

**STATE OF MINNESOTA
IN COURT OF APPEALS
A21-0221**

State of Minnesota,
Respondent,

vs.

TanyaMarie Esthell Miller,
Appellant.

**Filed August 16, 2021
Affirmed
Connolly, Judge**

Scott County District Court
File No. 70-CR-20-4316

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

Ronald B. Hocesvar, Scott County Attorney, Todd P. Zettler, Assistant County Attorney,
Shakopee, Minnesota (for respondent)

John A. Kaschins, Martinez and Kaschins, LLC, Minneapolis, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Reyes, Judge; and Florey,
Judge.

SYLLABUS

Minn. Stat. § 609.495, subd. 3 (2020), provides that the maximum sentence for an accomplice after the fact to certain crimes is “not more than one-half of the maximum sentence of imprisonment . . . that could be imposed on the principal offender” but does not provide a maximum sentence for an accomplice after the fact of a crime for which the

maximum sentence is life imprisonment and therefore of no fixed duration. However, Minn. Stat. § 609.17, subd. 4 (2020), provides not only that the maximum sentence for one who attempts a crime is “not more than one-half of the maximum imprisonment . . . for the crime attempted” but also that “if the maximum sentence provided for the crime is life imprisonment,” the sentence for an attempt to commit the crime is “not more than 20 years.” Because statutes pertaining to the same subject may be construed together, the maximum sentence for an accomplice after the fact to a crime for which the maximum sentence is life imprisonment is also not more than 20 years.

OPINION

CONNOLLY, Judge

Appellant was charged with and pleaded guilty to aiding a person whom she knew had committed murder. She argued to the district court that she could not be sentenced at all on that conviction because the statutory maximum sentence for murder was life imprisonment and the statutory maximum sentence for an accomplice after the fact of murder was half of life imprisonment, an unascertainable amount of time. The district court rejected that argument and sentenced appellant to 48 months in prison. She challenges the sentence.

FACTS

In February 2020, B., the juvenile son of appellant TanyaMarie Miller and the late Taran Miller (Miller), arranged via Snapchat to sell marijuana to S.K., another juvenile, in a parking lot. B. and Miller took a pistol with them to the parking lot. S.K. got into their

car, but, when he refused to close the door, Miller shot him in the head. S.K. was taken to a hospital, where he later died.

Miller told appellant what he had done. She then helped him hide the car in which the shooting had occurred and drove with him to her sister's residence, where they hid the pistol in a lockbox. Miller was charged with first-degree murder, which carried a mandatory sentence of life imprisonment without possibility of release. He died in jail in December 2020.

Appellant was charged with and pleaded guilty to aiding a person whom she knew had committed a criminal act as an accomplice after the fact.¹ The district court rejected her argument that no sentence could be imposed for being an accomplice after the fact to murder because the statutory maximum sentence for murder was life imprisonment and the statutory maximum sentence for an accomplice after the fact to murder was therefore one-half of life imprisonment, or imprisonment for an indeterminate and indeterminate amount of time. The district court determined that appellant's offense had a severity level of eight and sentenced her to 48 months in prison. She challenges not the duration but the legality of this sentence.

ISSUE

Did the district court err in imposing a sentence of 48 months on an accomplice after the fact to a crime for which the maximum sentence was life imprisonment?

¹ Appellant was also charged with one count of aiding an offender to avoid arrest because she instructed B. to delete his Snapchat account to erase any record of his contact with S.K. She pleaded guilty to this count and does not challenge the sentence on it.

ANALYSIS

Whether a sentence conforms to the requirements of a statute or the sentencing guidelines is a question of law reviewed de novo. *State v. Williams*, 771 N.W.2d 514, 520 (Minn. 2009).

“Whoever . . . is guilty of murder in the first degree . . . shall be sentenced to imprisonment for life.” Minn. Stat. § 609.185(a)(1) (2020). The legislature has established that a person convicted as an accomplice after the fact to certain crimes, among them first-degree murder, “may be sentenced to not more than one-half of the statutory maximum sentence of imprisonment” for that crime. Minn. Stat. § 609.495, subd. 3. But the legislature has not established a sentence for accomplices after the fact to crimes for which the maximum sentence is life imprisonment, which has no fixed duration and therefore no ascertainable half. Therefore, there is no clear statutory maximum sentence of imprisonment for appellant’s offense.

But, contrary to appellant’s view, we do not infer from this inconsistency in the statute that the legislature intended no sentence to be imposed on accomplices after the fact of crimes punishable by life imprisonment. “It is a canon of construction that statutes that are *in pari materia* [on the same subject] may be construed together, so that the inconsistencies in one statute may be resolved by looking at another statute on the same subject.” *Black’s Law Dictionary* 944 (11th ed. 2019) (defining *in pari materia*). The legislature addressed this situation in the context of sentences for those convicted of attempting crimes punishable by life imprisonment.

Whoever attempts to commit a crime may be sentenced as follows:

(1) if the maximum sentence provided for the crime is life imprisonment, to not more than 20 years; or

(2) for any other attempt, to not more than one-half of the maximum imprisonment . . . provided for the crime attempted, but such maximum in any case shall not be less than imprisonment for 90 days²

Minn. Stat. § 609.17, subd. 4. This statute supports the inference that the maximum sentence for an accomplice after the fact to a crime for which the maximum sentence is life imprisonment is 20 years.

Moreover, assuming that the legislature intended to impose no penalty at all on an accomplice after the fact to a crime punishable by life imprisonment, but to impose a penalty of up to half the maximum prison sentence for the crime itself on an accomplice after the fact of other crimes, would be absurd. “It is well settled that courts may presume that the legislature does not intend an absurd result.” *State v. Murphy*, 545 N.W.2d 909, 916 (Minn. 1996). Reversing appellant’s sentence on the ground that the district court erred by imposing *any* sentence on an accomplice after the fact of a crime punishable by life imprisonment would run counter to the presumption against absurd results.

² The Minnesota Sentencing Guidelines also reflect an intent to sentence those convicted of attempting a crime punishable by life imprisonment: *see* Minn. Sent. Guidelines 2.G.13 (providing presumptive durations of imprisonment for those convicted of an attempt to commit first-degree murder, depending on the severity level of the offense).

DECISION

An accomplice after the fact of a crime with a maximum sentence of life imprisonment may be sentenced to not more than 20 years in prison.

Affirmed.