STATE OF MINNESOTA
IN COURT OF APPEALS
A22-0795

State of Minnesota,
Respondent,

vs.

Almanzo Ousley Cotton,
Appellant.

Filed May 30, 2023
Affirmed
Worke, Judge

Hennepin County District Court
File No. 27-CR-21-1721

Keith Ellison, Attorney General, St. Paul, Minnesota; and

Mary F. Moriarty, Hennepin County Attorney, Peter R. Marker, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jennifer Workman Jesness, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Worke, Presiding Judge; Segal, Chief Judge; and Smith, Tracy M., Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant challenges his second-degree murder convictions, arguing that the district court abused its discretion in its evidentiary rulings. We affirm.

FACTS

At 9:21 a.m. on November 17, 2020, a phone number registered to Kim Theng called 911. The caller reported that someone broke into a home. The call quickly ended. At 9:24 a.m., a phone number registered to appellant Almanzo Ousley Cotton called 911. The caller reported coming home to the same address and seeing Theng "on the floor" injured and not speaking.

Police arrived at the address—Theng's house—and found no signs of forced entry or obvious damage to the house. Police found valuables apparently undisturbed in the house. Police found Theng on the floor, evidently unconscious with a black eye and other bruises around her body and a jacket under her head. There was no one else in the house. Paramedics revived Theng's pulse before losing it on the way to the emergency department, where she was pronounced dead.

The same day, an investigator sent Cotton's phone a text message asking to speak with him. Cotton voluntarily came to the police department for an interview later that day. During the interview, Cotton told investigators that he lived at Theng's address. According to Cotton, he came home alone that morning, used his key to enter the back door, and saw the front door open and Theng on the floor "gasping for air." Cotton stated that he closed the front door, put his jacket under Theng's head, called 911, then left because he was "scared." When asked why he was scared, Cotton stated that he and Theng had an argument on Friday, November 13, 2020. Cotton stated that he had "been gone" since the argument but came home and found Theng on the floor. Cotton also stated that Theng

went to an unknown hotel after the argument. Cotton stated that he did not know when Theng came home because he was not home.

At trial, cell-site data from Cotton's phone undermined his account of his whereabouts. The data indicated that Cotton's phone was at or near Theng's address for all but a few hours from November 13 to 17, 2020. Respondent State of Minnesota theorized that Cotton fatally beat Theng, left her on the floor dying for an extended period, then called 911.

Theng's employer confirmed that she began working on Friday, November 13, though her typical shift was from 4:30 p.m. until midnight. At 2:50 p.m., Theng's phone exchanged text messages with her daughter, S.T. At trial, S.T. testified that she lived at Theng's house with Theng and Cotton (Theng's boyfriend) for around five years before moving out in August 2020 as arguments between the couple intensified, often over money. In the text exchange, Theng's phone messaged S.T. asking to stay with her after midnight. The user of Theng's phone stated, "I just got a flight with zo"—which S.T. understood to mean "I just got in a fight with Almanzo"—and offered S.T. money. S.T. replied, "No," and urged Theng to "[m]ove out." Theng's phone replied, "Yes I will thank you," and, "Ok I[']ll] go to a motel th[e]n bye."

Phone records showed that Cotton's phone called Theng's phone dozens of times from 3:22 p.m. through the rest of November 13. At 10:48 p.m., Theng's phone was used to take a photo of her face with apparent discoloration and swelling around her mouth and the side of her face.

On Saturday, November 14, records indicated that Theng checked herself into a hotel. Cotton's phone again called Theng's phone dozens of times that day.

On Sunday, November 15, around 5:30 p.m., Theng's phone was within blocks of her house after receiving several dozen more calls from Cotton's phone that day. Theng's phone records showed that, shortly after 10:00 p.m., her phone called that of the realtor who sold her the house, and the realtor's phone called back. But the realtor never spoke with Theng that night and recalled no contact with Theng since selling her the house.

Theng's phone remained at or near her house for all of Monday and Tuesday, November 16 and 17. Theng's phone placed a short call to Cotton's phone at 8:13 p.m. on November 16—the last documented call between the phones. But Theng's phone records showed missed calls and text messages from work colleagues after she did not show up for work. Theng's manager testified that he never reached Theng and had never known her to miss a shift without reaching out.

After Theng's death, S.T. began receiving harassing voicemails and text messages from Cotton. S.T. obtained a harassment restraining order (HRO) against Cotton.

Cotton was served with the HRO on January 17, 2021. That day, Cotton left S.T. 22 voicemails. At trial, the state offered six of those voicemails, five of which Cotton sent after being served with the HRO. In the seemingly distraught, angry, and largely incoherent voicemails, Cotton repeatedly asked S.T. what she wanted. Cotton threatened S.T. against selling or removing him from the house, asserting that the house was his. Cotton stated that S.T. would "lose" if she "f-ck[ed] with" him and that she should "let it go." Cotton went on to state, "You're not smarter than me," and, "Your mother wasn't . . .

smarter than me." Cotton threatened that he was going to find S.T. and asked if she wanted to "go to war."

Cotton's phone records indicated that he spoke with A.E. for around half an hour on both November 13 and 14, 2020, and during several periods, including from 8:00 to 8:45 a.m., on November 17, 2020. A.E.'s driver's license also indicated that he lived at Theng's address.

An investigator called A.E. on January 19, 2021. During a recorded phone interview, A.E. stated that he and Cotton were friends and talked "all the time," but that he did not live at Theng's address. A.E. stated that he knew Cotton "lost his girl." When asked how "that all [went] down," A.E. said that Cotton told him that he caught Theng and a man "naked" and "sleeping together." A.E. did not specify when Cotton said this occurred. A.E. claimed that Cotton wondered if this man was involved in Theng's death. At the end of the interview, A.E. said that he would have Cotton call the investigator.

Cotton called the investigator within an hour. Cotton stated that he stayed at a friend's house on Friday, November 13, until next seeing Theng at home on Sunday, November 15. Cotton claimed that on November 15, he and Theng were "calm and cool," "dancing," and "talking." Cotton stated that he "left for a couple hours" before coming home to Theng "shaking and foaming at the mouth on the floor." When asked about the argument with Theng on November 13, Cotton repeatedly denied that the argument occurred. Cotton then stated that he and Theng were at her house on Sunday and that he left Monday before coming home at some point to find Theng on the floor, at which point he immediately called 911. The investigator asked Cotton what he told A.E. about

"catching [Theng] with some other guy in bed." Cotton stated: "I caught [Theng] in bed with another man, and that was nothing. He walked out [of] the house, and that was it. I'm like, okay I'm moving out, that was no big thing." Cotton said this occurred on Friday before Theng's death.

The state charged Cotton with second-degree intentional murder and second-degree felony murder under Minn. Stat. § 609.19, subds. 1(1), 2(1) (2020).

At trial, S.T. testified about witnessing Cotton approach Theng "from behind[,] . . . put both of his hands around her neck[,] and start[] squeezing." The district court admitted this testimony over Cotton's objection.

Cotton also argued that the state could not sufficiently authenticate the November 13, 2020 photo from Theng's phone or another nearly identical photo taken on November 6, 2020, appearing to show Theng's face without injury. The district court admitted the photos.

Additionally, the medical examiner testified about Theng's autopsy. The medical examiner concluded that Theng's death was a homicide caused by blunt head trauma. The state presented a slideshow of autopsy photos to aid the medical examiner's testimony. Cotton objected to a photo showing Theng's blood-filled skull cavity after the medical examiner had removed the top of the skull. The district court admitted the photo.

The state also called A.E. as a witness. A.E. admitted that his driver's license listed Theng's address as his own but claimed that he never actually lived there. He also admitted that he spoke with Cotton "right before and after . . . Theng died," claiming that they talked about "how to get a job." But when asked further about his phone interview with the

investigator on January 19, 2021, and his conversations with Cotton, A.E. claimed to remember almost no details because he had been "drinking heavily" when those conversations occurred. The state unsuccessfully tried refreshing A.E.'s recollection with the recorded phone call. A.E. testified that he "believe[d] [he] told the truth" to the investigator. A.E. also admitted during voir dire that he remembered Cotton telling him that "they'd been cheating." Over Cotton's hearsay objection, the district court admitted the entire recording of A.E.'s phone call with the investigator.

The jury found Cotton guilty as charged. The district court sentenced Cotton to 306 months in prison. This appeal followed.

DECISION

Cotton appeals five evidentiary issues. We review evidentiary issues for "a clear abuse of discretion." *State v. Bustos*, 861 N.W.2d 655, 666 (Minn. 2015). The district court abuses its discretion when its "ruling is based on an erroneous view of the law or is against logic and the facts in the record." *Id.* (quotation omitted). Cotton bears the burden of showing that the district court abused its discretion and that admitting the evidence prejudiced his defense. *See State v. Peltier*, 874 N.W.2d 792, 802 (Minn. 2016).

Relationship evidence

Cotton first argues that the district court abused its discretion by admitting, pursuant to Minn. Stat. § 634.20 (2022), S.T.'s testimony about the choking incident and the six voicemails that Cotton sent to S.T. Evidence admitted under section 634.20 is often called "relationship evidence." *See State v. Valentine*, 787 N.W.2d 630, 637 (Minn. App. 2010), *rev. denied* (Minn. Nov. 16, 2010). Under that statute, "[e]vidence of domestic conduct by

the accused against the victim of domestic conduct, or against other . . . household members, is admissible unless [its] probative value is substantially outweighed by the danger of unfair prejudice, . . . misleading the jury," or other considerations. Minn. Stat. § 634.20.[1]

Choking incident

Cotton claims that S.T.'s testimony about the choking incident was misleading in light of the medical examiner's testimony that Theng had a "possible healed fracture" in her neck. Cotton argues that this testimony "made it seem that Cotton was responsible for the injury, despite the absence of evidence proving this point." Cotton does not explain how such an inference was misleading. The testimony tended to show that Cotton caused the healed fracture. Likewise, the healed fracture tended to show that the choking testimony was true. Indeed, the medical examiner testified that the healed fracture had "been there for a while." And S.T. testified that the choking incident occurred about a year before Theng's death. Cotton fails to show an abuse of discretion in admitting the choking testimony as relationship evidence.

Voicemails

Cotton argues that the voicemails were unduly prejudicial because he and S.T. were not in a romantic relationship and had not resided in the same household for months. But "household members" include "persons . . . who have resided together in the past." Minn. Stat. §§ 518B.01, subd. 2(b)(4) (2022) (defining "household members"), 634.20 (stating

[1] Cotton does not dispute, and we assume, that the choking incident and voicemails are "[e]vidence of domestic conduct."

that "household members" is defined in section 518B.01, subdivision 2). Cotton and S.T. resided together around just four months before Cotton sent the voicemails at issue. S.T. was therefore a "household member" of Cotton.

Cotton also claims that the voicemails impermissibly painted him as likely to kill Theng "in a bout of similar reactionary behavior." But "how a defendant treats his . . . household members" permissibly "sheds light on how the defendant interacts with those close to him, which in turn suggests how the defendant may interact with the victim." *Valentine*, 787 N.W.2d at 637. Relationship evidence is also admissible to "provide[] context for the crime charged," *State v. Matthews*, 779 N.W.2d 543, 553 (Minn. 2010), which may "assist[] the jury" in "judg[ing] the credibility of the principals in the relationship." *State v. McCoy*, 682 N.W.2d 153, 161 (Minn. 2004).

Here, the voicemails suggested that Cotton would react violently and persistently to a household member defying his control and to the prospect of losing Theng's house. That is significant given S.T.'s testimony about the choking incident and the deterioration of Cotton's and Theng's relationship, often over money. It is also significant in light of the text conversation between Theng's phone and S.T., the photo showing Theng's injured face, the continuous calls from Cotton's phone to Theng's, and the calls from Theng's phone to her realtor. The evidence tended to show that Theng was going to sell the house and move away while Cotton tried to prevent her from doing so, including with violence, just before her death. Considering all the evidence, the voicemails were highly probative of why Cotton would beat and kill Theng in a rage escalating over days as Theng attempted to sell the house and move in defiance of Cotton's wishes. In concert with other evidence—

including the cell-site data and evidence that no one broke into Theng's house—the voicemails also helped discredit Cotton's shifting explanations regarding Theng's death and explain his statements and behavior in relation to it.

The district court moreover mitigated any unfair prejudice by giving the jury a cautionary instruction. *See State v. Fardan*, 773 N.W.2d 303, 317 (Minn. 2009) (stating that juries presumably follow instructions); *State v. Kennedy*, 585 N.W.2d 385, 392 (Minn. 1998) (stating that cautionary instructions reduce risk of unfair prejudice). The district court instructed the jury that it could consider the evidence "for the limited purpose of demonstrating the nature and extent of the relationship between the [d]efendant and the alleged victim and other household members . . . to assist . . . in determining whether the [d]efendant committed" the charged acts. The prosecutor similarly instructed the jury during closing argument.

Given the above considerations, the district court did not abuse its discretion by admitting the voicemails.

Authentication of photos

Cotton next argues that the district court abused its discretion by ruling that the photos of Theng's face from her phone were sufficiently authenticated. Authentication is "a condition precedent to admissibility . . . satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims." Minn. R. Evid. 901(a). Rule 901(b) illustrates ways to authenticate evidence but requires no specific authentication method. *In re Welfare of S.A.M.*, 570 N.W.2d 162, 164 (Minn. App. 1997). The district

court has "considerable discretion . . . in deciding whether evidence has been adequately authenticated." *State v. Dulak*, 348 N.W.2d 342, 344 (Minn. 1984).

Here, law enforcement collected a phone found at the crime scene. The officer who extracted the photos at issue testified that he received the phone from an investigator as part of a cellphone-data-extraction request. The officer discerned the phone's number, which was registered to Theng. The officer testified that he compared the photo exhibits at trial with those he extracted, verifying that the exhibits were accurate compared to the extracted photos. Thus, there was at least "some evidence on the chain of custody" for the photos. *S.A.M.*, 570 N.W.2d at 166-67 (ruling evidence sufficiently authenticated in part by chain-of-custody evidence).

Other evidence supported that the photos were accurate representations of the matters depicted. Specifically, the officer found no sign of damage to the phone or that its camera was not functioning. He also testified that the metadata extracted from the phone were consistent with the photos coming directly from the phone's camera.

Circumstantial evidence also "partially authenticated" the photos. *See id.* at 166 (stating that witness partially authenticated videotape by testifying that tape accurately depicted events witnessed near time of assault at issue despite not seeing assault). The angle of the photos suggested that Theng took them herself. The metadata from the photos showed that they were taken in the neighborhood where Theng worked, and Theng's employer confirmed she was working on November 13. Both photos appeared to show Theng in her work uniform in front of a sign for the business where she worked. The metadata also showed that the photos were respectively taken at 11:29 p.m. on

November 6, 2020, and at 10:48 p.m. on November 13, 2020. These times were consistent with Theng's typical shift and the November 13 text message to S.T. asking to stay with S.T. after midnight. In the same text conversation, Theng evidently indicated that she and Cotton had a fight, which Theng's early arrival to work and offer of money to S.T. supported. S.T.'s choking testimony showed prior domestic violence, further supporting that the November 13 photo accurately depicted injury to Theng's face from the fight. The circumstances substantially supported the photos' authenticity.

Cotton emphasizes that the officer who extracted the photos had never repaired or installed a cellphone camera, did not know if the camera for Theng's phone was internally damaged, did not know the settings on the phone or the name of the camera application, and did not know if the photos could have been "manipulated." But in the context of suspect chain-of-custody foundation, our supreme court has held foundation sufficient "when there is a 'reasonabl[e] probab[ility] that tampering or substitution did not occur,' and the evidence is what the proponent claims." *State v. Hallmark*, 927 N.W.2d 281, 303 (Minn. 2019) (alterations in original) (quoting *State v. Hager*, 325 N.W.2d 43, 44 (Minn. 1982)). "Any speculation about tampering may well affect the weight of the evidence . . . but does not affect its admissibility." *Id.* (quotation omitted).

That is pertinent here. Cotton speculates that the photos could have been altered without any evidence that they were. This speculation might have affected the evidentiary weight of the photos but not their admissibility. And there was a reasonable probability that the photos were authentic. The district court did not abuse its discretion by admitting them.

Autopsy photo

Cotton also argues that the district court abused its discretion by admitting the autopsy photo of Theng's blood-filled skull cavity because it was needlessly shocking. Relevant evidence "*may* be excluded if its probative value is substantially outweighed by the danger of unfair prejudice." Minn. R. Evid. 403 (emphasis added). The district court has "discretion to admit photographs, even ghastly ones, so long as they show something that a witness could describe and are material to some relevant issue." *State v. Friend*, 493 N.W.2d 540, 544 (Minn. 1992) (quotation omitted).

Here, the prosecutor argued that the autopsy photo would aid the medical examiner's description of Theng's injuries and relate to the element of intent. The medical examiner used the photo to illustrate how the blood filling Theng's skull pushed down on her brain, causing pneumonia and eventually death, likely over the course of "hours." The prosecutor noted the photo during closing argument, asserting that "[t]his was a severe" and "intentional injury" caused by Cotton repeatedly punching or kicking Theng in the head or banging her head on the floor. The prosecutor also argued that Cotton left Theng on the floor "for so long . . . that she develop[ed] pneumonia."

Thus, the photo was material to the time of death. It was therefore relevant to a special interrogatory in which the jury found that Cotton permitted Theng to lay injured for an extended period. *See State v. Hurd*, 763 N.W.2d 17, 30 (Minn. 2009) (citing *State v. DeZeler*, 41 N.W.2d 313, 318 (Minn. 1950)) (noting that "time of death" may be relevant issue on which to admit "gruesome pictures of the victim's body"). The photo was also likely material to intent. That made the photo relevant to another special interrogatory in

which the jury found that Cotton inflicted multiple injuries causing Theng's death. The district court "reviewed [the] photograph before admitting it," received "an explanation as to [its] probative value," "and explicitly balanced [its] probative value against [its] potential for creating unfair prejudice." *See Friend*, 493 N.W.2d at 544 (observing no abuse of discretion when district court "engaged in the required balancing test under [r]ule 403"). As such, the district court did not abuse its discretion by admitting the autopsy photo.

A.E.'s phone call with investigator

Cotton argues that the district court abused its discretion by admitting A.E.'s recorded phone call because it was inadmissible hearsay. Hearsay is a "statement" not made by the declarant while testifying at trial that is offered "to prove the truth of the matter asserted." Minn. R. Evid. 801(c). Hearsay is generally inadmissible. Minn. R. Evid. 802.

Many of A.E.'s recorded statements were offered to show only that he made them rather than for their truth. Those statements were not hearsay. Cotton appears to specifically take issue with admitting A.E.'s statements asserting that he and Cotton were friends, that they talked often, and that they had various discussions about Theng's death. The district court admitted these statements to show Cotton's "own words as to the occurrences prior to [Theng]'s death." The state argued that the statements showed that A.E., "either in collaboration with . . . Cotton or just based on the assurances of his good friend," gave a story about a nonexistent man to "take[] the blame off of . . . Cotton."

Thus, the state offered the statements for their truth, except for A.E.'s statement that Cotton told him about catching Theng and another man "naked" and "sleeping together." The district court admitted that statement under "the residual exception" in Minn. R. Evid.

807. But the statement was admissible as nonhearsay to explain why the investigator asked Cotton what he told A.E. about "catching [Theng] with some other guy in bed." *See State v. Fellegy*, 819 N.W.2d 700, 707 (Minn. App. 2012) ("We may affirm the district court on any ground, including one not relied on by the district court."), *rev. denied* (Minn. Oct. 16, 2012); *State v. Stillday*, 646 N.W.2d 557, 563-64 (Minn. App. 2002) (affirming admission of witness's testimony that he heard victim shout for help in part because shout was not hearsay but "was offered to show why [witness] contacted the police"), *rev. denied* (Minn. Aug. 20, 2002).

We conclude that the rest of A.E.'s recorded statements at issue were admissible hearsay under rule 807. "A statement not specifically covered by [r]ule[s] 803 or 804 but having equivalent circumstantial guarantees of trustworthiness" is admissible under rule 807 if

> the [district] court determines that (A) the statement is offered as evidence of a material fact; (B) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and (C) the general purposes of the[] [Minnesota Rules of Evidence] and the interests of justice will best be served by admission of the statement into evidence.

Minn. R. Evid. 807. Cotton does not dispute that requirement (A) was met. Cotton argues that A.E.'s hearsay statements lacked sufficient circumstantial guarantees of trustworthiness and did not meet requirements (B) and (C) of rule 807. We address these contentions in turn.

Circumstantial guarantees of trustworthiness

Whether a statement has circumstantial guarantees of trustworthiness depends on the totality of the circumstances. *Hallmark*, 927 N.W.2d at 292. Potentially relevant circumstances include: (1) whether the declarant volunteered the statement without suggestion or leading; (2) whether the declarant based the statement on personal knowledge, especially when other evidence corroborates or is consistent with the statement; (3) whether "the statement is recorded, removing any real dispute about what the declarant said"; (4) the declarant's motive for making the statement, including their relationship to the parties; (5) the time between an event and a hearsay statement about the event; and (6) whether the declarant recanted the statement. *Id.* at 292-93.

Here, A.E. volunteered his statements to police in a noncoercive telephonic setting. Second, A.E. had personal knowledge of his and Cotton's relationship and discussions. A.E. did not require personal knowledge of the matters about which Cotton allegedly told him to reliably prove Cotton's own words and their falsity. The address on A.E.'s driver's license, Cotton's phone calls with A.E. near the time of Theng's death, and Cotton's quick phone call to the investigator after A.E.'s interview further supported A.E.'s assertions that he and Cotton were close and that they talked often—including near the time of Theng's death about real or fabricated circumstances relating thereto. Third, there is no dispute that A.E. made the recorded statements in question. And fourth, as the district court found, it appears that A.E. made the statements to "help[] his friend."

The record is unclear on when A.E.'s and Cotton's relevant conversations occurred. We assume that they occurred near the time of Theng's death, creating an "extended" time

gap between the conversations and A.E.'s hearsay statements around two months later. *See id.* at 293. This would diminish the trustworthiness of A.E.'s statements. *State v. Hansen*, 312 N.W.2d 96, 98, 102 (Minn. 1981) (noting that two-week gap between event and statement about it diminished trustworthiness). And Cotton points out that A.E. repeatedly claimed to be drinking heavily during the relevant period. Nonetheless, the factors diminishing trustworthiness are insignificant against the factors supporting trustworthiness, particularly when the crux of A.E.'s hearsay statements was simple, undetailed, and likely easy to remember.

Cotton also argues unpersuasively that A.E.'s alleged failure to recall due to drinking raised "the same issues . . . found in a recanted statement." The district court found no "clear recantation," that A.E. "was trying very hard to not have to say anything," and that he "wanted [the prosecutor] to say the words." We defer to this credibility finding. *See State v. Evans*, 756 N.W.2d 854, 870 (Minn. 2008). In any event, A.E. admitted that he believed that he told the investigator the truth and that someone had been "cheating."

Weighing the above considerations, we conclude that A.E.'s hearsay statements possessed sufficient circumstantial guarantees of trustworthiness for admission under rule 807.

Most probative evidence

The most-probative-evidence prong creates a preference for reasonably available evidence showing "the same thing" as the hearsay at issue. *Hallmark*, 927 N.W.2d at 297 (citing *DeRosier*, 695 N.W.2d at 106). Here, A.E.'s hearsay statements were the only evidence of his and Cotton's close relationship and the most probative evidence on the

extent to which they talked. A.E.'s hearsay statements were also the only evidence that Cotton claimed to wonder if the "other guy" was responsible for Theng's death. In context with all the evidence, A.E.'s hearsay statements were ultimately relevant to discrediting Cotton's accounts of Theng's death, including on whether Cotton fabricated a story about Theng's death to or in collaboration with A.E. We conclude that A.E.'s hearsay statements sufficiently met the most-probative-evidence prong.

General purposes of the rules and interests of justice

To meet prong (C) of rule 807, admitting the hearsay must "promote the growth and development of the law of evidence to the end that the truth may be ascertained and proceedings justly determined." *Id.* at 294 (quotation omitted). Here, there is no substantial doubt about the trustworthiness prong with respect to what the state offered A.E.'s hearsay statements to prove. And the state offered these statements only because—based on the district court's credibility finding—A.E. tried avoiding the ascertainment of truth. We therefore conclude that admitting A.E.'s hearsay statements sufficiently furthered the general purposes of the Rules of Evidence and the interests of justice. The district court did not abuse its discretion by admitting A.E.'s recorded phone call with the investigator.

Affirmed.