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**STATE OF MINNESOTA
IN COURT OF APPEALS
A17-0925**

State of Minnesota,
Respondent,

vs.

Alec Martii Soderbloom,
Appellant.

**Filed April 23, 2018
Affirmed
Bratvold, Judge**

Ramsey County District Court
File No. 62-VB-16-134818

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

Lyndsey M. Olson, St. Paul City Attorney, Kyle A. Lundgren, Assistant City Attorney,
St. Paul, Minnesota (for respondent)

Daniel P. Repka, Andrea L. Nemmers, Repka Law, LLC, St. Paul, Minnesota (for
appellant)

Considered and decided by Bratvold, Presiding Judge; Larkin, Judge; and Florey,
Judge.

UNPUBLISHED OPINION

BRATVOLD, Judge

Appellant challenges his conviction of failure to wear a seat belt, arguing that the
district court improperly denied his midtrial motion for judgment of acquittal, and that the

evidence at the close of the bench trial was insufficient to convict him. Because the evidence sufficiently identified appellant as the individual the officer observed not wearing a seat belt, and because this court defers to the district court's credibility determinations, we affirm.

FACTS

On November 25, 2016, while patrolling Interstate 94 in St. Paul, State Trooper Carrie Rindal observed a vehicle travelling in the same direction "faster than 55" miles per hour. She pulled alongside the vehicle and saw "the right-rear passenger" leaning far enough forward to cause "a large gap between him and the seat." She also saw that the passenger "did not have his seat belt on." Rindal stopped and approached the vehicle, which had three occupants: a male in the rear passenger seat; appellant's mother in the front passenger seat; and appellant's father, who was driving. Rindal asked for the right-rear passenger's license, identified him as appellant Alec Martii Soderbloom, and then cited him for failure to wear a seat belt. She warned the driver about speeding but did not issue a citation.

The district court held a bench trial for the seat belt citation. The state's only witness was Rindal, who testified, in part, as follows:

PROSECUTION: Did you identify the passenger?

RINDAL: Yes.

PROSECUTION: How?

RINDAL: A Wisconsin picture driver's license.

PROSECUTION: Did you compare the photo on that Wisconsin driver's license with the physical appearance of the person, the passenger?

RINDAL: Yes.

PROSECUTION: Would you recognize the passenger if you saw him again?

RINDAL: I don't recognize him today, no.

PROSECUTION: Did you write the citation when the information was fresh in your mind?

RINDAL: I did, yes.

PROSECUTION: Would looking at the citation refresh your recollection about who you issued it to?

RINDAL: Yeah. I know the name. . . . Alec Soderbloom is the one who was the passenger.

After the state rested, Soderbloom moved for judgement of acquittal and the district court denied the motion.

During Soderbloom's defense, Soderbloom, his mother, and his father testified, each stating that Soderbloom was the one to whom the citation was issued, but that he had been wearing his seat belt. Defense counsel argued that the citation was erroneously issued. The court found Soderbloom guilty, convicted him of failing to wear his seat belt in violation of Minn. Stat. § 169.686, subd. 1(a) (2016), and imposed a \$25 fine. Soderbloom appeals.

DECISION

As an initial matter, while we address separately Soderbloom's judgment-of-acquittal and sufficiency-of-the-evidence arguments, we acknowledge that the evidentiary standard is the same for both. *See State v. Slaughter*, 691 N.W.2d 70, 74-75 (Minn. 2005) (stating that the test for a motion for judgment of acquittal is "whether the evidence is sufficient to present a fact question for the [fact-finder's] determination"); *see also State v. Sam*, 859 N.W.2d 825, 830 (Minn. App. 2015) (noting this court applies the same standard to challenges based on judgment of acquittal and based on sufficiency of the evidence).

I. The district court did not err in denying Soderbloom’s motion for judgment of acquittal.

A defendant may move for “a judgment of acquittal on one or more of the charges if the evidence is insufficient to sustain a conviction” at the close of evidence for either party. Minn. R. Crim. P. 26.03, subd. 18(1)(a). This court reviews de novo a decision to deny a motion for judgment of acquittal. *State v. McCormick*, 835 N.W.2d 498, 506 (Minn. App. 2013), *review denied* (Minn. Oct. 15, 2013). The applicable inquiry is, “after viewing the evidence and all resulting inferences in the light most favorable to the state,” whether the evidence is sufficient to present a question for the fact-finder. *Id.* (quotation omitted).

While the state was obligated to prove several elements beyond a reasonable doubt to support Soderbloom’s conviction, Soderbloom challenges one on appeal—whether the state offered sufficient evidence that he was the individual in the back seat of his parent’s car on November 25, 2016. Soderbloom argues that because Rindal could not identify him in the courtroom based on his appearance, the state did not meet its burden of proof. Accordingly, Soderbloom argues he should have been granted a judgment of acquittal. We are not persuaded for two reasons.

First, when Rindal’s testimony is viewed in the light most favorable to the verdict, it establishes that she observed Soderbloom not wearing a seat belt and that his driver’s license photo matched his physical appearance. Second, Soderbloom erroneously assumes that we review only the record evidence presented before Soderbloom made his motion. In *State v. Tscheu*, the Minnesota Supreme Court stated that “where a defendant chooses to introduce evidence after his motion for judgment of acquittal has been denied, [appellate

courts] consider the whole record and not just the evidence produced by the state.” 758 N.W.2d 849, 857 n.7 (Minn. 2008) (quotation omitted).

After Soderbloom’s acquittal motion was denied, he presented evidence in his defense. Soderbloom admitted that he was the rear-seat passenger in his parent’s vehicle and he received a citation on November 25, 2016, for failing to wear a seat belt. The court heard similar testimony from Soderbloom’s mother and father. The record as a whole supports the conclusion that Soderbloom was the individual that Rindal observed failing to wear his seat belt. We conclude that the district court properly denied Soderbloom’s motion for judgment of acquittal.

II. The evidence was sufficient to convict Soderbloom of failing to wear his seat belt.

“Where there is a challenge to the sufficiency of the evidence, [this court’s] review on appeal is limited to a painstaking analysis of the record to determine whether the evidence, when viewed in a light most favorable to the conviction, was sufficient to permit the [fact-finder] to reach the verdict which [it] did.” *State v. Webb*, 440 N.W.2d 426, 430 (Minn. 1989). Our sufficiency-of-the-evidence standard of review is the same for bench and jury trials. *State v. Hough*, 585 N.W.2d 393, 396 (Minn. 1998). Accordingly, this court “will not disturb the verdict if the [fact-finder], 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 [a] defendant was proven guilty of the offense charged.” *Bernhardt v. State*, 684 N.W.2d 465, 476-77 (Minn. 2004) (quotation omitted) (alteration in original).

Soderbloom was convicted under section 169.686, subdivision 1(a), which provides, “Except as provided in section 169.685, a properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by the driver and passengers of a passenger vehicle, commercial motor vehicle, type III vehicle, and type III Head Start vehicle.” Violating this provision is a petty misdemeanor. See Minn. Stat. § 169.89, subd. 1 (2016).

The district court made factual findings orally after the conclusion of the bench trial. It found that Rindal’s testimony was credible, in part, because she admitted that she did not recognize Soderbloom in the courtroom and because Rindal had no reason to be untruthful. It discredited Soderbloom and his family’s testimony because each had “a stake in the outcome.” The district court concluded that Soderbloom was guilty beyond a reasonable doubt of failing to wear his seat belt.

On appeal, Rindal asks this court to second guess the district court’s credibility determination, but we decline to do so. It is the province of the fact-finder to weigh the credibility of witnesses. *State v. Steinbuch*, 514 N.W.2d 793, 800 (Minn. 1994). Further, it was permissible for the district court to base its credibility determination on familial relations; Soderbloom’s personal interest in defeating his citation, and his relationship to his parents, could be evidence of bias affecting their credibility. See *State v. Elijah*, 206 Minn. 619, 623, 289 N.W. 575, 578 (1940) (stating that bias “may be shown by the witness’ relationship with a party by blood or marriage” (quotation omitted)). The district court judge properly weighed the conflicting evidence, made credibility determinations,

and found that the state proved Soderbloom was guilty beyond a reasonable doubt. We conclude that the record evidence is sufficient to support this conviction.

Affirmed.