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**STATE OF MINNESOTA
IN COURT OF APPEALS
A12-1277**

State of Minnesota,
Respondent,

vs.

Duane Charles Hansen,
Appellant.

**Filed July 15, 2013
Affirmed
Halbrooks, Judge**

Becker County District Court
File No. 03-CR-11-1837

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

Karen Skoyles, Briggs, Ramstad & Skoyles, P.A., Detroit Lakes, Minnesota (for respondent)

Mark D. Nyvold, Special Assistant State Public Defender, Fridley, Minnesota (for appellant)

Considered and decided by Halbrooks, Presiding Judge; Worke, Judge; and Larkin, Judge.

UNPUBLISHED OPINION

HALBROOKS, Judge

Appellant challenges his conviction of intent to escape the vehicle-registration fee in violation of Minn. Stat. § 168.35 (2010), arguing that the evidence was insufficient to

convict him. Appellant also submitted a pro se supplemental brief in which he makes a number of additional arguments. Because the evidence was sufficient to convict appellant of the offense charged and because his pro se arguments are without merit, we affirm.

FACTS

At 1:09 a.m. on July 21, 2011, Officer Matt Brun of the Detroit Lakes Police Department saw a Cadillac parked by the side of the road on North Shore Drive. He observed a person, later identified as appellant Duane Charles Hansen, standing outside of the vehicle. Officer Brun spoke briefly with Hansen, who said that he was checking his vehicle's headlights. After Officer Brun departed, he ran the vehicle's license-plate number and learned that the plates were assigned to a 1994 Dodge. Officer Brun turned around and began looking for the Cadillac, which he found parked on the shoulder of Highway 10, also in Detroit Lakes.

Officer Brun asked Hansen about the plates and where the vehicle was from. Hansen said that he had purchased the vehicle from someone in Elbow Lake "a while ago." Hansen stated that he took the plates from a vehicle in a junkyard in Twin Valley and that he knew that they did not belong to the Cadillac. When Officer Brun asked Hansen why he had not changed the title or updated the plates, Hansen said that "it cost too much money." When Officer Brun checked the Cadillac's vehicle-identification number, he was unable to find any registration on file in Minnesota, South Dakota, or North Dakota.

Officer Chad Glander responded to Officer Brun's traffic stop as backup. Officer Glander testified that he also spoke with Hansen, and Hansen told him that he owned the Cadillac. Officer Glander could not recall whether Hansen told him how long ago he had purchased the vehicle. Hansen told Officer Glander that he had gotten the plates from a junked vehicle or from a vehicle at a wrecking yard and that he knew the plates did not belong to the Cadillac. When Officer Glander told Hansen that he believed that Hansen was avoiding the vehicle-registration tax, he testified that Hansen's response was "yes and no." Hansen explained that he intended to buy the tabs, but he did not have the money.

Officer Brun had the Cadillac towed, and Hansen was charged with one count of intent to escape tax, in violation of Minn. Stat. § 168.35, and one count of failure to provide proof of insurance, in violation of Minn. Stat. § 169.791 (2010). The state later dropped the second count and filed an amended complaint, charging Hansen with illegal use of plates, in violation of Minn. Stat. § 168.36 (2010).

During the one-day bench trial, Hansen testified that at the time of the stop, he was "trying [the Cadillac] out" and had not yet purchased it. He stated that he decided not to buy the vehicle and returned it the next day. He testified that he had assumed that the Cadillac was registered and did not know that the Cadillac's plates did not match the vehicle until the officers mentioned it. Hansen further testified that he did not put another vehicle's plates on the Cadillac and that if the officers believed that he had said otherwise during the stop, it was a misunderstanding. When asked whether he told the officers that he couldn't afford to register the vehicle, Hansen said that he "may have" said so,

because he “didn’t have a lot of funds” to purchase the vehicle or to “bring the license current.”

The district court found Hansen guilty of both counts of the amended complaint.

The district court concluded that the state proved beyond a reasonable doubt that Hansen

did, with intent to escape payment of any tax on a motor vehicle delay or neglect to properly list and apply to and register the same, or, with intent to prevent the payment or collection of the proper tax, fee or lien thereon neglect to comply with the provisions of Chapter 168 of Minnesota Statutes, in violation of Minnesota Statute § 168.35.

The district court further concluded that the state proved beyond a reasonable doubt that Hansen “intentionally use[d] any numbered plate upon or in connection with any motor vehicle, except the one for which the same was duly issued, in violation of Minnesota Statute § 168.36, [s]ubd. 2.”

The district court sentenced Hansen to 180 days in jail, staying the sentence for two years, for violation of Minn. Stat. § 168.35. The district court did not enter judgment on the violation of Minn. Stat. § 168.36, concluding that the violation arose out of a single behavioral incident under Minn. Stat. § 609.035 (2010). This appeal follows.

DECISION

I.

When reviewing the sufficiency of the evidence in a criminal case, we are “limited to a painstaking analysis of the record to determine whether the evidence, when viewed in a light most favorable to the conviction,” is sufficient to allow the finder of fact to reach the verdict that it did. *State v. Webb*, 440 N.W.2d 426, 430 (Minn. 1989). We will

not disturb the verdict if the finder of fact, “acting with due regard for the presumption of innocence and for the necessity of overcoming it by proof beyond a reasonable doubt, could reasonably conclude that [the appellant] was proven guilty of the offense charged.” *Bernhardt v. State*, 684 N.W.2d 465, 476-77 (Minn. 2004).

We review questions of statutory interpretation de novo. *State v. Lucas*, 589 N.W.2d 91, 94 (Minn. 1999). “The first step in statutory interpretation is to determine whether the statute’s language, on its face, is ambiguous.” *Larson v. State*, 790 N.W.2d 700, 703 (Minn. 2010) (quotation omitted). A statute is ambiguous “when the language therein is subject to more than one reasonable interpretation.” *Amaral v. St. Cloud Hosp.*, 598 N.W.2d 379, 384 (Minn. 1999). If a statute is unambiguous, we apply its plain meaning. *Larson*, 790 N.W.2d at 703.

Pursuant to Minn. Stat. § 168.35, it is a gross misdemeanor for any person

with intent to escape payment of any tax on a motor vehicle . . . [to] delay or neglect to properly list and apply to register the same, or, with intent to prevent the payment or collection of the proper tax, fee, or lien thereon, violate or neglect to comply with any of the provisions of this chapter.

A motor vehicle that is operated on public streets and highways must be registered and bear current license plates. Minn. Stat. § 168.09 (2010). The registration is due “when the vehicle first uses the public streets or highways in the state, and upon January 1 each year thereafter.” Minn. Stat. § 168.31 (2010).

Hansen argues that the circumstances proved do not reasonably permit the inference that he intended to avoid payment of the registration fee because the state did not prove how long he had owned the vehicle. He argues that this fact is relevant because

“it is common-place for people not to pay registration fees immediately upon purchasing a vehicle.” In support of his argument, Hansen asserts that “[when] a person not in the business of selling vehicles sells directly to another person . . . the buyer has to bring the title to a vehicle registration bureau” and “[n]o one expects that this will occur simultaneously with the purchase.” Hansen contends that this inference is contemplated by the statute because it only makes it a crime to “delay[] or neglect[] to register the vehicle.”

We disagree with the parties’ assumption that the district court relied on circumstantial evidence to conclude that Hansen intended to avoid payment of the registration fee. Hansen’s admissions that he owned the vehicle, knew it was not registered, and failed to register the vehicle because it was too expensive are direct evidence that he intentionally failed to pay the registration fee. *See State v. McClain*, 208 Minn. 91, 95-96, 292 N.W. 753, 755 (1940) (“Confessions are held to be direct, rather than circumstantial, evidence of guilt.”). Therefore, we defer to the district court’s credibility determinations on these issues, and examine Hansen’s argument under the traditional sufficiency-of-the-evidence standard.

We addressed a similar argument in *Carter v. State*, 787 N.W.2d 675 (Minn. App. 2010). The appellant in *Carter* argued that the police did not have a sufficient basis to stop his vehicle on November 5, 2006, based on the fact that the vehicle displayed October 2006 tabs. 787 N.W.2d at 678-79. We noted that although Minn. Stat. § 168.09 (2006) required a vehicle to display the “insignia issued within ten days of the first day of the month which commences the registration period,” this grace period did not “extend[]

the 12-month registration period or allow[] an unregistered vehicle to be operated during the first ten days following the expiration of the former registration period.” *Id.* at 679. If an express grace period does not extend the registration period, it is not reasonable to conclude that section 168.35 allows an individual to purchase and to operate a vehicle for some unknown period without first paying the registration tax.

Section 168.35 makes it a gross misdemeanor to “delay or neglect to . . . register the [vehicle] . . . or neglect to comply with any of the provisions of this chapter,” including the requirement of Minn. Stat. § 168.09 that no vehicle “may be used or operated upon the public streets or highways of the state in any calendar year until it is registered . . . [and] the motor vehicle tax and fees as provided in this chapter are paid.” And section 168.31 provides that the registration tax is due “when the vehicle first uses the public streets or highways in the state.” This unambiguous language does not support the conclusion that it is necessary to prove the length of time that an individual has owned his vehicle in order to prove his intent to escape payment of fees nor does it imply a grace period for an individual who purchases a vehicle from a person not in the business of selling vehicles.

II.

Hansen raises a number of additional issues in a pro se supplemental brief. These assignments of error are based on mere assertion and are unsupported by the record or by legal argument or authority. *See State v. Krosch*, 642 N.W.2d 713, 719-20 (Minn. 2002).

Affirmed.