

*This opinion will be unpublished and
may not be cited except as provided by
Minn. Stat. § 480A.08, subd. 3 (2016).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A16-1709**

State of Minnesota,
Respondent,

vs.

Sean Fitzgerald Pozzi,
Appellant.

**Filed July 24, 2017
Reversed and remanded
Larkin, Judge**

Redwood County District Court
File No. 64-CR-15-265

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

Steven S. Collins, Redwood County Attorney, Redwood Falls, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jessica Merz Godes, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Johnson, Presiding Judge; Larkin, Judge; and
Kalitowski, Judge.*

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

UNPUBLISHED OPINION

LARKIN, Judge

Appellant challenges his conviction of failure to register as a predatory offender, arguing that the district court committed reversible plain error by admitting evidence regarding his prior criminal-sexual-conduct and failure-to-register convictions even though he stipulated that he was required to register based on these convictions. We reverse and remand for a new trial.

FACTS

In April 2015, respondent State of Minnesota charged appellant Sean F. Pozzi with failing to register as a predatory offender. Pozzi is required to register as a predatory offender because he was convicted of second-degree criminal sexual conduct in 1994 and failure to register as a predatory offender in 2004. The complaint alleged that Pozzi “failed to register his primary address as 703 Meadow Lane in Redwood Falls, Minnesota, when he moved there in March 2015” and “failed to register [h]is employment information after becoming employed at the Redwood Falls Nursery on or about March 18, 2015.”

The case was tried to a jury. Prior to opening statements, Pozzi’s counsel informed the district court that “there would be a stipulation as to . . . the requirement that Mr. Pozzi . . . is required to register . . . as a predatory offender.” The district court asked the parties if the stipulation was to “exhibits [regarding Pozzi’s prior convictions] . . . without . . . the underlying testimony concerning the nature [of] the conviction[s], . . . and that those [exhibits] can be used as substantive evidence for the jury to . . . evaluate whether the State’s made its burden of proof on the first element.”

The prosecutor agreed that the district court's description of the stipulation was accurate. The district court asked defense counsel if "those exhibits would come in and the jury would have those?" Defense counsel replied "Yes." The district court reviewed the proposed stipulation with Pozzi as follows:

THE COURT: . . . You understand that the first element of the charge . . . is that the State has the burden of proving that you've been convicted of . . . an offense that requires registration?

POZZI: Correct.

THE COURT: And [in] many cases what the State does is they bring an officer in from that offense, they testify as to the nature of the offense, the criminal process that was gone through, the charge and then they admit evidence that way [s]o the jury can evaluate whether or not there's a predicate offense?

POZZI: Correct.

THE COURT: You understand that by stipulating to those prior offenses you're taking that determination away from the jury, you're saying, "you know what, on the first element, I'm going to admit, I'm going to acknowledge that I was supposed to register." Now, there's benefits and there's drawbacks of doing that. *One of the benefits, from your perspective, is the jury is not going to hear about all the details of the prior offenses.* The drawback is that the State no longer has to prove that element of that offense. Do you understand the, the nature of your decision?

(Emphasis added.)

Pozzi asked the district court for clarification, and the district court responded as follows:

THE COURT: If I can, I certainly will clarify it. You understand that the State has . . . four (4) elements to prove in this case. One (1) is that you're required to register, two (2) is that you knowingly violated that requirement, . . . the third is that you're still required to register, and the fourth is that it occurred here in Redwood County, between February and

April. So, the State . . . needs to prove those four (4) elements to the jury. Following me so far?
POZZI: Yes, I am following.
THE COURT: Okay. You . . . and your attorney have indicated that you want to stipulate to that first element.

Next, the district court asked Pozzi if he was “willing to stipulate” to the existence of his 1994 second-degree criminal-sexual-conduct and 2004 predatory-registration convictions, and Pozzi answered, “Correct.” The district court then stated, “Okay and that . . . takes that away from the jury, the jury doesn’t need to make that decision anymore, that you have those prior convictions, because you’re telling the jury with the stipulation that, you know what, I have those prior convictions.” The district court again asked Pozzi if he understood, and Pozzi answered “Yes, I understand.” After additional discussion, the district court asked Pozzi, “And would you like to forego all the testimony about 1994 and about 2004 and stipulate that you have those convictions?” Pozzi stated that he agreed to stipulate to the 1994 and 2004 convictions.

During opening statements, the prosecutor told the jury that “Pozzi was convicted of crimes in the State of Minnesota that make[] him a predatory offender,” specifically, “[Pozzi] was convicted of Criminal Sexual Conduct in the Second Degree in 1994 and Failure to Register as a Predatory Offender in 2004.”

During trial, the district court instructed the jury as follows, without objection:

Ladies and gentlemen I’m going to read a stipulation or an agreement into the record . . . for you. The Defendant has stipulated or agreed . . . that he has a prior conviction for Criminal Sexual Conduct in the Second Degree and a prior conviction for Failure to Register as a Predatory Offender. Exhibit Six (6) and Exhibit Seven (7) pursuant to stipulation

are admitted as evidence in this matter and you will have those exhibits during your deliberations.

Exhibit six was composed of a sentencing order and warrant of commitment for the 2004 registration offense and the complaint for the 1994 criminal-sexual-conduct offense. Exhibit seven was composed of the complaint for the 2004 registration offense and Pozzi's plea petition for the 1994 criminal-sexual-conduct offense.

In closing arguments, the prosecutor again told the jury that Pozzi had convictions of second-degree criminal sexual conduct and failure to register as a predatory offender, which required him to register as a predatory offender. In its final instructions, the district court instructed the jury that “[a] person required to register as a predatory offender” includes a person who has been charged with and convicted of the offense of Criminal Sexual Conduct in the 2nd Degree and Failure to Register as a Predatory Offender.”

The jury found Pozzi guilty as charged, and the district court sentenced him to serve 43 months in prison. This appeal follows.

D E C I S I O N

Minnesota's predatory-offender-registration statute requires a person who has been convicted of certain offenses to register as a predatory offender. Minn. Stat. § 243.166, subd. 1b(a)(1)(iii) (2014). Pozzi was alleged to have violated Minn. Stat. § 243.166, subd. 3(b) (2014), which provides that at least five days before living at a new primary address, a person required to register must give “written notice of the new primary address to the [person's] assigned corrections agent or to the law enforcement authority with which the person currently is registered.” Pozzi also was alleged to have violated Minn. Stat.

§ 243.166, subd. 3(c) (2014), which provides that a person required to register must provide law enforcement with the address of the location where the person is employed within five days of beginning employment.

We are asked to decide whether the district court committed reversible plain error by admitting evidence regarding Pozzi's prior convictions, which triggered his registration obligation, even though Pozzi agreed to stipulate to the existence of those convictions. Pozzi argues that because he stipulated that he had "prior convictions for criminal sexual conduct and failure to register as a predatory offender that gave rise to his duty to register, admission of evidence about these convictions, including a complaint and a sentencing order admitted as trial exhibits in support of the stipulation, constituted prejudicial plain error." Pozzi contends that the district court "should have instructed the jury that [he] had stipulated that he was a person who was required to register, which would have removed the inherent prejudice of his prior convictions from the jury."

The state counters that "the jury was presented a significant amount of evidence regarding [Pozzi's] failure to obey the predatory offender registration law" and that it is "unlikely the exhibits, which [Pozzi] stipulated to, would have impacted the verdict." The state emphasizes that Pozzi agreed that exhibits six and seven would be admitted as evidence. But the state concedes that this court may nonetheless review the admission of these exhibits for plain error. *See State v. Goelz*, 743 N.W.2d 249, 258 (Minn. 2007) (stating that the invited-error doctrine does not apply to plain errors).

Under the plain-error test, this court will not grant relief unless (1) there is an error, (2) the error is plain, and (3) the error affected substantial rights. *State v. Griller*, 583

N.W.2d 736, 740 (Minn. 1998). If these three prongs of the plain-error test are met, this court may correct the error only if it is necessary to “ensure fairness and the integrity of judicial proceedings.” *Id.* at 742.

The Stipulation

Before we begin our plain-error analysis, we must answer the following question: what was the stipulation? The record on this point is somewhat ambiguous. On one hand, the colloquy between the district court and the attorneys indicates that the parties agreed to stipulate to the admission of certain exhibits, which could “be used as substantive evidence for the jury to . . . evaluate whether the State’s made its burden of proof on the first element.” On the other hand, the colloquy between the district court and Pozzi indicates that Pozzi agreed to stipulate to the existence of his 1994 second-degree criminal-sexual-conduct and 2004 predatory-registration convictions and his resulting obligation to register as a predatory offender. If so, Pozzi agreed to a stipulation that relieved the state of its burden of proof on an element of the charged offenses.

A defendant has “the right to a ‘jury determination that [he] is guilty of every element of the crime with which he is charged, beyond a reasonable doubt.’” *State v. Kuhlmann*, 806 N.W.2d 844, 848 (Minn. 2011) (quoting *United States v. Gaudin*, 515 U.S. 506, 510, 115 S. Ct. 2310, 2313 (1995)). But a defendant may waive his right to a jury trial, including a jury trial on an element of an offense, so long as his waiver is knowing, intelligent, and voluntary. *Id.* In addition, the defendant must waive his right to a jury trial personally. *Id.* The relevant procedural rule provides that

[t]he defendant, with the approval of the court, may waive a jury trial on the issue of guilt provided the defendant does so personally, in writing or on the record in open court, after being advised by the court of the right to trial by jury, and after having had an opportunity to consult with counsel.

Minn. R. Crim. P. 26.01, subd. 1(2)a.

The district court's colloquy with Pozzi suggests an attempt to comply with the waiver requirements set forth above. The district court advised Pozzi that the state had the burden to prove all of the elements of the charged offenses and informed Pozzi that his stipulation would relieve the state of its burden of proof on one of the elements. In response, Pozzi informed the district court that he would stipulate to the existence of his 1994 and 2004 convictions and his attendant obligation to register as a predatory offender.

The description of the proposed stipulation in the colloquy between the district court and the attorneys was more limited, indicating that the parties merely intended to stipulate to the admission of evidence that could be used to satisfy the state's burden of proof. However, that more limited stipulation would have been less beneficial to Pozzi, because it would have allowed the jury to receive inherently prejudicial information regarding Pozzi's criminal history. As the supreme court has explained,

[A defendant's] stipulation to the previous-conviction elements had the effect of protecting [the defendant] from the possibility that the jury might improperly use his previous convictions as evidence that he committed the current offenses. The stipulation prevented evidence of his criminal history from being presented to the jury. . . . As such, [the defendant] benefitted from the stipulation and was able to receive a fair trial.

Kuhlmann, 806 N.W.2d at 853.

We believe Pozzi should receive the benefit of the stipulation that the district court described to him and to which he personally agreed. We therefore treat the description of the stipulation in the colloquy between the district court and Pozzi as controlling, and we construe the stipulation as establishing the existence of Pozzi's 1994 and 2004 convictions, as well as his resulting obligation to register as a predatory offender. This stipulation relieved the state of its burden of proof on the registration-requirement element of the charged offense. Having determined the nature of Pozzi's stipulation, we now turn to the plain-error analysis.

Error That Is Plain

The first two prongs of the plain-error test require error that is plain. *Griller*, 583 N.W.2d at 740. "An error is plain if it was clear or obvious. Usually this is shown if the error contravenes case law, a rule, or a standard of conduct." *State v. Ramey*, 721 N.W.2d 294, 302 (Minn. 2006) (citations and quotations omitted).

Generally, a criminal defendant's judicial admission or offer to stipulate does not take away the state's right to offer evidence regarding a point. *See, e.g., State v. Wiley*, 295 Minn. 411, 421, 205 N.W.2d 667, 675 (1973) (allowing evidence of quantity of seized marijuana even where defendant offered to stipulate to the quantity element). However, "[c]ases may arise where unduly prejudicial evidence, which is without relevance beyond the defendant's judicial admissions, should not be received." *Id.* The reason for the general rule "is that a defendant should not be able to unilaterally control . . . the need for relevant evidence by offering to stipulate, particularly where the evidence sought to be excluded

would bear in any way upon any other issues not covered by the stipulation.” *State v. Davidson*, 351 N.W.2d 8, 10 (Minn. 1984) (quotation omitted).

An exception to the general rule arises if one of the elements of a charged offense is the existence of a necessary predicate conviction. In such circumstances, the defendant may want to stipulate to the existence of his prior conviction because the “stipulation to the previous-conviction elements [has] the effect of protecting [the defendant] from the possibility that the jury might improperly use his previous convictions as evidence that he committed the current offenses.” *See Kuhlmann*, 806 N.W.2d at 853.

For example, “in a prosecution for being a felon in possession of a weapon the defendant should be permitted to remove the issue of whether he is a convicted felon by stipulating to that fact.” *Davidson*, 351 N.W.2d at 11. “In the vast majority of such cases the potential of the evidence for unfair prejudice clearly outweighs its probative value.” *Id.* Thus, the district court in *Davidson* erred by refusing to accept the defendant’s stipulation that he had a prior felony conviction, which would have removed that element of the offense from the jury’s consideration. *Id.* at 10-12. The district court had reasoned that it lacked authority to allow the stipulation. *Id.* at 11. The supreme court disagreed and explained that in such situations, “the correct approach under the Rules of Evidence . . . is to compare the potential of the evidence for unfair prejudice with the relevance of the evidence to issues other than the issue to which the stipulation relates.” *Id.* at 11-12; *see* Minn. R. Evid. 403 (stating that relevant evidence “may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice”). The supreme court held that the district court should have allowed the proffered stipulation and should have

instructed the jury “to the effect that [the] defendant had stipulated that under Minnesota law he was not entitled to possess a pistol and that therefore the jury should direct its attention to the issue of whether or not the state had established beyond a reasonable doubt that he possessed the pistol.” *Id.* at 12.

The supreme court relied on the reasoning of *Davidson* in *State v. Berkelman*, an aggravated driving-while-impaired case, and held that the district court erred by refusing to let the defendant use a stipulation to remove the prior-conviction element of the offense from the jury’s consideration. 355 N.W.2d 394, 395, 397 (Minn. 1984). The supreme court explained that “[w]hen the jury is told that a defendant charged with [aggravated] driving while under the influence has a prior conviction for driving while under the influence, the risk is considerable that the jury will use the evidence in determining whether the defendant is guilty.” *Id.* at 397 n.2.

This court applied the reasoning of *Davidson* and *Berkelman* in *State v. Wemyss*, stating, “[a] criminal defendant has a right to keep potentially prejudicial evidence of [a] prior conviction from the jury, even when that conviction is an element of the offense, by stipulating to the prior conviction and removing the issue from the case.” 696 N.W.2d 802, 808 (Minn. App. 2005) (quotation omitted), *rev’d on other grounds*, No. A04-1001 (Minn. Aug. 16, 2005) (mem.). This court held that “[a] defendant charged with failing to register as a predatory offender has a right to stipulate to the prior conviction(s) creating a duty for him to register.” *Id.* at 805. This court noted that “[i]n the vast majority of . . . cases the potential of . . . evidence [of a prior felony conviction] for unfair prejudice clearly outweighs its probative value.” *Id.* at 808 (quoting *Davidson*, 351 N.W.2d at 11). “The

same may be said with even greater force of evidence of a prior conviction for a sex offense or ‘predatory offense.’” *Id.*

Wemyss is analogous to this case because *Wemyss* was charged with failing to register as a predatory offender and he stipulated that he was required to register. *Id.* at 806. On appeal from his conviction, *Wemyss* argued that the district court erred by admitting certain exhibits that included the labels “sex offender” and “predatory offender” because the exhibits undermined his stipulation. *Id.* at 807. This court concluded that “the district court abused its discretion in admitting the exhibits without redacting [the sex-offender and predatory-offender] references,” reasoning that “the purpose of the stipulation was to keep from the jury *Wemyss*’s prior conviction. Consequently, to label him a ‘predatory offender’ or ‘sex offender’ undermined that stipulation.” *Id.* at 809.

Wemyss also argued that one of the exhibits violated his stipulation because it explained “the details of [his] underlying conviction, sexual penetration with a 14-year-old neighborhood girl.” *Id.* This court agreed stating, “[t]he exhibit violated the stipulation by going into the details of [*Wemyss*’s] conviction and was not relevant to the element of the offense that *Wemyss* did not stipulate to.” *Id.* This court therefore concluded that “the district court abused its discretion by admitting [the challenged exhibit] without redacting the offending language.” *Id.*

Although this court concluded that the district court erred by admitting evidence that undermined *Wemyss*’s stipulation, it ultimately affirmed his conviction, reasoning that “the error was harmless beyond a reasonable doubt.” *Id.* at 810. The supreme court reversed and remanded this court’s decision in *Wemyss* for application of the correct

harmless-error standard. *State v. Wemyss*, No. A04-1001, 2006 WL 9518, at *1 (Minn. App. Jan. 3, 2006), *review denied* (Minn. Mar. 28, 2006). In doing so, the supreme court did not consider or disturb this court's conclusion that the district court erred by failing to redact the "sex offender" and "predatory offender" language from certain exhibits or by failing to redact the description of Wemyss's prior offense from another exhibit. *State v. Wemyss*, A04-1001 (Minn. Aug. 16, 2005) (mem.). On remand, this court again concluded that the evidentiary errors were harmless and affirmed Wemyss's conviction, but we did so in an unpublished opinion. *Wemyss*, 2006 WL 9518, at *4.

The rule from these cases is clear: If a defendant charged with failing to register as a predatory offender stipulates to the existence of the prior conviction(s) creating his duty to register, evidence regarding the conviction(s) is not admissible unless it is relevant to some other disputed issue and the probative value of the evidence is not substantially outweighed by the danger of unfair prejudice. It is a question of admissibility under Minn. R. Evid. 403, which provides that relevant evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice. *Davidson*, 351 N.W.2d at 11-12 (stating that the correct approach "is to compare the potential of the evidence for unfair prejudice with the relevance of the evidence to issues other than the issue to which the stipulation relates"); *see Berkelman*, 355 N.W.2d at 397 (relying on the reasoning of *Davidson*); *Wemyss*, 696 N.W.2d 808 (stating that the issue was "whether the value of the exhibits was substantially outweighed by the danger of unfair prejudice").

Pozzi stipulated that he has the predicate convictions that established his obligation to register. The state does not argue that exhibits six and seven were relevant to any issue

other than Pozzi's obligation to register based on his prior convictions. However, the risk of unfair prejudice from the evidence was significant. *See Berkelman*, 355 N.W.2d at 397 n.2 (noting that "the risk is considerable" that the jury will use the predicate-conviction evidence in determining whether the defendant is guilty of the charged crime); *Davidson*, 351 N.W.2d at 11 (stating that in the "vast majority of such cases" the potential for unfair prejudice clearly outweighs the probative value of predicate-conviction evidence). The risk of unfair prejudice was even greater because the evidence regarded "a prior conviction for a sex offense or 'predatory offense.'" *Wemyss*, 696 N.W.2d at 808.

We note that the state limits its plain-error argument to the third prong of the plain-error test, seemingly conceding that admission of exhibits six and seven constitutes error that is plain. We agree. Given Pozzi's stipulation to the existence of his prior convictions, the probative value of exhibits six and seven is not apparent and was substantially outweighed by the danger of unfair prejudice. The district court plainly erred by admitting these exhibits at trial.

Effect of Error on Substantial Rights

Having determined that the admission of exhibits six and seven constitutes plain error, we must next determine whether the error affected Pozzi's substantial rights. "An error affects substantial rights if the error is prejudicial—that is, if there is a reasonable likelihood that the error substantially affected the verdict." *State v. Strommen*, 648 N.W.2d 681, 688 (Minn. 2002). The Minnesota Supreme Court has stated that the third prong of

the plain-error test is satisfied “if [the error] had the effect of depriving the defendant of a fair trial.” *State v. Tscheu*, 758 N.W.2d 849, 863 (Minn. 2008) (quotation omitted).

Pozzi argues that “[t]he jury heard repeatedly that [he] was a convicted sex offender and a predatory offender who had been convicted once already of failure to register — the exact same offense for which he was on trial.” Pozzi argues that the “danger of such evidence is that the jury will use it as propensity evidence when deciding whether [he] was guilty of the charged offense.” *See Kuhlmann*, 806 N.W.2d at 853. Pozzi contends that “[g]iven that the trial court did not caution the jury against using the improperly-admitted evidence for this purpose, it is reasonable to assume this evidence also substantially influenced the jury’s verdict.” *Cf. State v. Scruggs*, 822 N.W.2d 631, 645 (Minn. 2012) (noting that cautionary instructions reduced the risk of unfair prejudice resulting from admission of evidence regarding defendant’s prior assault convictions).

Pozzi persuasively argues that exhibits six and seven “contained highly prejudicial facts.” For example, the complaint regarding the criminal-sexual-conduct offense alleged that Pozzi repeatedly engaged in sexual contact with three different minors with whom he lived, Pozzi repeatedly “expose[d] his penis” to at least two of those minors, police stopped Pozzi in a stolen car, and Pozzi admitted he had engaged in some of the alleged sexual contact. The district court did not provide any limiting or cautionary instruction to mitigate the prejudicial impact of the exhibits. Instead, the district court emphasized the prejudicial evidence, instructing the jury that it could consider exhibits six and seven, as well as Pozzi’s prior convictions, in deciding whether he was guilty.

When a defendant stipulates to an element of an offense requiring the existence of a predicate conviction, the district court should simply instruct the jury that the defendant has stipulated that the element has been established. *See, e.g., State v. Harris*, ___ N.W.2d ___, ___, No. A15-0711, slip op. at 4 (Minn. May 24, 2017) (“At trial [on a charge of possession of a firearm by an ineligible person], the parties stipulated that [the defendant] was ineligible to possess a firearm, so the only issue the jury considered was whether [the defendant] possessed the firearm.”); *Davidson*, 351 N.W.2d at 12 (stating that when a defendant stipulates that he is ineligible to possess a pistol, the district court should instruct “the jury to the effect that [the] defendant had stipulated that under Minnesota law he was not entitled to possess a pistol”).

Instead of simply instructing the jury that Pozzi had stipulated that he was required to register, the district court instructed the jury that it should consider evidence regarding Pozzi’s prior convictions in deciding whether Pozzi was guilty, undermining the purpose of the stipulation. In doing so, the district court exacerbated the prejudice resulting from the erroneous admission of exhibits six and seven. In addition, the prosecutor mentioned that Pozzi was convicted of second-degree criminal sexual conduct and failure to register as a predatory offender during his opening statement and closing argument, further exacerbating the prejudicial effect of the evidentiary error.

The state counters that the “evidence against [Pozzi] was strong” and argues that it is unlikely that the evidence regarding Pozzi’s prior conviction impacted the verdict. We acknowledge that the state presented strong evidence of Pozzi’s guilt. However, strong evidence of guilt will not always defeat a defendant’s attempt to satisfy the third prong of

the plain-error test. For example, in *Strommen*, the supreme court reversed this court's refusal to find plain error where the evidence of guilt "was 'so strong' that the error would not have affected the outcome of the case." 648 N.W.2d at 686. In doing so, the supreme court held that "[t]he admission of irrelevant and highly prejudicial evidence of other bad acts by the [defendant] denied the [defendant] a fair trial and constituted plain error that affected the [defendant's] substantial rights." *Id.* at 682. The supreme court explained that the evidence regarding the defendant's involvement in other crimes was "highly prejudicial" because it portrayed the defendant "as a person of bad character and the jury may have been motivated to punish [the defendant] for his other bad acts." *Id.* at 687. Exhibits six and seven have the same effect in this case.

Despite the strong evidence of guilt, we cannot overlook the significant evidentiary error in this case and the improper prejudicial effect it inevitably had on the jury's determination of guilt. We fail to see how the jury could have objectively assessed and weighed the state's evidence without being influenced by the highly prejudicial information in exhibits six and seven, which was highlighted by the district court and prosecutor throughout the trial. Under the circumstances of this case, the admission of irrelevant and highly prejudicial evidence regarding Pozzi's criminal history denied him a fair trial and constituted plain error that affected his substantial rights.

Fairness and Integrity of the Judicial Proceedings

We last consider whether we should correct the error because it seriously affects the "fairness and integrity of judicial proceedings." *Griller*, 583 N.W.2d at 742. We conclude that it does.

Pozzi stipulated that he was required to register as a predatory offender based on his prior convictions to keep evidence regarding the convictions from the jury. There is a significant disconnect between the district court advisory that supported Pozzi's decision to stipulate and the introduction of exhibits six and seven at trial. The district court informed Pozzi that the proposed stipulation would take the registration-requirement element away from the jury and that the "jury is not going to hear about all the details of the prior offenses." The district court nonetheless admitted exhibits six and seven, which contained highly prejudicial details regarding the prior offenses. The district court also instructed the jury that it could consider Pozzi's "prior conviction for Criminal Sexual Conduct in the Second Degree and a prior conviction for Failure to Register as a Predatory Offender," as well as exhibits six and seven, in determining Pozzi's guilt. These actions were inconsistent with the district court's advisory to Pozzi, and they rendered Pozzi's stipulation meaningless. Under the circumstances, the evidentiary error seriously affects the fairness and integrity of the judicial proceedings, and it should be corrected.

Conclusion

Because Pozzi stipulated to the existence of his 1994 and 2004 convictions and his resulting obligation to register as a predatory offender, the admission of irrelevant and highly prejudicial evidence regarding these convictions is plain error that affected Pozzi's substantial rights. And because the error seriously affects the fairness and integrity of the judicial proceedings, we reverse and remand for a new trial.

Reversed and remanded.