

*This opinion is nonprecedential except as provided by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
A22-0343**

Matthew Prescott Beale, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed December 5, 2022
Reversed and remanded
Jesson, Judge**

Ramsey County District Court
File No. 62-CR-17-5405

Joshua S. London, Minneapolis, Minnesota (for appellant)

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

Lyndsey M. Olson, St. Paul City Attorney, Kyle A. Lundgren, Assistant City Attorney,
St. Paul, Minnesota (for respondent)

Considered and decided by Gaitas, Presiding Judge; Segal, Chief Judge; and
Jesson, Judge.

NONPRECEDENTIAL OPINION

JESSON, Judge

After Appellant Matthew Prescott Beale was charged with domestic assault, the district court denied Beale a self-defense jury instruction at trial because he did not admit to intentionally inflicting bodily harm upon his girlfriend. Beale was convicted of

misdemeanor domestic assault. In a petition for postconviction relief, Beale challenged the denial of his requested self-defense jury instruction. His postconviction petition was denied. Because admission of an intent to harm is not needed for a self-defense jury instruction in a domestic-assault bodily-harm case and Beale admitted to an act of force against his girlfriend, we reverse and remand for a new trial.

FACTS

On a morning in July 2017, police officers arrived at Beale and his girlfriend's residence in response to the girlfriend's 911 call reporting a domestic incident with Beale. Beale was arrested and charged with one count of misdemeanor fifth-degree assault. Beale's charges were later amended to one count of misdemeanor domestic assault proscribing intentional infliction, or attempt to inflict, bodily harm upon another and one count of misdemeanor disorderly conduct proscribing brawling or fighting.¹

Beale had a jury trial in October 2017. At trial, Beale testified that when he was brushing his teeth, his girlfriend "came up to the bathroom" and "started in on" him. According to Beale, as his girlfriend was arguing with him, he tried to close the bathroom door and his girlfriend slapped him in the face, which caused his toothbrush to come out of his mouth and chip his tooth. Then, because it looked like she was "cocking back to swing" at him again, he "just pushed" her away and into the adjacent bedroom in order to get out of the bathroom. Beale testified that the push lasted about three to five seconds.

¹ In violation of Minnesota Statutes sections 609.2242, subdivision 1(2), and 609.72, subdivision 1(1), (2016).

Beale further explained that, during this altercation, his hands unintentionally ended up on his girlfriend's neck. But he did not punch, kick, or do anything with the intention of causing her bodily harm. Specifically, Beale relayed the following:

LAWYER: Can you describe your mind set after you'd been hit in the face by [your girlfriend]? Why [did] you decide[] to push your way out of the bathroom?

BEALE: Because I thought she was going to hit me again and I can't see very well.²

LAWYER: Okay. Did you punch her?

BEALE: No, I did not.

LAWYER: Did you kick her?

BEALE: No, I did not.

LAWYER: Did you do anything else with the intention of causing bodily harm?

BEALE: Nothing at all.

LAWYER: Have you ever acted with any intent to cause bodily harm to her?

BEALE: No, I have not.

Beale then stated that once he let go of his girlfriend, she slapped him about six more times in the face before she called 911.

Before jury deliberation, Beale asked for a jury instruction on self-defense, which the respondent State of Minnesota objected to. Relying upon the nonprecedential opinion *State v. Savino*, the district court denied Beale's request because he did not admit to intentionally inflicting bodily harm upon his girlfriend. No. A11-1764, 2012 WL 2874022, at *1-8 (Minn. App. Jul. 16, 2012). The jury subsequently found Beale guilty of the domestic-assault charge and not guilty of the disorderly-conduct charge.

² Beale wears contact lenses, which he had not yet put into his eyes that morning.

Beale appealed his conviction, but it was denied for being untimely. Beale then petitioned for postconviction relief, and it was denied on the merits.

Beale appeals.

DECISION

Beale claims that the district court (and the postconviction court in denying his petition) erred as a matter of law because he established a consistent theory of self-defense at trial, given that his admission of pushing his girlfriend satisfied the general intent and act necessary to warrant the requested self-defense jury instruction.

Our analysis of this issue begins by noting our standard of review before turning to examine when self-defense is generally authorized. We then apply that law to the facts before us to determine whether Beale was entitled to a self-defense jury instruction.

We review the denial of a petition for postconviction relief for abuse of discretion. *Pearson v. State*, 891 N.W.2d 590, 596 (Minn. 2017). A postconviction court abuses its discretion when it has exercised its discretion in an arbitrary or capricious manner, based its ruling on an erroneous view of the law, or made clearly erroneous factual findings. *Id.* Legal issues are reviewed de novo, but the review of factual issues is limited to whether there is sufficient evidence in the record to sustain the postconviction court's findings. *Id.* Further, the refusal to give a requested jury instruction lies within the discretion of the district court and will not be reversed absent an abuse of that discretion. *State v. Cole*, 542 N.W.2d 43, 50 (Minn. 1996). But a district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record. *State v. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019). If the error might have

prompted the jury to reach a harsher verdict than it might have otherwise reached, the defendant is entitled to a new trial. *State v. Shoop*, 441 N.W.2d 475, 481 (Minn. 1989).

Next, we turn to the applicable law that governs requests for self-defense jury instructions in a criminal trial. Minnesota law permits the use of reasonable force against another if it is used when resisting “an offense³ against the person.” Minn. Stat. § 609.06, subd. 1(3) (2016). A defendant has the burden of establishing reasonable evidence that supports a claim of self-defense. *Soukup*, 656 N.W.2d at 429. In determining whether this reasonable evidence exists, the record must be viewed in the light most favorable to the party requesting the instruction. *State v. Dahlin*, 695 N.W.2d 588, 596 (Minn. 2005). Specifically, the defendant must show that, in the commission of their act of force against another:

1. They acted with the actual and honest belief that they were in imminent danger of bodily harm, and there were reasonable grounds for that belief;⁴
2. They were not the aggressor and did not provoke the offense;⁵ and
3. They did not have a reasonable opportunity to retreat or avoid the danger.⁶

³ An “offense” in this context means any offense of a physical nature with the potential to cause bodily harm. *State v. Soukup*, 656 N.W.2d 424, 429 (Minn. App. 2003), *rev. denied* (Minn. Apr. 29, 2003).

⁴ *State v. Devens*, 852 N.W.2d 255, 258 (Minn. 2014).

⁵ *Id.*; *State v. Thompson*, 544 N.W.2d 8, 12 (Minn. 1996).

⁶ This element does not apply to Beale’s case because he was a co-resident with his girlfriend and there is no duty to retreat from one’s own home. *State v. Glowacki*, 630 N.W.2d 392, 402 (Minn. 2001) (holding there is no duty to retreat from one’s own home when acting in self-defense in the home, regardless of whether the aggressor is a co-resident).

If the defendant meets their burden of production, the jury will get to hear the relevant instruction and determine the reasonableness of the force used. And the burden shifts to the state to disprove at least one of the elements of self-defense beyond a reasonable doubt. *State v. Johnson*, 719 N.W.2d 619, 629 (Minn. 2006).

Here, Beale testified that (1) his girlfriend started the altercation when she came up to the bathroom while he was brushing his teeth and began arguing with him; (2) she slapped the toothbrush out of his mouth, chipping his tooth; and (3) he reacted to her slaps with an act of force—a “push”—to get out of the bathroom and “remove her from hitting [him] again.” Beale also testified that the push lasted around three to five seconds because he pushed her away into the adjacent bedroom.

Beale’s testimony makes a sufficient showing of the above elements for a self-defense jury instruction: Beale admitted to committing an act of force against his girlfriend through a push; the act was made in an alleged good-faith attempt to move his girlfriend to the hallway so he could leave the bathroom and defend himself from further harm to his body from her slaps, which was reasonable given his tooth had been chipped from her prior slap; and, according to Beale’s testimony, his girlfriend was the initial aggressor because she slapped his toothbrush out of his mouth. Accordingly, Beale established enough evidence to support his claim of self-defense and was entitled to a self-defense jury instruction at trial. *Devens*, 852 N.W.2d at 258.

But the district court and postconviction court determined that Beale’s testimony was not enough to warrant the self-defense jury instruction on authorized use of force because Beale did not admit to *intentionally* inflicting bodily harm upon his girlfriend. In

coming to this conclusion, both the district court and postconviction court relied on Beale’s testimony regarding his intent and our nonprecedential opinion of *Savino*. 2012 WL 2874022, at *3 (concluding that even though Savino admitted to using physical force against the victim, since he did not admit to acting with *intent to inflict bodily harm* upon the victim, he was not entitled to a self-defense jury instruction).⁷

Both Beale and the state agree that the district court erred in relying on *Savino*.⁸ We agree as well. Especially given *State v. Fleck*, released in the same year as *Savino*. 810 N.W.2d 303 (Minn. 2012). *Savino* viewed domestic assault as a specific-intent crime—requiring an intent to inflict bodily harm—whereas *Fleck* clarified that assault-harm requires only *general* intent. *Savino*, 2012 WL 2874022, at *3; *Fleck*, 810 N.W.2d at 309. And a general-intent crime does not require intent to harm. *Fleck*, 810 N.W.2d at 309. Instead, the question is whether the defendant intended to engage in a particular volitional act. *Id.* As the supreme court explained in a more recent decision, *State v. Dorn*, assault-harm requires “only an intent to do the prohibited physical act of committing a *battery*.” 887 N.W.2d 826, 830 (Minn. 2016) (emphasis added) (quotation omitted); *compare Fleck*, 810 N.W.2d at 309 (explaining that domestic assault bodily harm is a general-intent crime because it prohibits the intentional infliction of bodily harm), *with State v. Wilson*, 830 N.W.2d 849, 853-54 (Minn. 2013) (explaining that the crime of fleeing

⁷ To note, *State v. Lampkin* from this court held that the intent element of the statute governing domestic assault requires that the state prove that the defendant did not act accidentally or involuntarily. 978 N.W.2d 286, 291 (Minn. App. 2022), *rev. granted* (Minn. Oct. 26, 2022).

⁸ The state’s concession of this issue occurred at oral argument.

a police officer is a specific-intent crime because the act of fleeing is only criminal if it is done with the specific intent of avoiding arrest). And if the appropriate measure of general intent is applied here, Beale only needed to admit to his intent to commit the “act which the crime requires” to get the self-defense jury instruction. *Fleck*, 810 N.W.2d at 308 (quotation omitted). His admission of a “push” satisfies this general intent standard.⁹

While the state concedes that Beale had the requisite intent, it asserts that both the district court and postconviction court reached the “correct result [but] not necessarily [by] the right path.” According to the state, the push Beale admitted to did not constitute a battery, as required in *Dorn*. See 887 N.W.2d at 832 (holding that since defendant’s conduct constituted a battery, it satisfied the *actus reus* of assault-harm). Accordingly, because “not all pushes are created equal,” the state argues that the facts here should not entitle Beale to a self-defense jury instruction.

We disagree. *Dorn* held that the force for an act of battery can be satisfied by even the *slightest* of offensive touching. *Id.* at 832. Here, Beale’s act against his girlfriend, lasting three to five seconds, was enough force to move her from the door of the bathroom to the hallway and led her to call 911 afterward. Given that we are to view the record in the light most favorable to Beale, as the party requesting the instruction, in determining whether reasonable evidence exists to support a claim of self-defense, we conclude that

⁹ To hold otherwise would place “the defendant onto a dizzying course, requiring him to assert that his *real* purpose was to injure the other person before he will be allowed to claim that his *real* purpose was to prevent being injured by the other person.” *Savino*, 2012 WL 2874022, at *4 (Ross, J., dissenting).

these facts in the record are sufficient to show an act of battery by Beale. *Dahlin*, 695 N.W.2d at 596.

Moreover, since Beale could not assert self-defense at trial, which was his only defense, the district court's error was not harmless.¹⁰ By not giving the self-defense jury instruction, the district court denied the jury an opportunity to consider Beale's charge in the context of reasonable force. Accordingly, a proper instruction might have led the jury to reach a different verdict. *See Shoop*, 441 N.W.2d at 481 (holding that a defendant is entitled to a new trial if the error might have prompted the jury to reach a harsher verdict than it might have otherwise reached).

On this record, we conclude that the district court and postconviction court abused their discretion when they erroneously applied outdated law in denying Beale a self-defense jury instruction based on his lack of specific intent to inflict bodily harm upon his girlfriend. Because Beale satisfied his burden of production for a self-defense jury instruction, and the denial of that instruction more than likely prejudiced the outcome of his case when it was submitted to the jury without the defense, Beale's conviction is vacated, and the case is remanded for a new trial.

Reversed and remanded.

¹⁰ The state did not argue that the district court's error was harmless.