STATE OF MINNESOTA
IN COURT OF APPEALS
A19-0222

State of Minnesota,
Respondent,

vs.

Derrick Lee Riddle,
Appellant.

Filed February 18, 2020
Affirmed
Johnson, Judge

Ramsey County District Court
File No. 62-CR-17-9060

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

John J. Choi, Ramsey County Attorney, Peter R. Marker, Assistant County Attorney, St. Paul, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jenna Yauch-Erickson, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Johnson, Presiding Judge; Florey, Judge; and Kirk, 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

JOHNSON, Judge

A Ramsey County jury found Derrick Lee Riddle guilty of stalking and domestic assault. On appeal, Riddle argues that he was denied his constitutional right to a speedy trial and that the prosecutor engaged in misconduct. We conclude that Riddle's right to a speedy trial was not violated and that the prosecutor's conduct does not warrant a new trial. Therefore, we affirm.

FACTS

Riddle and G.F. were in a turbulent romantic relationship between 1997 and 1999. They reunited in 2007 and had a child together. In June 2017, G.F. obtained an order for protection (OFP) that prohibited Riddle from having any contact with her, directly or through other persons, for two years.

On August 17, 2017, Riddle confronted G.F. in a parking lot. Riddle struck G.F. and threatened that he would have someone kill her. Shortly after the incident, Riddle sent threatening text messages to G.F.'s nephew, which were addressed to both the nephew and G.F. Riddle sent text messages directly to G.F. on October 14, 2017, and indirectly through G.F.'s daughter on November 7, 2017.

In December 2017, the state charged Riddle with one count of a pattern of stalking conduct, in violation of Minn. Stat. § 609.749, subd. 5(a) (2016); two counts of a third or subsequent violation of the stalking statute, in violation of Minn. Stat. § 609.749, subd. 4(b) (2016); and one count of felony domestic assault, in violation of Minn. Stat. § 609.2242, subd. 4 (2016). The complaint alleged that Riddle violated the OFP between

February 1, 2017, and November 10, 2017, and that Riddle assaulted G.F. on August 17, 2017.

Riddle was arrested on February 28, 2018. At his initial court appearance the next day, he requested and was granted a public defender. On March 13, 2018, Riddle was released from custody after posting bail. At a March 26, 2018 omnibus hearing, Riddle pleaded not guilty and demanded a speedy trial. A pre-trial conference was scheduled for April 26, 2018, and trial was scheduled for May 21, 2018.

At the April 26, 2018 pre-trial conference, Riddle's public defender informed the district court that there was no plea agreement and that the case would proceed to trial. On May 21, 2018, the day on which trial was scheduled to begin, a newly assigned public defender appeared with Riddle, informed the district court that he would be unavailable for the remainder of the month, and requested that the trial be continued. The district court noted that Riddle had made a speedy-trial demand and rescheduled the trial for the weeks of June 4 and June 11, 2018. The district court also noted that the rescheduled trial dates were beyond the 60-day speedy-trial deadline but found that the reasons stated by Riddle's public defender provided good cause to continue the trial for two or three weeks.

The parties appeared for trial on June 4, 2018. Jury selection began that day and continued into the following day. After a jury had been selected, Riddle addressed the district court and stated that he wished to proceed *pro se* with his public defender serving as advisory counsel. Riddle explained that he had met his new public defender only two weeks earlier, had not communicated with him since then, and had given his public defender evidence that the public defender apparently was not planning to use at trial.

Riddle also stated his belief that public defenders have a conflict of interest because they are employed by the state. The district court asked Riddle whether he was prepared to proceed with trial, and he answered in the affirmative. The district court accepted Riddle's waiver of his right to counsel and granted Riddle's request to proceed *pro se*. But, on its own initiative, the district court reconsidered the matter and declined to appoint the public defender as advisory counsel in light of the concerns Riddle had expressed and the possibility that the public defender might be asked to assume full representation of Riddle. The district court stated that it would appoint an attorney who is unaffiliated with the public defender's office to serve as advisory counsel and that, to accommodate that appointment, the trial would need to be continued to the week of July 30, 2018. The district court found that the need to appoint new advisory counsel provided good cause to further continue the trial for an additional six weeks despite Riddle's speedy-trial demand. Riddle expressed his agreement with the court's decision to continue the trial.

On Friday, July 27, 2018, a private attorney was appointed advisory counsel. When the case was called for trial on Tuesday, July 31, 2018, the state requested a continuance until the next trial block, which was in September 2018, on the ground that the trial likely would run into the following week, when several of its witnesses were unavailable. Riddle objected to the state's request. The prosecutor noted that all of its witnesses were available in June, when a jury was selected. The district court granted the state's request. The district court reasoned that Riddle's speedy-trial rights were not violated because the reason for the delay was attributable to him because the state was prepared for trial in June but the

trial was continued to accommodate Riddle's request for self-representation and advisory counsel.

The trial began on September 26, 2018. At the outset of trial, the state voluntarily dismissed counts 2 and 3 of the complaint and proceeded on count 1, which alleged a pattern of stalking conduct, and count 4, which alleged domestic assault. The state called ten witnesses, including G.F., G.F.'s nephew, G.F.'s sister, and a woman who had seen G.F. and a man in the parking lot on the date that Riddle allegedly assaulted her there. The state also called multiple police officers who responded to G.F.'s complaints. A police sergeant testified that he spoke with Riddle on October 18, 2017, and informed him of the OFP. The sergeant also described the process of serving an OFP by publication. Riddle did not testify and did not call any other witnesses.

The jury found Riddle guilty on both counts. At a hearing in October 2018, the district court considered various post-trial motions filed by Riddle, including a motion to vacate the judgment on the ground that he was denied his right to a speedy trial. The district court concluded that there was no speedy-trial violation. The district court reasoned that "the delay was due in part to the court's congested calendar and in part to the consequences of Mr. Riddle's decisions," particularly Riddle's decision to discharge his second public defender, and that the delay did not prejudice Riddle because he was not detained before trial and because his defense was not compromised. During the district court's oral ruling, Riddle expressed his desire to withdraw his motions. The district court noted that it was making a record regardless and reiterated that there was no speedy-trial violation. In

November 2018, the district court imposed a sentence of 48 months of imprisonment on count 1. Riddle appeals.

D E C I S I O N

Riddle's appellate attorney makes two arguments on his behalf for reversal. In addition, Riddle has filed a *pro se* supplemental brief in which he makes five additional arguments for reversal. We will consider each argument in turn.

I. Right to Speedy Trial

Riddle first argues that he was denied his constitutional right to a speedy trial. The United States and Minnesota constitutions provide that, in all criminal prosecutions, "the accused shall enjoy the right to a speedy and public trial." U.S. Const. amend. VI; *see also* Minn. Const. art. I, § 6. In determining whether a delay has deprived a defendant of the right to a speedy trial, Minnesota courts generally apply the four-part balancing test outlined in *Barker v. Wingo*, 407 U.S. 514, 92 S. Ct. 2182 (1972). *See State v. Taylor*, 869 N.W.2d 1, 19 (Minn. 2015); *State v. Windish*, 590 N.W.2d 311, 315 (Minn. 1999). The four factors are (1) the length of the delay, (2) the reason for the delay, (3) whether the defendant asserted his right to a speedy trial, and (4) whether the delay prejudiced the defendant. *Barker*, 407 U.S. at 530-33, 92 S. Ct. at 2192-93. The four factors must be considered together in light of the relevant circumstances, and no one factor is dispositive or necessary to a finding that a defendant has been deprived of the right to a speedy trial. *Id.* at 533, 92 S. Ct. at 2193; *Windish*, 590 N.W.2d at 315. If a defendant has been deprived of the right to a speedy trial, the appropriate remedy is dismissal of the case. *State v. Osorio*, 891 N.W.2d 620, 627 (Minn. 2017).

A. Length of Delay

"The delay in speedy-trial cases is calculated from . . . when a person is arrested and held to answer a criminal charge." *State v. Jones*, 392 N.W.2d 224, 235 (Minn. 1986). In this case, Riddle's trial began on September 26, 2018, almost seven months after he was arrested. A "delay of seven months is long enough to trigger the consideration of the other *Barker* factors." *Id.* Thus, this factor weighs in favor of a finding of a speedy-trial violation.

B. Reason for Delay

Riddle argues that the delay between his arrest and the trial was attributable to the district court and the state. He contends that there was not good cause to continue the trial on July 31, 2018, on the ground that the state was not diligent in securing the appearance of its witnesses. He further contends that, because he was prepared to try the case on June 5, and because his public defender was prepared to act as advisory counsel, the district court should have allowed the trial to go forward on that date.

In response, the state argues that delays caused by a court's congested calendar weigh only slightly against the state and that the delays were primarily attributable to Riddle. The state notes that the first delay, from May 21 to June 4, 2018, was due to the assignment of the second public defender, and that the second delay, from June 5 to July 31, 2018, was due to Riddle's decision to discharge his second public defender and proceed *pro se* with advisory counsel. The state contends that the district court declined to appoint Riddle's second public defender to be advisory counsel because the district court wished to accommodate Riddle's expressed mistrust of the public defender's office. The state also

contends that the district court correctly recognized that there was good cause to continue the trial on July 31, 2018, because the state was prepared for trial on June 4.

Delays that are attributable to a defendant do not support the defendant's argument that his right to a speedy trial was violated. *See State v. Mahr*, 701 N.W.2d 286, 292 (Minn. App. 2005), *review denied* (Minn. Oct. 26, 2005). "Mere court congestion is insufficient" to justify delays, *McIntosh v. Davis*, 441 N.W.2d 115, 120 (Minn. 1989), but administrative delays, by themselves, are "generally insufficient to violate a defendant's speedy-trial right in the absence of a deliberate attempt to delay trial," *State v. Hahn*, 799 N.W.2d 25, 32 (Minn. App. 2011).

The state is correct that the first delay, on May 21, 2018, is attributable to Riddle because his second public defender requested a continuance to accommodate his schedule. The state also is correct that the second delay, on June 5, 2018, is attributable to Riddle because he wished to proceed *pro se* and had expressed mistrust of the public defender's office.[1] But the third delay is fairly attributed to the state. Nonetheless, most of the delay

[1]A criminal defendant does not have a constitutional right to advisory counsel. *State v. Clark*, 722 N.W.2d 460, 466 (Minn. 2006). Rather, the assistance of advisory counsel is available pursuant to a rule of court: "The court may appoint advisory counsel to assist a defendant who voluntarily and intelligently waives the right to counsel." Minn. R. Crim. P. 5.04, subd. 2. The appointment of advisory counsel is committed to the discretion of the district court. *Dobbins v. State*, 845 N.W.2d 148, 155 (Minn. 2013); *Clark*, 722 N.W.2d at 467. In this case, the district court likely could have exercised its discretion by not appointing advisory counsel. The district court also could have appointed Riddle's second public defender (rather than a private attorney) to serve as advisory counsel. *See Clark*, 722 N.W.2d at 466; Minn. R. Crim. P. 5.02, subd. 4; *cf.* Minn. Stat. § 611.17(b)(4) (2018). Regardless, it is clear that, as it happened, the district court continued the trial on June 5, 2018, because of Riddle's stated concerns about the public defender's office. Because Riddle caused the district court to appoint a new attorney as advisory counsel, Riddle

between Riddle's arrest and his trial is attributable to him. Thus, this factor does not weigh in favor of a finding of a speedy-trial violation.

C. Whether Riddle Asserted Right

Riddle demanded a speedy trial at his March 26, 2018 omnibus hearing, approximately one month after he was arrested. He never withdrew that demand. The district court repeatedly acknowledged that Riddle had demanded a speedy trial. But Riddle consented to continuing the trial at the May 21, 2018 hearing to accommodate the schedule of his newly appointed second public defender. He also consented to continuing trial on June 5, 2018, when the district court agreed to appoint a private attorney to serve as advisory counsel. Riddle did not object to any delay until July 31, 2018, when the state requested a continuance because of the unavailability of its witnesses. A "delay occasioned by the defendant himself often is deemed a temporary waiver of his speedy trial demand, which can only be revived when the defendant reasserts his speedy trial right." *State v. Johnson*, 498 N.W.2d 10, 16 (Minn. 1993). Thus, this factor weighs only slightly in favor of a finding of a speedy-trial violation.

D. Whether Delay Prejudiced Riddle

Riddle argues that the delays prejudiced him because he was required to spend months anticipating trial, make multiple court appearances, and suffer from the anxiety induced by his prosecution. In his *pro se* brief, Riddle adds that the delay made it difficult for him to arrange for witnesses to testify on his behalf, and he suggests that the delays

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cannot now argue on appeal that he is not responsible for the delay resulting from that appointment.

prevented him from obtaining custody of his son. In response, the state argues that Riddle was not prejudiced by the delay because he was not in pre-trial detention after he asserted his right to a speedy trial and has made no claim that the delays impaired his defense.

A defendant has three interests in a speedy trial: (1) preventing oppressive pre-trial detention, (2) minimizing anxiety and concern, and (3) limiting the possibility that the defense will be impaired. *Barker*, 407 U.S. at 532, 92 S. Ct. at 2193. There is no indication that any of these three interests were compromised. First, Riddle posted bail in March 2018, approximately two weeks after being arrested, and was at liberty until the conclusion of trial in October 2018. Second, his claims about anxiety and concern are undermined by his amenability to the continuances on May 21 and June 5, 2018. Third, he has not identified any witnesses who did not testify because of the delays or any other way in which his defense was affected by the delay. Thus, this factor does not weigh in favor of a finding of a speedy-trial violation.

In sum, because only one of the factors weighs more than slightly in favor of a finding of a speedy-trial violation, and because two factors weigh against such a finding, we conclude that Riddle's right to speedy trial was not violated. *See Taylor*, 869 N.W.2d at 19-21.

II. Claim of Prosecutorial Misconduct

Riddle also argues that he should be granted a new trial on the ground that the prosecutor engaged in misconduct on several occasions during trial.

The right to due process of law includes the right to a fair trial, and the right to a fair trial includes the absence of prosecutorial misconduct. *Spann v. State*, 704 N.W.2d 486,

493 (Minn. 2005); *State v. Ferguson*, 729 N.W.2d 604, 616 (Minn. App. 2007), *review denied* (Minn. June 19, 2007). There is no dispute in this case that Riddle did not object to the conduct that he challenges on appeal. Accordingly, we apply the "modified plain-error test" to Riddle's unobjected-to claims of prosecutorial misconduct. *State v. Carridine*, 812 N.W.2d 130, 146 (Minn. 2012).

To prevail under the modified plain-error test, an appellant initially must establish that there is an error and that the error is plain. *State v. Ramey*, 721 N.W.2d 294, 302 (Minn. 2006). An error is plain if it "contravenes case law, a rule, or a standard of conduct." *Id.* If there is a plain error, the burden shifts to the state, which must show that the plain error did not affect the appellant's substantial rights, *i.e.*, "that there is no reasonable likelihood that the absence of the misconduct in question would have had a significant effect on the verdict of the jury." *Id.* (quotation omitted). "If the state fails to demonstrate that substantial rights were not affected, 'the appellate court then assesses whether it should address the error to ensure fairness and the integrity of the judicial proceedings.'" *State v. Davis*, 735 N.W.2d 674, 682 (Minn. 2007) (quoting *State v. Griller*, 583 N.W.2d 736, 740 (Minn. 1998)).

Riddle argues that the prosecutor engaged in four types of misconduct. We analyze each part of the argument separately.

A. Eliciting Vouching Testimony

Riddle argues that the prosecutor improperly elicited vouching testimony from G.F.'s sister. This argument is based on a series of questions in which the prosecutor asked G.F.'s sister whether G.F. "has been honest with you about the abuse that she has suffered

from Mr. Riddle" and whether G.F. "was telling the truth about being abused by Mr. Riddle." The state concedes that these questions were improper. We agree. "[O]ne witness cannot vouch for or against the credibility of another witness." *State v. Ferguson*, 581 N.W.2d 824, 835 (Minn. 1998). Accordingly, Riddle has established the first two requirements of the modified plain-error test, and the burden shifts to the state. *See Ramey*, 721 N.W.2d at 302.

With respect to the third requirement of the modified plain-error test, the state contends that the misconduct did not significantly affect the verdict because the prosecutor did not refer to G.F.'s sister's vouching testimony in closing argument and, instead, urged the jury to follow the district court's instructions concerning the credibility of witnesses. The state also contends that the supportive testimony of a victim's sister would not have been surprising and, thus, surely was not a significant factor in the jurors' decision-making process. Riddle contends that he was prejudiced because the misconduct touched on G.F.'s credibility, which was central to the case.

The state's arguments are more persuasive. Accordingly, we conclude that "there is no reasonable likelihood that the absence of the misconduct in question would have had a significant effect on the verdict" of the jury. *See id.* Thus, the prosecutor's misconduct in eliciting vouching testimony from a witness does not warrant a new trial.

B. Arguing Facts Not in Evidence

Riddle also argues that, in closing argument, the prosecutor improperly stated facts that were not in evidence. This argument is based on a portion of the prosecutor's closing argument in which she stated as follows:

> [O]rders for protection aren't just handed out at the drop of a dime. What happens is there is a process. So, you have to petition the court. So you have to provide paper work and documentation about why you need protection. The party who is the recipient of the order has the ability to demand a contested hearing, where that person goes to court and tries to explain to the judge why the order isn't necessary or why the order isn't warranted. And then it is the judge who makes the final determination about whether to grant the order for protection. It is not the victim. It is the judge evaluating the situation and deciding, yes, this person needs protection.
>
> And then we have notice and service. Service in person is one way that a person can be notified of an order for protection. But under Minnesota law, we also have service by publication. Now, that may seem unfair to some people that if you are going to have a document like this, you have got to hand it directly to that person and they have got to be able to directly accept it. But the reason the law allows for service by publication is because there are abusers who evade service. If the person goes there to give them the document, they don't answer the door. Or they don't make themselves available for service.

In response, the state argues that the prosecutor's argument is a "fair interpretation" of the reason for the OFP law and can be "reasonably inferred" from the OFP itself, which was introduced into evidence as an exhibit, and from the sergeant's testimony that the OFP against Riddle was served by publication.

A prosecutor's closing argument must be based on the evidence introduced at trial or reasonable inferences from the evidence. *State v. Morton*, 701 N.W.2d 225, 237 (Minn. 2005); *State v. Crane*, 766 N.W.2d 68, 74 (Minn. App. 2009), *review denied* (Minn. Aug. 26, 2009). In this case, the prosecutor's argument was based on reasonable inferences from the evidentiary record, which included a copy of the OFP that was served on Riddle and the testimony of the sergeant about service by publication. To the extent that the prosecutor

discussed uncontroversial principles of law concerning the issuance of OFPs, *see* Minn. Stat. § 518B.01 (2018), the argument surely did not affect Riddle's substantial rights, *see United States v. Sanchez-Godinez*, 444 F.3d 957, 961 (8th Cir. 2006). Thus, this part of the prosecutor's closing argument was not reversible misconduct.

C. Personally Vouching for the Victim's Credibility

Riddle also argues that, in closing argument, the prosecutor improperly vouched for G.F.'s credibility. This argument is based on a portion of the prosecutor's closing argument in which she stated as follows:

> [O]verall, [G.F.] was credible. She came in and she provided testimony that was consistent with what she had previously told the police. She provided details on multiple different incidents that happened over a span of several months. So this is up to you to decide when you heard her on the witness stand whether she was credible and believable, and I submit to you that she was. [G.F.] is credible and [G.F.] is also courageous.

Riddle contends that the prosecutor provided her "personal opinion" by stating, "I submit to you that . . . ." In response, the state argues that the prosecutor made an argument based on evidence that indicated that G.F. was credible. The state further contends that the prosecutor's use of "I submit" was not inappropriate because it was used in the context of an argument about the evidence, not the prosecutor's personal opinion.

"A prosecutor may not express a personal opinion regarding witness credibility, but it is not improper for a prosecutor to analyze the evidence and argue that particular witnesses were or were not credible." *State v. Smith*, 825 N.W.2d 131, 139 (Minn. App. 2012) (quotation omitted), *review denied* (Minn. Mar. 19, 2013). A prosecutor does not vouch for a witness's credibility if the prosecutor "offer[s] an interpretation of the evidence

rather than a personal opinion as to guilt." *State v. Bradford*, 618 N.W.2d 782, 799 (Minn. 2000). In this case, the statements at issue are based on evidence that G.F.'s testimony was detailed and consistent with prior statements. The phrase "I submit" is somewhat customary when lawyers speak in courtrooms and does not, by itself, indicate a personal opinion. *See id*. Thus, this part of the prosecutor's closing argument was not misconduct.

D. Encouraging Jury to Punish Riddle

Riddle argues that the prosecutor improperly encouraged the jury to hold Riddle "accountable." This argument is based on a portion of the prosecutor's closing argument in which she stated as follows:

> But I think it is also important to point out that [the victim] had to come in here and be subject to cross-examination from someone who has assaulted and threatened her dating back twenty years. And that's difficult. *These cases need to be prosecuted because people need to be held accountable*, but when you have an order in place protecting her from this defendant and she has to be subject to questions and berating and trying to undermine her credibility makes the trial process almost abusive. (Emphasis added.)

Riddle contends that this statement attempted to dissuade the jury from deciding his case dispassionately. Riddle correctly notes that "the jury's role is not to enforce the law or teach defendants lessons or make statements to the public." *State v. Salitros*, 499 N.W.2d 815, 819 (Minn. 1993). "A prosecutor must not appeal to the passions of the jury. When credibility is a central issue, this court pays special attention to statements that may inflame or prejudice the jury." *State v. Mayhorn*, 720 N.W.2d 776, 786-87 (Minn. 2006) (quotations omitted). However, "When reviewing claims of prosecutorial misconduct during closing argument, we consider the argument as a whole, rather than

focusing on particular phrases or remarks that may be taken out of context or given undue prominence." *State v. Jones*, 753 N.W.2d 677, 691 (Minn. 2008) (quotation omitted). In this case, the particular statement about holding people accountable was a very brief and small part of a discussion about how difficult it was for G.F. to appear in court and to be subjected to cross-examination by the person against whom she had obtained an OFP. Thus, this part of the prosecutor's closing argument was not misconduct.

In sum, Riddle is not entitled to a new trial for prosecutorial misconduct.

III. *Pro Se* Arguments

As stated above, Riddle has made five arguments in his *pro se* supplemental brief.

First, Riddle argues that the district court erred by not allowing him to call witnesses to testify on his behalf and by not allowing him to call the prosecutor as a witness. As the state argues in response, Riddle had an opportunity to subpoena witnesses but did not do so. The district court ruled that Riddle had not articulated a proper reason for calling the prosecutor as a witness. The district court did not err in that ruling. *See State v. Fratzke*, 325 N.W.2d 10, 13 (Minn. 1982); *State v. Mussehl*, 396 N.W.2d 865, 869 (Minn. App. 1986), *aff'd*, 408 N.W.2d 844 (Minn. 1987).

Second, Riddle argues that G.F. and the police officers who testified at trial committed perjury. Riddle had an opportunity at trial to cross-examine the state's witnesses and did so. This court defers to the jury's credibility determinations and its resolution of disputed factual issues. *See State v. Engholm*, 290 N.W.2d 780, 784 (Minn. 1980).

Third, Riddle argues that the jury was tainted by the presence of two police officers in the venire panel, neither of whom were selected to serve as jurors. A juror is not disqualified from serving on a criminal jury simply because he or she has an association with law enforcement, so long as he or she can be fair and impartial. *See State v. Huseth*, 375 N.W.2d 846, 848 (Minn. App. 1985), *review denied* (Minn. Dec. 30, 1985); *cf. Ries v. State*, 889 N.W.2d 308, 314-15 (Minn. App. 2016), *aff'd*, 920 N.W.2d 620 (Minn. 2018). In any event, the two officers were not selected to serve on the jury.

Fourth, Riddle argues that the evidence is insufficient to support the jury's verdicts. He argues, among other things, that he did not receive notice of the OFP, that the witness who testified to seeing a man with G.F. did not identify him, that G.F. was not credible, and that he did not commit domestic assault because he never came into physical contact with G.F. The state introduced evidence that Riddle was served with the OFP by publication. Minn. Stat. § 518.01B, subd. 8(c) (2016). As stated above, the credibility of witnesses and the weight to be given to their testimony is a matter that is reserved to the jury. *See, e.g.*, *State v. Pieschke*, 295 N.W.2d 580, 584 (Minn. 1980). The district court also correctly instructed the jury that there need not be physical contact for a domestic assault to have occurred. *See* Minn. Stat. § 609.2242, subds. 1, 4 (2016). Thus, the evidence is sufficient to allow a jury to conclude that Riddle is guilty of both a pattern of stalking conduct and felony domestic assault.

Fifth, Riddle argues that the district court erred by admitting evidence of prior incidents of domestic abuse. We apply an abuse-of-discretion standard of review to a district court's decision to admit evidence. *State v. Graham*, 764 N.W.2d 340, 351 (Minn.

2009). Relationship evidence may be admitted if it provides context for the crime charged. Minn. Stat. § 634.20 (2016); *State v. Matthews*, 779 N.W.2d 543, 553 (Minn. 2010); *State v. Loving*, 775 N.W.2d 872, 879-80 (Minn. 2009). Such evidence need not be corroborated. *Matthews*, 779 N.W.2d at 553. The district court allowed the state to introduce evidence of Riddle's prior abuse of G.F. The district court analyzed the admissibility of the evidence under both section 634.20 and the caselaw interpreting that statute. The district court determined that the relationship evidence was more probative than prejudicial. The district court did not abuse its discretion in that ruling.

Affirmed.