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Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A10-1463**

State of Minnesota,
Respondent,

vs.

Rachel Jean Sam,
Appellant.

**Filed July 18, 2011
Affirmed
Worke, Judge**

Mille Lacs County District Court
File No. 48-CR-09-2180

Lori Swanson, Attorney General, St. Paul, Minnesota; and

Janice S. Jude, Mille Lacs County Attorney, Mark J. Herzing, Assistant County Attorney,
Milaca, Minnesota (for respondent)

Christopher B. Sailors, Mille Lacs Band of Ojibwe Indians Legal Aid, Onamia,
Minnesota (for appellant)

Considered and decided by Johnson, Chief Judge; Worke, Judge; and Muehlberg,
Judge.*

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

UNPUBLISHED OPINION

WORKE, Judge

Appellant challenges the sufficiency of the evidence supporting her fourth-degree criminal-damage-to-property conviction. We affirm.

DECISION

A jury convicted appellant Rachel Jean Sam of fourth-degree criminal damage to property stemming from an altercation she had with K.J. In considering a claim of insufficient evidence, our review is limited to a thorough review of the record “to determine whether the evidence, when viewed in a light most favorable to the conviction, was sufficient to permit the jurors to reach the verdict which they did.” *State v. Webb*, 440 N.W.2d 426, 430 (Minn. 1989). An appellate court “cannot retry the facts, but must take the view of the evidence most favorable to the state.” *State v. Merrill*, 274 N.W.2d 99, 111 (Minn. 1978). The jury is in the best position to weigh the evidence and evaluate the credibility of witnesses; therefore, its verdict must be given due deference. *Webb*, 440 N.W.2d at 430; *State v. Engholm*, 290 N.W.2d 780, 784 (Minn. 1980). An appellate court must assume that the jury believed the state’s witnesses and disbelieved any contradictory evidence. *State v. Moore*, 438 N.W.2d 101, 108 (Minn. 1989). We will not disturb the verdict if the jury, acting with due regard for the presumption of innocence and the requirement of proof beyond a reasonable doubt, could reasonably conclude that the defendant was guilty of the charged offense. *Bernhardt v. State*, 684 N.W.2d 465, 476-77 (Minn. 2004).

“Whoever intentionally causes damage [to property] under any [] circumstance[] is guilty of [] misdemeanor” fourth-degree criminal damage to property. Minn. Stat. § 609.595, subd. 3 (2008). “[A] conviction based entirely on circumstantial evidence merits stricter scrutiny than convictions based in part on direct evidence.” *State v. Jones*, 516 N.W.2d 545, 549 (Minn. 1994). But “[w]hile [] warrant[ing] stricter scrutiny, circumstantial evidence is entitled to the same weight as direct evidence.” *State v. Bauer*, 598 N.W.2d 352, 370 (Minn. 1999). The circumstantial evidence must form a complete chain that, in view of the evidence as a whole, “leads so directly to the guilt of the accused as to exclude, beyond a reasonable doubt, any reasonable inference other than that of guilt.” *Jones*, 516 N.W.2d at 549. A jury is in the best position to evaluate circumstantial evidence and, therefore, its verdict is entitled to due deference. *Webb*, 440 N.W.2d at 430.

Appellant and K.J. argued about how K.J. parked her boat trailer in a parking lot. Appellant was charged with fourth-degree criminal damage to property after K.J. discovered that the trailer was damaged following the altercation. Appellant argues that the evidence was insufficient to sustain her conviction because no witness testified that she was directly responsible for the damage to K.J.’s boat trailer. We disagree. K.J. testified that the trailer was in “excellent” condition when she left for her trip. K.J. testified that appellant engaged in a heated argument with her in the parking lot, using profanity and encroaching upon her personal space. This testimony was corroborated by recorded video surveillance and by appellant’s statements to the investigating officer. KJ further testified that, shortly after the altercation, the car appellant was riding in chased

her vehicle around the parking lot as passengers hung out of the windows screaming at her, and that K.J. felt a “jolt” while being followed. While appellant is correct in contending that there was no direct evidence linking her to the “jolt” or explaining the cause of the damage, the jury was entitled to weigh this circumstantial evidence. *See id.* In view of the evidence as a whole, it was reasonable for the jury to attribute the property damage to appellant based on appellant’s admission of the confrontation and K.J.’s testimony of passengers hanging out of the windows of the car as it followed her vehicle. As such, the jury’s verdict is entitled to deference in this case. *See id.*

Affirmed.