

*This opinion is nonprecedential except as provided by  
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A22-1172**

State of Minnesota,  
Respondent,

vs.

John Wesley Buchanan, IV,  
Appellant.

**Filed January 23, 2023  
Affirmed  
Cochran, Judge**

Hennepin County District Court  
File Nos. 27-CR-04-006269, 27-CR-CV-22-000062

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

Mary F. Moriarty, Hennepin County Attorney, Jon Schmidt, Assistant County Attorney,  
Minneapolis, Minnesota (for respondent)

John Wesley Buchanan, IV, Minneapolis, Minnesota (pro se appellant)

Considered and decided by Reilly, Presiding Judge; Bjorkman, Judge; and  
Cochran, Judge.

**NONPRECEDENTIAL OPINION**

**COCHRAN**, Judge

Appellant challenges a district court's denial of his petition under Minn. Stat. § 609.165, subd. 1d (2022), to restore his firearm rights. Because the district court did not abuse its discretion by denying the petition, we affirm.

## FACTS

Appellant John Wesley Buchanan is prohibited from possessing firearms and ammunition as a result of being convicted of first-degree sale of a controlled substance in 2004 and third-degree assault (substantial bodily harm) in 2007. *See* Minn. Stat. §§ 624.712, subd. 5, .713, subds. 1, 3 (2022).

In April 2022, Buchanan filed a petition with the district court under Minn. Stat. § 609.165, subd. 1d, to restore his firearm rights. Respondent State of Minnesota filed a letter stating that it did not oppose Buchanan’s petition.

In his petition, Buchanan noted that he had been discharged from probation in 2011. He also indicated that he had not been charged with or convicted of any offenses since that time. Buchanan explained that he seeks to restore his firearm rights because he wishes to participate in sporting activities, hunt wild game, practice self-defense, and protect his home. Buchanan asserted that good cause exists to restore his firearm rights because: he has remained law-abiding since his release from probation; he works as a truck driver and owns his own truck; as a truck driver, he works in a highly regulated industry and interacts with the public daily; “a lot of time has passed”; and he is now a “better person and model citizen.”

After a hearing, the district court denied Buchanan’s petition. The district court determined that Buchanan had not shown good cause to restore his firearm rights. The district court specifically determined that Buchanan’s interests in “hav[ing] his full rights back as a citizen” and “go[ing] on hunting trips with . . . family and friends” are insufficient reasons to establish good cause. The district court further concluded that Buchanan’s

multiple crimes of violence, one of which resulted in “serious injury to a victim,”<sup>1</sup> left the district court without a “significant level of comfort with respect to the maturity of [Buchanan’s] judgment.” In light of his crimes and the presumptive lifetime nature of the firearm ban, the district court explained that “there must be a longer length of time in the record for [Buchanan] to establish he is law-abiding” before the district court would be willing to grant a petition to restore his firearm rights.

This appeal follows.

### DECISION

Persons who are convicted of certain crimes, known as “crime[s] of violence,” are generally ineligible to possess firearms and ammunition for the remainder of their lives. Minn. Stat. § 624.713, subds. 1, 3. But a district court may restore the firearm rights of a person convicted of a crime of violence if the person demonstrates, upon petition, that there is good cause to do so. Minn. Stat. § 609.165, subd. 1d.<sup>2</sup> Even if a petitioner shows good cause, the district court still has discretion to grant or deny the petition. *Id.* (providing that the district court “may” grant the petition when the statutory criteria are met); *Averbeck v. State*, 791 N.W.2d 559, 560-61 (Minn. App. 2010).

The district court’s determination of whether a petitioner has shown good cause presents a mixed question of fact and law. *Id.* at 560. In reviewing a district court’s

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<sup>1</sup> The district court found without explanation that the assault Buchanan committed “involved a serious injury to a victim,” presumably based on the nature of one of his crimes—third-degree assault causing substantial bodily harm.

<sup>2</sup> A petitioner must also show that they have been released from confinement. Minn. Stat. § 609.165, subd. 1d. There is no dispute that Buchanan satisfies this requirement.

good-cause determination, we review the district court’s factual findings for clear error and its legal conclusions de novo. *See id.* at 561. We then review the district court’s ultimate decision to grant or deny a petition for an abuse of discretion. *Id.*

**I. Buchanan’s argument that the district court made an erroneous factual finding does not warrant reversal.**

Buchanan first argues that the district court’s denial of his petition should be reversed because the district court made a clearly erroneous factual finding. Recently, the Minnesota Supreme Court discussed the clear-error standard that appellate courts use to review a district court’s factual findings. The supreme court stated: “In applying the clear-error standard, we view the evidence in a light favorable to the findings. We will not conclude that a factfinder clearly erred unless, on the entire evidence, we are left with a definite and firm conviction that a mistake has been committed.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021) (quotations and citation omitted).

In its order, the district court found that Buchanan *pleaded guilty to* and was convicted of two crimes of violence: first-degree sale of a controlled substance and third-degree assault (substantial bodily harm). Buchanan does not dispute the district court’s finding that he was convicted of these crimes or its determination that they constitute crimes of violence. Rather, he disputes the district court’s finding as to how he was convicted of first-degree sale of a controlled substance. He contends that he was convicted by a *jury verdict*, not a *guilty plea*. Buchanan is correct. The record conclusively shows that Buchanan was convicted of first-degree sale of a controlled substance by a jury, not pursuant to a plea agreement. Thus, the district court made a mistake when it found

that Buchanan's drug-crime conviction was the result of a guilty plea rather than a jury verdict.

Nonetheless, we conclude that this error was harmless and does not warrant reversal. Guilty pleas do not prevent a petitioner from establishing good cause and may even favor a petitioner by demonstrating remorse. *See Averbeck*, 791 N.W.2d at 561 (denying a petition to restore firearm rights in part because petitioner refused to accept the jury's verdict and thus showed "no remorse for the victim's suffering"). Moreover, in rendering its decision, the district court did not rely on the method by which Buchanan was found guilty. As a result, Buchanan was not prejudiced by the district court's error. Accordingly, the error was harmless, and it must be ignored. *See* Minn. R. Civ. P. 61 (requiring that harmless error be ignored); *Kallio v. Ford Motor Co.*, 407 N.W.2d 92, 98 (Minn. 1987) (stating that "[a]lthough error may exist, unless the error is prejudicial, no grounds exist for reversal").

**II. The record supports the district court's determination that Buchanan did not show good cause to restore his firearm rights.**

Next, we consider the district court's good-cause determination. "Good cause is a reason for taking an action that, in legal terms, is legally sufficient, and, in ordinary terms, is justified in the context of surrounding circumstances." *Averbeck*, 791 N.W.2d at 561. "[T]he most significant surrounding circumstance in the context of restoring the right to possess firearms is the interest in public safety," which courts weigh against the private interests of the petitioner. *Id.* We review the district court's good-cause determination for an abuse of discretion. *See id.* at 562. We will not determine that a district court abused

its discretion unless “its decision was based on an erroneous view of the law or was against logic and the facts in the record.” *State v. Jaros*, 932 N.W.2d 466, 472 (Minn. 2019) (quotation omitted); *see also Gams v. Houghton*, 884 N.W.2d 611, 620 (Minn. 2016) (quotations omitted).

In its order, the district court determined that Buchanan’s interests in regaining his “full rights” as a citizen and in hunting with family and friends are “insufficient to show ‘good cause.’” The district court explained that Buchanan’s right to bear arms is subject to lawful restrictions, including statutory prohibitions on the possession of firearms by persons who have committed felonies. The district court also determined that Buchanan’s interest in hunting recreationally does not outweigh the interest in public safety, given the violent nature of Buchanan’s crimes.

Buchanan argues that the district court ignored several of his proffered reasons for restoring his firearm rights, including his desire to engage in sporting activities, practice self-defense, and protect his home. Buchanan insists that these reasons, taken together with the reasons that the district court did address, show good cause. We are not persuaded by this argument.

As a preliminary matter, Buchanan is correct that the district court did not expressly consider his interests in engaging in sporting activities, practicing self-defense, and protecting his home when determining whether he had shown good cause. But Buchanan does not point to any legal authority requiring a district court to explicitly consider each of a petitioner’s stated reasons for seeking to have his firearm rights restored. Rather, caselaw suggests that a district court’s findings may be implicit. *See Pechovnik v. Pechovnik*,

765 N.W.2d 94, 99 (Minn. App. 2009) (deferring to a district court’s implicit credibility determinations and factual findings); *Hockenson v. State*, No. A17-1933, 2018 WL 3097721, at \*2 (Minn. App. June 25, 2018) (explaining that the district court “implicitly rejected Hockenson’s proffered reasons” for wanting to possess a firearm and affirming the district court’s denial of Hockenson’s petition).<sup>3</sup> We read the district court’s order in this case to have implicitly rejected Buchanan’s proffered reasons, to the extent that those reasons were not explicitly addressed.

Thus, the question before us is whether the district court’s good-cause determination is supported by the record. *See Averbek*, 791 N.W.2d at 561-62. Considering the record as a whole, we conclude that it is. With regard to Buchanan’s interests in restoring his firearm rights, Buchanan provided no evidence to show that his interest in hunting is genuine. Nor did he explain why he cannot hunt or recreate by some other means such as with a bow. Likewise, Buchanan did not explain why he needs a gun to practice self-defense or protect his home. Conversely, the district court’s concern for public safety is supported by the record given the violent nature of Buchanan’s crimes and the relatively short amount of time (about ten years) between when Buchanan was discharged from probation and when he filed his petition, in view of his presumptive lifetime ban on possessing firearms. Accordingly, we conclude that the district court’s good-cause determination is not contrary to logic or the facts in the record. In sum, the district court

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<sup>3</sup> *Hockenson* is a nonprecedential case. 2018 WL 3097721, at \*1. Accordingly, we cite it only for its persuasive value. *See* Minn. R. Civ. P. 136.01, subd. 1(c) (“Nonprecedential opinions . . . are not binding authority . . . but nonprecedential opinions may be cited as persuasive authority.”).

did not abuse its discretion when it determined that Buchanan had not shown good cause to restore his firearm rights.

**III. The district court properly exercised its discretion in analyzing its level of comfort with restoring Buchanan’s firearm rights.**

Lastly, Buchanan challenges the district court’s denial of his petition based, in part, on the district court’s determination that it did not have a significant level of comfort with restoring Buchanan’s firearm rights. A district court may deny a petition to restore firearm rights, even when a petitioner establishes good cause, if the district court does not have “a significant level of comfort with respect to the maturity of judgment in those seeking a restoration of firearm rights.” *Id.* at 562; *see* Minn. Stat. § 609.165, subd. 1d (stating that the district court “*may grant*” a petition to restore firearm rights (emphasis added)).

We first note that we need not reach this argument because, as discussed above, we conclude that the record supports the district court’s determination that Buchanan failed to establish good cause to restore his firearm rights. That conclusion alone provides a sufficient basis for this court to affirm the district court’s denial of Buchanan’s petition. *See* Minn. Stat. § 609.165, subd. 1d (requiring a showing of “good cause” before a district court may grant a petition to restore firearm rights). But, even assuming Buchanan had shown good cause, there is no basis to conclude that the district court abused its discretion with respect to its “significant level of comfort” analysis.

In its order, the district court stated that it did not have a “significant level of comfort with respect to the maturity of [Buchanan’s] judgment” because Buchanan committed two crimes of violence, both of which carry presumptive lifetime bans on possessing firearms,



and because one of the crimes involved serious injury to a victim. The district court acknowledged Buchanan's efforts to rehabilitate himself and lauded his "noticeable achievements" since 2010, but ultimately decided that "there must be a longer length of time in the record for [Buchanan] to establish he is law-abiding" before the district court could grant relief.

Buchanan objects to the district court's determination on several grounds. None of these objections have merit. First, Buchanan argues that the lifetime ban does not apply to him because his civil rights have been restored. Under Minn. Stat. § 624.713 (2022), a person who is convicted of a "crime of violence" is prohibited from possessing firearms "for the remainder of the person's lifetime," regardless of whether other civil rights have been restored. Minn. Stat. § 624.713, subs. 1, 3(a). There is no dispute that Buchanan has been convicted of two separate crimes of violence. *See* Minn. Stat. § 624.712, subd. 5 (defining "crime of violence"). Thus, we reject this argument.

Second, Buchanan asserts that the district court should have reached a "significant level of comfort" with restoring his firearm rights because "10 years is the maximum amount of time that" a person convicted of a crime of violence can be prohibited from possessing a firearm. Buchanan relies on an outdated version of Minn. Stat. § 624.713 to support this argument. That version of the statute prohibited persons convicted of crimes of violence from possessing firearms for ten years after their civil rights were restored or their sentences ended. Minn. Stat. § 624.713, subd. 1(b) (1998). Under current law, persons convicted of crimes of violence are presumptively prohibited from possessing firearms for life. Minn. Stat. § 624.713, subs. 1, 3; *see* 2003 Minn. Laws ch. 28, art. 3, at

290 (amending Minn. Stat. § 624.713, subd. 1(b) (2002) to prohibit persons convicted of crimes of violence from possessing firearms for life).

Moreover, as discussed above, even if such a person files a petition to have their firearm rights restored and demonstrates good cause, the district court may still deny the petition if it does not have “a significant level of comfort with respect to the maturity of judgment” of the person seeking to restore those rights. *Averbeck*, 791 N.W.2d at 562; see Minn. Stat. § 609.165, subd. 1d. Ten years of abiding by the law does not automatically satisfy the “significant level of comfort” standard. See *Averbeck*, 791 N.W.2d at 562 (holding that “the [c]ourt needs a significant level of comfort with respect to the maturity of judgment in those seeking a restoration of firearm rights” without explaining what satisfies this standard). Indeed, in *Averbeck*, the district court concluded that it did not have a “significant level of comfort” with the petitioner’s maturity of judgment even though the petitioner had committed only one crime of violence 19 years earlier. *Id.* at 561-62. Thus, Buchanan’s argument that ten years was sufficient for the district court to reach a “significant level of comfort” in this case is not persuasive.

Third, noting that the state did not object to his petition, Buchanan argues that the absence of an objection by the state indicates that he met the requirements to have his firearm rights restored. Buchanan is correct that the state did not object to his petition. But he provides no support for his assertion that the absence of an objection by the state demonstrates that the district court must grant his petition. This argument is also unavailing.

For these reasons, the district court did not abuse its discretion by denying Buchanan's petition to restore his firearm rights.

**Affirmed.**