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Minn. Stat. § 480A.08, subd. 3 (2012).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A12-1068**

State of Minnesota,
Respondent,

vs.

William Allen Bliss,
Appellant.

**Filed June 17, 2013
Affirmed
Ross, Judge**

Rice County District Court
File No. 66-CR-11-1322

Lori Swanson, Attorney General, St. Paul, Minnesota; and

G. Paul Beaumaster, Rice County Attorney, Terence J. Swihart, Assistant County Attorney, Benjamin Bejar, Assistant County Attorney, Faribault, Minnesota (for respondent)

David W. Merchant, Chief Appellate Public Defender, Rochelle R. Winn, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Peterson, Presiding Judge; Ross, Judge; and Toussaint,
Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

UNPUBLISHED OPINION

ROSS, Judge

A jury found William Bliss guilty of felony domestic assault after hearing evidence that he hit his “girlfriend,” R.M.D., and attempted to choke her during an altercation in her home. Bliss appeals from his conviction, arguing that there is insufficient evidence to establish that he and R.M.D. were “involved in a significant romantic or sexual relationship” as required to constitute domestic abuse. Because the evidence is sufficient to allow a jury to find a romantic or sexual relationship existed between Bliss and R.M.D., we affirm.

FACTS

William Bliss and R.M.D. dated on and off for two years. During their romantic relationship, they spent a lot of time together socially, going out to eat, to the movies, and to community events. They each also spent a significant amount of time with the other’s children. Bliss and the state agree that the relationship eventually ended, but they dispute when it occurred. Relevant here, they do not agree whether it ended before Bliss’s assault on May 9, 2011.

On that day, Bliss stopped by R.M.D.’s workplace to get her apartment key, intending to let himself in and wait for her to return after work. This was the same pattern they followed during their relationship when Bliss spent the night. On this occasion, Bliss smelled of alcoholic beverages and seemed intoxicated when he arrived at R.M.D.’s workplace. Bliss and R.M.D. smoked a cigarette together and embraced before Bliss left with R.M.D.’s key.

R.M.D. met her daughter after her shift and went home. R.M.D. knocked on a window for “[a] couple minutes” before Bliss, who was sleeping on the couch, woke up and answered. R.M.D. scolded Bliss for falling asleep and this angered him. An argument ensued and quickly escalated until Bliss punched R.M.D. twice in the head and attempted to choke her. The commotion alerted R.M.D.’s daughter, who entered the room and told Bliss to stop. He collected his things and left.

R.M.D. called a friend, who came to the apartment and saw R.M.D.’s bruised face and black eye. She took R.M.D. and her daughter to her residence and telephoned police. Faribault Police Officer Michael Thul responded, took R.M.D.’s statement, and photographed her injuries. R.M.D. identified William Bliss as her attacker and referred to him as her “boyfriend” to both Officer Thul and to hospital staff later that night. Officer Thul went to Bliss’s apartment and was let inside by his roommate. The officer found Bliss sleeping and smelling like alcoholic beverages. He woke Bliss and questioned him. He directed Bliss, “[T]ell me about what happened with [your] girlfriend,” and Bliss responded narratively without correcting the characterization.

The officer arrested Bliss and the state charged him with domestic assault by strangulation, felony domestic assault, and gross misdemeanor assault.

Bliss testified at trial that his romantic relationship with R.M.D. had ended in January 2010, more than a year before the assault. But R.M.D. testified that she and Bliss were in an exclusive romantic relationship until the May 9, 2011 assault. She acknowledged that she had an on-and-off relationship with Bliss, but she testified that she always perceived it as exclusive even in the “off” periods and that she learned that Bliss

may have been seeing other women during their relationship only when she spoke with the county attorney three months after the assault.

The district court dismissed the charge of gross misdemeanor assault, and the jury acquitted Bliss of domestic assault by strangulation and found him guilty of felony domestic assault. Bliss appeals.

D E C I S I O N

Bliss appeals from his conviction, arguing that the evidence is not sufficient to establish that he and R.M.D. were “involved in a significant romantic or sexual relationship” at the time of the assault, which he maintains is a prerequisite to conviction for domestic assault. *See* Minn. Stat. § 518B.01, subd. 2(b)(7) (2010). We review challenges to the sufficiency of the evidence to determine if the evidence, viewed in the light most favorable to the conviction, is sufficient to have permitted the jury to find the defendant guilty beyond a reasonable doubt. *State v. Pendleton*, 759 N.W.2d 900, 909 (Minn. 2009). This means we assume that the jury credited the state’s witnesses and drew all reasonable inferences on disputed evidence in favor of the conviction. *State v. Jackson*, 726 N.W.2d 454, 460 (Minn. 2007). Based on that standard and the disputed testimony, some of which readily supports the jury’s verdict, we have no basis on which to reverse.

A person may be convicted of domestic assault if he assaults “a family or household member.” Minn. Stat. § 609.2242, subd. 1 (2010). Family or household members include “persons involved in a significant romantic or sexual relationship.” Minn. Stat. § 518B.01, subd. 2(b)(7). Although no express statutory provision defines

“significant romantic or sexual relationship,” the definition section of the Domestic Abuse Act provides four factors that inform the determination. *Id.* These include the duration of the relationship; the type of relationship; the frequency of interaction between the parties; and, if the relationship has terminated, the length of time since termination. *Id.* The state and Bliss agree that Bliss and R.M.D. had a romantic relationship lasting at least two years.

Although Bliss disputes R.M.D.’s characterization of the romantic relationship as having lasted through the date of the assault, evidence certainly supports her characterization. R.M.D. testified that she thought the relationship was exclusive throughout their two years together, even in the “off” periods of the on-and-off relationship. She testified that the relationship ended only after Bliss’s May 9, 2011 assault. And she testified without contradiction that Bliss sometimes came to her workplace to pick up her key on nights he was planning to stay with her, as he did on the night of the assault. Bliss and R.M.D. also spent significant amounts of time with each other’s children throughout their romantic relationship, just as R.M.D. watched Bliss’s daughter on the morning of the assault. The evidence also demonstrates that R.M.D. referred to Bliss as her “boyfriend” when speaking with Officer Thul and with medical personnel the night of the assault. And Bliss did not correct this characterization on the night of the assault when questioned by Officer Thul. The jury certainly had a reasonable basis to reject this testimony in favor of Bliss’s argument, but it did not, and that also was reasonable. Viewing the disputed testimony in the light most favorable to the conviction,

we assume that the jury credited the testimony and evidence indicating that the relationship continued through the assault and disbelieved the contrary evidence.

On this basis, we reject Bliss's insufficient-evidence challenge. We add that even if we concluded that the jury should have given less weight to the state's evidence and more to Bliss's (a conclusion that would exceed our role on appeal), we would not necessarily reverse the conviction. We have held that even "[a] former relationship may qualify as a significant romantic or sexual relationship" under the statute. *Sperle v. Orth*, 763 N.W.2d 670, 671 (Minn. App. 2009); *see also id.* at 674 (stating that legislature's intent to include former relationship within the "significant romantic or sexual relationship" category is clear from the plain language of section 518B.01, subdivision 2(b)). Although "a mere assertion" of a former significant relationship would not alone satisfy the statute, a factually supported former relationship may still qualify as a "significant romantic or sexual relationship." *Id.*

Sufficient evidence supports the jury's finding that a "significant romantic or sexual relationship" existed between R.M.D. and Bliss. This satisfies the statutory requirement that R.M.D. be a "family or household member" of Bliss.

Affirmed.