STATE OF MINNESOTA

IN SUPREME COURT

A17-1968

Court of Appeals — Anderson, J.

State of Minnesota,

Appellant,

vs.

Filed: April 1, 2020
Office of Appellate Courts

Jennifer Ann Culver,

Respondent.

Keith Ellison, Attorney General, Saint Paul, Minnesota; and

John J. Choi, Ramsey County Attorney, Thomas R. Ragatz, Assistant County Attorney, Saint Paul, Minnesota, for appellant.

Cathryn Middlebrook, Chief Appellate Public Defender, Gina Schulz, Assistant State Public Defender, Saint Paul, Minnesota, for respondent.

S Y L L A B U S

1. The phrase "where the action manifests an intent substantially to deprive that parent of rights to parenting time" in Minn. Stat. § 609.26, subd. 1(3) (2018), creates an objective standard that focuses on the nature of the defendant's action, rather than the defendant's subjective intent.

2. Even if the circumstantial-evidence standard applies in this case, respondent is not entitled to relief because the only reasonable inference that can be drawn from the circumstances proved is that respondent's actions, when viewed objectively, manifest an intent to substantially deprive her child's father of court-ordered parenting time.

Reversed and remanded.

O P I N I O N

ANDERSON, Justice.

A Ramsey County jury found respondent Jennifer Ann Culver guilty of felony deprivation of parenting rights in violation of Minn. Stat. § 609.26, subd. 1(3) (2018). On appeal, Culver argued that the evidence was insufficient because the circumstances proved supported a reasonable inference that she did not have a subjective intent to substantially deprive her child's father of parenting time. In the alternative, Culver argued that the district court erred by admitting relationship evidence. Applying the circumstantial-evidence standard, the court of appeals reversed Culver's conviction without considering her relationship-evidence argument. Because the statutory phrase "where the action manifests an intent substantially to deprive that parent of rights to parenting time" in section 609.26 establishes an objective standard that focuses on the nature of the defendant's action, and because the only reasonable inference that can be drawn from the circumstances proved is that respondent's actions, when viewed objectively, show an intent to substantially deprive her child's father of court-ordered parenting time, we reverse the decision of the court of appeals. We also remand to the court of appeals for consideration of Culver's argument regarding the admission of relationship evidence.

FACTS

Culver and D.E. are the parents of a child, who was 2 years old in September 2014. Between 2014 and 2015, D.E. received only about half of his unsupervised parenting time with the child because Culver often claimed that the child was sick and then failed to honor promised make-up visits.

On Friday, July 22, 2016, the parties appeared before the district court to address a parenting-time dispute. After considering the parties' arguments, the court ordered that D.E. be granted parenting time as follows:

a. Mondays from 4:15 p.m. until 8:30 p.m. (beginning July 25, 2016);
b. Tuesdays from 4:15 p.m. until 8:30 p.m.;
c. Saturdays from 12 p.m. to 4 p.m.;
d. An overnight with the child every other weekend, from Saturday at 12 p.m. until Sunday at 6 p.m. (beginning August 6, 2016).

As the court was explaining its order, Culver objected to the first scheduled parenting time. According to Culver, she planned to be out of town the week of July 25 so she could help prepare for, and attend, a family wedding. In response to Culver's objection, the court unequivocally stated that its order would remain unchanged unless the parties reached a mutual agreement for alternative parenting time.

Culver made no effort to reach a mutual agreement for alternative parenting time. Instead, at 12:25 p.m. on Monday, July 25, 2016, Culver sent a message to D.E. in which she declared that she was taking the child to the wedding and would be back "later next

week."[1] In his reply message, D.E. made clear that he had not agreed to change his court-ordered parenting time. D.E. was deprived of his court-ordered parenting time when, on July 25 at 4:15 p.m., Culver failed to deliver the child to him.

The following day, D.E. was deprived of his second court-ordered parenting time when Culver again failed to deliver the child to him. D.E. was subsequently deprived of his third court-ordered parenting time on Saturday, July 30.

D.E. was deprived of his fourth and fifth court-ordered parenting time when Culver failed to deliver the child to him on Monday, August 1 and Tuesday, August 2.

On Friday, August 5, 2016, the day before D.E.'s sixth court-ordered parenting time, Culver sent a message to D.E., claiming that there had been a death in the family, that she needed to "leave out town immediately," and that she would not be available "until after the services on Tuesday," August 9. D.E. responded that he would not agree to any changes in his court-ordered parenting time unless Culver provided details of who died, when and where the services were located, and the reason for Culver to be out of town for an extended period of time. Culver responded that she did not "know all the details" but would provide the details on Wednesday, August 10.

In light of Culver's refusal to provide any details about the funeral, D.E. went to pick up the child at noon on Saturday, August 6, 2016. Again, he waited unsuccessfully

[1] The amended parenting-time order required that "[a]ll communications between the Parties . . . occur through Family Wizard," which is an online application for co-parenting communication.

for Culver to deliver the child to him and he was deprived of his court-ordered overnight parenting time.

On Monday, August 8, D.E. sent a message to Culver, informing her that he was aware that the "memorial service is in St. Paul today at 1 [p.m.]" and that he planned to pick up the child "today and tomorrow at 4:15 [p.m.]." In her reply message, Culver wrote that her family plans "cannot be changed" and that she would "meet with him later this week . . . to discuss make ups." Because D.E. had not agreed to any change in the court-ordered parenting time schedule, he drove to the pick-up location at 4:15 p.m. on August 8. When D.E. arrived, Culver intentionally retained the child, thereby depriving him of his court-ordered parenting time.

At 12:58 p.m. on Tuesday, August 9, 2016, Culver sent a message informing D.E. that she was denying him the parenting time scheduled for 4:15 p.m. that day because she had "family plans through today." As part of her message, Culver offered to make up the visit on either Wednesday, August 25 or Thursday, August 26. In his reply message, D.E. told Culver that he did not agree to the proposed change in his court-ordered parenting time and that he intended to pick up the child at 4:15 p.m. that day.

Later that afternoon, Culver was arrested for violating Minn. Stat. § 609.26, subd. 1(3), by depriving D.E. of his parental rights. The statute provides that a person is guilty of a felony when he or she intentionally "takes, obtains, retains, or fails to return a minor child from or to the parent in violation of a court order, where the action manifests an intent substantially to deprive that parent of rights to parenting time or custody." *Id.* Culver pleaded not guilty.

At trial, D.E. testified consistently with the facts stated above. In describing his relationship with Culver, D.E. told the jury that Culver historically had denied him about half of his unsupervised parenting time and failed to fulfill promises to reschedule the denied parenting time. He said that, despite repeated attempts to pick up his child, between July 26 and August 9, Culver deprived him of all of his court-ordered parenting time.[2]

In addition to D.E.'s testimony, the State presented several documents, including the messages exchanged between D.E. and Culver, the parenting-time hearing transcript, the parenting-time order, and the obituary that included the details of the funeral. Culver did not testify and did not call any witnesses. The jury returned a verdict of guilty.

On appeal, Culver conceded that she intentionally retained the child in violation of the July 2016 court order. Nevertheless, she argued, her conviction must be reversed because "the circumstances proved support[ed] the reasonable inference that [she] did not intend to *substantially* deprive [D.E.] of his parental rights." (Emphasis added.) In the alternative, she argued that the district court erred when it admitted relationship evidence.

The court of appeals reversed Culver's conviction, concluding that there was insufficient evidence to support the conviction because the "circumstances proved show that there is a reasonable hypothesis that [Culver] did not intend substantial deprivation." *State v. Culver*, No. A17-1968, 2018 WL 6837735, at *2 (Minn. App. Dec. 31, 2018). Implicit in the court's analysis was an assumption that section 609.26 required the State to prove that Culver had the subjective intent to substantially deprive D.E. of his parental

[2] A subsequent police investigation determined that the funeral service was on Monday, August 8 not Tuesday, August 9, as Culver had claimed.

rights. In applying the circumstantial-evidence standard, the court of appeals relied on the messages that Culver sent to D.E expressing a willingness to reschedule the parenting time and the fact that Culver did not attempt to "conceal" the child's whereabouts. *Id.* The analysis of the court of appeals did not consider the qualitative nature of the lost parenting time. Having concluded that the State presented insufficient evidence to support Culver's conviction, the court of appeals did not consider Culver's alternative argument regarding the district court's admission of relationship evidence. *Id.* at *3. The State petitioned for review, arguing that the evidence is sufficient to sustain Culver's conviction. We granted the State's petition for review.

ANALYSIS

This case raises two primary issues in interpreting and applying Minn. Stat. § 609.26, the statute prohibiting deprivation of custodial or parental rights. We must first decide whether the phrase "where the action manifests an intent substantially to deprive that parent of rights to parenting time" in Minn. Stat. § 609.26, subd. 1(3), establishes an objective standard that focuses on the nature of the action, as opposed to the subjective intent of the actor. If the test is objective, we must then determine whether the only reasonable inference that can be drawn from the circumstances proved is that Culver's actions, when viewed objectively, demonstrate an intent to substantially deprive D.E. of his court-ordered parenting time. We consider each issue in turn.

I.

It is a felony to intentionally take, obtain, retain, or fail to return a minor child from or to the parent in violation of a court order "where the action manifests an intent

substantially to deprive that parent of rights to parenting time or custody." Minn. Stat. § 609.26, subd. 1(3). The parties agree that the State was required to prove that Culver intentionally retained the child in violation of a court order and that the State satisfied this requirement. The parties, however, propose competing interpretations of the statutory language in the phrase "where the action manifests an intent substantially to deprive that parent of rights to parenting time or custody."

According to Culver, the language of this phrase requires the State to prove a second intent requirement, namely, that the defendant intended to substantially deprive the other parent of his or her parenting rights. The State argues that Culver's interpretation is unreasonable because it allows a defendant to escape prosecution whenever he or she subjectively believes that the deprivation was not substantial. According to the State, the only reasonable interpretation of the statutory language is that it creates an objective standard. For the reasons that follow, we agree with the State.

The construction of a statute is a question of law, which we review de novo. *State v. Colvin*, 645 N.W.2d 449, 452 (Minn. 2002). The first step in statutory interpretation is to determine whether the language of the statute is ambiguous. *State v. Robinson*, 921 N.W.2d 755, 758 (Minn. 2019). Language is ambiguous when it is subject to more than one reasonable interpretation. *State v. Fleck*, 810 N.W.2d 303, 307 (Minn. 2012). On the other hand, when the language of a statute is susceptible to only one reasonable interpretation, it is unambiguous and we must apply its plain meaning. *State v. Nelson*, 842 N.W.2d 433, 436 (Minn. 2014).

In determining whether the language of a statute is subject to more than one reasonable interpretation, "we consider the canons of interpretation listed in Minn. Stat. § 645.08." *State v. Riggs*, 865 N.W.2d 679, 682 (Minn. 2015). One such canon provides that "words and phrases are construed according to rules of grammar and according to their common and approved usage." Minn. Stat. § 645.08(1) (2018). "In the absence of statutory definitions, we may consider dictionary definitions to determine the meaning of a statutory term." *State v. Alarcon*, 932 N.W.2d 641, 646 (Minn. 2019). Moreover, when different words are used in the same context, we may assume the words have different meanings. *Dereje v. State*, 837 N.W.2d 714, 720 (Minn. 2013); *Trans. Leasing Corp. v. State*, 199 N.W.2d 817, 819 (Minn. 1972) ("Distinctions of language in the same context must be presumed intentional and must be applied consistent with that intent."). The required analysis, however, does not simply focus on isolated words. We also consider the statute as a whole "to harmonize and give effect to all its parts, presuming that the Legislature intended the entire statute to be effective and certain." *State v. Henderson*, 907 N.W.2d 623, 627 (Minn. 2018) (quoting *State v Bakken*, 883 N.W.2d 264, 268 (Minn. 2016)).

Here, the Legislature used the following language: "Whoever intentionally . . . takes, obtains, retains, or fails to return a minor child from or to the parent in violation of a court order, *where the action manifests an intent substantially to deprive that parent of rights to parenting time or custody*" may be charged with a felony. Minn. Stat. § 609.26, subd. 1(3) (emphasis added). Applying the common and approved usage of the relevant words, the rules of grammar, and the principle that distinctions of language in the same context must be presumed intentional, we conclude that the statutory phrase "*where the action manifests*

an intent substantially to deprive that parent of rights to parenting time" unambiguously refers to a condition in which the defendant's action shows or reveals an objective intent to substantially deprive a parent of parenting time.

The common and approved usage of the words "where" and "manifests" are relevant here. The word "where," as used in this context, is commonly defined as "under conditions in which." *Webster's Third New International Dictionary of the English Language Unabridged* 2602 (1981); *see also Laeroc Waikiki Parkside, LLC v. K.S.K. (Oahu) Ltd. P'ship*, 166 P.3d 961, 981 (Haw. 2007) ("The word 'where' is defined as 'in what situation, position, or circumstance.' " (quoting *Webster's Third New International Dictionary* 2602)); *Myers v. State*, 216 N.W. 807, 808 (Neb. 1927) (stating that "the word 'where' is broadly used in the sense of 'in the case or in the instance in which' . . ."); *Graham v. Standard Fire Ins. Co.*, 112 S.E. 88, 89 (S.C. 1922) ("The word 'where' is used in the sense of 'if.' "). The common and approved usage of the verb "manifests" is "[t]o show or demonstrate plainly; reveal." *The American Heritage Dictionary of the English Language* 1067 (5th ed. 2011). Applying the common and accepted usages of the words "where" and "manifest" as used in subdivision 1 of section 609.26, we conclude that the State is required to present sufficient evidence to establish *conditions in which* the defendant's action *shows or reveals* an intent to substantially deprive a parent of his or her parental rights.

We next consider the Legislature's decision to use the indefinite article "an" in the phrase "an intent." It is well-established that the use of the indefinite article "a" or "an" signals a generic reference. Bryan A. Garner, *The Redbook: A Manual on Legal Style* § 10.38 (2d ed. 2006); *see also Patino v. One 2007 Chevrolet*, 821 N.W.2d 810, 816 (Minn.

2012) (explaining that "[i]f the Legislature intended to require conviction of an offense other than the designated offense, it could have used an indefinite article (i.e., '*an* offense') or a broad modifier (e.g., '*any* offense') . . ."); *State v. Hohenwald*, 815 N.W.2d 823, 830 (Minn. 2012) ("The definite article 'the' is a word of limitation that indicates a reference to a specific object."). Applying this rule to the Legislature's word choice, we conclude that the reference to "an intent" in section 609.26 is not limited to a particular noun (or actor), but instead refers to a generalized intent.

Finally, we consider the language of the phrase as a whole, keeping in mind the principle that distinctions of language in the same context must be presumed intentional to the statute as a whole. Unlike the first clause of the statutory language in question, which requires that *the defendant* intentionally commit the prohibited act (taking, obtaining, retaining, or failing to return), the second clause refers to circumstances in which *the defendant's action* shows or reveals a generalized intent to substantially deprive. Because the Legislature did not use the same language in the first and second clauses, we must presume that the Legislature intentionally drew a distinction between the actor and the action.

Based on the common usage of the relevant words, the relevant rules of grammar, and the presumption regarding distinct language, it is not reasonable to interpret the language of the phrase "where the action manifests an intent substantially to deprive that parent of rights to parenting time or custody" to mean that the defendant must subjectively intend to substantially deprive the parent of his or her parenting rights. Instead, the only reasonable interpretation of the language is that it refers to a condition in which the

defendant's action shows or reveals an objective intent to substantially deprive a parent of his or her parenting time.[3] Put differently, the phrase "where the action manifests an intent substantially to deprive that parent of rights to parenting time or custody" in subdivision 1 of section 609.26 requires the State to prove that a defendant's actions, when viewed objectively, show an intent to substantially deprive the child's parent of court-ordered parenting time.[4]

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[3] Culver's interpretation rewrites the statute and ignores the words that the Legislature chose to include. *See Amaral v. Saint Cloud Hosp.*, 598 N.W.2d 379, 384 (Minn. 1999) ("Whenever it is possible, no word, phrase, or sentence should be deemed superfluous, void, or insignificant."). Had the Legislature intended to create the double-intent requirement proposed by Culver, it could have used the following language: "It is a felony to *intentionally* deprive a parent of substantial parenting time by *intentionally* taking, obtaining, retaining, or failing to return the minor child from or to the parent in violation of a court order." The repeated use of the adverb "intentionally" before the prohibited actions would have unambiguously required the State to prove two separate subjective intents. *See* Minn. Stat. § 609.02, subd. 9(3) (2018) (defining the word "intentionally" as "the actor either has a purpose to do the thing or cause the result specified or believes that the act performed by the actor, if successful, will cause that result"). Alternatively, the Legislature could have used the following language: "It is a felony to *intentionally* take, obtain, retain, or fail to return the minor child from or to the parent in violation of a court order *with intent to* deprive a parent of substantial parenting time." *See* Minn. Stat. § 609.02, subd. 9(4) (defining the phrase "with intent to" as "the actor either has a purpose to do the thing or cause the result specified or believes that the act, if successful, will cause that result"). Notably in 1979, the Legislature enacted an amendment that removed the phrase "with intent to deny another's rights" from section 609.26. Act of May 29, 1979, ch. 263, § 1, 1979 Minn. Laws 576, 576. Following the 1979 amendment, the statute read in relevant part: "Whoever intentionally takes, detains or fails to return his own child under the age of 18 years in violation of an existing court order which grants another person rights of custody may be sentenced as provided in subdivision 5." Minn. Stat. § 609.26, subd. 1 (1982).

[4] Our conclusion is consistent with the analysis of the Alaska Supreme Court in *Sean B. v. State, Department of Health & Social Services*, 251 P.3d 330 (Alaska 2011). The issue in *Sean B.* was whether the defendant's conduct evidenced a willful disregard of parental responsibility. *Id.* at 335–36. As part of its analysis, the Alaska Supreme Court explained that the willful-disregard provision of the statute created an objective test that

II.

Culver contends that, even if the statute requires an objective intent to substantially deprive the child's parent of court-ordered parenting time, she should still prevail. She argues that the State's evidence failed to establish that her actions manifested an intent to *substantially* deprive D.E. of his parenting time. According to Culver, when the 15-day period of deprivation is viewed in light of her repeated offers to reschedule the parenting time, it supports a reasonable inference that the deprivation of parenting time was not "substantial." The State argues that Culver's contention is unavailing for two reasons. First, in determining whether a deprivation is substantial, both qualitative and quantitative factors must be considered. Second, Culver's reliance on her repeated offers to reschedule the parenting time is misplaced because we must assume that the jury found that her offers lacked credibility. For the following reasons, we agree with the State.

In a criminal proceeding, under the Due Process Clause of the Fourteenth Amendment to the United States Constitution, the State must prove every element of the offense beyond a reasonable doubt. *State v. Martin*, 293 N.W.2d 54, 55 (Minn. 1980). "When considering a challenge to the sufficiency of the evidence, we view the evidence in the light most favorable to the verdict and assume that the jury disbelieved any evidence that conflicts with the verdict." *State v. Bahtuoh*, 840 N.W.2d 804, 809 (Minn. 2013).

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could not be refuted by evidence of "the parent's subjective intent or wishful thoughts and hopes for the child." *Id.* at 336 (citation omitted) (internal quotation marks omitted). Like the Alaska Supreme Court, we hold that even if Culver subjectively believed that the deprivation of parenting time was not substantial, such a belief does not refute the objective standard in the statute, which focuses on the nature of the defendant's action, as opposed to the defendant's subjective intent.

A trier of fact "is not compelled to believe any witness merely because his testimony is uncontradicted." *Costello v. Johnson*, 121 N.W.2d 70, 76 (Minn. 1963).

Because the adverb "substantially" is defined as "in a substantial manner; so as to be substantial," *Webster's Third New International Dictionary Unabridged* 2280, we look to the meaning of the word "substantial."[5] The parties agree that the word "substantial" should be interpreted in light of its common and accepted usage because the word is not defined in Minn. Stat. § 609.26. They also agree that the common and accepted usage of the word "substantial" is "[c]onsiderable in importance, value, degree, amount or extent." This definition from *The American Heritage Dictionary* is the same definition used by the court of the appeals in its opinion. *Culver*, 2018 WL 6837735, at *1. Based on the parties' agreement and our independent consideration of the common and accepted usage of the word "substantial," we conclude that Minn. Stat. § 609.26, subd. 1(3), requires a deprivation of parental rights that is "[c]onsiderable in importance, value, degree, amount or extent."

[5] Although not raised by the parties, the modifier "substantially" as used in the statutory phrase "where the action manifests an intent substantially to deprive" could modify either "manifests" or "deprive." But when the rules of grammar are applied, the word "substantially" plainly modifies the infinitive "to deprive." *See The Chicago Manual of Style* ¶ 5.165 (16th ed. 2010) ("The adverb should generally be placed as near as possible to the word it is intended to modify."). Such a reading is consistent with the language of the pattern jury instruction. *See* 10 Minn. Dist. Judges Ass'n, *Minnesota Practice—Jury Instruction Guides, Criminal*, CRIMJIG 15.05 (6th ed. 2015) (rephrasing the statute for purposes of instructing the jury to read "to substantially deprive"). For purposes of this opinion, we will use the more natural phrase "to substantially deprive," unless we are quoting Minn. Stat. § 609.26, subd. 1(3).

Having interpreted the word "substantial" in light of its common and accepted usage, we consider the State's argument that both qualitative and quantitative factors must be considered when determining whether the requirement has been met. For the reasons that follow, we conclude that, in determining whether a defendant's actions show or reveal an objective intent to substantially deprive a parent of parenting time, both qualitative and quantitative factors must be considered, that is, the nature of the days, as well as the number of days, missed.

Legal commentators have observed that the importance or value of parenting time might be different depending on a child's age—missing a day with a teenager may be different than missing a day with a toddler. *See* Solangel Maldonado, *Beyond Economic Fatherhood: Encouraging Divorced Fathers to Parent*, 153 U. Pa. L. Rev. 921, 966 (2005) (stating that "children, especially young children, needed more than the traditional every-other-weekend visitation in order to maintain close relationships with their fathers"). A missed overnight visit may be more substantial than a missed evening-only visit. *See* Cynthia R. Mabry, *Disappearing Acts: Encouraging Fathers to Reappear for Their Children*, 7 J. L. & Fam. Stud. 111, 123 (2005) ("Overnight visits . . . help a father and his children to develop a stronger bond because spending a few hours together on certain days of the week will not help fathers to share 'tender moments' that arise during daily routines."). The same can be said when the missed visit involves a holiday or special event. *See SooHoo v. Johnson*, 731 N.W.2d 815, 827 (Minn. 2007) (Anderson, J., concurring) ("Given the importance of holiday events to parent-child relationships, alternating holiday arrangements are particularly problematic in visitation awards under the third-party

visitation statute."). Conversely, the loss of a single ordinary day of parenting time among many other days of parenting time that actually occur might not be substantial.

We reject a bright-line test that is based only on the amount of lost parenting time. Instead, the statute requires a case-by-case determination that is based on both qualitative and quantitative factors. *Cf. Robinson*, 921 N.W.2d at 761 ("Determining whether two persons are involved in a 'significant romantic or sexual relationship,' for the purposes of the domestic-assault statute, requires a case-by-case analysis using the statutory factors . . . ." (citation omitted)).

Keeping this conclusion in mind, we consider Culver's argument that the court of appeals reached the correct outcome because the circumstances proved support a reasonable inference that the deprivation of parenting time was not "substantial."[6] We are not persuaded by Culver's argument.

We apply a two-step test to evaluate the sufficiency of the circumstantial evidence supporting a defendant's conviction. *State v. Andersen*, 784 N.W.2d 320, 329-30 (Minn. 2010). First, we "identify the circumstances proved." *Id.* at 329 (citation omitted) (internal quotation marks omitted). Second, we examine "independently the reasonableness of all inferences that might be drawn from the circumstances proved," including "inferences

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[6] Although not identified by the parties, the court of appeals' reliance on the absence of any attempt to "conceal" the child's whereabouts is problematic because concealment is not an element of the charged offense in this case. *Compare* Minn. Stat. § 609.26, subd. 1(3) ("Whoever intentionally . . . takes, obtains, retains, or fails to return a minor child from or to the parent"), *with* Minn. Stat. § 609.26, subd. 1(1) ("Whoever intentionally . . . conceals a minor child from the child's parent").

consistent with a hypothesis other than guilt." *Id.* (citation omitted) (internal quotation marks omitted).

Culver's argument relies heavily on the messages she sent to D.E. expressing a willingness to reschedule the parenting time. But reliance on those messages is improper because we must assume that the jury disbelieved any evidence that conflicts with the verdict, *see Bahtuoh*, 840 N.W.2d at 809, and because the jury was not compelled to believe the statements that Culver made merely because they were uncontradicted, *see Costello*, 121 N.W.2d at 76. Moreover, her argument fails to acknowledge the qualitative factors that are present in this case, including the child's young age and the absence of overnight parenting time.[7]

When the circumstances proved are properly identified (excluding the messages Culver sent to D.E. expressing a willingness to reschedule the parenting time and including the qualitative nature of the lost parenting time), we conclude that Culver is not entitled to relief.[8] The circumstances proved in this case include the following. The child was 3 years old at the time of the offense. In response to Culver's request to take the child to a wedding,

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[7] Although D.E. was not the child's custodial parent, regular interaction with the young child was essential in fostering a relationship.

[8] The State urges us to apply the direct-evidence standard, not the circumstantial-evidence standard. Because Culver's sufficiency-of-the-evidence claim fails under the more favorable circumstantial-evidence standard, we need not resolve the dispute regarding the review standard. *See State v. Silvernail*, 831 N.W.2d 594, 598 (Minn. 2013) ("We need not resolve the parties' dispute regarding the standard of review because, even under the more favorable standard proposed by Silvernail, the record contains sufficient evidence to support the jury's verdict that Silvernail is guilty of first-degree premeditated murder.").

the court ordered that any changes should be agreed upon or the parenting time would be as ordered. Culver and D.E. did not reach an agreement on any modifications to parenting time to accommodate the wedding. D.E. was deprived of an overnight visit, which is an important part of the parent-child relationship. Culver's actions completely denied D.E. his court-ordered parenting time, which involved seven visits during the 15-day period immediately before Culver's arrest. Culver did not provide any alternative parenting time to D.E. during the charged period, even though there were days she was not at a wedding or a funeral. The only reasonable inference that can be drawn from the circumstances proved is that an objective person would conclude that Culver's actions show an intent to substantially deprive D.E. of his court-ordered parenting time. Consequently, the court of appeals erred when it concluded that the State presented insufficient evidence to support Culver's conviction.

CONCLUSION

For the foregoing reasons, we reverse the decision of the court of appeals and remand to that court for consideration of Culver's challenge to the admission of relationship evidence.

Reversed and remanded.