

*This opinion is nonprecedential except as provided by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
A25-1988**

Kyle Reid Labonne, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed September 8, 2026
Affirmed
Ede, Judge**

Washington County District Court
File No. 82-CR-23-4685

Cathryn Middlebrook, Chief Appellate Public Defender, Greg Scanlan, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

Anneliese L. McCahery, Woodbury City Attorney, Eckberg Lammers, P.C., Stillwater, Minnesota (for respondent)

Considered and decided by Ede, Presiding Judge; Worke, Judge; and Connolly, Judge.

NONPRECEDENTIAL OPINION

EDE, Judge

This is an appeal challenging a district court's order denying appellant's postconviction petition. Appellant argues that the district court abused its discretion in declining to grant him relief by either: (1) vacating his theft conviction because the trial

evidence is insufficient as to whether the circumstances proved exclude a reasonable inference that the value of the property at issue is not more than \$500; or, in the alternative, (2) ordering a new trial because the court did not require the jury to determine the property's value, which he claims is plain error. We affirm.

FACTS

Respondent State of Minnesota charged appellant Kyle Reid Labonne with theft of a laptop computer, in violation of Minnesota Statutes section 609.52, subdivision 2(a)(1) (2022). According to the complaint, Labonne did not return his company-issued laptop as required after he resigned from his position with his employer. The state further alleged in the complaint that Labonne lacked permission to retain possession of the laptop after his employment ended and that the value of the laptop was \$705. The complaint references the statutory provision that governs gross-misdemeanor sentences.¹

The matter proceeded to a jury trial during which the state called a police officer and the employer's loss-prevention agent. Labonne represented himself at trial and waived his right to testify. The factual summary below stems from the trial record and is presented in the light most favorable to the verdict.²

¹ When a person commits a theft in violation of the statute under which the state charged Labonne, the district court may impose a gross-misdemeanor sentence if the value of the property is more than \$500 but not more than \$1,000. *See* Minn. Stat. §§ 609.52, subd. 3(4), .02, subd. 4 (2022). But when the value of the property is \$500 or less, the district court must generally impose a misdemeanor sentence. *See* Minn. Stat. §§ 609.52, subd. 3(5), .02, subd. 3 (2022).

² *See State v. Firkus*, 31 N.W.3d 468, 478 (Minn. 2026) (instructing that, when a conviction rests on circumstantial evidence, appellate courts “apply a two-step test to assess the sufficiency of the evidence,” and that, at the first step, appellate courts “winnow down the

The police officer responded to a report of a theft at a facility in Woodbury. The loss-prevention agent reported that Labonne was issued a laptop as part of his official duties with the employer and that Labonne did not follow the employer's policy by returning the laptop after he resigned in September 2023. Under that policy, the employer notifies employees at the start of employment that laptops must be returned at the time of discharge. The employer uses multiple tracking numbers to identify which laptop is assigned to a particular employee. After Labonne resigned, the employer ordered him to return the laptop. The employer also submitted a "Sim ticket," which makes the laptop unusable.

In November, a human-resources representative contacted the loss-prevention agent because Labonne had not returned the laptop despite multiple requests that he do so. The loss-prevention agent, who was familiar with Labonne, sent him a text message about returning the laptop. In addition, the employer sent a box with prepaid postage to Labonne's house with tracking numbers for both the delivery and a return shipment. The tracking information showed that, although the box was delivered to Labonne's house, it was not placed in the mail for return to the employer.

The loss-prevention agent explained that it was unlikely for Labonne to have returned the laptop to the employer in person because security knew him. More

evidence presented at trial by resolving all questions of fact in favor of the jury's verdict, which results in a subset of facts that constitute the circumstances proved" (quotations omitted)); *see also State v. Stone*, 995 N.W.2d 617, 622 (Minn. 2023) (explaining that, "[o]nce [a] statute is interpreted, [appellate courts] conduct a painstaking analysis of the record to determine whether the evidence, when viewed in a light most favorable to the conviction, was sufficient to permit the jurors to reach the verdict which they did" (quotation omitted)).

specifically, Labonne's badge was deactivated and there was an alert for security to identify him if he visited the employer. Accordingly, security would have immediately recognized Labonne and informed the employer if he had returned the laptop. The employer never logged Labonne's laptop as recovered. The loss-prevention agent remained unaware of the laptop's location and believed that it was not in the employer's possession. The police officer learned that the approximate value of the laptop was \$705. After attempting to contact Labonne several times without receiving a response, the police officer submitted a report recommending formal charges that Labonne had stolen the laptop.

Labonne elicited cross-examination testimony from the loss-prevention agent about the value of the laptop. The loss-prevention agent stated that the laptop was over three years old and that its value was based on a replacement cost of \$705. When asked about the value of the laptop after the employer "created a Sim ticket and, basically, . . . ma[de] the laptop unusable," the loss-prevention agent replied: "I believe, don't quote me, there [are] ways to get around that but [employer] data would be non-accessible but it's important that [the employer] get the laptop back because it does have their proprietary information on it and there's things that could be used against them on it." The loss-prevention agent added that the laptop "[p]robably [would] not [have] a lot of value to [Labonne], but it's more to [the employer] and that's why [the employer] would want it back." The jury found Labonne guilty of theft.³

³ Although the verdict form references the gross-misdemeanor penalty under Minnesota Statutes section 609.52, subdivision 3(4), the district court neither instructed the jury that the value of the laptop was an element of the offense nor required the jury to determine the laptop's value.

Sentencing immediately followed the jury's verdict. The state recommended a gross-misdemeanor sentence—364-days in jail, stayed for two years. Labonne addressed the district court before the court sentenced him, stating: “The one thing I would say is please take into consideration the actual values of said laptop that was stolen. I don’t believe that the \$705 mark is an actual fair and accurate representation of a laptop that was over three years old, used.” He also told the district court that he “believe[d] th[e] charge should not be a gross misdemeanor.”

The district court disagreed with Labonne’s argument and explained that, based on the trial evidence,⁴ the value of the laptop was \$705. After convicting Labonne of theft, the district court imposed the state’s recommended sentence and ordered Labonne to pay \$705 in restitution and a fine. The district court noted that Labonne had the right to appeal and the right to a restitution hearing. After Labonne challenged restitution, the district court later reduced that aspect of its sentencing order to \$449.

With the assistance of counsel, Labonne subsequently filed a petition for postconviction relief. He asserted that the district court should vacate his conviction because the “limited evidence offered at trial allowed a reasonable inference that the fair market value of the computer was not more than \$500,” which would support only a misdemeanor offense. In the alternative, if the district court “decide[d] that the value for a movable-property theft case [was] not an ‘element’ of the offense, Labonne demand[ed] a new sentencing hearing for imposition of a misdemeanor sentence.” Labonne also

⁴ The district court also referred to a police report that was not admitted as evidence at trial.

requested a new trial because the district court did not require the jury to determine the value of the laptop, which he claimed was a violation of his right to have the jury decide any fact that increases the maximum penalty under *Blakely v. Washington*, 542 U.S. 296, 301 (2004).

The district court orally ruled on Labonne’s postconviction petition during a hearing in October 2025. Although the district court denied Labonne’s request to vacate his conviction based on his sufficiency-of-the-evidence claim, it nonetheless vacated the sentencing order and amended the sentence to a misdemeanor.

This appeal follows.

DECISION

Labonne contends that the district court abused its discretion in denying his postconviction petition. He asserts that the district court should have granted him relief by either: (1) vacating his theft conviction because the trial evidence is insufficient as to whether the circumstances proved exclude a reasonable inference that the value of the laptop is not more than \$500; or, in the alternative, (2) ordering a new trial because the court did not require the jury to determine the laptop’s value, which he claims is plain error under *Blakley*.

Appellate courts review the denial of a petition for postconviction relief for an abuse of discretion, analyzing issues of law de novo and considering whether the district court clearly erred in its findings of fact. *Underwood v. State*, 25 N.W.3d 26, 32 (Minn. 2025). “A district court abuses its discretion when it exercises its discretion in an arbitrary or

capricious manner, bases its ruling on an erroneous view of the law, or makes clearly erroneous factual findings.” *Id.*

As explained below, we conclude that the value of the property stolen—the laptop—is not an essential element of theft but a fact relevant to sentencing. We also conclude that Labonne’s *Blakely* claim is moot. Accordingly, we discern no abuse of discretion in the district court’s order denying postconviction relief.

I. The district court acted within its discretion in determining that sufficient evidence supports Labonne’s theft conviction.

Labonne argues that his theft conviction is not supported by sufficient evidence.

A person is guilty of theft if the person “intentionally and without claim of right takes . . . movable property of another without the other’s consent and with intent to deprive the owner permanently of possession of the property.” Minn. Stat. § 609.52, subd. 2(a)(1). As noted above, the range of available sentences for theft depends on the value of the stolen property. *Id.*, subd. 3 (2022). “[I]f the value of the property . . . is more than \$500 but not more than \$1,000,” the district court may impose a gross-misdemeanor sentence. *Id.*, subd. 3(4); *see also* Minn. Stat. § 609.02, subd. 4. “In all other cases where the value of the property . . . stolen is less than \$500,” the district court must generally impose a misdemeanor sentence. Minn. Stat. § 609.52, subd. 3(5); *see also* Minn. Stat. § 609.02, subd. 3. “‘Value’ means the retail market value at the time of the theft, or if the retail market value cannot be ascertained, the cost of replacement of the property within a reasonable time after the theft” Minn. Stat. § 609.52, subd. 1(3) (2022). “A sufficiency-of-the-evidence claim that turns on the meaning of the statute under which a

defendant has been convicted presents a question of statutory interpretation that [appellate courts] review de novo.” *State v. Pakhnyuk*, 926 N.W.2d 914, 920 (Minn. 2019).

Labonne’s argument focuses on the value of the laptop and does not dispute any of the elements of theft under Minnesota Statutes section 609.52, subdivision 2(a)(1). He maintains that the value of stolen property is an essential element of theft and that, based on the statutory definition of “value,” the state needed to prove that the retail market value of the laptop was unascertainable before it could rely on the laptop’s replacement value. Labonne claims that there is a reasonable inference that the retail market value of the laptop was less than \$500. Because the state relied on the laptop’s replacement value and did not offer evidence of the property’s retail market value, Labonne contends that the district court abused its discretion in declining to vacate his conviction for insufficient evidence. This contention is unavailing.

Our decision in *State v. Marth*, 25 N.W.3d 911, 923 (Minn. App. 2025), *rev. denied* (Minn. Oct. 29, 2025), is instructive. In that case, the appellant (Marth) was found guilty of theft by swindle, which—as here—is a theft crime defined under Minnesota Statutes section 609.52, subdivision 2(a) (2014). *Marth*, 25 N.W.3d at 915, 918. The district court asked the jury to find if the value of the stolen property was more than \$35,000, and the jury responded: “No.” *Id.* at 918. Marth moved for a judgment of acquittal, arguing in part that the value of the stolen property was an element of the crime rather than a sentencing consideration. *Id.* at 919–20. The district court rejected this argument and determined that the property’s value was not an element of theft by swindle. *Id.* at 920. We affirmed and held that, “although the value of the property obtained must be proved beyond a reasonable

doubt for sentencing purposes, it is not an element of the offense of theft by swindle.” *Id.* at 923.

Although *Marth* involves theft by swindle and not theft of moveable property, we conclude that its reasoning directly applies here.⁵ In *Marth*, we observed that Minnesota Statutes section 609.52, subdivision 2(a), “sets out 19 separate acts as theft” and that subdivision 3 “permits the imposition of different sentences based on the value of property or services obtained.” *Id.* at 921. Indeed, under both the 2014 and 2022 versions of the statute, the act of theft is “intentionally and without claim of right tak[ing] . . . movable property of another without the other’s consent and with intent to deprive the owner permanently of possession of the property.” Minn. Stat. § 609.52, subd. 2(a)(1). As the jury was instructed in this case, the elements of this offense do not include the value of the stolen property. *See Marth*, 25 N.W.3d at 923.

Labonne urges us to overrule *Marth*, asserting that “none of the cases cited in *Marth* establish that the value of the victim’s loss is not an element of the crime charged.” We decline this invitation. “Horizontal stare decisis is the respect that an appellate court owes to its own precedents and the circumstances under which that court may appropriately overrule a precedent.” *Pizarro-Rios v. State*, 23 N.W.3d 626, 635 (Minn. App. 2025)

⁵ Labonne maintains that *Marth* is distinguishable because (1) it involved theft by swindle, not theft of movable property, (2) the definition of value was not at issue insofar as it involved dollar amounts rather than retail market value and replacement cost, (3) the district court submitted the question of the property’s value to the jury, and (4) the jury responded “No” to the question whether the value of the property was more than \$35,000. These arguments do not distinguish *Marth* because they are irrelevant to the threshold issue here—whether the property value is an element of theft versus a fact relevant to sentencing.

(quotation omitted). “While the doctrine of stare decisis directs that we adhere to former decisions in order that there might be stability in the law, stare decisis is not an inflexible rule of law but rather a policy of the law.” *Id.* (quotation omitted). “But just as the Minnesota Supreme Court regards its own decisions, we will . . . overrule our precedent [only] if provided with a compelling reason to do so, and the reasons for departing from former decisions must greatly outweigh reasons for adhering to them.” *Id.* (quotations omitted). Labonne has not provided a compelling reason to overrule *Marth*, and we are not persuaded that the reasons for departing from our decision in *Marth* greatly outweigh the reasons for adhering to it. *See id.* Because the value of the laptop is not an element of the theft and Labonne does not otherwise challenge the sufficiency of the evidence, we need not consider Labonne’s remaining contention that the state needed to prove that the retail market value was unascertainable before it could rely on the laptop’s replacement cost.

Consequently, we conclude that the district court acted within its discretion in determining that sufficient evidence supports Labonne’s theft conviction.

II. Labonne’s *Blakely* claim is moot.

Labonne alternatively maintains that the district court’s failure to submit the question of the laptop’s value to the jury was plain error requiring a new trial under the United States Supreme Court’s decision in *Blakely*.

“Under *Blakely*, a criminal defendant has a right under the Sixth Amendment to the United States Constitution to be sentenced based solely on factual findings made by a jury.” *State v. Reimer*, 962 N.W.2d 196, 198 (Minn. 2021). Put differently, “a district court must submit to a jury the question of whether the State has proven beyond a reasonable doubt

the existence of additional facts, which were neither admitted by the defendant, nor necessary to prove the elements of the offense, but which support reasons for departure.” *State v. Rourke*, 773 N.W.2d 913, 921 (Minn. 2009). A defendant’s *Blakely* rights are violated “when a court determine[s] ‘any disputed fact essential to increase the ceiling of a potential sentence’ . . . without the defendant waiving the right to a jury’s determination of that issue.” *Reimer*, 962 N.W.2d at 198 (quoting *State v. DeRosier*, 719 N.W.2d 900, 903 (Minn. 2006) (other quotation omitted)). Appellate courts review an alleged *Blakely* violation under a harmless-error standard. *DeRosier*, 719 N.W.2d at 904. “An error is not harmless if there is any reasonable doubt the result would have been different if the error had not occurred.” *Id.* The remedy for a *Blakely* violation is resentencing or remanding to empanel a sentencing jury. *State v. Chauvin*, 723 N.W.2d 20, 29 (Minn. 2006).

We agree that Labonne’s *Blakely* rights are implicated because, as discussed above, the laptop’s value is relevant to the severity of the sentence. *See Marth*, 25 N.W.3d at 926. But Labonne’s *Blakely* claim is moot because he does not otherwise dispute that the elements of theft are satisfied and the district court has already amended his sentence to a misdemeanor—the lowest permissible penalty.⁶ *See Riley v. State*, 26 N.W.3d 594, 598 n.1

⁶ Labonne asserts that “the district court maintained a verdict for the gross-misdemeanor offense but permissibly imposed a lesser sentence.” This assertion is unsupported by the record. During the October 2025 hearing at which the district court orally ruled on Labonne’s postconviction petition, the district court stated: “This case will be closed with a misdemeanor conviction instead of a gross misdemeanor.” And the “sentence details” and “level of sentence” set forth in the district court’s amended sentencing order likewise reflect a “misdemeanor” sentence of 90 days, stayed for one year. *See* Minn. Stat. § 609.02, subd. 3. On this record, notwithstanding that the amended sentencing order references the gross-misdemeanor penalty statute, we decline to remand for further correction by the district court. *See State v. Staloch*, 643 N.W.2d 329, 332 (Minn. App. 2002) (concluding

(Minn. 2025) (concluding that appellant’s claim that his sentence was unlawful because the district court did not award 351 days of jail credit was moot because the district court had granted the jail credit request and the state did not challenge that jail-credit award). *Cf. State v. Oberton*, 10 N.W.3d 64, 69 (Minn. 2024) (stating that an appeal will be dismissed as moot “where a decision on the merits is no longer necessary or an award of effective relief is no longer possible” (quotation omitted)).

Affirmed.

that “the oral pronouncement of a sentence controls over the written sentencing order”); *see also* Minn. R. Crim. P. 27.03, subd. 10 (“Clerical mistakes in a judgment, order, or in the record arising from oversight or omission may be corrected by the court at any time, or after notice if ordered by the court.”).