STATE OF MINNESOTA
IN COURT OF APPEALS
A22-1669

State of Minnesota,
Respondent,

vs.

Joseph Ryan Thompson,
Appellant.

Filed August 21, 2023
Reversed
Larkin, Judge

Clay County District Court
File No. 14-CR-21-2757

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

Brian J. Melton, Clay County Attorney, Pamela L. Foss, Assistant County Attorney, Moorhead, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Suzanne M. Senecal-Hill, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Larkin, Presiding Judge; Wheelock, Judge; and Kirk, Judge.[*]

SYLLABUS

The grant of district court jurisdiction in Minn. Stat. § 260B.193, subd. 5(d) (2022), which applies to a proceeding alleging an offense committed by an adult prior to the adult's

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

18th birthday, does not apply if the alleged offense occurred before the adult became 14 years of age.

OPINION

LARKIN, Judge

Appellant challenges his conviction of second-degree criminal sexual conduct, arguing that the district court lacked jurisdiction to adjudicate the offense under Minn. Stat. § 260B.193, subd. 5(d), because it occurred before his 14th birthday and he was not charged until after his 21st birthday. Appellant also raises various issues in a pro se supplemental brief. We conclude that even though the relevant statutory language is plain, applying the statute without regard to the offender's age at the time of the offense causes an absurd and unreasonable result that is inconsistent with clear legislative intent to limit district court criminal jurisdiction to offenses committed by offenders after the age of 14. We therefore hold that the statute applies only to offenses committed by an offender who was age 14 or older at the time of the offense. Because the underlying offense occurred before appellant's 14th birthday, the district court did not have subject-matter jurisdiction over the offense. We therefore reverse appellant's conviction.

FACTS

Respondent State of Minnesota charged appellant Joseph Ryan Thompson, born July 9, 2000, with second-degree criminal sexual conduct under Minn. Stat. § 609.343, subd. 1a(e) (2012). At the time of charging, Thompson was 21 years old. It is undisputed that the charged offense occurred sometime between January 2013 and July 2014, when

Thompson was either 12 or 13 years old and the victim, MEJ, was either five or six years old.

Thompson moved the district court to dismiss the charge, arguing that the court lacked jurisdiction because the charged offense occurred before his 14th birthday. The district court denied Thompson's motion. Thompson and the state agreed to a stipulated-evidence trial before the district court to preserve the jurisdictional issue for appeal, and the district court found him guilty as charged.

The district court's posttrial findings of fact indicate that in October 2020, Clay County Social Services received a report that Thompson had touched MEJ's vagina when she was at a daycare operated by Thompson's mother. Social services reported the allegation to law enforcement the same day. The next day, a detective contacted MEJ's mother, who said that MEJ first disclosed the abuse shortly after the daycare ceased operations in 2014, but that she decided not to report it at that time. The detective scheduled a forensic interview of MEJ, to occur three days later. On the day of the scheduled interview, MEJ's mother called the detective and cancelled the interview because MEJ did not want to provide a statement.

In June 2021, MEJ's mother contacted the detective and informed him that MEJ was willing to be interviewed. The interview occurred nine days later. MEJ reported that the daycare provider's youngest son touched her vagina multiple times while she was at the daycare and that he had her touch his penis one time. The police determined that Thompson is the daycare provider's youngest son.

On July 28, 2021, the detective interviewed Thompson regarding MEJ's allegation. During that interview, Thompson admitted that he had touched MEJ's vagina and buttocks over her clothing, kissed her on the mouth, and had her touch his penis over his clothing. He said that the conduct occurred in the office at his mother's daycare when he was 12 or 13 years old.

After finding Thompson guilty of the charged offense, the district court entered judgement of conviction and sentenced Thompson to serve 60 months in prison.

Thompson appeals, arguing that the district court lacked subject-matter jurisdiction because the offense occurred before his 14th birthday.[1]

ISSUE

Did the district court err by concluding that it had subject-matter jurisdiction over the criminal case in which the state alleged that Thompson had engaged in criminal sexual conduct before his 14th birthday?

ANALYSIS

In this case, we must decide whether the district court has subject-matter jurisdiction over a criminal proceeding in which an adult is alleged to have committed a felony-level offense before the adult's 14th birthday. Subject-matter jurisdiction refers to a court's authority to hear the type of dispute at issue and to grant the type of relief sought. *Williams v. Smith*, 820 N.W.2d 807, 812–13 (Minn. 2012). "Put differently, subject matter

[1] Neither party requested oral argument. After this court considered the case at a nonoral conference, we ordered the parties to file supplemental briefs addressing, in part, the effect of Minn. Stat. § 609.055, subd. 1 (2022), on the parties' jurisdictional arguments. The parties filed supplemental briefing as ordered.

jurisdiction is a court's statutory or constitutional *power* to adjudicate the case." *Giersdorf v. A & M Constr., Inc.*, 820 N.W.2d 16, 20 (Minn. 2012) (quotation omitted). Whether subject-matter jurisdiction exists is a question of law that we review *de novo*. *Federated Retail Holdings, Inc. v. County of Ramsey*, 820 N.W.2d 553, 558 (Minn. 2012).

Overview of Jurisdictional Authority

The district court has original jurisdiction in all civil and criminal cases. Minn. Const. art. VI, § 3. However, Minn. Stat. §§ 260B.001-.446 (2022) carve out "a narrow category of cases from the subject matter jurisdiction of district courts and vest[] that jurisdiction exclusively in the juvenile court."[2] *State v. Vang*, 847 N.W.2d 248, 258 (Minn. 2014). "Except as provided in sections 260B.125 [(governing certification)] and 260B.225 [(governing traffic offenses)], the juvenile court has original and exclusive jurisdiction in proceedings concerning any child who is alleged to be delinquent." Minn. Stat. §§ 260B.101, subd. 1; .125; .225. "'Child' means an individual under 18 years of age." Minn. Stat. § 260B.007, subd. 3. "Delinquent child" means, subject to several exceptions not relevant here, "a child . . . who has violated any state or local law." *Id.*, subd. 6(a).

The delinquency provisions of the Juvenile Court Act, Minn. Stat. §§ 260B.001-.446, do not establish a minimum age at which a child may be petitioned to court as a delinquent child. However, the juvenile-protection provisions of the Juvenile

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[2] By "juvenile court" we mean a district court judge presiding over a juvenile delinquency proceeding. *See Vang v. State*, 788 N.W.2d 111, 118 (Minn. 2010) (Dietzen, J. concurring) ("[A] district judge may sometimes act as a district court judge with original jurisdiction over all civil and criminal matters; and other times act as a juvenile court judge with inferior jurisdiction and powers.").

Court Act, Minn. Stat. §§ 260C.001-.83 (2022), state that a child who has committed a delinquent act before becoming ten years old is "a child in need of protection or services." Minn. Stat. § 260C.007, subd. 6(12). Thus, "[a] child under ten years of age cannot be a 'delinquent child' under the Juvenile Court Act." *See In re Welfare of Child of T.T.B.*, 529 N.W.2d 517, 517 (Minn. App. 1995) (applying prior version of the Juvenile Court Act and rejecting state's argument that the juvenile court's jurisdiction over a delinquent child is not subject to any minimum age requirement).

Unless terminated by the juvenile court and under certain circumstances discussed below, "the jurisdiction of the [juvenile] court shall continue until the individual becomes 19 years of age if the court determines it is in the best interest of the individual to do so." Minn. Stat. § 260B.193, subd. (5)(a).

However, if an offender is convicted as an extended jurisdiction juvenile (EJJ), the juvenile court's jurisdiction may extend until the offender becomes 21 years of age. *Id.*, subd. 5(b). The juvenile court may designate a proceeding involving a child alleged to have committed a felony offense an EJJ prosecution, but the court may do so only if the child was "*14 to 17 years old* at the time of the alleged offense." Minn. Stat. § 260B.130, subd. 1(1), (3) (emphasis added). If an EJJ prosecution results in a finding of guilt, the court "shall" impose both a juvenile disposition and a stayed adult criminal sentence. *Id.*, subd. 4; *see* Minn. Stat. § 609.10, subd. 1(a), (2) (2022) ("Upon conviction of a felony and compliance with the other provisions of this chapter the court, if it imposes sentence, may sentence the defendant to the extent authorized by law . . . to imprisonment for a fixed term of years set by the court.").

The juvenile court may also certify a proceeding involving a child alleged to have committed an offense "for action under the laws and court procedures controlling adult criminal violations." Minn. Stat. § 260B.125, subd. 1. But the court may do so only if "a child is alleged to have committed, *after becoming 14 years of age*, an offense that would be a felony if committed by an adult." *Id.* (emphasis added). If the juvenile court certifies an alleged violation, "the prosecuting authority shall proceed with the case as if the jurisdiction of the juvenile court had never attached." *Id.*, subd. 7.

In addition, the juvenile court has jurisdiction to certify a proceeding, or to designate a proceeding an EJJ prosecution, conduct a trial, receive a plea, and impose an EJJ disposition, if "an adult is alleged to have committed an offense before the adult's 18th birthday" and "a [delinquency] petition is filed [within the applicable statute of limitations] and before the adult's 21st birthday." Minn. Stat. § 260B.193, subd. 5(c). But such jurisdiction is for the limited purpose of conducting a certification hearing or an EJJ designation and prosecution, and those proceedings are not authorized unless the offender committed the underlying offense after becoming 14 years of age. *Id.*; *see* Minn. Stat. §§ 260B.125, subd. 1 (authorizing certification of a proceeding "for action under the laws and court procedures controlling adult criminal violations" if a child is alleged to have committed an offense "after becoming 14 years of age"); .130, subds. 1(1), (3), 4 (authorizing an EJJ prosecution and imposition of a stayed adult criminal sentence only if "the child was 14 to 17 years old at the time of the alleged offense").

The delinquency provisions of the Juvenile Court Act also provide:

> A violation of a state or local law or ordinance by a child before becoming 18 years of age is not a crime unless the juvenile court:
>
> (1) certifies the matter in accordance with the provisions of section 260B.125;
>
> (2) transfers the matter to a court in accordance with the provisions of section 260B.225 [(juvenile traffic offenders)]; or
>
> (3) convicts the child as an [EJJ] and subsequently executes the adult sentence under section 260B.130, subdivision 5.

Minn. Stat. § 260B.255, subd. 1.

In sum, although the delinquency provisions of the Juvenile Court Act authorize jurisdiction over proceedings initiated for the purpose of imposing an adult criminal conviction and sentence for a felony-level offense committed before an offender's 18th birthday, such jurisdiction is not authorized unless the child was at least 14 years old at the time of the offense.

Consistent with the delinquency provisions of the Juvenile Court Act, Minnesota's criminal code provides that "[c]hildren *under the age of 14 years* are incapable of committing crime." Minn. Stat. § 609.055, subd. 1. The criminal code further provides, subject to one exception not relevant here, that "children *of the age of 14 years or over* but under 18 years may be prosecuted for a felony offense if the alleged violation is duly certified for prosecution under the laws and court procedures controlling adult criminal violations." *Id.*, subd. 2 (2022). Such a child may also "be designated an [EJJ] in accordance with the provisions of chapter 260B." *Id.*

At issue here is Minnesota Statutes section 260B.193, subdivision 5(d), which provides that "[t]he district court has original and exclusive jurisdiction over a proceeding"

involving "an adult who is alleged to have committed an offense before the adult's 18th birthday" and "in which a criminal complaint is filed before expiration of [the relevant statute of limitations] and after the adult's 21st birthday." But that section also provides that "[t]he juvenile court retains jurisdiction if the adult demonstrates that the delay in filing a criminal complaint was purposefully caused by the state in order to gain an unfair advantage." Minn. Stat. § 260B.193, subd. 5(d). Thompson does not argue that the charging delay in this case was purposeful.

The district court relied on section 260B.193, subdivision 5(d), in concluding that it had jurisdiction to adjudicate the offense in this case. The parties' arguments regarding whether the district court erred in doing so raise an issue of statutory interpretation, which we review de novo. *Barrow v. State*, 862 N.W.2d 686, 689 (Minn. 2015).

Statutory Interpretation

The purpose of statutory interpretation is to "ascertain and effectuate" the legislature's intent. Minn. Stat. § 645.16 (2022). When interpreting a statute, the threshold question is whether the statute's language is ambiguous. *State v. Gibson*, 945 N.W.2d 855, 857 (Minn. 2020). "If the [l]egislature's intent is clear from the statute's plain language, then we interpret the statute according to its plain meaning." *State v. Alarcon*, 932 N.W.2d 641, 645 (Minn. 2019) (quotation omitted). We consider a statute as a whole "to harmonize and give effect to all its parts." *Van Asperen v. Darling Olds, Inc.*, 93 N.W.2d 690, 698 (Minn. 1958). We presume that the legislature "intended the entire statute to be effective and certain." *Id.*

Thompson asserts that Minn. Stat. § 260B.193, subd. 5(d), is ambiguous because it inconsistently states both that the district court has "original and exclusive jurisdiction" and that the juvenile court "retains jurisdiction." Thompson argues that "retain" means "[t]o keep possession of; continue to have" and that "there is no way for the juvenile court to [retain] jurisdiction if the district court already had 'original and exclusive' jurisdiction." Thompson argues that "[b]oth cannot be true" and contends that this court should resolve that ambiguity by interpreting the statute to mean that the juvenile court "retains" jurisdiction over any offense committed before an offender's 14th birthday.

Although Thompson has identified a conflict within the language of Minn. Stat. § 260B.193, subd. 5(d), we are not persuaded by his focus on the terms "original and exclusive" and "retains." Minn. Stat. § 260B.193, subd. 5(d). However, Thompson's arguments highlight an apparent problem with the plain language of Minn. Stat. § 260B.193, subd. 5(d), that we cannot ignore: its application produces an absurd and unreasonable result when applied to an offense committed before an offender's 14th birthday.

Absurdity Canon

When interpreting a statute, we presume that the legislature did not intend an absurd or unreasonable result. Minn. Stat. § 645.17(1) (2022); *see also State v. Koenig*, 666 N.W.2d 366, 372 (Minn. 2003) (stating same); *State v. Greenman*, 825 N.W.2d 387, 390 (Minn. App. 2013) (stating that "courts should give a reasonable and sensible construction to criminal statutes" (quotation omitted)). As to the absurdity rule, the Minnesota Supreme Court has explained:

> There is, of course, no more persuasive evidence of the purpose of a statute than the words by which the legislature undertook to give expression to its wishes. Often these words are sufficient in and of themselves to determine the purpose of the legislation. In such cases we have followed their plain meaning. When that meaning has led to absurd or futile results, however, this Court has looked beyond the words to the purpose of the act. Frequently, however, even when the plain meaning did not produce absurd results but merely an unreasonable one 'plainly at variance with the policy of the legislation as a whole' this Court has followed that purpose, rather than the literal words. When aid to construction of the meaning of words, as used in the statute, is available, there certainly can be no 'rule of law' which forbids its use, however clear the words may appear on 'superficial examination.'

Wegener v. Comm'r of Revenue, 505 N.W.2d 612, 615 (Minn. 1993) (quoting *United States v. Am. Trucking Ass'ns*, 310 U.S. 534, 543-44 (1940)), *as amended on reh'g* (Minn. Nov. 19, 1993). The supreme court further stated:

> While we recognize our obligation to follow the plain meaning of the words of a statute when they are sufficient in and of themselves to determine the purpose of the legislation, we are equally obliged to reject a construction that leads to absurd results or unreasonable results which utterly depart from the purpose of the statute.

Id. at 617 (quotation omitted).

The supreme court has emphasized that the absurdity rule of construction "is not available to override the plain language of a clear and unambiguous statute, except in an exceedingly rare case in which the plain meaning of the statute utterly confounds the clear legislative purpose of the statute." *Schatz v. Interfaith Care Ctr.*, 811 N.W.2d 643, 651 (Minn. 2012) (quotation omitted). In fact, the supreme court recently reversed this court's reliance on the absurdity rule. In doing so, the supreme court noted that it has "departed

from the plain language of a statute in only one case" (referring to *Wegener*) and that "[a] bad policy outcome is not enough to justify departure from the plain language of a statute." *State v. McReynolds*, 973 N.W.2d 314, 319-20 (Minn. 2022).

In *McReynolds*, the supreme court reversed this court's determination that it would be absurd to conclude that a defendant's use of a cell phone camera to record a woman without her consent while in the same room with her does not satisfy the criminal statutory requirement of using a recording device "through the window or any other aperture of a house or place of dwelling" as provided in Minn. Stat. § 609.746, subd. 1(b) (2020). *Id.* at 319. The supreme court explained that "[t]he language of Minn. Stat. § 609.746 expresses the [l]egislature's policy choices as to which specific acts are criminal intrusions of privacy" and that "[t]he fact that section 609.746, subdivision 1(b), does not cover the conduct in this case may be undesirable, but it does not 'utterly confound' the legislative purpose." *Id.* at 320.

Unlike the circumstances in *McReynolds*, this case does not involve conduct that falls outside the plain language of a statute defining a crime. Here, the issue is whether the district court has jurisdiction to adjudicate, under the laws and procedures governing adult criminal violations, an offense committed before an offender's 14th birthday. In *State v. Fleming*, the supreme court considered a similar jurisdictional issue, relied on the absurdity canon, and concluded that the legislative intent of an amendment "was to continue jurisdiction of the juvenile court over an individual 18 years of age or older where the alleged offense occurred before that individual was 18 years of age." 223 N.W.2d 397, 399 (Minn. 1974).

Consistent with the supreme court's reliance on the absurdity canon to resolve the jurisdictional issue in *Fleming*, we consider application of the canon in this case, which also concerns the district court's jurisdiction over an offense committed by an adult before the adult's 18th birthday. And for the reasons that follow, we conclude that this is an exceedingly rare case in which the plain meaning of Minn. Stat. § 260B.193, subd. 5(d), utterly confounds clear legislative purpose, and not merely a case in which the plain language results in a bad policy outcome.

Except for section 260B.193, subdivision 5(d), which is silent on the issue, the statutes quoted above demonstrate a clear legislative intent to limit district court criminal jurisdiction over a felony-level offense committed by a child to those cases in which the child is alleged to have committed the offense after becoming 14 years of age. The statutes regard the same subject matter, and a clear pattern runs through them: the charged offense must have occurred after the offender became age 14. *See* Minn. Stat. §§ 260B.125, subd. 1 (authorizing certification of a proceeding "for action under the laws and court procedures controlling adult criminal violations" only "[w]hen a child is alleged to have committed, after becoming 14 years of age," a felony offense); .130, subds. 1(1), (3), 4 (authorizing an EJJ prosecution and imposition of a stayed adult criminal sentence only if the child was "14 to 17 years old at the time of the alleged offense"); Minn. Stat. § 609.055, subds. 1 (stating that "[c]hildren under the age of 14 years are incapable of committing crime"); 2(a) (referring to the certification and EJJ prosecution of "children of the age of 14 years or over" under the certification and EJJ statutes).

The relevant statutes constitute a comprehensive body of law and consistently demonstrate legislative intent to limit district court criminal jurisdiction over juvenile offenses to those occurring on or after the offender's 14th birthday. That clear legislative purpose conflicts with the plain language of section 260B.193, subdivision 5(d), which appears to authorize the district court to exercise jurisdiction over an offense under the laws and court procedures controlling adult criminal violations regardless of the offender's age at the time of the offense.

Indeed, under that plain language, the district court can exercise jurisdiction over an adult in a criminal proceeding without any limitation on the offender's age when the alleged offense occurred. *See* Minn. Stat. § 260B.193, subd. 5(d)(1). In this case, Thompson was 12 or 13 years old at the time of the offense. In another case, the defendant could have been seven or eight years old at the time of the offense. Under the plain language of section 260B.193, subdivision 5(d), that defendant could be subject to a criminal conviction and prison sentence for an offense committed at the age of seven or eight, even though the juvenile-protection provisions of the Juvenile Court Act establish that a child under the age of ten cannot even be treated as a delinquent child and is instead treated as a child in need of protection or services. *See* Minn. Stat. § 260C.007, subd. 6(12); *T.T.B.*, 529 N.W.2d at 517.

The legislature is free to establish the age at which the acts of a child may constitute a crime and for which the child may be subject to prosecution as an adult in district court. *See* Minn. Stat. § 260B.007, subd. 6(b) ("The term delinquent child does not include a child alleged to have committed murder in the first degree after becoming 16 years of age . . . .");

Minn. Stat. § 260B.101, subd. 2 (2022) ("The district court has original and exclusive jurisdiction in criminal proceedings concerning a child excluded from the definition of delinquent child under section 260B.007, subdivision 6, paragraph (b).").

In fact, at one time Minnesota law provided:

> Save as hereinafter specified, every person is presumed to be responsible for his acts, and the burden of rebutting such presumption is upon him. Children under the age of seven years . . . are incapable of committing crime. Children of seven, and under 12, years of age are presumed incapable of committing crime, but this presumption may be removed by proof that they have sufficient capacity to understand the act or neglect, and to know that it was wrong.

Minn. Stat. § 610.08 (1945).

But Minnesota law no longer utilizes a rebuttable presumption that a child between the age of seven and 12 is incapable of committing a crime. Instead, Minnesota law unequivocally establishes that "[c]hildren under the age of 14 years are incapable of committing crime." Minn. Stat. § 609.055, subd. 1; *see* Minn. Stat. Ann. § 609.055 advisory comm. cmt. (West 1963) (noting that Minn. Stat. 609.055, subd. 1 "will supersede Minn. St[at]. § 610.08[,] which creates a presumption of responsibility for acts committed and places the burden on the defendant to rebut the presumption").

In sum, this is one of those rare circumstances when a statute's plain language utterly confounds an obvious legislative purpose. On one hand, Minn. Stat. § 260B.193, subd. 5(d), plainly authorizes the district court to apply the law and procedures governing adult criminal violations without regard to an offender's age at the time of the offense. But on the other hand, the legislature has plainly limited the possibility of a criminal conviction

and an adult prison sentence for a juvenile offense to those committed by offenders who have attained the age of 14. The plain statutory language of Minn. Stat. § 260B.193, subd. 5(d), cannot be applied without undermining that clear legislative purpose.

Application of the Relevant Jurisdictional Authority

The absurd and unreasonable outcome resulting from the plain language of Minn. Stat. § 260B.193, subd. 5(d), is apparent when one applies the statutes governing juvenile court and district court jurisdiction in this case. Because Thompson committed the underlying offense after he became ten years of age, the juvenile court had jurisdiction to adjudicate the offense, which could have been treated as a delinquency if Thompson had been petitioned to juvenile court before the age of 18. *See* Minn. Stat. §§ 260B.101, subd. 1 (stating that "the juvenile court has original and exclusive jurisdiction in proceedings concerning any child who is alleged to be delinquent"); .007, subds. 3 (stating that the term "child" means "an individual under 18 years of age"); 6(a) (stating that the term "delinquent child" means, subject to several exceptions not relevant here, a child "who has violated any state or local law"); .141 (governing delinquency petitions in juvenile court); *T.T.B.*, 529 N.W.2d at 517 (stating that "[a] child under ten years of age cannot be a 'delinquent child' under the Juvenile Court Act").

But because Thompson was not 14 years of age when he committed the offense, the juvenile court could not have exercised EJJ jurisdiction over the offense and it could not have certified the offense for prosecution in district court under the laws governing adult criminal violations. *See* Minn. Stat. §§ 260B.130, subds. 1(1), (3) (authorizing an EJJ prosecution only if the offender was "14 to 17 years old at the time of the alleged offense");

.125, subd. 1 (authorizing certification of an offense for action under the laws controlling adult criminal violations only if the offender committed the offense "after becoming 14 years of age"). In other words, if the state had invoked the juvenile court's jurisdiction over the offense in this case before Thompson became 18 years old, there was no possibility of an EJJ designation or prosecution, no possibility of certification for prosecution as an adult, no possibility of an adult criminal conviction, and no possibility of an adult prison sentence.

Moreover, because Thompson was not 14 at the time of his offense and the offense was therefore not eligible for EJJ prosecution or certification, the juvenile court did not have jurisdiction over the offense when Thompson was between the ages of 18 and 21. *See* Minn. Stat. § 260B.193, subd. 5(c) (authorizing juvenile court jurisdiction for the limited purpose of conducting an EJJ or certification proceeding if a petition is filed *before* an individual's 21st birthday alleging that the individual committed an offense before his 18th birthday). And neither did the district court; that court's jurisdiction did not begin until Thompson's 21st birthday. *See id.*, subd. 5(d) (providing district court jurisdiction over an offense committed before an individual's 18th birthday and charged *after* the individual's 21st birthday). Yet once Thompson became 21 years old, the plain language of Minn. Stat. § 260B.193, subd. 5(d), seemingly granted the district court jurisdiction to convict Thompson of a crime for the offense he committed when he was 12 or 13 years old, even though Thompson—as a child under the age of 14—was "incapable of committing [a] crime" at the time of the offense. *See* Minn. Stat. § 609.055, subd. 1.

In sum, the application of Minn. Stat. § 260B.193, subd. 5(d), to prosecute an offender who—like Thompson—committed his offense before becoming age 14 reveals a statutory conflict that yields an absurd and unreasonable result: imposition of a criminal conviction and adult prison sentence for an offense committed when the offender was "incapable of committing [a] crime." *Id.*

The state argues that sections 609.055 and 260B.193, subdivision 5(d), are "arguably" irreconcilable and that because section 260B.193 was enacted after section 609.055, section 260B.193 controls as the more specific provision. 1963 Minn. Laws ch. 753, art. 1, § 609.055 at 1189 (Minn. Stat. § 609.055); 1999 Minn. Laws ch. 139, art. 2, § 29 at 4111 (Minn. Stat. § 260B.193). "When the provisions of two or more laws passed at different sessions of the legislature are irreconcilable, the law latest in date of final enactment shall prevail." Minn. Stat. § 645.26, subd. 4 (2022). However, "[w]hen a general provision in a law is in conflict with a special provision in the same or another law, the two shall be construed, if possible, so that effect may be given to both." Minn. Stat. § 645.26, subd. 1 (2022). This court must harmonize apparently conflicting provisions when it is possible to do so. *Septran, Inc. v. Indep. Sch. Dist. No. 271*, 555 N.W.2d 915, 919 (Minn. App. 1996) (citing Minn. Stat. § 645.26, subd. 1), *rev. denied* (Minn. Feb. 26, 1997).

The conflicting provisions of sections 609.055 and 260B.193, subdivision 5(d), are easily reconciled by giving effect to the legislative intent reflected in the minimum age requirement in the statutes governing certification and EJJ jurisdiction. We therefore limit application of Minn. Stat. § 260B.193, subd. 5(d), to those cases in which an alleged

offense is committed after the offender becomes 14 years of age. Specifically, we hold that the grant of district court jurisdiction in Minn. Stat. § 260B.193, subd. 5(d), does not apply if the alleged offense occurred before the offender became 14 years of age. This approach gives effect to the obvious legislative intent reflected in the comprehensive body of law limiting the possibility of district court criminal jurisdiction over a juvenile felony-level offense to those occurring after an offender becomes 14 years of age.

In doing so, we recognize the tension between the legislative intent to limit district court criminal jurisdiction to offenses committed after an offender becomes age 14 and the legislative intent to hold offenders accountable for criminal sexual conduct. *See* Minn. Stat. § 628.26(e) (2022) ("Indictments or complaints for [criminal sexual conduct in the first through fourth degrees] may be found or made at any time after the commission of the offense."). If the legislature intended the latter intent to prevail over the former, we do not discern a reason for the three-year jurisdictional gap resulting under Minn. Stat. § 260B.193, subd. 5(c), during which time *no* court has jurisdiction over a felony offense committed by an offender before becoming 14 years of age. We encourage the legislature to address the statutory conflicts addressed in this opinion. In the meantime, we give effect to the legislature's long-standing, clearly stated intent to limit district court criminal jurisdiction to offenses committed *after* an offender becomes age 14.

Finally, we note that the issue here is one of first impression. We are aware of only two cases applying Minn. Stat. § 260B.193, subd. 5(d), and in each of those cases, the charged offense occurred after the offender's 14th birthday. *See Vang*, 847 N.W.2d at 254 ("Under Minn. Stat. § 260B.193, subd. 5(d) (2012), the district court had subject matter

jurisdiction to consider an indictment filed against Vang at age 23 for a crime committed at 14 years of age."); *In re Welfare of R.J.R.*, 622 N.W.2d 160, 161 (Minn. App. 2001) (indicating that defendant was approximately 17 years old at the time of the offense). Because the issue in this case was not presented in *Vang* or *R.J.R.*, our decision is not inconsistent with those cases.

DECISION

To avoid an absurd and unreasonable result, we limit application of Minn. Stat. § 260B.193, subd. 5(d), to offenses that were committed after the offender became 14 years of age. Because it is undisputed that the offense of conviction in this case occurred before Thompson's 14th birthday, Minn. Stat. § 260B.193, subd. 5(d), does not apply, and the district court lacked jurisdiction to adjudicate the charged offense in this case. We therefore reverse.

Reversed.