

SUPREME COURT OF MINNESOTA

Braylock v. Jesson

819 N.W.2d 585 (Minn. 2012) · Decided August 8, 2012

SUMMARY

The Minnesota Supreme Court considered whether a 2010 amendment to Minn. Stat. § 253B.19, subd. 2(d), applied to a pending petition for provisional or full discharge from civil commitment as a sexually dangerous person. The court held that the amendment merely clarified the petitioner’s preexisting burden of production and did not alter the opposing party’s ultimate burden of persuasion by clear and convincing evidence. The court therefore affirmed the denial of Braylock’s discharge petition.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Stras, Justice
JURISDICTION	Minnesota
DECIDED	August 8, 2012
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Minnesota Court of Appeals, which affirmed the Supreme Court Judicial Appeal Panel's denial of Braylock's petition for provisional or full discharge from civil commitment as a sexually dangerous person.
STANDARD OF REVIEW	The court reviewed de novo the question whether the statutory amendment clarified or substantively changed preexisting law and which version of the statute applied.
PRECEDENTIAL VALUE	Published Minnesota Supreme Court opinion; precedential.
PARTIES	Ben Braylock v. Jesson, Commissioner of Human Services, Hennepin County

TOPICS

- statutory interpretation
- legislative intent
- appellate procedure
- standard of review
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the 2010 amendment to Minn. Stat. § 253B.19, subd. 2(d), applied to Braylock's pending November 2008 petition for provisional or full discharge from civil commitment.
2. Whether the amendment merely clarified the preexisting burden of production or substantively changed the law by imposing a higher burden on discharge petitioners.

HOLDINGS

1. The 2010 amendment merely clarified preexisting law by defining the petitioner's existing burden of going forward with the evidence as presenting a prima facie case with competent evidence.
2. Because the amendment clarified rather than changed preexisting law, the amended version of Minn. Stat. § 253B.19, subd. 2(d), applied to Braylock's pending petition.
3. The petitioner bears only the burden of production, while the party opposing discharge retains the ultimate burden of persuasion by clear and convincing evidence that discharge or provisional discharge should be denied.

KEY QUOTATIONS

“A comparison of the two versions reveals that the amendment did not eliminate the petitioning party’s ‘burden of going forward with the evidence.’” (589)

“Indeed, a petitioner has the same ‘burden of production’ both before and after the 2010 amendment to subdivision 2(d): to come forward with sufficient, competent evidence that, if proven, would entitle the petitioner to relief.” (590)

“Unlike the burden of production, the burden of persuasion generally does not shift and is usually expressed in terms of the degree to which a fact-finder must be convinced” (591)

FACTUAL BACKGROUND

Braylock, an 80-year-old Level-3 sex offender, was indeterminately committed as a sexually dangerous person. He filed a petition in November 2008 seeking provisional or full discharge. While the petition was pending, the Legislature amended Minn. Stat. § 253B.19, subd. 2(d), to define the petitioner's burden of going forward as presenting a prima facie case with competent evidence. The Appeal Panel concluded that Braylock failed to meet his initial burden of production and denied the petition.

PROCEDURAL HISTORY

Braylock was indeterminately civilly committed as a sexually dangerous person. In November 2008, he petitioned the Special Review Board for provisional or full discharge. After the Review Board recommended denial, the Supreme Court Judicial Appeal Panel denied the petition, applying the amended version of Minn. Stat. § 253B.19, subd. 2(d), which became effective August 1, 2010. The Minnesota Court of Appeals affirmed,

and the Minnesota Supreme Court granted review on whether the amendment applied to Braylock's pending petition.

DISPOSITION

affirmed

CASES CITED

- Nardini v. Nardini, 414 N.W.2d 184, 196 (Minn. 1987)
- Rural Am. Bank of Greenwald v. Herickhoff, 485 N.W.2d 702, 706-08 (Minn. 1992)
- Auto Owners Ins. Co. v. Perry, 749 N.W.2d 324, 328 (Minn. 2008)
- Frieler v. Carlson Mktg. Grp., Inc., 751 N.W.2d 558, 566 (Minn. 2008)
- CUNA Mut. Ins. Soc'y v. Comm'r of Revenue, 647 N.W.2d 533, 540 n.16 (Minn. 2002)
- Ubel v. State, 547 N.W.2d 366, 370 (Minn. 1996)
- In re Estate of Butler, 803 N.W.2d 393, 397 (Minn. 2011)
- State v. Niska, 514 N.W.2d 260, 264-65 (Minn. 1994)
- Krumm v. R. A. Nadeau Co., 276 N.W.2d 641, 644 (Minn. 1979)
- Castaneda v. Partida, 430 U.S. 482, 517 (1977)
- State v. Reps, 302 Minn. 38, 50, 223 N.W.2d 780, 788 (1974)
- Behnke v. President Bd. of Trustees of Brookfield, 366 Ill. 516, 9 N.E.2d 232, 233 (1937)
- Dir., Office of Workers' Comp. Programs, Dep't of Labor v. Greenwich Collieries, 512 U.S. 267, 272, 274 (1994)
- Coker v. Ludeman, 775 N.W.2d 660, 664-65 (Minn. App. 2009)
- Nissan Fire & Marine Ins. Co. v. Fritz Cos., 210 F.3d 1099, 1102-03 (9th Cir. 2000)
- Carrillo v. Fabian, 701 N.W.2d 763, 774 (Minn. 2005)
- Addington v. Texas, 441 U.S. 418, 423-24 (1979)
- Milner v. Farmers Ins. Exch., 748 N.W.2d 608, 613 n.6 (Minn. 2008)
- Nader v. de Toledano, 408 A.2d 31, 48 (D.C. 1979)
- Meagher v. Wayne State Univ., 222 Mich. App. 700, 565 N.W.2d 401, 410 (1997)
- Dale v. Thomas Funeral Home, Inc., 237 Neb. 528, 466 N.W.2d 805, 807 (1991)
- Braylock v. Jesson, No. A10-1754, 2011 WL 979051 (Minn. App. Mar. 22, 2011)