

SUPREME COURT OF MINNESOTA

State of Minnesota v. Lisa Dawn Oliver

Oliver · No. A23-1062 · Decided December 10, 2025

SUMMARY

The Minnesota Supreme Court held that attempted first-degree assault-harm is a valid crime under Minnesota law. The court concluded that Minnesota's general attempt statute applies to first-degree assault-harm and that the intent requirements of the attempt and assault statutes are not legally inconsistent. The court reversed the court of appeals and remanded for consideration of other issues raised by Lisa Dawn Oliver.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Hennesy, Justice; Gaïtas, Justice; Moore, III, Justice
JURISDICTION	Minnesota Supreme Court
DECIDED	December 10, 2025
DOCKET	A23-1062
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State petitioned for review of a divided Minnesota Court of Appeals decision reversing Oliver's conviction for attempted first-degree assault-harm. The Minnesota Supreme Court granted review to decide whether attempted first-degree assault-harm is a valid crime under Minnesota law.
STANDARD OF REVIEW	De novo review applies to the statutory-interpretation issue and to the legal question whether the mental-state elements of the statutes are compatible.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	State of Minnesota v. Lisa Dawn Oliver

TOPICS

- statutory interpretation
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Minnesota Statutes section 609.17 applies to attempted first-degree assault-harm under Minnesota Statutes section 609.221, subdivision 1.
2. Whether the specific-intent requirement for an attempt conflicts with the general-intent requirement for first-degree assault-harm.
3. Whether Oliver's unresolved arguments concerning sufficiency of the evidence and the denial of a downward dispositional sentencing departure should be addressed on remand.

HOLDINGS

1. Minnesota Statutes section 609.17 plainly and unambiguously applies to first-degree assault-harm under section 609.221, subdivision 1; attempted first-degree assault-harm is a cognizable crime under Minnesota law.
2. The specific-intent requirement for an attempt is legally compatible with the general-intent requirement for first-degree assault-harm.

KEY QUOTATIONS

"Whoever, with intent to commit a crime, does an act which is a substantial step toward, and more than preparation for, the commission of the crime is guilty of an attempt to commit that crime." (at 7)

"Because the court of appeals erred in finding that attempted first-degree assault-harm is not a valid crime under Minnesota law, we reverse and remand to the court of appeals to consider other issues Oliver raised in her appeal but that the court of appeals did not address." (at 21)

FACTUAL BACKGROUND

Oliver went to the apartment of P.L., the father of her child, after an argument concerning custody and visitation. During an argument outside the apartment, Oliver shoved P.L. and cut his neck with a knife while making statements threatening to kill and stab him. P.L. suffered a neck wound requiring stitches and was left with a visible scar, but the parties did not dispute that the injury did not constitute great bodily harm under Minnesota law.

PROCEDURAL HISTORY

Oliver was charged with attempted second-degree intentional murder, attempted first-degree assault-harm, and second-degree assault. A jury acquitted her of attempted murder and found her guilty of the two assault-related offenses. The district court convicted her of attempted first-degree assault-harm and sentenced her to 45 months in prison, while treating second-degree assault as a lesser-included offense for adjudication purposes. The Court of Appeals reversed the attempted first-degree assault-harm conviction and remanded for judgment and sentencing on second-degree assault. The Supreme Court reversed the Court of Appeals and remanded for consideration of Oliver's unresolved alternative arguments.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Appeals must address Oliver's other previously raised arguments, including her contention that the State presented insufficient evidence to prove that she intended to inflict great bodily harm and her argument that the district court abused its discretion by denying a downward dispositional departure in sentencing.

CASES CITED

- State v. LaTourelle, 343 N.W.2d 277, 284 (Minn. 1984)
- State v. Oliver, 11 N.W.3d 817, 822-28 (Minn. App. 2024)
- State v. Zupetz, 322 N.W.2d 730, 733-36 (Minn. 1982)
- State v. Fleck, 810 N.W.2d 303, 305, 308-12 (Minn. 2012)
- State v. Dorn, 887 N.W.2d 826, 829-33 (Minn. 2016)
- State v. Loge, 608 N.W.2d 152, 155 (Minn. 2000)
- State v. Douglas, 986 N.W.2d 705, 709 (Minn. 2023)
- State v. Thonesavanh, 904 N.W.2d 432, 435-37 (Minn. 2017)
- State v. Pakhnyuk, 926 N.W.2d 914, 920 (Minn. 2019)
- State v. Thompson, 950 N.W.2d 65, 69 (Minn. 2020)
- State v. Wilkie, 946 N.W.2d 348, 351-52 (Minn. 2020)
- Tichich v. State, 4 N.W.3d 114, 122-23 (Minn. 2024)
- State v. Noggle, 881 N.W.2d 545, 549-51 (Minn. 2016)
- DeGidio v. State, 289 N.W.2d 135, 137 (Minn. 1980)
- State v. Serbus, 957 N.W.2d 84, 89 (Minn. 2021)
- State v. Hill, 23 N.W.3d 824, 834 (Minn. 2025)
- Energy Policy Advocates v. Ellison, 980 N.W.2d 146, 158 (Minn. 2022)
- State v. Lindsey, 632 N.W.2d 652, 658 (Minn. 2001)
- State v. Wilson, 830 N.W.2d 849, 853 (Minn. 2013)