

SUPREME COURT OF MINNESOTA

State of Minnesota v. Timothy Kenbert Engle

743 N.W.2d 592 (Minn. 2008) · No. A05-2423 · Decided January 3, 2008

SUMMARY

The Supreme Court of Minnesota held that conviction under Minn. Stat. § 609.66, subd. 1a(a)(3), for recklessly discharging a firearm within a municipality does not require proof that the firearm was intentionally discharged. It requires proof of a conscious or intentional act connected with the discharge that created a substantial and unjustifiable risk of which the defendant was aware and consciously disregarded. The court remanded for reconsideration because the district court applied a lower, objective recklessness standard.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Russell A. Anderson, Chief Justice
JURISDICTION	Minnesota
DECIDED	January 3, 2008
DOCKET	A05-2423
DISPOSITION	remanded
PROCEDURAL POSTURE	Engle was convicted after a bench trial of recklessly discharging a firearm within a municipality under Minn. Stat. § 609.66, subd. 1a(a)(3). The Minnesota Court of Appeals affirmed, and the Minnesota Supreme Court granted review limited to whether the statute requires proof that the firearm was intentionally discharged.
STANDARD OF REVIEW	Statutory interpretation is reviewed de novo.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Minnesota
PARTIES	Timothy Kenbert Engle v. State of Minnesota

TOPICS

- statutory interpretation
- mens rea
- criminal procedure
- legislative intent

PRACTICE AREAS

- criminal law
- criminal procedure
- statutory interpretation
- firearms offenses

QUESTIONS PRESENTED

1. Whether Minn. Stat. § 609.66, subd. 1a(a)(3), requires proof that the defendant intentionally discharged the firearm.
2. What definition of recklessness applies to a prosecution under Minn. Stat. § 609.66, subd. 1a(a)(3).
3. Whether a conscious or intentional act connected with an unintentional firearm discharge can satisfy the statute's voluntary-act and mens rea requirements.

HOLDINGS

1. The statute does not require proof that the defendant intentionally discharged the firearm. It requires proof of a conscious or intentional act, in connection with the discharge, that creates a substantial and unjustifiable risk of which the defendant is aware and consciously disregards.
2. For purposes of the statute, a person acts recklessly by committing a conscious or intentional act that creates a substantial and unjustifiable risk that the person is aware of and disregards.
3. Remand was required because the district court applied the model-jury-instruction definition requiring only that Engle knew or should have known of the unreasonable risk, rather than determining whether he was subjectively aware of and disregarded a substantial and unjustifiable risk.

KEY QUOTATIONS

“We hold that a conviction under Minn.Stat. § 609.66, subd. 1a(a)(3), does not require proof of an intentional discharge, but rather requires proof of a conscious or intentional act, in connection with the discharge of a firearm, that creates a substantial and unjustifiable risk that the actor is aware of and disregards.” (at 593)

“We hold that a person has the requisite mental state for Minn.Stat. § 609.66, subd. 1a(a)(3), if he commits a conscious or intentional act in connection with the discharge of a firearm that creates a substantial and unjustifiable risk that he is aware of and disregards.” (at 596)

FACTUAL BACKGROUND

Engle, a private security guard, assisted another guard in apprehending a suspected thief at a St. Paul housing complex. During the guards' removal of the suspect from a stolen car, Engle's firearm discharged and shot the suspect, causing paralysis. The parties conceded that the discharge itself was unintentional, but the district court found that Engle's positioning of the weapon while extracting the suspect constituted the reckless act.

PROCEDURAL HISTORY

Engle, a private security guard, was convicted in district court after his firearm discharged unintentionally while he and another guard were removing a suspect from a stolen vehicle, injuring and paralyzing the suspect. The district court stayed imposition of sentence and placed Engle on probation for two years. The court of appeals affirmed, holding that the discharge need not be intentional. The supreme court remanded for reconsideration under the higher recklessness standard articulated in its opinion.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The district court must reconsider the existing record and determine whether Engle committed a conscious or intentional act, in connection with the firearm's discharge, that created a substantial and unjustifiable risk of which he was aware and that he consciously disregarded.

CASES CITED

- State v. Wiltgen, 737 N.W.2d 561, 570 (Minn. 2007)
- State v. Al-Naseer, 734 N.W.2d 679, 684 (Minn. 2006)
- State v. Cole, 542 N.W.2d 43, 51-52 (Minn. 1996)
- State v. Zupetz, 322 N.W.2d 730, 733-34 (Minn. 1982)
- State v. Mauer, 741 N.W.2d 107, 115 (Minn. 2007)
- State v. Frost, 342 N.W.2d 317, 319-20 (Minn. 1983)
- State v. Bolsinger, 221 Minn. 154, 157, 21 N.W.2d 480, 484 (1946)
- State v. Meany, 262 Minn. 491, 495-96, 115 N.W.2d 247, 251 (1962)
- State v. Richardson, 670 N.W.2d 267, 283 (Minn. 2003)
- State v. Engle, 731 N.W.2d 852, 854, 862 (Minn. App. 2007)

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