

**STATE OF MINNESOTA
IN COURT OF APPEALS
A26-0308**

State of Minnesota,
Appellant,

vs.

Melvin Junior Mitchell,
Respondent.

**Filed September 8, 2026
Reversed and remanded; motion denied
Frisch, Chief Judge**

Dakota County District Court
File No. 19HA-CR-14-2396

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

Kathryn M. Keena, Dakota County Attorney, Dylan Thorson, Assistant County Attorney,
Hastings, Minnesota (for appellant)

Cathryn Middlebrook, Chief Appellate Public Defender, Michael McLaughlin, Assistant
Public Defender, St. Paul, Minnesota (for respondent)

Considered and decided by Frisch, Chief Judge; Ede, Judge; and Beane, Judge.

SYLLABUS

The phrase “maximum period for which the sentence of imprisonment might have been imposed” in Minn. Stat. § 609.135, subd. 2(b) (2024), which provides the length of the stay of sentence for certain felony convictions including second-degree criminal sexual conduct, means the statutory maximum sentence authorized by law.

OPINION

FRISCH, Chief Judge

The state appeals from the district court's order discharging respondent from probation. The state argues that the district court erred in interpreting a 2023 amendment to Minn. Stat. § 609.135, subd. 2(b), to result in the expiration of respondent's probationary period and discharge from probation. Respondent argues that the district court correctly interpreted the statute and moved to dismiss the appeal on the grounds that the order is not appealable, and alternatively because the appeal is moot. We deny the motion to dismiss the appeal as moot, conclude that the district court erred in its interpretation of Minn. Stat. § 609.135, subd. 2(b), reverse the district court's order discharging respondent from probation, and remand for further proceedings.

FACTS

In 2014, appellant State of Minnesota charged respondent Melvin Junior Mitchell with second-degree criminal sexual conduct for engaging in sexual contact with a complainant under 13 years of age while he was more than 36 months older. The conduct was alleged to have occurred in May through September 2011. Mitchell pleaded guilty as charged. On December 21, 2015, the district court entered judgment of conviction, stayed imposition of sentence, and placed Mitchell on probation for ten years. During the pendency of his probationary term, Mitchell was alleged to have violated probation on several occasions.

In December 2023, the district court determined that Mitchell had violated his probationary terms and as a sanction, vacated the stay of imposition, imposed a sentence

of 36 months' imprisonment execution of which was stayed for ten years, and continued Mitchell's ten-year probationary period. The ten-year probationary period would have expired, if no action had been taken, on December 21, 2025.

On September 9, 2025, community corrections filed a sixth probation-violation report, alleging that Mitchell failed to complete sex-offender programming, abstain from mood-altering substances, and comply with electronic home monitoring, among other requirements of his probationary conditions. Community corrections recommended that the district court execute the 36-month stayed sentence. Mitchell argued that his probationary period was reduced to four years, based on the 2023 amendment to Minn. Stat. § 609.135 (2024), and his sentence automatically expired on October 1, 2023. The state objected to Mitchell's interpretation of the amended law.

In an order filed on December 5, 2025, the district court discharged Mitchell from probation. The district court agreed with Mitchell and concluded that his probation had automatically expired on October 1, 2023, based on the 2023 amendment to Minn. Stat. § 609.135, subd. 2. *See* 2023 Minn. Laws ch. 52, art. 6, § 13, at 923-24. In reaching this conclusion, the district court reasoned that the maximum presumptive sentence the district court could impose was the top-end of the presumptive *guidelines* sentence because the state did not seek an aggravated sentence. Because the top-end of the presumptive guidelines sentence was less than the ten-year probationary period imposed, and Mitchell had served more than five years on probation when the law took effect, the district court concluded that Mitchell's probation had automatically expired on October 1, 2023. The district court did not make a finding as to whether Mitchell had violated the terms of his

probation given that the September 9, 2025, probation violation report was filed after Mitchell's probation was determined to have expired on October 1, 2023.¹

The state appealed. Mitchell moved to dismiss the appeal on the ground that the order is not appealable. Alternatively, Mitchell argued that the appeal should be dismissed as moot because “case law makes clear that a district court lacks the authority to modify a sentence by reimposing the sentence after the sentence has been discharged,” and we cannot grant the relief the state seeks. In a special term order, we deferred consideration of the motion to dismiss and concluded that the order discharging Mitchell from probation is appealable because it arises by necessary implication from the state's right to appeal a probation-revocation decision under Minn. R. Crim. P. 27.04, subd. 3(4)(a). *State v. Mitchell*, No. A26-0308, 2026 WL 850281, at *1 (Minn. App. Mar. 25, 2026) (order) (concluding that “Rule 27.04, subdivision 3(4)(a), allows the State to appeal a probationary decision that is related to but distinct from the revocation of probation” (quoting *State v. Johnson*, 23 N.W.3d 70, 74 (Minn. 2025))). We now consider whether the district court erred in discharging Mitchell from probation and whether the appeal should be dismissed as moot.

ISSUES

- I. What is the meaning of the phrase “maximum period for which the sentence of imprisonment might have been imposed” in Minn. Stat. § 609.135, subd. 2(b)?
- II. Is this appeal moot?

¹ The district court's order makes it clear that Mitchell did not successfully complete probation because he failed to complete sex-offender treatment.

ANALYSIS

I. The district court erred by interpreting Minn. Stat. § 609.135, subd. 2(b), to determine that Mitchell’s probation expired on October 1, 2023.

Effective August 1, 2023, the legislature amended the maximum periods for stayed sentences in section 609.135, subdivision 2, to provide that, for felony convictions, “the stay shall be for not more than five years or the maximum period for which the sentence of imprisonment might have been imposed, whichever is less.” 2023 Minn. Laws ch. 52, art. 6, § 13, at 923. But if the conviction is for certain listed felony offenses, including a violation of section 609.343 (second-degree criminal sexual conduct), “the stay shall be for not more than four years *or the maximum period for which the sentence of imprisonment might have been imposed, whichever is longer.*” *Id.* (emphasis added). The amended statute further provides, in pertinent part, that the probationary periods apply retroactively, and a person is eligible for resentencing if (1) the person was on probation for a felony, (2) the probation period exceeded five years, (3) the maximum length of probation the court could have imposed on or after August 1, 2023, is less than the period imposed, and (4) the prison sentence has not been executed. *Id.*, § 14, at 924. For persons who have served five or more years of probation for a felony and who are eligible for resentencing, the probation term shall be considered to have expired on October 1, 2023, unless: “(1) the term of the stay of probation would have expired before that date under the original sentence; or (2) the

length of probation is extended pursuant to Minnesota Statutes, section 609.135, subdivision 2, paragraph (h) or (i).” *Id.*²

It is undisputed that Mitchell was on probation for felony second-degree criminal sexual conduct, the ten-year probationary period exceeded five years, and his prison sentence had not been executed. The question presented in this appeal is whether the “maximum period for which the sentence of imprisonment might have been imposed” within the meaning of Minn. Stat. § 609.135, subd. 2(b), is less than the probationary period that was imposed. The resolution of this question requires us to consider an issue of statutory construction that we review de novo. *State v. Defatte*, 928 N.W.2d 338, 340 (Minn. 2019). “The first step in statutory interpretation is to determine whether the statute’s language, on its face, is ambiguous.” *Id.* (quotation omitted). “A statute is ambiguous only when the statutory language is subject to more than one reasonable interpretation.” *Id.* (quotation omitted). “When the text of the law is unambiguous, we apply the plain meaning of the statutory language without engaging in any further construction.” *State v. Barrientos*, 837 N.W.2d 294, 298 (Minn. 2013). “When interpreting statutes, ‘we 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) (quoting *Comm’r of Revenue v. Dahmes Stainless, Inc.*, 884 N.W.2d 648, 656 (Minn. 2016)).

² Subdivision 2(h) permits probation to be extended for failure to pay restitution, and subdivision 2(i) permits probation to be extended for up to three years for failure to complete court-ordered treatment.

The parties disagree as to whether the phrase “maximum period for which the sentence of imprisonment might have been imposed” within the meaning of Minn. Stat. § 609.135, subd. 2(b), is ambiguous. The state argues that the phrase unambiguously means the statutory maximum sentence based on the plain meaning of the statute and caselaw interpreting this phrase before the enactment of the 2023 amendments to section 609.135. Mitchell, on the other hand, acknowledges that the state’s interpretation is reasonable but argues that the phrase “maximum period for which the sentence of imprisonment might have been imposed” is susceptible to another reasonable interpretation—the maximum sentence the district court could have imposed pursuant to the Minnesota Sentencing Guidelines—citing cases, canons of construction, and the rule of lenity to support his interpretation.

We are not persuaded by Mitchell’s arguments. The phrase “maximum period for which the sentence of imprisonment might have been imposed” within the meaning of Minn. Stat. § 609.135, subd. 2(b), unambiguously refers to the statutory maximum sentence.

This phrase has been used consistently in section 609.135 since the criminal code was adopted in 1963. *See* Minn. Stat. §§ 609.135, subd. 2(1) (“In case the conviction is for a felony such stay shall be for not more than the *maximum period for which the sentence of imprisonment might have been imposed.*” (emphasis added)), .01, subd. 1 (providing that chapter 609 codifies the Criminal Code of 1963) (1965). Because the sentencing guidelines did not become effective until May 1, 1980, this phrase could not, as Mitchell argues, mean the presumptive sentence prescribed by the guidelines. *See State v. Shattuck*, 704 N.W.2d

131, 138 (Minn. 2005) (indicating the Minnesota Sentencing Guidelines were promulgated by the Sentencing Guidelines Commission, which was created by the legislature in 1978); *see also* Minn. Stat. § 244.09, subd. 12 (2024) (stating that the Minnesota Sentencing Guidelines shall be effective on May 1, 1980)). When the legislature uses a phrase or term of art, reviewing courts assume that the legislature intended to use the accepted definition of that term or phrase in subsequent laws. *See State v. Cannady*, 727 N.W.2d 403, 407 (Minn. 2007) (concluding legislature used “affirmative defense” as the accepted definition of that term of art and intended that meaning); *cf. Woolridge Carter*, 9 N.W.3d at 844-45 (assuming Sentencing Guidelines Commission had full knowledge of existing caselaw construing term “probation” and used that term in the guidelines to apply to court-ordered conditions under a stay of adjudication). Because the legislature has continued to use the same phrase in all versions of this law, without alteration, to define the maximum period of probation, we assume that the legislature intended the phrase to have the same meaning in the 2023 amendment.

Caselaw has also consistently held that the maximum period for which a sentence of imprisonment might be imposed means the statutory maximum sentence. In *Barrientos*, the supreme court considered “the parameters of a district court’s authority to extend the length of a defendant’s probation for failure to pay court-ordered restitution.” 837 N.W.2d at 296. In doing so, the supreme court construed the meaning of Minn. Stat. § 609.135, subd. 2(g) (2012), which permits the district court to extend probation for up to one year for failure to pay restitution, and the meanings of Minn. Stat. § 609.14 (2012) and Minn. R. Crim. P. 27.04, which address consequences for probation violations. *Id.* at 298. In its

analysis, the supreme court considered that second-degree burglary, the crime for which Barrientos was convicted, has “a maximum possible punishment of ten years’ imprisonment,” and that a district court may stay imposition or execution of a sentence under section 609.135 (2012) and place the defendant on probation, but the length of the stay “*may not exceed the maximum term of imprisonment that might have been imposed for the underlying offense (in this case, ten years).*” *Id.* (emphasis added); *see also* Minn. Stat. § 609.582, subd. 2(a) (2012) (providing that a person convicted of second-degree burglary “may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both”). Ultimately, the supreme court concluded that the district court retained general authority to extend probation for a failure to pay restitution up to the statutory maximum sentence under section 609.14, and that section 609.135, subdivision 2(g), expanded this general authority to permit an extension of probation for up to two years *beyond* the statutory maximum for unpaid restitution. *Barrientos*, 837 N.W.2d at 301-02.³

We have also interpreted the relevant language to reach the same conclusion. We discerned, for example, no error in staying a kidnapping sentence for 20 years because that is the maximum penalty for kidnapping. *State v. Coleman*, 731 N.W.2d 531, 535 (Minn. App. 2007) (explaining that, “[u]nder Minn. Stat. § 609.135, subd. 2 (2004), a stay of execution for an offense may be for the maximum period for which the sentence of

³ The supreme court did not address the constitutionality of subdivision 2(g) in light of *Apprendi v. New Jersey*, 530 U.S. 466, 490 (2000) (holding that, “[o]ther than the fact of a prior conviction, any fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt”).

imprisonment may be imposed,” and that the district court did not err by staying execution of a presumptive 21-month kidnapping sentence for 20 years because the guidelines provide presumptive durations for prison terms, not probationary periods), *rev. denied* (Minn. Aug. 7, 2007); *see also* Minn. Stat. § 609.25, subd. 2(1) (2024) (providing that a person convicted of kidnapping under this subdivision may be sentenced to imprisonment for not more than 20 years or payment of a fine of not more than \$35,000 or both). Given these authorities, we are persuaded that the phrase means the statutory maximum sentence.

Mitchell relies on *Shattuck* to support his argument that the phrase “maximum period for which the sentence of imprisonment might have been imposed” means the presumptive sentence under the sentencing guidelines. 704 N.W.2d at 140. We are not persuaded. *Shattuck* involved the imposition of an aggravated sentence under *Blakely v. Washington*, in which the Supreme Court reiterated that “‘statutory maximum’ for *Apprendi* purposes is the maximum sentence a judge may impose *solely on the basis of the facts reflected in the jury verdict or admitted by the defendant.*” 542 U.S. at 303. In *Shattuck*, the supreme court explained that *Blakely* extended *Apprendi* to sentencing guidelines regimes, 704 N.W.2d at 137, and that under this “line of cases,” the presumptive guidelines sentence is “the maximum sentence a judge may impose solely on the basis of facts reflected in the jury verdict or admitted by the defendant,” 704 N.W.2d at 141 (quoting *Blakely*, 542 U.S. at 303). *Shattuck* makes clear that a district court must comply with *Blakely* and *Apprendi* when imposing an executed sentence greater than the presumptive guidelines sentence. 704 N.W.2d at 142. *Shattuck* did not consider the maximum probationary duration allowed for a stayed sentence. We are therefore not

persuaded that the principles in *Apprendi* and *Blakely* apply when the district court stays imposition or execution of a sentence.

We hold that the phrase “maximum period for which the sentence of imprisonment might have been imposed” in Minn. Stat. § 609.135, subd. 2(b), which provides the length of the stay of sentence for certain felony convictions including second-degree criminal sexual conduct, means the statutory maximum sentence authorized by law. Because the supreme court construed the maximum term of imprisonment as the statutory maximum sentence in *Barrientos*, and this phrase has consistently been used without alteration in section 609.135 since 1963, this statutory language is susceptible to only one reasonable interpretation, and the district court erred by determining that the presumptive guidelines sentence governs the maximum probationary period.

The statutory maximum sentence for Mitchell’s conviction of second-degree criminal sexual conduct is 25 years. Minn. Stat. § 609.343, subd. 2 (2010) (providing that a person convicted under subdivision 1 may be sentenced to imprisonment for not more than 25 years, payment of a fine of \$35,000, or both). The ten-year probationary period originally imposed was therefore permissible because it is less than the statutory maximum of 25 years. And, because ten years is longer than the four-year probationary period in the amended law, 2023 Minn. Laws ch. 52, art. 6, § 14, at 924, the district court erred in determining that Mitchell’s probation automatically expired on October 1, 2023.

II. This appeal is not moot.

Mitchell argues that the state’s appeal should be dismissed as moot because the expiration of Mitchell’s sentence bars further sanctions, depriving this court of jurisdiction

to alter Mitchell’s sentence. Mitchell relies on caselaw holding that the district court lacks jurisdiction to add sanctions to an expired sentence, even if the sentence is unauthorized. *See State v. Hannam*, 792 N.W.2d 862, 863, 865 (Minn. App. 2011) (dismissing the state’s appeal from amended sentencing order when Hannam’s sentence expired before the state filed the appeal, concluding this court, like the district court, does not have “authority to amend or modify the sentence to impose further sanctions” after the sentence expired); *Martinek v. State*, 678 N.W.2d 714, 718-19 (Minn. App. 2004) (concluding district court lacked authority to add conditional-release term after sentence expired); *State v. Purdy*, 589 N.W.2d 496, 498 (Minn. App. 1999) (“The expiration of a sentence operates as a discharge that bars further sanctions for a criminal conviction.”).

The state argues that *Martinek* and *Purdy* do not apply here because they involve adding a sanction—a conditional-release term to an expired sentence—and the issue we are asked to decide in this appeal is limited to whether the district court committed a legal error in interpreting section 609.135, subdivision 2, and in discharging Mitchell from probation based on that erroneous statutory interpretation. The state further argues that this appeal should not be dismissed because we have authority to review a district court’s erroneous interpretation of the law. And, because probation-revocation proceedings were initiated while Mitchell was on probation and before the district court erroneously discharged him, the state contends that the district court has jurisdiction to consider the probation violation under Minn. Stat. § 609.14, subd. 1(b), (c) (2024), and *State v. Sagataw*, 892 N.W.2d 47 (Minn. App. 2017).

We agree with the state that the circumstances of this case are unlike those set forth in *Hannam*, *Martinek*, and *Purdy*. In resolving the question of whether the district court erred in its interpretation of section 609.135, subdivision 2, we are not adding a sanction or increasing Mitchell’s sentence. *Compare Mason v. State*, 16 N.W.3d 828, 833-34 (Minn. App. 2025) (concluding district court retained jurisdiction to consider Mason’s motion to reclassify felony sentence as a gross misdemeanor and distinguishing *Hannam*, *Martinek*, and *Purdy* because they involved “modifying a sentence to *add* sanctions”), *rev. denied* (Minn. Apr. 23, 2025), *with Pizarro-Rios v. State*, 23 N.W.3d 626, 639 (Minn. App. 2025) (concluding district court lost subject-matter jurisdiction to add sanction of conditional-release term after it filed sentencing order resulting in expiration of Pizarro-Rios’s sentence). We resolve only the issue of whether the district court erred by discharging Mitchell from probation effective October 1, 2023. Moreover, absent the district court’s December 5, 2025 order determining that Mitchell’s probation had automatically expired on October 1, 2023, Mitchell’s ten-year probationary period would have expired on December 21, 2025. Thus, our decision to reverse and remand does not add a sanction or increase Mitchell’s sentence. We are persuaded that this issue is not moot and that we have jurisdiction to consider it.

“[S]ubject matter jurisdiction refers to a court’s authority to hear and determine a particular class of actions and the particular questions presented to the court for its decision.” *State v. Schnagl*, 859 N.W.2d 297, 300 (Minn. 2015) (quotations omitted). Minnesota’s district courts are courts of general jurisdiction in civil and criminal cases. *Id.* at 301 (citing Minn. Const. art. VI, § 3). District courts have original jurisdiction over the

sentence imposed in a criminal case. *Id.* We “have appellate jurisdiction over all courts, except the supreme court.” Minn. Const. art. VI, § 2. The question of whether we can exercise our jurisdiction depends on whether a justiciable controversy exists. *Grove v. Simon*, 2 N.W.3d 490, 499 (Minn. 2024). Mootness presents a jurisdictional question because a moot case is generally not justiciable. *Snell v. Walz*, 985 N.W.2d 277, 283 (Minn. 2023). “An appeal should be dismissed as moot when a decision on the merits is no longer necessary or an award of effective relief is no longer possible.” *Dean v. City of Winona*, 868 N.W.2d 1, 5 (Minn. 2015) (dismissing appeal as moot when appellants lacked a current interest in the real property at issue and no mootness exceptions applied). Justiciability is an issue of law that we review de novo. *Id.* at 4.

The issue of whether the district court erred in interpreting 609.135, subdivision 2, to effect Mitchell’s premature discharge from probation is not moot because it is still “a live controversy that can be resolved.” *Winkowski v. Winkowski*, 989 N.W.2d 302, 308 (Minn. 2023) (quoting *In re Minnegasco*, 565 N.W.2d 706, 710 (Minn. 1997)) (concluding there was no longer a live controversy because the harassment restraining order underlying the appeal expired and was no longer in effect). No event has occurred while this appeal has been pending that would make a decision on the merits no longer necessary or an award of relief not possible.

We are also persuaded that we have authority to review and correct the district court’s error in discharging Mitchell from probation. In *Sagataw*, the state appealed from the district court’s order dismissing probation-revocation proceedings after the district court erroneously concluded that it lacked jurisdiction to consider the probation revocation

after the sentence expired. 892 N.W.2d at 48. We concluded that the district court erred in dismissing Sagataw’s revocation proceedings because Minn. Stat. § 609.14 (2014)⁴ “authorizes a district court to conduct a revocation hearing” in certain circumstances after a stayed sentence has expired. *Id.* at 50. For example, section 609.14, subdivision 1(b), allows for probation-revocation proceedings to be initiated within six months after a stayed sentence has expired if the defendant violated conditions of probation during the stay, and the revocation hearing may be held “at any time during or after the six-month period.” Section 609.14, subdivision 1(c), further provides that “after proceedings to revoke the stay have been initiated . . . the proceedings to revoke the stay may be concluded” and a summary hearing conducted after the stay has expired or after the sixth-month period in paragraph (b). “The proceedings to revoke the stay shall not be dismissed on the basis that the summary hearing is conducted after the term of the stay or after the six-month period.” Minn. Stat. § 609.14, subd. 1(c). Relying on this authority, we concluded that, because the state had timely and properly initiated probation-revocation proceeding before Sagataw’s stayed sentence expired, the district court erred in dismissing Sagataw’s revocation proceedings and had jurisdiction to conduct a revocation hearing notwithstanding the expiration of probation. *Sagataw*, 892 N.W.2d at 51.

Like *Sagataw*, we conclude that we have jurisdiction to review the district court’s order discharging Mitchell from probation. And, as previously discussed, we conclude that the district court erred by discharging Mitchell from probation effective October 1, 2023,

⁴ The 2024 version of section 609.14 includes the identical language that is the subject of this appeal.

and reverse and remand to the district court for further proceedings consistent with this opinion. Although Mitchell's ten-year probationary period would have expired on December 21, 2025, we express no opinion on whether the district court has authority under Minn. Stat. § 609.14 to consider the probation violation filed on September 9, 2025.

DECISION

We hold that the phrase “maximum period for which the sentence of imprisonment might have been imposed” in Minn. Stat. § 609.135, subd. 2(b), which provides the length of the stay of sentence for certain felony convictions including second-degree criminal sexual conduct, means the statutory maximum sentence authorized by law. The district court therefore erred by discharging Mitchell from probation effective October 1, 2023. We also conclude that we have jurisdiction to review the district court's discharge order because no event has occurred during the pendency of this appeal that would prevent us from reviewing the district court's erroneous interpretation of the law and correcting the erroneous discharge order, and because our correction of the error does not add a sanction. We therefore deny Mitchell's motion to dismiss this appeal.

Reversed and remanded; motion denied.