

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-2046**

State of Minnesota,
Respondent,

vs.

Kartumu Sonia King,
Appellant.

**Filed January 4, 2021
Affirmed
Jesson, Judge**

Ramsey County District Court
File No. 62-VB-19-55488

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

Lyndsey M. Olson, St. Paul City Attorney, Ivars P. Krievans, David Hunt, Assistant City Attorneys, St. Paul, Minnesota (for respondent)

Kartumu King, St. Paul, Minnesota (pro se appellant)

Considered and decided by Jesson, Presiding Judge; Cochran, Judge; and Slieter, Judge.

NONPRECEDENTIAL OPINION

JESSON, Judge

Appellant Kartumu Sonia King contends that the evidence is insufficient to support the adjudication of her petty misdemeanor speeding offense. Additionally, King argues that the district court abused its discretion by denying her request to submit a video

recording—taken the day after the offense—of the residential streets in the area where the speeding occurred. Because the officers’ testimony supports the adjudication and the recording is of little, if any, probative value, we affirm.

FACTS

On patrol in an unmarked car in residential St. Paul, two officers spotted a Toyota “kicking up dust” and driving rapidly in a 30-mile-per-hour zone. After briefly losing sight of the vehicle, the officers saw the same car once again speeding on an adjacent street. The officers cited King for a petty misdemeanor speeding offense in violation of Minnesota Statutes section 169.14, subdivision 2(a)(1) (2018).

King appeared for trial pro se. Both citing officers and King testified. The officers reported seeing King speeding an estimated 50 miles per hour on Milford Street before losing her and spotting her again on Front Street. The driving officer testified to accelerating to at least 60 miles per hour to catch up to King on Front Street. Both residential streets are in a 30-mile-per-hour zone.

King denied speeding. To support her testimony, King sought to play a video she recorded on her phone the day after her speeding citation to demonstrate where she believed she had driven and how she could not have been on the streets as testified by the officers. The court denied the introduction of the video, found King guilty of speeding, and imposed a fine of \$10.00 plus fees and surcharges. This appeal follows.

DECISION

I. The officers' testimony was sufficient for the district court to find King guilty of the petty misdemeanor offense of speeding.

First, King argues that the evidence was insufficient for her to be found guilty of speeding. When sufficiency of the evidence is challenged on appeal, this court must view the evidence in the light most favorable to the verdict and assume the fact-finder credited testimony that supported the verdict and discredited testimony that did not. *State v. Steinbuch*, 514 N.W.2d 793, 799 (Minn. 1994). We will not overturn the verdict if the fact-finder, acting with due regard for the presumption of innocence and the requirement of proof beyond a reasonable doubt, could reasonably conclude that a defendant was guilty of the charged offense. *Bernhardt v. State*, 684 N.W.2d 465, 476-77 (Minn. 2004).

Under Minnesota law, vehicle speed that exceeds a properly posted speed limit is prima facie evidence of a speeding violation. Minn. Stat. § 169.14, subd. 2. The elements of a speeding violation are: (1) that the defendant drove a vehicle in an area where there was a posted speed limit; and (2) the speed of defendant's vehicle exceeded the posted speed limit. *Id.* Here, it is undisputed that the residential streets had posted speed limit signs of 30 miles per hour. Both officers testified to visually seeing King driving at roughly 50 miles per hour on Milford Street, and later around 60 miles per hour on Front Street. This is the only testimony required to find someone guilty of speeding. While King disagreed, we defer to the credibility finding of the district court. *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988). When comparing the required elements to the record

evidence, the state sufficiently proved King's guilt. *See State v. Ali*, 679 N.W.2d 359, 367-68 (Minn. App. 2004) (finding officer's visual estimate alone was sufficient to establish that appellant exceeded speed limit).

Still, King argues that the officers did not provide evidence of their training and that the officers had conflicting testimonies. These arguments are not persuasive.

The state does not have the burden of proving the exact speed that a defendant was traveling, just that the defendant was exceeding the speed limit by some amount. *Id.* at 368. And when relying on an officer's visual estimate of a vehicle's speed, there is no need for proof of training. *Id.* As to the conflicting testimonies of the officers, King broadly cites to the transcript but does not clarify what actually makes the versions contradictory. Nor does our review reveal material inconsistencies.

Because sufficient evidence supports King's guilt, the evidence is sufficient to support a verdict for misdemeanor speeding.

II. The district court did not abuse its discretion when it refused to receive a video of streets in the area.

Next, King contends that the district court erred by limiting her testimony when it denied the inclusion of a video purporting to prove that King was not on the streets that police testified to seeing her on.¹

¹ Additionally, King summarily challenged the judge's actions as putting herself in the role of the prosecutor. Our review of the transcript reveals the judge's inquiries were clarifying questions, and we note that a judge has broad discretion in running a trial, including the authority to ask questions. Minn. R. Evid. 614(b); *see also State v. Rasmussen*, 128 N.W.2d 289, 291 (Minn. 1964) (stating that interrogation that is intended merely to clarify the record does not constitute reversible error).

This court will not reverse an evidentiary ruling absent a clear abuse of discretion.² *State v. Ali*, 855 N.W.2d 235, 249 (Minn. 2014). When the district court's evidentiary ruling results in the erroneous exclusion of defense evidence, the verdict must be reversed unless the error was harmless beyond a reasonable doubt. *State v. Post*, 512 N.W.2d 99, 102 (Minn. 1994). Relevant evidence may be excluded if its probative value is substantially outweighed by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.³ Minn. R. Evid. 403.

The district court denied admission of the cell phone video because it was recorded the day after the events and because it was cumulative. The record firmly supports this decision. The only purpose of the recording was as an illustrative exhibit of streets where King claimed to have driven that day. And King testified to this during the hearing, rendering the video cumulative. Nor was the video probative of whether King was speeding the day before it was recorded.⁴ Finally, even if the video was allowed and could exonerate her for speeding on Milford Street, as King asserts, it would not negate the testimony from the officers that King was also speeding on Front Street.

² Additionally, King challenges the district court's denial of her request to continue to trial to allow her to present more evidence. This argument is at its core the same argument as the denial of the video testimony, because the continuance was requested specifically to review the recording.

³ King also asked for the court to release and review the officers' body camera and squad car footage. We do not address this claim as it was not raised below. *Thiele v. Stich*, 425 N.W.2d 580, 582-83 (Minn. 1988).

⁴ Moreover, as the district court noted, introduction of the video would cause undue delay because the video recording was not in a proper format to play before the court, as it was only on her phone.

Because King's cell phone recording is both cumulative and otherwise would not affect the outcome of the speeding ticket, the district court's rejection of the recording was within its wide discretion.

Affirmed.