

STATE OF MINNESOTA
IN COURT OF APPEALS

A24-0721



Andrew Williams,

Appellant,

vs.

State of Minnesota, et al.,

Respondents.

ORDER OPINION

Carlton County District Court
File No. 09-CV-24-3

Considered and decided by Johnson, Presiding Judge; Larkin, Judge; and Bjorkman, Judge.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. Andrew Stephen Williams petitioned the Carlton County District Court for a writ of habeas corpus, alleging that he is unlawfully detained pursuant to a judicial hold order in a civil-commitment case. The district court denied Williams's petition. We affirm.

2. On December 5, 2023, an Assistant Ramsey County Attorney petitioned the Ramsey County District Court for the civil commitment of Williams as a sexually dangerous person and a sexual psychopathic personality. On the same day, the Ramsey County court filed an order scheduling a preliminary hearing and requiring that, in the meantime, Williams be held at the Minnesota Correctional Facility in Moose Lake. On December 8, 2023, after the preliminary hearing, the Ramsey County court filed a second order, which required that, upon Williams's release from the custody of the department of

corrections, he “shall immediately be transferred to and held . . . at” the Minnesota Sex Offender Program (MSOP) at Moose Lake “until the court rules on the merits of the commitment petition.”

3. Williams petitioned the Carlton County District Court for a writ of habeas corpus, alleging that his detention in connection with the civil-commitment case is unlawful. Williams served the petition on the commissioner of human services, the attorney general, and the Ramsey County Sheriff. Williams later filed a motion for an “*ex parte* injunction” that would forbid respondents from subjecting him to a mental examination by court-appointed examiners. Williams also moved for default judgment on the ground that the respondents had not responded to the habeas petition.

4. On March 18, 2024, the Carlton County court conducted an administrative review of Williams’s habeas action and filed an order. The district court first determined that Williams is not entitled to habeas relief because “he is being held pursuant to a facially valid court order holding him until his civil commitment process can be completed.” The district court denied Williams’s motion for an injunction, which it construed to be a motion for a temporary restraining order, after applying the five-factor *Dahlberg* test. The district court denied Williams’s motion for default judgment because a civil-commitment petition is pending, and the Ramsey County court has issued a facially valid hold order. The district court administrator entered judgment. Williams appeals.

5. As a preliminary matter, we first consider respondents’ argument that Williams’s habeas petition is barred because he did not appeal from the Ramsey County court’s hold orders. Respondents rely on a statute concerning civil-commitment

proceedings, which provides that an “aggrieved party may appeal to the court of appeals from any order entered under this chapter as in other civil cases.” Minn. Stat. § 253B.23, subd. 7 (2022). But a different subdivision of the same section provides, “Nothing in this chapter shall be construed to abridge the right of any person to the writ of habeas corpus.” Minn. Stat. § 253B.23, subd. 5 (2022). In a case in which committed persons challenged the constitutionality of their civil commitments, we cited subdivision 5 in saying, “Committed persons may challenge the legality of their commitment through habeas corpus.” *Joelson v. O’Keefe*, 594 N.W.2d 905, 908 (Minn. App. 1999), *rev. denied* (Minn. July 28, 1999). Thus, Williams’s habeas petition is not barred on the ground that Williams did not appeal from the Ramsey County court’s hold order.

6. Respondents also argue that Williams is not entitled to habeas relief on the ground that a person may not use a habeas petition to “collaterally attack” a criminal conviction. Respondents rely on an opinion in which a prisoner sought habeas relief based on an allegation that, in his criminal case, he was denied a pre-trial evidentiary hearing. *See Kelsey v. State ex rel. Wood*, 283 N.W.2d 892, 893-94 (Minn. 1979). The supreme court summarily rejected that part of the petitioner’s appeal by reasoning that the petitioner could have asserted the argument in a direct appeal from his conviction or in a post-conviction action. *Id.* In this case, Williams does not challenge the criminal conviction that led to his imprisonment, from which he has been released. Thus, Williams’s habeas petition is not barred on the ground that it is a collateral attack on his conviction.

7. Respondents further argue that Williams makes arguments on appeal that he did not make in the district court. Williams mentions the issues of venue, insufficient

process, and the rights of married persons in his appellate brief, even though he did not present arguments on those issues to the district court. Consequently, Williams forfeited those issues, and we will not consider them on appeal. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988).

8. The parties focus their arguments on the question whether the Carlton County court erred by ruling that Williams is not entitled to habeas relief on the ground that he is lawfully detained pursuant to a hold order issued by the Ramsey County court. “A writ of habeas corpus is an extraordinary remedy,” which “was traditionally limited to resolving jurisdictional issues and violations of constitutional rights.” *State ex rel. Young v. Schnell*, 956 N.W.2d 652, 673 (Minn. 2021) (quotation omitted) (citing supreme court opinions from 1950s and 1960s). Williams’s habeas claim may be viable, even if he cannot prove a lack of jurisdiction or a constitutional violation, if he has no other adequate remedy at law. *See id.* at 674 (citing *State ex rel. Duncan v. Roy*, 887 N.W.2d 271, 275 n.4 (Minn. 2016), and *State v. Schnagl*, 859 N.W.2d 297, 303 (Minn. 2015)). For purposes of this non-precedential order opinion, we assume without deciding that Williams may prevail in this habeas action if he could prove that the Ramsey County court erred in issuing the December 8, 2023 hold order. *Cf. Beaulieu v. Minnesota Dep’t of Human Servs.*, 798 N.W.2d 542, 546-50 (Minn. App. 2011) (affirming denial of habeas petition filed by committed person because petitioner did not prove constitutional violation or lack of jurisdiction), *aff’d on other grounds*, 825 N.W.2d 716 (Minn. 2013); *Joelson*, 594 N.W.2d at 908 (stating that “only issues . . . are constitutional and jurisdictional challenges”).

9. Judicial hold orders in civil-commitment proceedings are authorized by statute. A district court “may order the treatment facility or state-operated treatment program to hold the proposed patient . . . when:

(1) there has been a particularized showing by the petitioner that serious physical harm to the proposed patient or others is likely unless the proposed patient is immediately apprehended;

(2) the proposed patient has not voluntarily appeared for the examination or the commitment hearing pursuant to the summons; or

(3) a person is held pursuant to section 253B.051 and a request for a petition for commitment has been filed.

Minn. Stat. § 253B.07, subd. 2b(a) (2022).

10. In this case, the Carlton County court concluded that Williams “is being held properly, pursuant to Ramsey County District Court orders that follow the commitment statutes.” The Carlton County court’s conclusion is supported by the Ramsey County court’s December 8, 2023 hold order, which is part of the record in this appeal. The Ramsey County court made findings based on the allegations in the civil-commitment petition. Specifically, the Ramsey County court found that Williams has multiple prior felony convictions, including two convictions of criminal sexual conduct. The Ramsey County court also found that Williams has “violated supervised release for possession of pornography and other violations, has previously completed sex offender treatment only to reoffend in the 2002 violent sexual offense, and has failed to complete sex offender treatment since reoffending in 2002.” The Ramsey County court further found that there is a relatively high risk that Williams will reoffend, that he “has a significant history of

failure on probation,” that he refused to cooperate with “sexual offense-specific treatment while in prison” for 20 years, and that he “would be an untreated violent sex offender released as a Level III sex offender and a great risk to the public.” Based on these predicate findings, the Ramsey County court made an ultimate finding that “there has been a particularized showing by the petitioner that serious physical harm to others is likely unless [Williams] continues to be held in custody pending this court’s decision on the merits of the commitment petition.” The Ramsey County court’s ultimate finding satisfies the statutory requirement that a judicial hold order be issued only if “there has been a particularized showing by the [commitment] petitioner that serious physical harm to the proposed patient or others is likely unless the proposed patient is immediately apprehended.” *See* Minn. Stat. § 253B.07, subd. 2b(a)(1). In his appellate brief, Williams has not demonstrated that the Ramsey County court’s December 8, 2023 hold order is erroneous.

11. Williams also argues that the Ramsey County court’s December 8, 2023 hold order is invalid on the ground that the Ramsey County court did not have subject-matter jurisdiction. Williams does not attempt to explain why the Ramsey County court lacked subject-matter jurisdiction. It is well established that the district courts have subject-matter jurisdiction over civil-commitment petitions alleging that a person is a sexually dangerous person or a sexual psychopathic personality. *See* Minn. Stat. § 253D.07, subd. 1 (2024); *Beaulieu v. Minnesota Dep’t of Human Servs.*, 825 N.W.2d 716, 722-23 (Minn. 2013); *In re Civil Commitment of Nielsen*, 863 N.W.2d 399, 403 (Minn. App. 2015), *rev. denied* (Minn. Apr. 14, 2015); *In re Ivey*, 687 N.W.2d 666, 669 (Minn. App. 2004), *rev. denied*

(Minn. Dec. 22, 2004). There is no apparent reason why the Ramsey County court would not have subject-matter jurisdiction over Williams’s civil-commitment case.

12. Williams also argues that the Ramsey County court violated his right to due process when it “provided an invalid date for the prospective preliminary hearing.” The Ramsey County court’s first hold order scheduled a preliminary hearing for December 7, 2023, and, in a subsequent paragraph, inaccurately referred to the upcoming “preliminary hearing on November 2, 2023.” The court later provided an accurate notice of hearing, which was continued by one day, and Williams was present at that preliminary hearing, which was held remotely. Williams cannot show that the apparent typographical error in the first judicial hold order violated his right to due process.

13. In sum, the Carlton County court did not err by concluding that the Ramsey County court issued a valid judicial hold order on December 8, 2023, in Williams’s civil-commitment case. Thus, Williams is not entitled to habeas relief.

IT IS HEREBY ORDERED:

1. The district court’s order is affirmed.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: April 22, 2025

BY THE COURT

A handwritten signature in black ink, appearing to read "Matthew E. Johnson", written over a horizontal line.

Judge Matthew E. Johnson