

STATE OF MINNESOTA
IN COURT OF APPEALS

In the Matter of the Civil Commitment of:
Earl Lionell Ward.

**SPECIAL
TERM
ORDER¹**

A26-1069

Considered and decided by Larkin, Presiding Judge; Wheelock, Judge; and Harris, Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE
FOLLOWING REASONS:**

This appeal was filed on June 24, 2026. According to the notice of appeal, appellant Earl Lionell Ward seeks review of a May 7, 2026 order of the commitment appeal panel (the CAP) dismissing appellant's petition for provisional discharge. In a June 26, 2026 order, we questioned (a) whether the CAP's May 7, 2026 order fully resolved Ward's petition for rehearing and reconsideration; (b) if not, whether the May 7, 2026 order is a final order; and (c) if not, whether this appeal must be dismissed as premature. The parties filed informal memoranda.

Records in the underlying CAP file establish that, after the special review board recommended denial of Ward's petition for transfer, provisional discharge, or discharge

¹ Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

from the Minnesota Sex Offender Program, Ward filed a petition for rehearing and reconsideration before the CAP.²

In a May 7, 2026 order, the CAP granted the motion of respondent Direct Care and Treatment Executive Board (the board) to dismiss Ward’s petition as to provisional discharge. The CAP denied the board’s motion to dismiss the petition as to transfer, finding that Ward “showed by a preponderance of the evidence that transfer is appropriate according to the statutory factors.”³ The CAP stated that the matter would be scheduled for “further hearing on the issue of transfer.” On June 11, 2026, the CAP scheduled a hearing for December 11, 2026, on the transfer issue.

1. Minn. R. Civ. App. P. 103.03(j)

Ward contends that the CAP’s May 7, 2026 order is independently appealable under Minn. R. Civ. App. P. 103.03(j), which provides that an appeal may be taken “from such other orders or decisions as may be appealable by statute or under the decisions of the Minnesota appellate courts.” The board and respondent Ramsey County (the county) contend that the May 7, 2026 order is not independently appealable.

The CAP proceeding is governed by the Minnesota Commitment and Treatment Act: Sexually Dangerous Persons and Sexual Psychopathic Personalities (the MCTA), Minn. Stat. §§ 253D.01-.36 (2024 & Supp. 2025). Minn. Stat. § 253D.28, subd. 4, of the

² Although the petition for rehearing and reconsideration only expressly mentioned review regarding provisional discharge, the CAP allowed appellant to address all three forms of relief in the CAP proceeding.

³ The CAP noted that Ward withdrew the request for discharge.

MCTA provides that “[a] party aggrieved by an order of the appeal panel may appeal that order as provided under section 253B.19, subdivision 5.” And Minn. Stat. § 253B.19, subd. 5 (2024), provides that “[a] party aggrieved by an order of the appeal panel may appeal from the decision of the appeal panel to the court of appeals as in other civil cases.” “A party may seek review of a decision by the appeals panel within 60 days after a copy is sent to the parties by the clerk of appellate courts.” Minn. Stat. § 253B.19, subd. 5.

Ward asserts that the May 7, 2026 order “fully resolved his petition for rehearing and reconsideration of his request for provisional discharge.” Ward notes that “the matter of provisional discharge has separate statutory considerations and carries a different burden of proof than a transfer.”

The board and the county assert that the May 7, 2026 order is not a final order because it resolved only part of Ward’s petition for rehearing and reconsideration. They argue that Ward cannot appeal until the CAP issues a final order deciding whether to grant Ward’s petition for transfer.

Appellate courts “construe statutes as a whole so that statutory language is understood in context.” *State v. Sanschagrin*, 952 N.W.2d 620, 624 (Minn. 2020); *see State v. Gaiovnik*, 794 N.W.2d 643, 647 (Minn. 2011) (“When interpreting statutes, [appellate courts] do not examine different provisions in isolation.”).

Minn. Stat. § 253D.28, subd. 4, provides that an aggrieved party may appeal “an order of the appeal panel” and does not expressly address whether an order must completely resolve a petition for rehearing and reconsideration to be appealable. But read

in context with other provisions of Minn. Stat. § 253D.28 (2024), it is clear that the “order of the appeal panel” mentioned in subdivision 4 is an order resolving a petition. Minn. Stat. § 253D.28, subd. 1, allows certain persons and entities to petition the CAP “for a rehearing and reconsideration of a recommendation of the special review board.” Minn. Stat. § 253D.28, subd. 2, provides a procedure for a “hearing on *the petition*.” (Emphasis added.) Minn. Stat. § 253D.28, subd. 3, directs the CAP to “rule upon *the petition*” and states that the CAP “shall consider *the petition* de novo.” (Emphasis added.) Because Minn. Stat. § 253D.28, subs. 2-3, contemplate a hearing and ruling on “the petition,” we conclude that the appealable order of the CAP mentioned in Minn. Stat. § 253D.28, subd. 4, is an order fully adjudicating a petition for rehearing and reconsideration.

Construing Minn. Stat. § 253D.28, subd. 4, as allowing an appeal only from a final order resolving a petition for rehearing and reconsideration is also consistent with our policy against piecemeal appeals. In reading these rules together, it is clear that the rules governing the appellate process discourage appeals from being brought or considered piecemeal. *Emme v. C.O.M.B., Inc.*, 418 N.W.2d 176, 179 (Minn. 1988). The general rule that the whole case must be decided in a single appeal “preserves the proper balance between trial and appellate courts, minimizes the harassment and delay that would result from repeated interlocutory appeals, and promotes the efficient administration of justice.” *Microsoft Corp. v. Baker*, 582 U.S. 23, 36-37 (2017). If an order partially resolving a petition were appealable, a person could file an appeal of a partial order and then file a subsequent appeal of a final order resolving the remaining portion of the petition.

In this case, appellant filed a petition for rehearing and reconsideration. The May 7, 2026 order resolved appellant's request for provisional discharge but did not resolve appellant's request for transfer. Because the CAP's May 7, 2026 order did not fully adjudicate appellant's petition for rehearing and reconsideration, it is not appealable under Minn. Stat. § 253D.28, subd. 4, and Minn. R. Civ. App. P. 103.03(j).

2. Minn. R. Civ. App. P. 103.03(g)

In the alternative, Ward contends that the CAP's May 7, 2026 order is independently appealable under Minn. R. Civ. App. P. 103.03(g).

An appeal may be taken from a “final order, decision or judgment affecting a substantial right made in an administrative or other special proceeding.” Minn. R. Civ. App. P. 103.03(g). A special proceeding is “such a proceeding as may be commenced independently of a pending action by petition or motion, upon notice, in order to obtain special relief.” *County of Stearns v. Schaaf*, 472 N.W.2d 191, 192 (Minn. App. 1991) (quoting *Chapman v. Dorsey*, 41 N.W.2d 438, 440 (Minn. 1950)). A decision is “final” under rule 103.03(g) when “the matter is conclusively terminated so far as the court issuing the order is concerned, and the court anticipates no further action on the matter.” *In re Est. of Figliuzzi*, 979 N.W.2d 225, 231 (Minn. 2022) (quotation omitted).

Ward asserts that the May 7, 2026 order affected Ward's substantial rights by denying the request for provisional discharge. Ward notes that a hearing on the transfer issue is scheduled for December 11, 2026, and argues that requiring Ward to wait to file an appeal until that issue is resolved “affects his liberty because he would remain in a

secure setting for a longer period of time” if Ward ultimately prevails on appeal regarding the provisional-discharge issue. Ward also points out that requiring an appeal from an order resolving the transfer issue would delay Ward’s ability to “repetition the court for an additional reduction in custody proceeding.”

The county asserts that the May 7, 2026 order is not a final order appealable under Minn. R. Civ. App. P. 103.03(g). The county notes that the order denied the board’s motion to dismiss Ward’s petition “as to transfer and directed that the matter be scheduled for further hearing.”

Because the May 7, 2026 order did not resolve the transfer issue, that issue remains before the CAP. The matter initiated by Ward’s petition for rehearing and reconsideration is not conclusively terminated and the CAP anticipates further action in the matter. Thus, the May 7, 2026 order is not a final order appealable under Minn. R. Civ. App. P. 103.03(g).

In the event that we determine that this appeal is premature, Ward asks us to stay this appeal “until the order from the December 11, 2026 hearing is issued.” Because the May 7, 2026 order is not appealable, we do not have jurisdiction over this appeal and lack the authority to stay this appeal.

IT IS HEREBY ORDERED:

1. This appeal is dismissed as premature.

2. Ward may seek review of the CAP's May 7, 2026 order in a timely appeal from a final order resolving the remaining transfer issue.

Dated: July 14, 2026

BY THE COURT



Michelle A. Larkin
Presiding Judge