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Minn. Stat. § 480A.08, subd. 3 (2016).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A16-1246**

State of Minnesota,
Respondent,

vs.

Taylor Joseph Christianson,
Appellant.

**Filed May 8, 2017
Affirmed
Klaphake, Judge***

Chippewa County District Court
File No. 12-CR-15-654

Lori Swanson, Attorney General, Michael Everson, Assistant Attorney General, St. Paul, Minnesota; and

David Gilbertson, Chippewa County Attorney, Montevideo, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Richard Schmitz, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

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

UNPUBLISHED OPINION

KLAPHAKE, Judge

In this appeal from his conviction of felony domestic assault, appellant argues that the district court committed reversible error by admitting as *Spreigl* evidence two prior instances of physical abuse by appellant against the victim. We affirm.

DECISION

“Appellate courts largely defer to the trial court's exercise of discretion in evidentiary matters and will not lightly overturn a trial court's evidentiary ruling.” *State v. Kelly*, 435 N.W.2d 807, 813 (Minn. 1989). We will not reverse a district court’s evidentiary rulings “absent a clear abuse of discretion.” *State v. Robertson*, 884 N.W.2d 864, 872 (Minn. 2016). On appeal, Taylor Joseph Christianson must establish that the district court abused its discretion and that, as a consequence, he was prejudiced. *State v. Meyer*, 749 N.W.2d 844, 848 (Minn. App. 2008).

Generally, evidence of prior bad acts by a criminal defendant is inadmissible for purposes of showing action in conformity therewith. Minn. R. Evid. 404(b); *see also State v. Spreigl*, 272 Minn. 488, 490, 139 N.W.2d 167, 169 (1965). However, this evidence, often referred to as *Spreigl* evidence, may be admitted for limited other purposes provided certain requirements are met. Minn. R. Evid. 404(b). These other purposes include “proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.” *Id.*

Before admitting *Spreigl* evidence, a district court must determine “(1) that the evidence is clear and convincing that the defendant participated in the other offense; (2) that the *Spreigl* evidence is relevant and material to the state’s case; and (3) that the probative value of the *Spreigl* evidence is not outweighed by its potential for unfair prejudice.” *State v. Shannon*, 583 N.W.2d 579, 583 (Minn. 1998). Christianson concedes that his prior acts of domestic violence were proved by clear and convincing evidence, but nevertheless argues that those acts should not have been admitted because they were not relevant and were unfairly prejudicial.

“*Spreigl* evidence is relevant and material when there is a sufficiently close relationship between the charged offense and the *Spreigl* offense in terms of time, place, or modus operandi.” *State v. Gomez*, 721 N.W.2d 871, 878 (Minn. 2006). Christianson was charged with felony domestic assault by strangulation and felony domestic assault. The district court determined that Christianson’s prior acts of domestic violence against the victim, G.P., were relevant and material because the “assaults are both similar to the offense charged in that they occurred in the context of a relationship, were committed against the same victim, and follow a consistent pattern.” One of the prior assaults involved strangulation, and both involved physical violence in G.P.’s dwelling. While not identical, the past acts of domestic violence between Christianson and G.P. were sufficiently similar to be relevant for purposes of *Spreigl*.

The district court determined that the probative value of the past acts of domestic violence was high and outweighed any potential for unfair prejudice. In the context of *Spreigl* evidence, unfair prejudice “is not merely damaging evidence, even severely

damaging evidence; rather, unfair prejudice is evidence that persuades by illegitimate means, giving one party an unfair advantage.” *State v. Bell*, 719 N.W.2d 635, 641 (Minn. 2006) (quotation omitted). We agree with the district court that a pattern of domestic violence by Christianson during his ongoing relationship with G.P. is highly probative of the nature of that relationship and could assist the jury in reconciling otherwise unusual facts, such as why G.P. waited to report the incident or why G.P. did not leave the house immediately after the assault.¹

We conclude that because Christianson’s past acts of domestic violence against G.P. were both material and not unfairly prejudicial, the district court did not abuse its discretion in allowing evidence of those acts to be heard by the jury.

Affirmed.

¹ We also note that the district court provided the jury with an appropriate limiting instruction both when the evidence was admitted and again at closing. A proper limiting instruction weighs against a finding of unfair prejudice. *See Gomez*, 721 N.W.2d at 879–80.