

**STATE OF MINNESOTA
IN COURT OF APPEALS
A26-0109**

State of Minnesota,
Appellant,

vs.

Trevon James Mattson,
Respondent.

**Filed August 17, 2026
Reversed and remanded
Cochran, Judge
Dissenting, Smith, J., Judge**

Hennepin County District Court
File No. 27-CR-25-21080

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

Mary F. Moriarty, Hennepin County Attorney, Adam E. Petras, Senior Assistant County Attorney, Minneapolis, Minnesota (for appellant)

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

Considered and decided by Cochran, Presiding Judge; Frisch, Chief Judge; and Smith, J., Judge.*

SYLLABUS

The word “violation” as used in the felony-enhancement provision of Minnesota Statutes section 609.4751, subdivision 3 (2024), includes a failure to comply with the

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

requirements of the statute. The word “violation” in section 609.4751, subdivision 3, is not limited to a formal adjudication of guilt.

OPINION

COCHRAN, Judge

This pretrial appeal concerns the felony-enhancement provision of Minnesota Statutes section 609.4751 (2024), which makes it a crime to impersonate a peace officer. Under the felony-enhancement provision, a person is guilty of a felony if the person “violates [the statute] within five years of a previous violation.” Minn. Stat. § 609.4751, subd. 3.

Appellant State of Minnesota challenges the district court’s dismissal of a felony peace-officer-impersonation charge under section 609.4751, subdivision 3, against respondent Trevon James Mattson for lack of probable cause based on an erroneous interpretation of the word “violation,” as used in the subdivision. The district court interpreted the word “violation” in section 609.4751, subdivision 3, to require a “conviction or adjudication” and dismissed the felony charge against Mattson because the state had not established “a prior conviction or adjudication.” Relying on a statutory definition of the word “violate,” the state argues that the word “violation,” as used in section 609.4751, subdivision 3, unambiguously means conduct that “fails to comply with” the law. Mattson responds that the district court correctly construed the word “violation” to mean an adjudication of guilt. We conclude that the word “violation” as used in the felony-enhancement provision of section 609.4751 unambiguously includes conduct that fails to comply with the impersonation statute and is not limited to a formal adjudication

of guilt. Applying that definition, we further conclude that the district court erred when it dismissed the felony charge of impersonating a peace officer against Mattson under section 609.4751 for lack of probable cause. We therefore reverse the dismissal of the felony charge and remand for further proceedings.

FACTS

The following facts are drawn from the district court's order dismissing the felony charge for lack of probable cause, supplemented by exhibits received by the district court, as necessary to address the issues on appeal.

In July 2025, law enforcement received a report that an unmarked sport utility vehicle (SUV) on Interstate 94 was using multicolored lights to maneuver through traffic and was attempting to pull drivers over. The reporting party told dispatch that he believed he was being pulled over by the SUV, but he did not believe the driver of the SUV was a police officer.

An officer from the Rogers Police Department responded to the report. The officer saw the SUV, a Chevrolet Tahoe, driving on Interstate 94 and observed the SUV was equipped with a lightbar, spotlight, push bumper, and emergency lights. The SUV bore no logo or insignia and lacked the "Police" license plate typically affixed to law-enforcement vehicles.

The officer conducted a traffic stop of the SUV and approached the driver. The driver, Mattson, was wearing a vest equipped with, among other items, a taser, handcuffs, and a body-worn camera. The officer also noticed that the vehicle was set up like a police squad car. The interior of the SUV had a laptop, a forward-facing camera, light and siren

box, and a dog kennel. Mattson told the officer that he worked for Active Watch Protection Agency (AWPA), that he was driving to his friend's house, and that he did not activate his lights or siren on the interstate. The officer observed an AWPA insignia on a uniform shirt in Mattson's SUV that resembled a patch worn by law enforcement.

The officer then contacted the reporting party, who told the officer that the SUV accelerated behind the reporting party's vehicle at a high rate of speed and then activated its emergency lights and siren. The reporting party started to pull over, but the SUV then passed him. The reporting party noted that, when he was pulling over, he observed the SUV driver was using a laptop and talking on a radio. He also observed that the SUV did not have a law-enforcement license plate or police markings. The reporting party "called 911 because he felt like something was wrong."

The state charged Mattson with four counts of impersonating a peace officer under Minnesota Statutes section 609.4751, including one felony count for violating section 609.4751, subdivision 3, "within five years of a previous violation" of the statute. The state predicated the felony enhancement on Mattson's prior conduct in August 2024 of allegedly impersonating a peace officer—conduct for which charges were pending in Hennepin County when the state filed its complaint in this matter. The state also referenced pending charges in Dakota County for operating a security vehicle of a prohibited color or with its identity not displayed.

Mattson moved to dismiss the felony count for lack of probable cause.¹ Mattson argued that the felony-enhancement provision’s operative language—“within five years of a previous violation”—requires proof of a prior adjudication of guilt for impersonating a peace officer within five years for the enhancement to apply. Mattson further contended that the complaint did not allege a prior adjudication of guilt and therefore the felony charge lacked probable cause. The state countered that the phrase “within five years of a previous violation” in section 609.4751 did not require proof of a prior adjudication of guilt but instead is satisfied by proof of a previous failure to comply with the statute within the last five years. In support of its position, the state relied on the definition of “violate” in section 645.44, subdivision 17 (2024), as including “failure to comply with.” In its legal memorandum, the state also incorporated by reference three police reports that the district court had received as exhibits at an omnibus hearing in the matter. Those included, in relevant part, the July 2025 report from the Rogers Police Department—the basis for the charges in the current complaint; an August 2024 report from the Minnesota State Patrol detailing allegations that Mattson impersonated a peace officer in Minneapolis on Interstate 35W—the basis for charges pending in Hennepin County; and a December 2024 report from the Mendota Heights Police Department setting forth the basis for charges pending in Dakota County.

The district court dismissed the felony peace-officer-impersonation charge against Mattson for lack of probable cause. In reaching its decision, the district court interpreted

¹ Mattson also sought to dismiss the felony count on constitutional grounds. The constitutional argument is not at issue on appeal.

the language “within five years of a previous violation” in the felony-enhancement provision in Mattson’s favor, concluding that a “previous violation” requires a “conviction or adjudication.” The district court relied primarily on the definition of “[s]econd or subsequent violation or offense” in section 609.02, subdivision 11 (2024), to support its conclusion. The district court then concluded that the felony-impersonation charge against Mattson lacked probable cause because the state had not established Mattson had “a prior conviction or adjudication.”²

The state appeals.

ISSUES

- I. Did the state show that pretrial dismissal of the felony-impersonation charge had a critical impact on the state’s case?
- II. Did the district court err by dismissing the felony-enhanced charge against Mattson for lack of probable cause based on an erroneous interpretation of the word “violation,” as used in Minnesota Statutes section 609.4751, subdivision 3?

ANALYSIS

The state advances two main arguments in this pretrial appeal. The state argues first that it is entitled to appellate review because the district court’s dismissal of the felony peace-officer-impersonation charge critically impacted its case against Mattson. The state argues second that the district court erred in its interpretation of the word “violation” in the

² The supreme court has instructed that courts look to the “official judgment of conviction in the district court file as conclusive evidence of whether an offense has been formally adjudicated.” *Spann v. State*, 740 N.W.2d 570, 573 (Minn. 2007) (quotations omitted). We understand the district court’s use of the words “conviction or adjudication” as synonymous with the formal adjudication of guilt entered by the court after a guilty plea or verdict of guilty.

felony-enhancement provision of Minnesota Statutes section 609.4751, subdivision 3, and consequently erred when it dismissed the felony-enhanced charge based on this interpretation. We are persuaded by the state's arguments.

I. The state has demonstrated a critical impact.

We first consider the state's threshold argument that it is entitled to appellate review of the pretrial dismissal of the felony peace-officer-impersonation charge against Mattson. The state may appeal a pretrial dismissal order for lack of probable cause if the dismissal is based on a question of law, provided that the state establishes that the alleged error, unless reversed, will have a critical impact on its ability to prosecute its case. Minn. R. Crim. P. 28.04, subds. 1(1), 2(2)(b). Dismissal of a felony charge, even when other charges remain, has a critical impact on the state's case. *See State v. Underdahl*, 767 N.W.2d 677, 683-84 (Minn. 2009) (stating "an order that dismisses DWI charges, even when other charges remain, will have a critical impact on the prosecution's case"). We review de novo the sufficiency of the state's claim of critical impact. *See id.* Here, the state argues, and Mattson does not dispute, that the district court's dismissal of the felony peace-officer-impersonation charge against Mattson had a critical impact on the state's case because the most serious charge was dismissed. We agree. This pretrial dismissal based on a question of law meets the procedural threshold for a critical impact on the state's ability to prosecute its case against Mattson.

II. The district court erred by dismissing the felony charge of impersonating a peace officer for lack of probable cause.

We next consider whether the district court erred when it dismissed for lack of probable cause the felony charge of impersonating a peace officer based on its interpretation of section 609.4751, subdivision 3—the felony-enhancement provision. The question before us centers on the meaning of the word “violation” as used in that provision. The parties offer competing definitions of the word “violation.” The parties’ disagreement presents an issue of statutory interpretation that we review *de novo*. *State v. Morgan*, 968 N.W.2d 25, 30 (Minn. 2021).

“The object of all [statutory] interpretation and construction of laws is to ascertain and effectuate the intention of the legislature.” Minn. Stat. § 645.16 (2024); *see also State v. Oliver*, 28 N.W.3d 445, 451 (Minn. 2025) (applying section 645.16 to its statutory-interpretation analysis). The first step in interpreting a statute is to determine whether the statute’s language is ambiguous, meaning it is susceptible to more than one reasonable interpretation as applied to the facts of the case. *State v. Letourneau*, 23 N.W.3d 386, 391 (Minn. 2025). In determining whether statutory language is ambiguous, we construe words and phrases “according to rules of grammar and according to their common and approved usage.” Minn. Stat. § 645.08(1) (2024). “If a word is defined in a statute, that definition controls.” *Morgan*, 968 N.W.2d at 30. “But if no statutory definition resolves the question, we will look to ordinary meaning or technical and special usage of words to determine if the statutory language is ambiguous.” *Id.* “When the words of a law in their application to an existing situation are clear

and unambiguous, we apply the plain meaning of the statute.” *State v. Caldwell*, 803 N.W.2d 373, 382 (Minn. 2011).

“To determine the plain meaning, we look to the text and textual context of the statute.” *Letourneau*, 23 N.W.3d at 391. “We read the statute as a whole and favor an interpretation that gives each word or phrase in a statute a distinct, not an identical, meaning.” *Id.* (quotation omitted). Courts “will not supply words that the [l]egislature either purposely omitted or inadvertently left out.” *Caldwell*, 803 N.W.2d at 382.

A. The Meaning of the Word “Violation”

With these principles in mind, we turn to the language of section 609.4751. We begin with the statute’s plain language because it is the “best guide to the [l]egislature’s intent.” *State v. Latino*, 15 N.W.3d 654, 659 (Minn. 2025). Section 609.4751 makes it a crime to impersonate a peace officer. Minn. Stat. § 609.4751. The offense can be a misdemeanor, gross misdemeanor, or felony. *Id.* The statute provides in relevant part:

Subdivision 1. **Misdemeanor.** Whoever falsely impersonates a peace officer with intent to mislead another into believing that the impersonator is actually an officer is guilty of a misdemeanor.

Subd. 2. **Gross misdemeanor.** Whoever violates subdivision 1 while committing any of the following acts is guilty of a gross misdemeanor:

....

Subd. 3. **Felony.** Whoever violates this section within five years of a previous violation of this section is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$4,000, or both.

Id.

The question before us centers on subdivision 3, the felony-enhancement provision, and the meaning of the word “violation,” as used in the phrase “violates this section within five years of a previous violation.” *Id.*, subd. 3. The state argues that the word “violation” refers to any conduct that fails to comply with section 609.4751, subdivision 1, which is the underlying substantive provision making it a crime to falsely impersonate a peace officer. Mattson responds that the district court correctly concluded that the term “violation” as used in section 609.4751, subdivision 3, means an adjudication of guilt.³

Section 609.4751 does not itself define the word “violation,” or its root word “violate,” both of which are used in the felony-enhancement provision of section 609.4751. But, as the state notes, the legislature defined “violate” in section 645.44 to “include[] failure to comply with.” Minn. Stat. § 645.44, subd. 17; *see also Morgan*, 968 N.W.2d at 30 (stating that section 645.44, subdivision 17, “defines ‘violate’ as ‘failure to comply with’”).⁴ And, importantly, the legislature specified that the definition of “violate” in section 645.44 applies “in Minnesota Statutes . . . unless another intention clearly appears.” Minn. Stat. § 645.44, subds. 1, 17 (2024). Given this directive from the legislature, we conclude that the term “violation” as used in section 609.4751, subdivision 3, must be interpreted in a manner consistent with the definition of “violate” in section 645.44,

³ At oral argument, Mattson also raised a due-process argument for the first time. Because the argument was not briefed, we decline to address it. *State v. Thompson*, 886 N.W.2d 224, 234 n.8 (Minn. 2016) (concluding that an issue raised for the first time at oral argument was waived).

⁴ The *Morgan* court applied the version of section 645.44, subdivision 17, effective in 2020, but its language remains unchanged in the 2024 version here.

subdivision 17, “unless another intention clearly appears.” *Id.*; *see Morgan*, 968 N.W.2d at 30 (interpreting the word “violation” in Minnesota Statutes section 152.025, subdivision 4(a) (2020), with reference to the definition of the root word “violate” in section 645.44, subdivision 17 (2020)).

We now turn to that question. Mattson does not expressly argue that the legislature clearly intended the term “violation” as used in section 609.4751, subdivision 3, to have a different meaning than that provided by section 645.44, subdivision 17. Instead, Mattson argues that the legislature intended the term “violation” in section 609.4751 to be interpreted by reference to the definition of “[s]econd or subsequent violation” in Minnesota Statutes section 609.02, subdivision 11. Section 609.02, subdivision 11 provides that “[s]econd or subsequent violation . . . means that prior to the commission of the violation . . . , the actor has been *adjudicated guilty* of a specified similar violation or offense.” (Emphasis added.) Relying on the phrase “adjudicated guilty” in the definition of “[s]econd or subsequent violation,” Mattson contends that the term “violation” in section 609.4751 means an adjudication of guilt.

We are not persuaded. The phrase “second or subsequent violation” is a defined term of art that is used in the statutory language of specific criminal statutes, but *not* in section 609.4751. *See, e.g.*, Minn. Stat. § 609.891, subd. 2(b) (2024) (enhancing a “second or subsequent . . . violation” for unauthorized computer access to a felony); Minn. Stat. § 617.247, subd. 7 (2024) (requiring “a mental examination” of a person convicted of “a second or subsequent violation” of possession of child sexual abuse material “within 15 years of the prior conviction”); Minn. Stat. § 624.7142, subd. 6 (2024) (enhancing “a

second or subsequent violation” of carrying a pistol while under the influence to a gross misdemeanor). In section 609.4751, the legislature used different language. The legislature provided that the felony enhancement for the offense of impersonating a peace officer applies when a person “violates [section 609.4751] within five years *of a previous violation* of this section.” Minn. Stat. § 609.4751, subd. 3 (emphasis added). We presume that distinctions in statutory language are intentional and that the legislature knows how to draft language to effectuate its intent. *See Nichols v. State*, 858 N.W.2d 773, 777-78 (Minn. 2015); *see also Caldwell*, 803 N.W.2d at 382 (stating appellate courts do not add language to a statute that the legislature omitted).⁵ Because the legislature did not specify that felony enhancement for impersonating a peace officer applies to a “second or subsequent violation,” we conclude that the definition of “[s]econd or subsequent violation” does not provide a clear intention by the legislature to limit the meaning of the word “violation” in section 609.4751, subdivision 3, to an adjudication of guilt.

This conclusion is reinforced by a comparison of the felony-enhancement language in section 609.4751, subdivision 3, to the felony-enhancement language of several other criminal statutes. Those statutes expressly require a previous conviction or adjudication of delinquency as the predicate for felony enhancement, whereas section 609.4751 does not.⁶

⁵ As the state points out, “[i]f anything, the ‘second or subsequent violation’ definition in section 609.02, subd. 11[,], appears to be a subset of the broader ‘violate’ definition in section 645.44, subd. 17. That [is] because a ‘prior’ adjudication of guilt is one way to establish that a person has failed to comply with a law.”

⁶ We also observe that the legislature does not require a conviction or adjudication for all charge-enhancement provisions. For example, Minnesota Statutes section 169A.24 (2024), the first-degree impaired-driving statute, provides for felony enhancement if a

For example, Minnesota Statutes section 609.3451 (2024), the fifth-degree criminal-sexual-conduct statute, provides for an enhancement to a felony if the person violates that statute and has a “*previous conviction* for” violating enumerated code sections. Minn. Stat. § 609.3451, subd. 3(b)(2) (emphasis added). Likewise, Minnesota Statutes section 609.224 (2024), the fifth-degree assault statute, provides for an enhancement to a felony if the person violates that statute “within ten years of . . . two or more previous qualified domestic violence-related offense *convictions or adjudications of delinquency*” against the same person. Minn. Stat. § 609.224, subd. 4(a) (emphasis added). And Minnesota Statutes section 617.23 (2024), the indecent-exposure statute, makes it a felony if the person violates that statute “after having been *previously convicted of or adjudicated delinquent* for violating” certain related statutory provisions. Minn. Stat. § 617.23, subd. 3(1) (emphasis added). In each of these statutes,⁷ the legislature specifically required a previous “conviction” or “adjudication of delinquency” to enhance the offense to a felony. But the

person is either convicted of one of the enumerated felonies or commits a “violation within ten years of the first of three or more qualified prior impaired driving incidents.” Minn. Stat. § 169A.24, subd. 1. A “[q]ualified prior impaired driving incident” means, among other things, any loss of the person’s license related to impaired driving. Minn. Stat. § 169A.03, subd. 22 (2024).

⁷ In at least three other criminal statutes, the legislature explicitly requires a prior conviction or adjudication of delinquency for felony enhancement. See Minn. Stat. § 609.749, subd. 4 (2024) (making harassment a felony if the person violates the statute within ten years of a “previous qualified . . . conviction or adjudication of delinquency”); Minn. Stat. § 518B.01, subd. 14(d)(1) (2024) (making a protective-order violation a felony if a person has two or more “previous qualified . . . offense convictions” within the past ten years); Minn. Stat. § 609.746, subd. 1(g)(1) (2024) (making a privacy-interference offense a felony if a person violates the statute after a “previous conviction” for interference with privacy or section 609.749).

legislature did not include a similar requirement in the felony-enhancement provision of section 609.4751 for impersonating a peace officer. *See* Minn. Stat. § 609.4751, subd. 3. Instead, the legislature required a previous “violation” of the section within five years. *Id.*

The absence of the words “conviction” and “adjudication of delinquency” in section 609.4751 is significant. If the legislature had intended to require a previous conviction or adjudication of delinquency as the predicate for felony enhancement, it would have done so expressly. It did not. *See id.* Because the legislature chose to not require a previous “conviction” or “adjudication of delinquency” as the predicate event for felony enhancement under section 609.4751 but instead required a previous “violation,” we can conclude only that the legislature did not intend to limit the felony-enhancement provision solely to circumstances where the person has a previous adjudication of guilt as argued by Mattson. *See In re Hildebrandt*, 701 N.W.2d 293, 299 (Minn. App. 2005) (“[W]e presume the legislature’s choice of words indicate its intent.”); *see also State v. Vue*, 797 N.W.2d 5, 17 (Minn. 2011) (courts “will not read into a statute a requirement that the [l]egislature by its plain language has left out”). To limit section 609.4751, subdivision 3, in this manner would add words to the statute, which we cannot and will not do.

The supreme court’s decision in *Morgan* also reinforces the conclusion that the legislature did not intend the word “violation” as used in section 609.4751 to mean conviction or adjudication. In *Morgan*, the supreme court considered the language of Minnesota Statutes section 152.025, subdivision 4(a). That provision states a person convicted of fifth-degree possession of a controlled substance “who has not been *previously convicted of a violation* of [chapter 152] or a similar offense in another

jurisdiction,” and meets other requirements, is guilty of a gross misdemeanor. Minn. Stat. § 152.025, subd. 4(a) (emphasis added). When interpreting the meaning of this phrase, the supreme court recognized that the word “convicted” and its nominalized form “conviction” have a different meaning than the word “violate” and its nominalized form “violation.” *Morgan*, 968 N.W.2d at 30-31. As the supreme court noted, “conviction” is defined in section 609.02, subdivision 5, as a guilty verdict or guilty plea that is “accepted and recorded.” *Id.* at 30 (citing Minn. Stat. § 609.02, subd. 5 (2020)). And section 645.44, subdivision 17, “defines ‘violate’ as ‘failure to comply with.’” *Id.* (citing Minn. Stat. § 645.44, subd. 17 (2020)). The supreme court’s analysis in *Morgan* confirms that the terms “conviction” and “violation” are not synonymous. *See id.*

For these reasons, we discern no clear intention by the legislature to define the word “violation” in section 609.4751, subdivision 3, to mean “adjudication of guilt” as argued by Mattson. The plain language of section 609.4751 includes no such limitation. Consequently, we conclude that the word “violation” as used in the phrase “within five years of a previous violation of this section” in section 609.4751, subdivision 3, unambiguously includes a “failure to comply with”—the meaning given to it by the legislature in section 645.44, subdivision 17. Because the legislature’s intent is clear from the plain and unambiguous language of the statute, we interpret section 609.4751, subdivision 3, according to its plain meaning. *State v. Struzyk*, 869 N.W.2d 280, 284-85 (Minn. 2015). In sum, we hold that the word “violation” as used in the felony-enhancement provision of Minnesota Statutes section 609.4751, subdivision 3, includes a failure to

comply with the requirements of the statute and is not limited to a formal adjudication of guilt.

B. Probable Cause Determination

Having decided the statutory-interpretation question, we next consider whether the district court erred when it dismissed the felony count of impersonating a peace officer for lack of probable cause based on its interpretation of the word “violation” in section 609.4751. “Probable cause for a charge exists where facts submitted to the district court show a reasonable probability that the person committed the crime.” *Letourneau*, 23 N.W.3d at 396. Appellate courts “review factual findings underlying a probable cause determination using the clear error standard, but review the district court’s application of the legal standard of probable cause to those facts de novo.” *State v. Lopez*, 778 N.W.2d 700, 703 (Minn. 2010).

As discussed, section 609.4751 makes it a crime to “falsely impersonate[] a peace officer with intent to mislead another into believing that the impersonator is actually an officer.” Minn. Stat. § 609.4751, subd. 1. And “[w]hoever violates this section within five years of a previous violation of this section is guilty of a felony.” *Id.*, subd. 3. As noted above, the district court interpreted the phrase “within five years of a previous violation” as requiring “a prior conviction or adjudication” within five years of the current charge. Based on this interpretation of the felony-enhancement provision and because the state did not establish that Mattson had “a prior conviction or adjudication” under section 609.4751, the district court dismissed the felony-impersonation charge against Mattson.

We conclude that the district court erred by dismissing the felony charge because its decision was based on an erroneous interpretation of the word “violation” in section 609.4751, subdivision 3. As explained above, a “violation” includes a “failure to comply with” the statute and the felony-enhancement provision does not require a prior adjudication of guilt.

Applying this definition of “violation,” we conclude that the totality of the facts alleged in the complaint along with the state’s evidence presented at an omnibus hearing established probable cause for the charge of felony impersonation of a peace officer. In the complaint, the state alleged that Mattson violated section 609.4751 in July 2025 by driving an SUV equipped with multi-colored lights, maneuvering the SUV through traffic, and seemingly attempting to pull other drivers over. The complaint also alleged that Mattson violated this same statute within five years of the current charge based on pending charges in Hennepin County for impersonating a peace officer and charges for similar conduct in Dakota County.

The state supported the allegations that Mattson impersonated a peace officer in 2025 and previously in 2024 with law-enforcement reports from those incidents. The law-enforcement report for the 2025 incident describes the details set forth above. The August 2024 report provides that a state trooper stopped Mattson for impersonating a peace officer after observing him: operate a vehicle that appeared to be an unmarked police vehicle, shining a spotlight at a passenger car, mimicking that car’s lane changes, and acting as if he was preparing to conduct a traffic stop.

Taken as a whole, the facts alleged in the complaint and described in the law-enforcement reports show a reasonable probability that Mattson falsely impersonated a peace officer with intent to mislead another into believing that he was actually an officer in violation of section 609.4751 both in July 2025 and in August 2024. In other words, the record establishes probable cause that he violated section 609.4751 “within five years of a previous violation.” Minn. Stat. § 609.4751, subd. 3. We therefore conclude that the district court erred when it dismissed the felony charge against Mattson of impersonating a peace officer under section 609.4751 for lack of probable cause. *See id.*; *see also Letourneau*, 23 N.W.3d at 396 (reviewing the sufficiency of the state’s evidence for probable cause after resolving a statutory-interpretation issue).⁸

DECISION

The word “violation” as used in the felony-enhancement provision of Minnesota Statutes section 609.4751, subdivision 3, includes a failure to comply with the requirements of the statute and is not limited to a formal adjudication of guilt. The district court erred by dismissing the felony charge against Mattson under section 609.4751 based on its

⁸ We note that for Mattson to be found guilty of the felony-level offense of impersonating a peace officer under section 609.4751, subdivision 3, the state would be required to prove beyond a reasonable doubt both the current allegation of impersonating a peace officer in July 2025 and the alleged previous “violation” of section 609.4751 in August 2024. Contrary to the dissent’s suggestion, our interpretation of the word “violation” does not deny a defendant of the presumption of his innocence. Nor does it preclude a defendant from invoking double-jeopardy if the state brings a felony-enhanced charge based on conduct for which the defendant was already acquitted.

erroneous interpretation of “violation” as used in section 609.4751, subdivision 3. We therefore reverse and remand to reinstate the felony charge.

Reversed and remanded.

SMITH, JOHN, Judge (dissenting)

The majority concludes that the word “violation” as used in the felony-enhancement provision of the peace-officer impersonation statute encompasses any act that, with or without adjudication, fails to comply with the statute’s requirements. Minn. Stat. § 609.4751, subd. 3 (2024). I believe that the majority, amid the narrow focus of its textual analysis, loses sight of the legislature’s inflexible reliance on convictions or adjudications as predicate events for offense enhancement and the troubling implications of its interpretation. I therefore respectfully dissent.

I. The Word “Violation” in the Felony-Enhancement Provision is Ambiguous

The word “violation” in the felony-enhancement provision is susceptible to both definitions provided by the parties, rendering its meaning ambiguous. *See State v. Plancarte*, 20 N.W.3d 30, 37 (Minn. 2025) (stating that when “the statutory language is susceptible to more than one reasonable interpretation, then the statute is ambiguous”) (quotation omitted). From a practical point of view, if an average person is asked if they have ever had a traffic violation, what would they say? Would they answer based on the number of convictions or would they answer based on the times that they violated the traffic laws? Of course they would reference the convictions because that is the common understanding of the term violation.

We begin with the relevant text of section 609.4751, subdivision 3, which provides that “[w]hoever violates this section within five years of a *previous violation* is guilty of a felony.” *Id.* (emphasis added). The state contends that a “violation” refers to any act that fails to comply with the underlying offense of peace-officer impersonation. The state

supports its position with the definition of “violate” set forth in Minnesota Statutes section 645.44, subdivision 17 (2024), which the legislature has designated as including the “failure to comply with” unless “another intention clearly appears.” Minn. Stat. § 645.44, subd. 1 (2024). Mattson counters that “violation” means a conviction or adjudication of guilt, relying on the definition of “[s]econd or subsequent violation or offense” in Minnesota Statutes section 609.02, subdivision 11 (2024). These competing definitions frame a statutory-interpretation issue that this court reviews de novo. *State v. Morgan*, 968 N.W.2d 25, 30 (Minn. 2021). The principal goal of statutory interpretation is to ascertain and effectuate legislative intent. Minn. Stat. § 645.16 (2024). Courts do so by determining whether the statute is ambiguous, meaning that its language is susceptible to more than one reasonable interpretation. *Morgan*, 968 N.W.2d at 30. If the statute defines a word, that definition controls. *Id.* But in the absence of a statutory definition, courts discern meaning by reading the statute’s text according to the rules of grammar and common usage. Minn. Stat. § 645.08(1) (2024). The inquiry concludes the statute is not ambiguous from its plain meaning. *Morgan*, 968 N.W.2d at 30. But if the statute remains ambiguous, courts apply canons of construction to resolve it. *State v. Pakhnyuk*, 926 N.W.2d 914, 920 (Minn. 2019).

The majority resolves the competing definitions of “violation” in the state’s favor, concluding that Mattson’s reliance on section 609.02, subdivision 11, adds language that the legislature intentionally omitted from section 609.4751, subdivision 3. Again, section 609.02, subdivision 11, provides that a “[s]econd or subsequent violation” refers to a person’s adjudication of a specified violation or offense prior to the prosecution of his

current violation or offense. The majority reasons that the omission of the second-or-subsequent language from section 609.4751, subdivision 3, is distinguishing. The majority enumerates offense-enhancement provisions throughout the criminal code that explicitly apply the second-or-subsequent language to designate convictions or adjudications as preconditions for enhancement. *See e.g.*, Minn. Stat. § 609.891, subd. 2(b) (2024) (enhancing a “second or subsequent . . . violation” for unauthorized computer access to a felony); Minn. Stat. § 609.671, subd. 8(e) (2024) (enhancing the penalty for a person “convicted for a second or subsequent offense”); Minn. Stat. § 609.749, subd. 4 (2024) (enhancing “[s]econd or subsequent violations” of harassment offenses to a felony). But this illustration is self-defeating. These statutes exemplify the legislature’s uniform designation of convictions or adjudications as predicate events for offense enhancement, and no other statute in the criminal code permits enhancement based only on an unadjudicated act.

The majority points to Minnesota Statutes section 169A.24 (2024), the first-degree impaired-driving statute, for the proposition that the legislature does not always require a conviction or adjudication for offense enhancement. The impaired-driving statute provides for felony enhancement if a person, among other things, commits a “violation” within ten years of the first of three “qualified prior impaired driving incidents.” Minn. Stat. § 169A.24, subd. 1(1). The legislature defines a “[q]ualified prior impaired driving incident” as any loss of a person’s license related to impaired driving. Minn. Stat. § 169A.03, subd. 22 (2024). But even a person’s loss of license includes some form of administrative or judicial review for suspension, revocation, cancellation, denial,

or disqualification. *Id.*, subd. 21 (2024); Minn. Stat. § 169A.53, subds. 1, 2 (2024) (establishing procedures for administrative or judicial review of a license revocation). Unlike the impaired-driving statute, the majority’s interpretation of “violation” in section 609.4751, subdivision 3, provides no basis for reviewing whether a previous act qualifies for felony enhancement.

Because the word “violation” is reasonably susceptible to meaning a “[s]econd or subsequent violation” that is consistent with its use throughout the criminal code, I conclude that the disputed word is ambiguous.

II. The Unreasonable Consequences of the Majority’s Interpretation

The majority’s interpretation of the word “violation” in section 609.4751, subdivision 3, to broadly encompass *any* unadjudicated breach of the statute results in unreasonable consequences. We resolve ambiguous statutory language by applying extrinsic canons of construction that include, among others, consideration of a particular interpretation’s consequences. Minn. Stat. § 645.16(6). We presume that, in examining the consequences of a particular interpretation, the legislature does not intend an absurd or unreasonable result. *Moore v. Robinson Env’t*, 954 N.W.2d 277, 284 (Minn. 2021). “We may interpret the statute in a sensible manner to avoid such results.” *Id.* (quotation omitted). The majority’s interpretation invites two results that unreasonably expand the scope of a person’s criminal liability for peace-officer impersonation.

In the first instance, if a person is charged with an impersonation offense under section 609.4751, subdivision 3, and acquitted, he still risks exposure to felony enhancement on a second offense arising from his previous failure to comply with the

statute. A person bears this same risk in the second instance, where his impersonation of a peace officer to two different people in incidents *minutes apart* from one another suffices for felony enhancement. Most troublingly, the person here is denied his presumption of innocence until “proven guilty beyond a reasonable doubt” on account of an unadjudicated act that enhances his prosecution. *State v. Portillo*, 998 N.W.2d 242, 249 (Minn. 2023) (citing *In re Winship*, 397 U.S. 358, 363 (1970)) (other citation omitted). In sum, the majority’s interpretation of “violation” in section 609.4751, subdivision 3, creates a dangerously low threshold for enhancing a violative act to a felony offense. Because this unreasonable result can be mitigated by a sensible interpretation of “violation” that aligns with the legislature’s standard reliance on convictions or adjudications as preconditions for enhancement, I conclude that the unreasonable-consequence canon favors Mattson.

For all these reasons, I agree with Mattson that the district court correctly interpreted the law and properly granted his motion to dismiss the felony-impersonation charge for lack of probable cause. I would affirm.