

*This opinion is nonprecedential except as provided by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
A21-1176**

In re the Matter of: Kaitlyn Mae Steffenhagen, petitioner,
Respondent,

vs.

Christian Castrillon,
Appellant.

**Filed March 14, 2022
Affirmed
Larkin, Judge**

Hennepin County District Court
File No. 27-DA-FA-21-2748

John J. Steffenhagen, Hellmuth & Johnson, PLLC, Edina, Minnesota (for respondent)

Barry S. Edwards, Max A. Keller, Keller Law Offices, Minneapolis, Minnesota (for appellant)

Considered and decided by Reilly, Presiding Judge; Larkin, Judge; and Smith, Tracy M., Judge.

NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellant challenges the district court's issuance of an order for protection, arguing that the district court violated his right to procedural due process. We affirm.

FACTS

This appeal stems from the district court's issuance of an order for protection (OFP) against appellant Christian Castrillon in favor of respondent Kaitlyn Mae Steffenhagen. According to the district court's findings in support of the OFP, Castrillon and Steffenhagen previously had a romantic relationship and lived together with Castrillon's sister. The relationship ended in May 2021. Steffenhagen began dating other people, which upset Castrillon. On June 1, 2021, Castrillon went to the parties' former residence looking for a cat that he had purchased while they were a couple. He pushed Steffenhagen and later forced his way into her bedroom, breaking the door handle. Steffenhagen had used a "security bar" to secure her bedroom door shut. Castrillon picked up the bar from the floor, and Steffenhagen feared that he would use it as a weapon. Although Castrillon did not do so, the altercation upset Steffenhagen so much that she vomited. And at some point during the incident, Steffenhagen sustained minor injuries.

Steffenhagen petitioned the district court for an OFP against Castrillon, and the district court issued an ex parte OFP. The district court scheduled a remote Zoom hearing for June 8, 2021. At the June 8 hearing, Castrillon denied the allegations and requested an evidentiary hearing. The district court continued the matter to June 9 for a Zoom evidentiary hearing. The continuance order instructed the parties to email copies of their exhibits to the court and to each other. The order also instructed the parties to prepare a transcript of any video exhibits and to provide the recording in a playable format. The record indicates that Castrillon did not receive the continuance order until the morning of June 9.

At the June 9 Zoom hearing, both parties appeared pro se. At the start of the hearing, Steffenhagen asked if the district court had received the documents that she had sent on “Monday.” The district court indicated that it had received the documents and asked whether they had been sent to Castrillon. Steffenhagen stated that the documents had not been sent to Castrillon because she did not know she was required to do so. The district court asked Castrillon if he wanted a continuance. He stated that he wanted to move forward with the hearing.

Steffenhagen testified at the hearing. And she submitted text messages and photos into evidence. Castrillon did not object to the admission of those exhibits. Steffenhagen asked to submit a video into evidence. Instead of accepting the video, the district court asked Castrillon if he would stipulate that the video showed “a damaged doorknob.” Castrillon agreed to do so.

Castrillon testified that he caused Steffenhagen’s injuries while acting in self-defense and that “all [his] efforts were to try to get out of the household.” Castrillon told the district court that he wanted to submit two videos as evidence but he had “no instruction on how to do so whatsoever.” According to Castrillon, the videos showed that he did not direct physical force toward Steffenhagen but was merely trying “to get out of the household.” The district court did not refuse his request, but Castrillon was unable to transmit the videos electronically during the hearing. After his efforts failed, the district court prompted him to move on. Castrillon did so, without objecting or requesting a continuance or other accommodations.

The district court granted Steffenhagen's petition for an OFP. In doing so, the district court found Castrillon to be less credible than Steffenhagen and described his claim of self-defense as "not credible." The district court found that Castrillon had pushed Steffenhagen while retrieving the cat, left with the cat, returned to Steffenhagen's bedroom, and forced his way in by breaking the door handle. The district court found that Castrillon then picked up the security bar, causing Steffenhagen to fear that he would use it as a weapon. The district court also found that Castrillon caused Steffenhagen to suffer minor injuries. Castrillon appeals.

DECISION

Castrillon contends that the district court violated his right to procedural due process at the OFP hearing. The United States and Minnesota Constitutions provide that a person shall not be deprived of life, liberty, or property without due process of law. U.S. Const. amend. XIV, § 1; Minn. Const. art. I, § 7. "We conduct a two-step analysis to determine whether the government has violated an individual's procedural due process rights." *Sawh v. City of Lino Lakes*, 823 N.W.2d 627, 632 (Minn. 2012). "First, we must identify whether the government has deprived the individual of a protected life, liberty, or property interest." *Id.* "If the government's action does not deprive an individual of such an interest, then no process is due." *Id.* If the government has deprived an individual of a protected interest, we then determine whether the procedures provided were sufficient. *Id.* To do so, we consider three factors set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976). *Id.* Those factors are:

First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

Mathews, 424 U.S. at 335.

“The procedures afforded by the government must provide an individual with notice and an opportunity to be heard at a meaningful time and in a meaningful manner.” *Sawh*, 823 N.W.2d at 632 (quotations omitted).

Whether the government has violated an individual's procedural-due-process rights is a question of law, which we review de novo. *Rew v. Bergstrom*, 845 N.W.2d 764, 785 (Minn. 2014). In addition, three principles apply to our review. First, we do not consider issues that are inadequately briefed. *State Dep't of Lab. & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997). Second, an assignment of error based on “mere assertion” and not supported by argument or authority is forfeited unless prejudicial error is obvious. *Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971). And third, to obtain relief on appeal, an appellant must show both error by the district court and prejudice arising from that error. *Midway Ctr. Assocs. v. Midway Ctr., Inc.*, 237 N.W.2d 76, 78 (Minn. 1975).

Even though Castrillon alleges a procedural-due-process violation, his appellate brief does not apply the two-step analysis that governs such a determination. *Sawh*, 823 N.W.2d at 632. When this court questioned his failure to do so during oral argument, Castrillon's attorney suggested that the *Mathews* factors are inapplicable to his due-process

claim. We are not persuaded. But we need not consider application of the *Mathews* factors because the record does not support Castrillon's due-process challenge.

Castrillon alleges that the district court violated his right to procedural due process by refusing "to admit his exhibits that were not disclosed before the hearing," even though the district court admitted undisclosed exhibits from Steffenhagen. His specific complaint is that the district court refused to admit his proffered videos as evidence. But the record shows that the district court did not refuse to admit Castrillon's videos based on the timing of his disclosure. In fact, the district court never ruled that the videos were inadmissible. Instead, the district court directed that the videos be marked as exhibits and asked Castrillon if he wanted to "screen share" them. Castrillon replied, "I don't know if I can do that with the current setup. Can I email [them] or something?" The district court expressed concern that the videos could not be emailed because of their length.

When it became apparent that Castrillon was unable to transmit the videos to the district court during the hearing, the district court prompted him to move on, stating, "Well, I think that you've given . . . a good description of the videos. Did you want to call your witness?" Castrillon, without objection, called his witness.

In sum, the record indicates that the district court was willing to receive the videos as exhibits, but Castrillon was not prepared to submit them electronically. Castrillon argues that he was prejudiced by the district court's inability to view the videos because they showed that Steffenhagen was the aggressor and that he acted in self-defense. For the reasons that follow, we are not persuaded.

Castrillon described the content of the videos as follows:

So the video will show me pleading with [Steffenhagen] to let me out of the room after I took possession of my cat. It will show that I had no violent intent, but it was just me trying to leave the premises. I even attempted to jump out of the third-story window in an effort to avoid any kind of conflict with her.

The second video will show -- after the incident -- you know, it will show me panting, and you will hear her vomiting in the kitchen -- bathroom. But I locked myself into the bathroom in an attempt to get away from her. Afterwards, it becomes all audio because I put my phone in my front shirt pocket. But you can hear her attack me, completely unprovoked, while I was just walking around, looking for the cat.

A valid self-defense claim requires an absence of aggression or provocation by the party claiming self-defense, and the person acting in self-defense must have no reasonable alternative. *State v. Soukup*, 656 N.W.2d 424, 428 (Minn. App. 2003), *rev. denied* (Minn. Apr. 29, 2003). At the OFP hearing, Castrillon admitted that he broke into Steffenhagen's bedroom. That circumstance indicates that he was the aggressor and undermines his self-defense claim. We do not see how viewing the video content described by Castrillon would have changed the district court's determination that neither he nor his self-defense claim was credible.

On this record, Castrillon fails to establish a procedural-due-process violation or other error justifying relief. The district court did not receive either party's video as evidence. Instead, the district court accepted each party's description of their video evidence, heard each party's testimony, and determined that Steffenhagen was more credible than Castrillon. We discern no basis to reverse.

Affirmed.