



November 2017 Appellate & Supreme Court Decisions

**[A15-1417](#) *State of Minnesota, Respondent/Cross-Appellant, vs. Devon Derrick Parker, Appellant/Cross-Respondent.*
Court of Appeals.**

Following a jury trial, appellant/cross-respondent Devon Derrick Parker was convicted of second-degree intentional murder and sentenced to 480 months in prison, which reflected an upward durational departure from the presumptive range of 312 to 439 months. On appeal, Parker challenged his conviction, arguing both that the district court erred when it denied his motion for a change of venue and that the prosecutor committed misconduct during a pretrial press conference. Parker also challenged his sentence, arguing that the district court abused its discretion by imposing an upward durational sentencing departure. The court of appeals affirmed the conviction, but reversed the sentence and remanded for resentencing. We affirm the court of appeals' decision to uphold Parker's conviction, but disagree with its conclusion that the district court abused its discretion when it imposed an upward durational departure. We therefore affirm in part and reverse in part.

Affirmed in part and reversed in part. Justice Natalie E. Hudson.

Took no part, Justice Anne K. McKeig.

**[A15-1678](#) *State of Minnesota, Respondent, vs. Chantel Lynn Carson, Appellant.*
Court of Appeals.**

At issue is whether the chemical 1,1-difluoroethane (DFE) is a hazardous substance under Minn. Stat. § 169A.03, subd. 9 (2016). On three occasions, appellant Chantel Lynn Carson was arrested on suspicion of driving while impaired (DWI), and an analysis of her blood showed the presence of DFE. Carson was convicted of three counts of third-degree DWI for operating a motor vehicle while under the influence of a hazardous substance. The court of appeals affirmed her convictions. We hold that DFE is not a hazardous substance under Minn. Stat. § 169A.03, subd. 9, because it is not "listed as a hazardous substance in" Minn. R. ch. 5206 (2015). We therefore reverse the decision of the court of appeals.

Reversed. Justice Natalie E. Hudson.

Dissenting, Justice Anne K. McKeig.

**[A17-1073](#) *State of Minnesota, ex rel. Matthew Mitchell Huseby, petitioner, Appellant, vs. Tom Roy, Commissioner of Corrections, Respondent.*
Lake County District Court, Hon. Michael J. Cuzzo.**

Appellant Matthew Mitchell Huseby seeks review of the district court's June 28, 2017 order denying his petition for a writ of habeas corpus. The court rejected appellant's claim that his five-year conditional release term should

be modified because he was “released from prison” when he was transferred to a work release program outside the correctional facility. Because the district court did not err in interpreting the plain and unambiguous language of the relevant statutes, we affirm.

Affirmed. Chief Judge Edward J. Cleary.

**[A16-1838](#) *State of Minnesota, Respondent, vs. Sarah Beth Janecek, Appellant.*
Hennepin County District Court, Hon. Judge Lisa K. Janzen.**

A long-standing disagreement between two neighbors who share a common driveway lies at the heart of this appeal. Appellant Sarah Janecek challenges the sufficiency of the evidence to sustain her conviction of misdemeanor disorderly conduct after her neighbors video recorded her knocking over their trash bins. Because a contemporaneous witness is not required to support a conviction of disorderly conduct and there is sufficient evidence to sustain her conviction, we affirm.

Affirmed. Judge Lucinda E. Jesson.