affirmed.