STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1074

Paul Casey Mason,
Appellant,

vs.

State of Minnesota,
Respondent.

Filed January 21, 2025
Affirmed
Schmidt, Judge

Hennepin County District Court
File No. 27-CR-17-18221

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

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

Mary F. Moriarty, Hennepin County Attorney, Matthew D. Hough, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Considered and decided by Bratvold, Presiding Judge; Reyes, Judge; and Schmidt, Judge.

SYLLABUS

1. A district court has jurisdiction to rule on a motion seeking to correct an alleged unlawful sentence under Minn. R. Crim. P. 27.03, subd. 9 that would change the classification of an offense from a felony to a gross misdemeanor even after the sentence has expired.

2. Under Minn. Stat. § 152.025, subd. 4(a) (2016), a single syringe does not constitute "one dosage unit" of a controlled substance as a matter of law; rather, the defendant must prove, as a factual matter, that the syringe constitutes "one dosage unit."

OPINION

SCHMIDT, Judge

Appellant Paul Casey Mason appeals a district court order denying his motion filed under Minn. R. Crim. P. 27.03, subd. 9. Mason argues that the district court should have corrected his felony sentence for fifth-degree possession of a controlled substance to a gross misdemeanor because he possessed "one dosage unit" of methamphetamine in a single syringe. Minn. Stat. § 152.025, subd. 4(a). Respondent State of Minnesota argues that the district court lacked subject matter jurisdiction to rule on Mason's motion—and, therefore, we should dismiss this appeal—because his sentence had expired before he filed the rule 27.03 motion. Alternatively, the state argues that we should affirm on the merits.

We conclude that the district court had jurisdiction to consider Mason's motion to reclassify his felony sentence to a gross misdemeanor sentence. But because Mason did not meet his burden of proof to demonstrate that his sentence was unlawful, the district court did not abuse its discretion in denying the rule 27.03 motion. We affirm.

FACTS

In July 2017, the state charged Mason with fifth-degree possession of a controlled substance. The fifth-degree-possession statute provides that a person "who has not been previously convicted of a violation of [chapter 152] or a similar offense in another jurisdiction, is guilty of a gross misdemeanor"—rather than a felony—"if: (1) the amount

of the controlled substance possessed . . . is less than 0.25 grams or *one dosage unit* or less if the controlled substance was possessed in dosage units." Minn. Stat. § 152.025, subd. 4(a) (emphasis added).[1]

In August 2017, Mason pleaded guilty under a "straight plea."[2] At the hearing, Mason admitted to knowingly possessing "a syringe containing about 20 cc's of" methamphetamine. The district court accepted his plea and imposed a felony-level sentence. The sentence expired in May 2018.

In February 2023, Mason filed a motion to correct his sentence, arguing that he should have received a gross misdemeanor rather than a felony sentence because he only had "one dosage unit" of drugs "inside a single syringe." The state opposed the motion on three grounds: (1) the district court lacked jurisdiction to consider the motion because Mason's sentence had expired; (2) the motion should be construed as a petition for postconviction relief and dismissed as untimely under the two-year postconviction statute (Minn. Stat. § 590.01, subd. 4 (2022)); and (3) the motion should be denied on the merits.

The district court construed Mason's motion as a petition for postconviction relief and reasoned that, as the result of a plea agreement, Mason's arguments implicated his conviction. The court then dismissed the petition as untimely. Mason appealed.

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[1] The statute designates certain fifth-degree drug-possession crimes as gross misdemeanor rather than felony offenses. Minn. Stat. § 152.025, subd. 4(a). The legislature passed subdivision 4(a) as part of the Drug Sentencing Reform Act. *See* 2016 Minn. Laws ch. 160, § 7, at 583-85. Mason committed the offense at issue after the Act took effect.

[2] A "straight plea" is a guilty plea to the offense as charged with no agreement with the state regarding sentencing. *State v. Sanchez-Sanchez*, 879 N.W.2d 324, 327 (Minn. 2016).

We reversed the district court in an order opinion. *See Mason v. State*, No. A23-0697, 2023 WL 8539444, at *3 (Minn. App. Dec. 1, 2023). We concluded that the district court clearly erred by characterizing Mason's plea as stemming from an agreement with the state rather than a straight plea. *Id.* at *2. We noted that, absent a plea agreement, "just as for a defendant found guilty following trial, Mason's conviction for the offense in this matter is entirely independent of his sentence, and he is entitled to challenge its legality in a motion under rule 27.03, subdivision 9." *Id.* at *3. We reversed and remanded the matter to the district court "with instructions to consider Mason's motion for correction of his sentence under Minn. R. Crim. P. 27.03, subd. 9, on its merits." *Id.*

On remand, Mason argued that his sentence should be corrected to a gross misdemeanor. The state opposed the motion on the merits and again argued that the district court lacked jurisdiction because Mason's sentence had expired. The district court acknowledged the state's jurisdictional argument but determined that "per the Minnesota Court of Appeal's Order" it would consider the motion on the merits. The court then noted that liquid quantities of controlled substances are typically prosecuted under a weight theory, not a dosage-unit theory. And because Mason's plea colloquy included an admission to possessing the drugs under a weight theory, the district court determined that Mason was properly sentenced for a felony under Minn. Stat. § 152.025, subd. 4. The district court denied the rule 27.03 motion because the "facts provided support a felony-level fifth-degree possession conviction; thus this sentence was authorized by law."

Mason appeals.

ISSUES

I. Did the district court have jurisdiction to rule on Mason's motion to correct his sentence from a felony to a gross misdemeanor even though the sentence had expired before Mason filed the motion?

II. Did Mason satisfy his burden of proof to demonstrate that the syringe he possessed constituted "one dosage unit" such that his sentence should be corrected from a felony to a gross misdemeanor?

ANALYSIS

Mason contends the district court abused its discretion by declining to correct his sentence from a felony to a gross misdemeanor. The state argues that the appeal must be dismissed because Mason's sentence had already expired by the time he filed the motion and, therefore, the district court lacked subject matter jurisdiction. The state also contends that we should affirm on the merits. Because we must confirm that the district court had jurisdiction to rule on the motion before we can consider the merits of Mason's appeal, we start by analyzing the state's jurisdictional argument.

I. The district court had subject matter jurisdiction to rule on Mason's rule 27.03 motion to correct his sentence.

The state argues that the district court lacked subject matter jurisdiction to rule on the rule 27.03 motion because Mason's sentence had already expired. Mason did not respond to the state's jurisdictional argument. The district court noted the jurisdictional argument, but understandably followed our remand instructions to consider the motion "on its merits." Since subject matter jurisdiction can be raised at any time by the parties or by the court, we will address the state's argument in the first instance on appeal. *See Kingbird v. State*, 973 N.W.2d 633, 637 (Minn. 2022).

"Subject matter jurisdiction is a court's statutory or constitutional *power* to adjudicate the case." *State v. Schnagl*, 859 N.W.2d 297, 300 (Minn. 2015) (emphasis in original) (quotation omitted). "Put differently, subject matter jurisdiction refers to a court's authority to hear and determine a particular class of actions and the particular questions presented to the court for its decision." *Id.* (quotations omitted). Without subject matter jurisdiction, a court must dismiss the case. *Id.* at 301.

"[D]istrict courts are courts of general jurisdiction that, with limited exceptions not applicable in this case, have the power to hear all types of civil and criminal cases." *Id.* (footnote omitted). This power originated from the Minnesota Constitution. Minn. Const. art. VI, § 3 ("The district court has original jurisdiction in all civil and criminal cases[.]"). The supreme court has held that district courts have original jurisdiction over the sentence imposed in a criminal case. *State v. Shattuck*, 704 N.W.2d 131, 148 (Minn. 2005).

Rule 27.03 provides that a "court may *at any time* correct a sentence not authorized by law." Minn. R. Crim. P. 27.03, subd. 9 (emphasis added). Given the district court's general jurisdiction over criminal cases, original jurisdiction over sentences imposed, and broad authority to correct an unlawful sentence at any time, we hold that a district court maintains jurisdiction—even after a sentence expires—to rule on a motion that seeks to correct an allegedly unlawful felony sentence by reclassifying it as a gross misdemeanor.

The state's argument that the district court lacked jurisdiction to consider the motion rests upon caselaw addressing efforts to add sanctions to an already-expired sentence. *See State v. Hannam*, 792 N.W.2d 862, 864-65 (Minn. App. 2011) (dismissing appeal because sentence expired and concluding that this court, like the district court, lacked jurisdiction

to "modify the sentence to impose further sanctions"); *Martinek v. State*, 678 N.W.2d 714, 717-19 (Minn. App. 2004) (concluding that district court lacked jurisdiction to enforce the terms of conditional release when it had not altered the sentence to include conditional release before sentence expired); *State v. Purdy*, 589 N.W.2d 496, 498-99 (Minn. App. 1999) ("The expiration of a sentence operates as a discharge that bars further sanctions for a criminal conviction."); *State v. Whitfield*, 483 N.W.2d 102, 104 (Minn. App. 1992) (holding court lacked jurisdiction to revoke probation after expiration of probationary stay), *superseded by statute*, Minn. Stat. § 609.14 (1994).[3]

But the district court here was not asked to impose further sanctions after Mason's sentence had already expired. Unlike modifying a sentence to *add* sanctions, Mason asked the district court to correct his sentence by reclassifying a felony sentence that was, according to Mason, not authorized by law. *See* Minn. Sent'g Guidelines cm. 2.B.701 (2016) (recognizing that "the classification of criminal conduct as a felony, gross misdemeanor, misdemeanor, or petty misdemeanor is determined legally by the sentence given"). The district court retained jurisdiction over the sentence imposed in order to rule on the motion to correct the allegedly unlawful sentence, which rule 27.03 authorizes can be done "at any time" without limitation.

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[3] The state also cites two nonprecedential cases, which we do not find persuasive because they are distinguishable. *See State v. Solien*, No. A21-0144, 2021 WL 5561446, at *1-3 (Minn. App. Nov. 29, 2021) (reversing revocation of deferral of adjudication because court's jurisdiction had extinguished when probationary period expired); *State v. Vacek*, No. A13-2136, 2014 WL 4798917, at *2 (Minn. App. Sept. 29, 2014) (rejecting argument that this court lacked jurisdiction over appeal from an order that amended a sentence where appeal was commenced before the sentence expired), *rev. denied* (Minn. Dec. 16, 2014).

A district court's ability to rule on such a motion is important given the collateral consequences a felony record has on an individual. For example, a person may struggle to find gainful employment by having a record that unlawfully includes a felony. *See, e.g.*, *Pechacek v. Minn. State Lottery*, 497 N.W.2d 243, 244-45 (Minn. 1993) (analyzing statute prohibiting Minnesota State Lottery from hiring any person convicted of a felony). An individual may also face immigration consequences for a felony, which might not exist had the offense been properly sentenced as a gross misdemeanor. *See, e.g.*, *Sanchez v. State*, 890 N.W.2d 716, 721-26 (Minn. 2017) (analyzing ineffective-assistance-of-counsel claim related to advising client about immigration consequences for pleading guilty to an offense classified at a certain felony level). And if a person faces new criminal charges, the individual's criminal-history score will be affected by whether the prior offense was sentenced as a felony or as a gross misdemeanor. *See State v. Strobel*, 932 N.W.2d 303, 307-10 (Minn. 2019) (concluding that prior fifth-degree controlled-substance possession offense could not be classified as a felony when calculating the criminal-history score for sentencing on a new conviction); *see also* Minn. Sent'g Guidelines 2.B.111 (2016) ("When an offender was convicted of a felony but was given a misdemeanor or gross misdemeanor sentence, the offense will be counted as a misdemeanor or gross misdemeanor for purposes of computing the criminal history score.").

Notably, a person who is convicted of a new offense has the right to challenge a prior felony sentence for purposes of calculating their criminal-history score on the new offense. *Strobel*, 932 N.W.2d at 305-07 (analyzing challenge to the felony classification of a prior offense when calculating the criminal-history score for a sentence on a new

conviction).[4] If we adopted the state's argument that a district court loses jurisdiction to correct an unlawful sentence the moment that the sentence expires, an improperly classified offense would remain on an individual's record, but that same individual could challenge that same improperly classified offense in future criminal proceedings to receive a correct criminal-history score. Such an interpretation would lead to an absurd result, which we must avoid. *See State v. Moore*, 10 N.W.3d 676, 682 (Minn. 2024).

Because we conclude that the district court properly exercised its subject matter jurisdiction over the rule 27.03 motion, we now turn to the merits of Mason's appeal.

II. The district court did not abuse its discretion by denying Mason's motion.

Mason argues that the district court abused its discretion by denying his motion to correct his sentence. Mason contends that his felony sentence was unlawful—and that it should be corrected to a gross misdemeanor sentence—because he possessed the methamphetamine in a single syringe, which constituted "one dosage unit." We disagree.

A district court "may at any time correct a sentence not authorized by law." Minn. R. Crim. P. 27.03, subd. 9. An unlawful sentence is one that is "contrary to law or applicable statutes." *Reynolds v. State*, 888 N.W.2d 125, 129 (Minn. 2016) (quotation omitted). "We review a district court's denial of a motion to correct a sentence under [rule 27.03] for an abuse of discretion." *Evans v. State*, 880 N.W.2d 357, 359 (Minn. 2016). Under this standard, "we review the district court's legal conclusions de novo and its

[4] If, for example, Mason faced new criminal charges today, the felony sentence at issue—which has undisputably expired—would add a point towards his criminal-history score because a period of fifteen years has not yet elapsed since the date his sentence expired. *See* Minn. Sent'g Guidelines 2.B.1.c(3) (Supp. 2023).

factual findings" for clear error. *Townsend v. State*, 834 N.W.2d 736, 738 (Minn. 2013). A defendant bears the burden of proof to demonstrate that a sentence was unlawful under rule 27.03. *Williams v. State*, 910 N.W.2d 736, 742-43 (Minn. 2018).

Mason argues that the single syringe containing a controlled substance that he possessed constituted, as a matter of law, "one dosage unit." The term "dosage unit" is not defined by the statute. In addition, the parties have not cited any cases—and we have found none—that interpret section 152.025 to define the term. We, therefore, apply the principles of statutory interpretation to discern the meaning of "dosage unit."

"The object of all interpretation and construction of laws is to ascertain and effectuate the intention of the legislature. Every law shall be construed, if possible, to give effect to all its provisions." Minn. Stat. § 645.16 (2022). Our first step in statutory interpretation is to determine "whether the statute's language is ambiguous." *State v. Riggs*, 865 N.W.2d 679, 682 (Minn. 2015). "If a statute is unambiguous, we apply the statute's plain meaning." *State v. Powers*, 962 N.W.2d 853, 858 (Minn. 2021). "When the words are not defined in the statute, we may look to dictionary definitions to determine a term's plain . . . meaning." *Id.* (quotation omitted). To help identify the plain meaning, we may also review usage of the term in other statutes. *See State v. Hicks*, 583 N.W.2d 757, 759 (Minn. App. 1998), *rev. denied* (Minn. Oct. 20, 1998).

The dictionary defines "dosage" as the "[a]dministration of a therapeutic agent in prescribed amounts" or "[t]he amount so administered." *The American Heritage Dictionary of the English Language* 537 (5th ed. 2018). The dictionary defines "dose" as the "specified quantity of a therapeutic agent, such as medicine, prescribed to be taken at

one time." *Id.* "Unit" is defined in the dictionary as "[a]n individual, group, structure, or other entity regarded as an elementary structural or functional constituent of a whole," *id.* at 1894, or as "a single thing . . . that is a constituent of a whole," *Mirriam-Webster's Collegiate Dictionary* 1369 (11th ed. 2014).

The term "dosage" as used in this statute, therefore, refers to the "quantity" or "amount" of a drug that is administered for a user to take at one time. A "unit" is the "single thing" that contains the drug that the user consumes. Depending on the circumstances, the "single thing" (or "unit") that contains the amount of the drug could be in the form of a strip of paper, a pill or—as Mason argues—a syringe.[5]

After defining the terms, we also ascertain that the word "dosage" necessarily modifies the word "unit." Minn. Stat. § 152.025, subd. 4(a); *see also State v. Cooper*, No. A12-0097, 2013 WL 776742, at *2 (Minn. App. Mar. 4, 2013) (interpreting "dosage unit" under different controlled-substance statute and explaining that "'dosage' modifies 'unit'"), *rev. denied* (May 29, 2013).[6] Mason's argument that one syringe constitutes a single "dosage unit" as a matter of law conflates the terms "dosage" and "unit." But our obligation is to read the statute in a manner that gives effect to all its terms.

[5] Cases interpreting "dosage unit" for circumstances involving illegal drugs contained on paper strips or in pills do not resolve the precise question before us that involves a drug in a liquid form contained within a syringe. *See State v. Anderson*, 865 N.W.2d 712, 718 (Minn. App. 2015) (noting caselaw holding that one identifiable, single-use segment of a paper strip saturated with LSD constituted one "dosage unit," and caselaw holding that one pill constituted one "dosage unit").

[6] We cite this nonprecedential opinion for its persuasive authority, Minn. R. Civ. App. P. 136.01, subd. 1(c), which provides insight as to how we have interpreted "dosage unit" in a different statute. *See Hicks*, 583 N.W.2d at 759.

Nelson v. Schlener, 859 N.W.2d 288, 294 (Minn. 2015). "When the Legislature uses different words, we normally presume that those words have different meanings." *Id.* Mason's contention that his sentence should be corrected to a misdemeanor because he possessed the methamphetamine in a single "unit"—here the syringe—fails to account for the different meaning of the term "dosage," which looks to the amount of the substance to be administered. But to have his sentence corrected, Mason had the burden to prove that he possessed the methamphetamine in one "unit" and that the one unit contained one "dose." Thus, we reject Mason's argument that one syringe, as a matter of law, constitutes "one dosage unit" because it fails to give effect to all of the terms in the statute.

We also decline Mason's invitation to adopt a one-size-fits-all rule of law that equates a single syringe to "one dosage unit" because the argument fails to account for the variety of syringe sizes. Mason has provided no evidence that the syringe he possessed is a universal size such that we could conclude, as a matter of law, that all syringes constitute "one dosage unit."[7]

Instead, based on the dictionary definitions of the relevant statutory terms, we hold that the question of whether a syringe constitutes one dosage unit involves a fact-specific inquiry. Resolving that factual question depends upon the size of the syringe, the amount of drugs inside the syringe, and the individual user. In some circumstances, a single syringe

[7] Similarly, Mason's citations to a thesaurus published by the National Institute of Health's National Cancer Institute and a statute in the Minnesota Pharmacy Practice and Wholesale Distribution Act do not support his argument that all syringes constitute "one dosage unit" as a matter of law for purposes of section 152.025. The units in the cited thesaurus and Pharmacy Act refer to drugs prescribed by a medical professional to a patient that are measured in the appropriately sized syringe for the specific drug being administered.

containing a controlled substance could—as Mason argues—constitute one dose. In other circumstances, the amount or quantity of drugs inside a single syringe could constitute several doses. A person may, for example, intend to inject one dose of the controlled substance from the single syringe and then pass that same syringe to another person who may inject another dose. In such a scenario, the drugs injected were contained in one "unit," but the "unit" held multiple doses.

Mason failed to meet his burden to prove that his sentence was unlawful because he presented no evidence for this fact-specific inquiry. Mason did not demonstrate that the full amount of drugs in the syringe constituted "one dosage unit." As such, the district court acted within its discretion by denying Mason's rule 27.03 motion.

In addition, the district court did not clearly err by finding that the controlled substance was more than 0.25 grams such that Mason properly received a felony sentence. The district court correctly analyzed the issue under a weight theory of criminal liability rather than using Mason's proposed dosage-unit theory. Under a weight theory of liability, the statute under which Mason was charged, convicted, and sentenced, provided that possession of a controlled substance of more than 0.25 grams mandated a felony sentence. Minn. Stat. § 152.025, subd. 4(a)(1). Because Mason's straight plea admitted to possessing a controlled substance under a weight theory—20 grams of methamphetamine (or more than eighty times the statutory amount that required a felony sentence)—the district court did not abuse its discretion by determining that Mason had not demonstrated that his sentence was unlawful at the time that it was imposed.

DECISION

Even though Mason's sentence had expired, the district court had jurisdiction to consider Mason's motion to correct a sentence under rule 27.03 that sought to correct his sentence by reclassifying it from a felony to a gross misdemeanor. However, because Mason failed to meet his burden to establish that the controlled substance that he possessed in the syringe constituted "one dosage unit," we conclude the district court did not abuse its discretion by denying his rule 27.03 motion.

Affirmed.