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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A17-1682**

State of Minnesota,
Respondent,

vs.

Joshua Eric Skaalerud,
Appellant.

**Filed October 1, 2018
Affirmed
Smith, John, Judge***

Stearns County District Court
File No. 73-CR-16-9355

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

Janelle P. Kendall, Stearns County Attorney, Caitlyn M. Prokopowicz Wilson, Assistant
County Attorney, St. Cloud, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Suzanne M. Senecal-Hill,
Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Halbrooks, Presiding Judge; Hooten, Judge; and Smith,
John, Judge.

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

UNPUBLISHED OPINION

SMITH, JOHN, Judge

We affirm appellant Joshua Eric Skaalerud's conviction of domestic assault under Minn. Stat. § 609.2242, subd. 4 (2016), because the evidence is sufficient to prove that the victim was in the same family or household as appellant.

FACTS

On the evening of October 7, 2016, St. Cloud police were called to investigate a domestic assault. K.J.G. told police that she had been physically attacked by Skaalerud, and two neighbors described observing part of the attack. After Skaalerud was apprehended, he admitted to dating K.J.G. and having a sexual relationship with her beginning in July of 2016. In a statement, Skaalerud also described how he had set up a secret room in the garage of his parents' home and had been trying to remove K.J.G. from that area, but she would not leave. He described K.J.G. calling him after the offense "like thirteen times" to participate in "boyfriend, girlfriend talkin'."

Skaalerud was tried on two counts of domestic assault in a two-day jury trial. K.J.G. testified that she and Skaalerud had a sexual relationship for six or seven months and lived with each other in the garage at the time of the offense. During K.J.G.'s cross-examination, defense counsel elicited admissions that Skaalerud had asked K.J.G. on a number of occasions to leave the garage and that her testimony about her injuries was inconsistent. K.J.G. also admitted that five years earlier, when she was fourteen years old, she had seen a "professional" for her habit of lying, and that she was triggered to lie when she got into trouble. The two neighbors who witnessed the crime, C.W. and J.D., testified for the state.

Skaalerud did not testify at trial, but his police statement was received into evidence without objection. The jury convicted Skaalerud of one count of domestic assault, and the district court imposed a 24-month executed sentence.

DECISION

Skaalerud challenges his domestic-assault conviction, arguing that the state failed to prove that he was in the same family or household as K.J.G. at the time of the offense. The United States Constitution “indisputably entitles a criminal defendant 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. Her*, 862 N.W.2d 692, 695 (Minn. 2015) (alterations in original) (quotations omitted). “[W]e view the evidence in a light most favorable to the verdict to determine whether the facts in the record and the legitimate inferences drawn from them would permit the jury to reasonably conclude that the defendant was guilty beyond a reasonable doubt of the offense of which he was convicted.” *State v. Hanson*, 800 N.W.2d 618, 621 (Minn. 2011) (quotation omitted). “Juries are generally in the best position to weigh the credibility of the evidence and thus determine which witnesses to believe and how much weight to give their testimony.” *State v. Andersen*, 784 N.W.2d 320, 329 (Minn. 2010) (quotation omitted). We will not “disturb the jury’s verdict if the jury, 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.” *Hanson*, 800 N.W.2d at 621 (alteration in original) (quotation omitted).

A domestic assault under Minn. Stat. § 609.2242, subd. 1 (2016), includes the commission of “an act with intent to cause fear in another of immediate bodily harm or death” that is made “against a family or household member as defined in section 518B.01, subdivision 2.” By definition, “[f]amily or household members” include “persons who are presently residing together or who have resided together in the past,” and “persons involved in a significant romantic or sexual relationship.” Minn. Stat. § 518B.01, subd. 2(b)(4), (7) (2016). Factors affecting this determination include “the length of time of the relationship; type of relationship; frequency of interaction between the parties; and, if the relationship has terminated, length of time since the termination.” Minn. Stat. § 518B.01, subd. 2(b) (2016).

Skaalerud “argues the state failed to prove beyond a reasonable doubt that he and [K.J.G.] were involved in a *significant* romantic or sexual relationship,” and that their relationship lacked the “level of intimacy, sharing, and connectedness that sets a significant relationship apart from a dating relationship.” Viewing the evidence in the light most favorable to the verdict, we disagree. K.J.G. testified that she was in a romantic, sexual relationship with Skaalerud for six or seven months and that they lived together in the garage of his parents’ home. In his police statement, Skaalerud also said that he had been dating K.J.G. since the end of July of 2016, that they were “pretty much livin’ . . . together,” and, when pressed further, revealed that she was living in his parents’ garage. Skaalerud also stated that they had “a sexual relationship,” and, when asked to describe their exact relationship, said “boyfriend, girlfriend.”

This evidence was sufficient to establish that Skaalerud and K.J.G. were “involved in a significant romantic or sexual relationship” for purposes of Minn. Stat. § 518B.01, subd. 2(b)(7). As to the romantic/sexual aspect of their relationship, both parties offered evidence that their relationship was romantic, sexual, and of sufficient duration to be considered “significant,” as they lived together for at least several months. The applicable factors of Minn. Stat. § 518B.01, subd. 2(b), including the duration of the relationship, the nature of the relationship, and the parties’ unbroken period of living together demonstrate that the relationship was significant. Under the plain language of the statute, the evidence is sufficient to establish the significance of the relationship. *See State v. Anderson*, 865 N.W.2d 712, 716 (Minn. App. 2015) (stating that competing interpretations of a statute make a statute ambiguous “only if the competing interpretations are reasonable,” and “[i]f a statute’s language is clear and unambiguous, [an appellate court] rel[ies] on it alone to determine meaning”); *The American Heritage Dictionary of the English Language*, 1614 (4th ed. 2006) (defining “significant” as “meaningful” or “important”). Our interpretation of the statute is consistent with its broad application to relationships of former spouses, persons who used to live together, and persons who have a child in common, as well as those who are in a significant romantic or sexual relationship. The relationship of Skaalerud and K.J.G. fits within the broad scope of the statute.

Affirmed.