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Minn. Stat. § 480A.08, subd. 3 (2018).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-2033
A19-2038**

State of Minnesota,
Respondent,

vs.

Shaun Michael Maubach,
Appellant.

**Filed August 10, 2020
Affirmed
Smith, Tracy M., Judge**

Washington County District Court
File No. 82-CR-17-2708

Ramsey County District Court
File No. 62-CR-17-5958

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

Pete Orput, Washington County Attorney, Nicholas A. Hydukovich, Assistant County Attorney, Stillwater, Minnesota (A19-2033); and

John Choi, Ramsey County Attorney, Thomas R. Ragatz, Assistant County Attorney, St. Paul, Minnesota (A19-2038) (for respondent)

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

Considered and decided by Florey, Presiding Judge; Reilly, Judge; and Smith,
Tracy M., Judge.

UNPUBLISHED OPINION

SMITH, TRACY M., Judge

In these consolidated appeals from orders denying postconviction relief, appellant Shaun Michael Maubach challenges his two sentences for engaging in sex trafficking. He argues that neither sentence should include a 48-month sentence enhancement under Minn. Sent. Guidelines 2.G.9 (2016) because he had not committed a requisite “prior qualified human trafficking-related offense” as defined by Minn. Stat. § 609.321, subd. 14 (2016). Because we conclude that the statutory definition is unambiguous and that a plain reading of the definition includes Maubach’s earlier offense of receiving profits from prostitution, we affirm.

FACTS

In 2017, Maubach pleaded guilty to two counts of sex trafficking of an individual under Minn. Stat. § 609.322, subd. 1a(4) (2016), based on two incidents in separate counties. Both pleas were entered pursuant to a single plea agreement.

In Washington County, Maubach pleaded guilty to engaging in sex trafficking and the district court sentenced him to a prison term of 180 months (the top of the presumptive guidelines range), plus an additional 48 months based on a 2010 conviction for receiving profits from prostitution, for a total of 228 months. In Ramsey County, Maubach also pleaded guilty to engaging in sex trafficking and was likewise sentenced to 228 months’ imprisonment—180 months plus a 48-month enhancement—to run concurrently with the Washington County sentence.

In both cases, Maubach petitioned for postconviction relief, challenging the 48-month sentence enhancements. He argued that his 2010 conviction for receiving prostitution profits did not qualify as a prior qualified human-trafficking offense under Minn. Stat. § 609.321, subd. 14. The postconviction courts disagreed and upheld his sentences.

Maubach appealed both orders, and this court granted his motion to consolidate the appeals.

D E C I S I O N

Appellate courts review the denial of a petition for postconviction relief for an abuse of discretion but review the postconviction court’s legal conclusions de novo. *See Pearson v. State*, 891 N.W.2d 590, 596 (Minn. 2017). Appellate courts also review questions of statutory interpretation de novo. *State v. Henderson*, 907 N.W.2d 623, 625 (Minn. 2018). This case presents a question of statutory interpretation. “The first step in statutory interpretation is to determine whether the statute’s language, on its face, is ambiguous.” *State v. Thonesavanh*, 904 N.W.2d 432, 435 (Minn. 2017). “A statute is ambiguous only if it is subject to more than one reasonable interpretation.” *Id.* (quotation omitted).

In both Washington County and Ramsey County, Maubach pleaded guilty to engaging in sex trafficking pursuant to Minn. Stat. § 609.322, subd. 1a(4), with reference to Minn. Stat. § 609.322, subd. 1(b)(1). Subdivision 1(b)(1), together with Minn. Sent. Guidelines 2.G.9.a, adds a 48-month sentence enhancement if the person has a “prior qualified human trafficking-related offense.” That term is statutorily defined as follows:

A “prior qualified human trafficking-related offense” means a conviction or delinquency adjudication within the ten years from the discharge from probation or parole immediately preceding the current offense for a violation of or an attempt to violate section . . . 609.322, *subdivision 1a (solicitation, inducement, and promotion of prostitution; sex trafficking in the second degree)*.

Minn. Stat. § 609.321, subd. 14 (emphasis added).

Section 609.322, subdivision 1a, referenced in that definition, makes it a second-degree sex-trafficking crime if a person:

- (1) solicits or induces an individual to practice prostitution;
- (2) promotes the prostitution of an individual;
- (3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual; or
- (4) engages in the sex trafficking of an individual.

Minn. Stat. § 609.322, subd. 1a.

Maubach’s 2010 conviction was for receiving profits from prostitution in violation of Minn. Stat. § 609.322, subd. 1a(3) (2006).¹ Maubach argues that the statutory definition of prior qualified human-trafficking offense in section 609.321, subdivision 14, does not include the offense of receiving prostitution profits in violation of subparagraph (3). He reasons that, although the definition references section 609.322, subdivision 1a, it also includes a parenthetical phrase that does not include—and therefore must exclude—the offense of receiving prostitution profits. The state, on the other hand, argues that the

¹ Maubach was convicted under the 2006 version of Minn. Stat. § 609.322, subd. 1a. The 2006 version did not include subparagraph (4), which was added later, *see* 2009 Minn. Laws ch. 137, § 7, at 3, but it did include subparagraph (3), prohibiting the receipt of prostitution profits, which was Maubach’s crime.

definition of a prior qualified human trafficking offense includes all violations of section 609.322, subdivision 1a, including receiving profits from prostitution under subparagraph (3).

The state's is the only reasonable interpretation. The parenthetical phrase in the definition simply repeats verbatim the subheading of section 609.322, subdivision 1a—namely, “Solicitation, inducement, and promotion of prostitution; sex trafficking in the second degree.” The only reasonable reading of that subheading is that it includes all of the subparagraphs beneath it, including subparagraph (3). In any event, “[t]he headnotes printed in boldface type before sections and subdivisions in editions of Minnesota Statutes are mere catchwords to indicate the contents of the section or subdivision and are not part of the statute.” Minn. Stat. § 645.49 (2018). Moreover, it is not reasonable to conclude that the legislature would refer to subdivision 1a as a whole, without expressly excluding any of the numbered subparagraphs within that subdivision, but then, by means of that parenthetical phrase, would exclude some of those subparagraphs from the definition.

In sum, we conclude that Minn. Stat. § 609.321, subd. 14, is unambiguous and that a plain reading of the statute includes Maubach's prior conviction under section 609.322, subdivision 1a, for receiving profits from prostitution as a prior qualified human-trafficking offense. The postconviction courts correctly concluded that Maubach's sentences properly included the 48-month sentence enhancements.

Affirmed.