



## February 2018 Supreme Court and Appellate Court Published Decisions

### Supreme Court

**A16-0575 State of Minnesota, Respondent, vs. Tchad Tu Henderson, Appellant.  
Court of Appeals.**

The term “operating” in Minn. Stat. § 609.2113, subd. 1 (2016), refers to any act that causes a motor vehicle to function or controls the functioning of a motor vehicle, including the act of a passenger grabbing the steering wheel of a moving vehicle.

**Affirmed. Justice Natalie E. Hudson.**

**A17-0403 State of Minnesota, Respondent, vs. Christopher Michael Prigge, Respondent.  
Court of Appeals.**

1. A person under the influence of alcohol who is driving a vehicle with a pistol within arm’s reach is carrying a pistol “about the person’s clothing or person” within the meaning of Minn. Stat. § 624.7142 (2016).
2. Whether a person under the influence of alcohol who is driving a vehicle is carrying a pistol “about the person’s clothing or person” is a question of fact.

**Reversed and remanded. Justice David L. Lillehaug.**

### Court of Appeals

**A17-0998 Kurt A. Maethner, Appellant, vs. Someplace Safe, Inc., Respondent,  
Jacquelyn Jorud, f/k/a Jacquelyn Hanson Maethner, Respondent.  
Otter Tail County District Court, Hon. Frank J. Kundrat.**

Allegedly defamatory statements about criminal conduct by the plaintiff that were made by an award recipient at a fundraising banquet and also in an article published by the sponsor organization for fundraising purposes were not protected by a qualified privilege.

**Reversed and remanded. Judge Diane B. Bratvold.**

**A17-0750 Brian Lee Flowers, Respondent, vs. State of Minnesota, Appellant.  
Hennepin County.**

1. *Miller v. Alabama*, 567 U.S. 460 (2012), does not limit a district court’s authority to impose consecutive sentences of life imprisonment with the possibility of release upon a juvenile offender.
2. *Jackson v. State*, 883 N.W.2d 272 (Minn. 2016), does not limit a district court’s authority to impose consecutive sentences of life imprisonment with the possibility of release upon a juvenile

offender.

**Reversed and remanded. Justice Anne K. McKeig  
Concurring, Justice Margaret H. Chutich.**