STATE OF MINNESOTA
IN COURT OF APPEALS
A19-0463

In the Matter of the Welfare of: C. A. M.

Filed November 25, 2019
Affirmed
Kalitowski, Judge[*]

Anoka County District Court
File No. 02-JV-19-56

Cathryn Middlebrook, Chief Appellate Public Defender, Leslie J. Rosenberg, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

Anthony C. Palumbo, Anoka County Attorney, Kelsey R. Kelley, Assistant County Attorney, Anoka, Minnesota (for respondent)

Considered and decided by Hooten, Presiding Judge; Smith, Tracy M., Judge; and Kalitowski, Judge.

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

U N P U B L I S H E D O P I N I O N

KALITOWSKI, Judge

In this direct appeal from a juvenile delinquency adjudication for receiving stolen property, appellant C.A.M. argues that the evidence was insufficient to prove that he knew, or had reason to know, the car he was driving was stolen because the circumstances proved at trial suggest a reasonable alternative to guilt, that he believed the car belonged to his acquaintance, "Curtis." He also argues that the district court erred by refusing to admit a recorded statement by Curtis to appellant's mother in which Curtis acknowledged that he knew the car was stolen. We affirm.

D E C I S I O N

I.

In considering a claim of insufficient evidence, we conduct a thorough analysis of the record to determine whether the evidence, when viewed in the light most favorable to the conviction, was sufficient to permit the guilty verdict. *State v. Webb*, 440 N.W.2d 426, 430 (Minn. 1989). We assume that the fact-finder "believed the state's witnesses and disbelieved any evidence to the contrary." *State v. Moore*, 438 N.W.2d 101, 108 (Minn. 1989).

The parties agree that a circumstantial evidence standard of review applies. Under that heightened standard, we first identify the circumstances proved, deferring to the fact-finder's "acceptance of the proof of these circumstances and rejection of evidence in the record that conflicted with the circumstances proved by the [s]tate." *State v. Robertson*, 884 N.W.2d 864, 871 (Minn. 2016) (quotations omitted). Second, we "independently

examine the reasonableness of all inferences that might be drawn from the circumstances proved, including inferences consistent with a hypothesis other than guilt." *Id.* (quotations omitted). "In order to sustain a conviction based on circumstantial evidence, the reasonable inferences that can be drawn from the circumstances proved as a whole must be consistent with the hypothesis that the accused is guilty and inconsistent with any rational hypothesis except that of guilt." *Id.* (quotation omitted).

Appellant was convicted of violating Minn. Stat. § 609.53, subd. 1 (2018), which imposes felony criminal liability if a person receives or possesses stolen property that is a motor vehicle, so long as the person knew or had reason to know the property was stolen. *See also* Minn. Stat. § 609.52, subd. 3(3)(d)(v) (2018) (providing sentencing provision).

Here, the circumstances proved are: (1) appellant was stopped driving a stolen car; (2) the car had been stolen two days earlier; (3) the car had no plates or displayed registration; (4) appellant knew that the car had no plates; (5) appellant did not have a driver's license; (6) appellant had the keys, and the car had no visible damage; (7) there were two passengers in the car, including "J.D.," and appellant was not particularly familiar with them; (8) appellant said Curtis owned the car, though he did not know Curtis's last name and his only contact with Curtis was through Facebook; (9) Curtis was not in the car; (10) there were inconsistencies in appellant's story of how he, and the two other passengers, came to possess the car from Curtis; (11) appellant's primary claim was that J.D. took the car without Curtis's permission when Curtis went inside a house, and appellant later offered to drive for J.D.; and (12) appellant blurted out to the arresting officer that Curtis "didn't want it," meaning the car.

The reasonable inferences that can be drawn from these circumstances, as a whole, are consistent with appellant's guilt. Appellant offers the alternative hypothesis that he believed Curtis was the car's owner, and he therefore had no reason to know the car was stolen. But the circumstances, as a whole, are inconsistent with this theory.

The car displayed no obvious signs of theft, except for the missing plates. But based on appellant's conflicting story of how he came to possess the car from Curtis, and his statement that Curtis "didn't want it," it is unreasonable to infer that appellant did not know, or have reason to know, the car was stolen. A defendant's failure to provide a "satisfactory explanation" for possessing stolen property may constitute sufficient evidence that he knew it was stolen. *State v. Boykin*, 172 N.W.2d 754, 757 (Minn. 1969). Moreover, appellant's primary claim to the arresting officer was that one of the passengers, J.D., took the car from Curtis after Curtis went inside a house and did not return for several minutes. J.D.'s act of taking the car without permission is inconsistent with Curtis's ownership, and itself suggests that the car was stolen. We conclude that the circumstantial evidence was sufficient.

II.

Appellant next argues that the district court abused its discretion by excluding Curtis's recorded statement acknowledging that he knew the car was stolen. He argues that the statement met the requirements for admission under the statement-against-interest exception to the hearsay rule. We review the district court's evidentiary ruling for an abuse of discretion. *State v. Ali*, 855 N.W.2d 235, 249 (Minn. 2014); *State v. Henderson*, 620 N.W.2d 688, 698 (Minn. 2001). A district court abuses its discretion when its decision is

based on an incorrect view of the law or "is against logic and the facts in the record." *State v. Bustos*, 861 N.W.2d 655, 666 (Minn. 2015) (quotation omitted). If a district court abuses its discretion by excluding evidence, we must determine whether reversal is warranted. *Id.*

"'Hearsay' is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." Minn. R. Evid. 801(c). Hearsay is inadmissible unless an exception applies. Minn. R. Evid. 802; *State v. Manthey*, 711 N.W.2d 498, 504 (Minn. 2006). Under the statement-against-interest exception, a statement made by an unavailable declarant is not excluded by the hearsay rule if the statement, at the time of its making "so far tended to subject the declarant to . . . criminal liability . . . that a reasonable person . . . would not have made the statement unless believing it to be true." Minn. R. Evid. 804(b)(3).

Determining whether a statement is admissible under rule 804(b)(3) generally requires three steps. *State v. Morales*, 788 N.W.2d 737, 762 (Minn. 2010). But we need not consider those steps because, even assuming that the district court abused its discretion, we see no basis for reversal. *See State v. Post*, 512 N.W.2d 99, 102 (Minn. 1994) (stating that erroneous exclusion of defense evidence is reviewed to determine whether the error was harmless beyond a reasonable doubt). The district court stated that the evidence was not "particularly exonerating." We agree. If anything, Curtis's admission strengthened the state's case by showing that Curtis was aware that the property was stolen.

Affirmed.