

*This opinion will be unpublished and
may not be cited except as provided by
Minn. Stat. § 480A.08, subd. 3 (2006).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-2186**

State of Minnesota,
Respondent,

vs.

Bradley Arnold Quimby,
Appellant.

**Filed December 16, 2008
Affirmed
Worke, Judge**

Olmsted County District Court
File No. 55-CR-06-10516

Lori Swanson, Attorney General, James B. Early, Assistant Attorney General, 1800 Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101; and

Mark A. Ostrem, Olmsted County Attorney, Olmsted County Courthouse, Third Floor, 151 Fourth Street Southeast, Rochester, MN 55904 (for respondent)

Lawrence Hammerling, Chief Appellate Public Defender, Suzanne M. Senecal-Hill, Assistant Public Defender, 540 Fairview Avenue North, Suite 300, St. Paul, MN 55104 (for appellant)

Considered and decided by Lansing, Presiding Judge; Klaphake, Judge; and
Worke, Judge.

UNPUBLISHED OPINION

WORKE, Judge

On appeal from his conviction of possessing a dangerous weapon in a courthouse complex, appellant argues that the district court erred as a matter of law in finding that his knife met the statutory definition of a dangerous weapon because the knife was not designed as a weapon. We affirm.

DECISION

Appellant Bradley Arnold Quimby argues that the district court erred as a matter of law in finding that his knife met the statutory definition of a dangerous weapon. Whether the district court applied the proper legal standard in determining whether an instrument is a dangerous weapon under the statute is a purely legal question, which we review de novo. *See State v. Basting*, 572 N.W.2d 281, 282 (Minn. 1997) (applying de novo standard in determining whether a fist was a dangerous weapon).

Appellant met with his probation officer at the Olmsted County Government Center following his release from prison. During the appointment, appellant tested positive for methamphetamine and marijuana, a violation of his probation, and he was placed under arrest. While being searched, appellant admitted to officers that he had a knife in his pocket, which was turned over to appellant's probation officer. Appellant was charged with possessing a dangerous weapon in a courthouse complex. *See* Minn. Stat. § 609.66, subd. 1g(a)(1) (2006) (making it a felony to possess “a dangerous weapon, ammunition, or explosives within any courthouse complex”).

A dangerous weapon is defined as

any firearm, whether loaded or unloaded, or *any device designed as a weapon and capable of producing death or great bodily harm*, . . . or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm.

Minn. Stat. § 609.02, subd. 6 (2006) (emphasis added). Deputy Joseph Wendt testified that the blade was approximately three inches long and was double-edged with a tapered point. The knife also had a groove down the blade, which the deputy termed a “blood groove.” According to Wendt, a “blood groove” on a knife allows blood to be released when an individual is stabbed and allows the wound to hemorrhage more rapidly.¹ Wendt also testified that the double-edged blade inflicts more damage to human tissue, and would not be good as a tool for construction work or for hunting because both edges were sharpened.

The district court compared appellant’s knife to the knife in *In re Welfare of S.M.L.*, No. A05-1632, 2006 WL 2255834 (Minn. App. Aug. 8, 2006), an unpublished opinion from this court addressing the possession of a dangerous weapon on school property. In *S.M.L.*, an officer testified that the knife was “a silver titanium knife with a blade of approximately two inches in length that can be opened automatically and locked into position.” 2006 WL 2255834, at *4. Based on the officer’s testimony and the court’s own examination of the knife, the district court in that case found that

¹ The actual term for a groove down the blade of a knife is a “fuller,” and the purpose is to lighten or stiffen the blade. http://www.agrussell.com/Knife_Encyclopedia/a/113.

[t]he knife, when in a closed position, has its blade folded into the handle, and it can be locked in that position through the use of a safety lock. To open the knife, the safety lock must be moved, and an extension of the blade pushed at which time the blade quickly flips open and the very sharp blade is disclosed. That blade is two inches long. Once the blade is open and in place, it cannot be returned to the handle and is locked in the open position until the locking device is deliberately moved in a manner which permits the blade to return into the handle. It clearly appears that the blade cannot be returned to the safety position inside the handle accidentally or without effort.

Id. The district court concluded that the knife was a dangerous weapon “because of how the blade rapidly flips open, how the blade is locked into position once opened, and the sharpness of the blade.” *Id.*

Here, the district court found that

[t]he knife itself has a three-inch, double-edged, folding blade. The blade locks in place and has a middle groove which . . . Deputy Joseph Wendt called a ‘blood groove.’ There is a clip on the knife that permits it to be carried on a belt. The blade is spring-loaded and is opened by manipulating a device on the knife which causes the blade to open from its retracted, closed position.

Further, the court found that Wendt’s testimony was much stronger in support of the proposition that appellant’s knife was a dangerous weapon than was that of the officer in *S.M.L.* The district court also found that the blade here was longer, double-edged, and had a “blood groove.” Therefore, the district court determined that appellant’s knife was more dangerous than the knife in *S.M.L.*

The description of appellant’s knife matches the definition of a switchblade. A switchblade is defined as “[a] pocketknife with a spring-operated blade that opens when a

release on the handle is pressed.” *The American Heritage College Dictionary* 1373 (3d ed. 1999). Under Minnesota law, a switchblade has been treated as a dangerous weapon. *See* Minn. Stat. § 609.66, subd. 1(a)(4) (2006) (providing that any individual who “manufactures, transfers, or possesses metal knuckles or *a switch blade knife opening automatically*” is guilty of a crime) (emphasis added); *see also In re Welfare of C.R.M.*, 611 N.W.2d 802, 805 (Minn. 2000) (holding that the intent of the legislature in enacting Minn. Stat. § 609.66, subd. 1d(a), was to “address inconsistencies in the law by making it a felony for a student to possess a pistol on school grounds as well as to possess other weapons, such as *switchblades*”) (emphasis added)). Based on the description of the knife—a three-inch, double-edged blade that is spring-loaded and opened by manipulating a device on the knife—and the testimony of Wendt, we conclude, as did the district court, that appellant’s knife meets the definition of a dangerous weapon.

Finally, appellant’s argument in his pro se supplemental brief that the statute applies only to courtrooms within the courthouse complex is without merit. The plain language of the statute states “courthouse complex.” *See* Minn. Stat. § 609.66, subd. 1g(a)(1). If the legislature intended the statute to apply only to courtrooms within the courthouse complex, it would have so stated in the statute. Therefore, appellant’s argument fails.

Affirmed.