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**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-0525**

State of Minnesota,
Respondent,

vs.

Patrick Sunnyboy Samuels,
Appellant.

**Filed January 14, 2019
Affirmed
Schellhas, Judge**

Clay County District Court
File No. 14-CR-16-3672

Cathryn Middlebrook, Chief Appellate Public Defender, Chang Y. Lau, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Keith M. Ellison, Attorney General, St. Paul, Minnesota; and

Brian J. Melton, Clay County Attorney, Michael D. Leeser, Assistant County Attorney, Moorhead, Minnesota (for respondent)

Considered and decided by Jesson, Presiding Judge; Halbrooks, Judge; and Schellhas, Judge.

UNPUBLISHED OPINION

SCHELLHAS, Judge

Appellant challenges his conviction of obstructing legal process, arguing that he did not obstruct an officer engaged in the performance of the officer's official duties. We affirm.

FACTS

On an evening in October 2016, F.A., a store manager in Moorhead, called the nonemergency police number for assistance after discovering appellant Patrick Samuels sleeping on a store bench. Moorhead Police Officer Zachary Johnson responded, smelled alcohol coming from Samuels, and, after unsuccessfully attempting to wake Samuels by speaking to him, woke him by using a "sternum rub." Samuels became belligerent, yelled, and made a "spectacle" in the store. Officer Johnson then walked Samuels outside of the store, where Samuels continued yelling at employees inside the store. Officer Johnson asked Samuels to step over to his squad car for questioning, but Samuels refused. Officer Johnson then grabbed Samuels's arm, but Samuels pulled away and started backing up. With the help of a second officer, Officer Johnson carried Samuels to his squad car while Samuels "actively resisted."

Respondent State of Minnesota charged Samuels with misdemeanor obstructing legal process under Minn. Stat. § 609.50, subd. 1 (2016). The district court appointed a public defender for Samuels and conducted a bench trial. The state called F.A., who testified about how she discovered Samuels asleep, the arrival of Officer Johnson, and Samuels's reaction. Officer Johnson testified about waking Samuels, escorting him

outside, and Samuels's resistance to his requests. Without objection by Samuels, the state entered into evidence the squad-car video of the events. The video shows Officer Johnson escorting Samuels out of the store and asking Samuels to step over to his squad car. The video also captures Samuels's multiple slurred statements of, "I'm not gonna go away." And it shows Samuels backing away from and swatting at Officer Johnson as he reaches for Samuels's arm, and continuing to pull away from Officer Johnson until the second officer arrives to assist.

Samuels testified at trial and claimed that he became tired after shopping with a friend at the store and laid down on a bench. He testified that he had drunk in the morning and was "a little bit tipsy" when Officer Johnson woke him. He remembered F.A. waking him, and claimed that Officer Johnson arrived and pepper-sprayed him in the store. He denied resisting the officers, testifying that he "wanted to walk away from the situation." On redirect, Officer Johnson denied using pepper-spray on Samuels in the store.

The district court found that "Officer Johnson was engaged in the performance of his official duties as a Moorhead Police Officer when he responded to the call from [the store]." And the court also found that Samuels "actively resisted" and "pulled away" from Officer Johnson and repeatedly refused to go with him. The court therefore found Samuels guilty of misdemeanor obstructing legal process.

This appeal follows.

DECISION

Samuels argues that insufficient evidence supports his conviction of obstructing legal process. An appellate court examining an insufficiency-of-the-evidence claim determines whether the evidence, viewed in a light most favorable to the verdict, sufficiently allows a finding of guilt. *Loving v. State*, 891 N.W.2d 638, 643 (Minn. 2017). An appellate court “will not overturn a guilty verdict if, giving due regard to the presumption of innocence and the prosecution’s burden of proving guilt beyond a reasonable doubt, the [trier of fact] could reasonably have found the defendant guilty of the charged offense.” *State v. Hurd*, 819 N.W.2d 591, 598 (Minn. 2012) (quotation omitted).

To convict Samuels of obstructing legal process, the state had to prove that he “intentionally . . . obstruct[ed], resist[ed], or interfere[d] with a peace officer while the officer [was] engaged in the performance of official duties.” See Minn. Stat. § 609.50, subd. 1(2) (listing the elements of offense). Samuels’s challenge requires this court to analyze the meaning of “official duties.” “When a sufficiency-of-the-evidence claim turns on the meaning of the statute under which a defendant has been convicted, we are presented with a question of statutory interpretation that we review de novo.” *State v. Henderson*, 907 N.W.2d 623, 625 (Minn. 2018). If a statute is not ambiguous, this court “appl[ies] its plain meaning.” *Id.*

Samuels argues that insufficient evidence supports a finding that he actively resisted Officer Johnson’s effort to remove him from the store. We disagree. The recording shows Samuels and the officer walking out of the store, and Samuels stopping in the doorway while stating multiple times “I’m not going nowhere.” The officer then asks Samuels to

follow him to his car, and Samuels refuses multiple times. The officer then reaches to grab Samuels's arm, and Samuels swats his arm away. Samuels stated "at least 12 times" that he was "not going nowhere" after the officer asked him to step away from the store's doorway, and then "pulled away . . . and actively resisted" the officer's attempts to escort him away. The court concluded that "Samuels resisted Officer Johnson's attempts to get him to leave the . . . store and clear the doorway," and found Samuels guilty of obstructing legal process. The squad-car video recording supports the court's findings.¹

Samuels argues that once outside of the store, his "refusal to follow Johnson's orders did not constitute obstructing legal process because at the time the officer was not acting in his official duty." The district court found that Officer Johnson was engaged in his official duties when he responded to F.A.'s call for assistance and during his attempts to remove Samuels from the store premises. Samuels identifies two cases, *State v. Litzau*, 893 N.W.2d 405 (Minn. App. 2017), *review denied* (Minn. June 20, 2017), and *State v. Shimota*, 875 N.W.2d 363 (Minn. App. 2016), *review denied* (Minn. Apr. 27, 2016), in which this court discussed the meaning of official duties. Samuels argues that both cases provide distinguishing facts from his case and support his argument that Officer Johnson

¹ Samuels also argues that the district court clearly erred when it "found that the video shows Johnson attempting to get Samuels out of the store." But the court did not make such a finding; it found that the video shows "Officer Johnson and Samuels exiting the store," and that "Officer Johnson was attempting to get Samuels out of the store." Officer Johnson's testimony also supports this finding, as he stated that as Samuels left the store, in between the first and second set of doors leading outside, he "stopped and [Officer Johnson] asked him to continue walking."

was not engaged in the performance of his official duties at the time of his arrest. Samuels's argument is unpersuasive.

In *Shimota*, an officer initiated a traffic stop of a speeding car and, while speaking with the driver, noticed multiple indicia that the driver was under the influence of alcohol. 875 N.W.2d at 365. The officer then asked the driver to exit the car to perform field sobriety tests, and she refused and then physically resisted the officer when he tried to remove her from the car. *Id.* A jury found the driver guilty of obstructing legal process. *Id.* On appeal, the driver argued that insufficient evidence supported the fact that her arrest was mandatory, and that the officer therefore was not performing his official duty when he arrested her. *Id.* at 372. This court rejected the argument stating:

We can reduce [the] argument to a syllogism: No discretionary acts are official duties; the officer's decision to arrest [the driver] for drunk driving was a discretionary act; therefore, the officer's decision to arrest [her] was not an official duty. The syllogism includes a false premise. Almost all of a police officer's enforcement duties—including virtually all warrantless arrests—are discretionary, so [her] "mandatory" requirement would render the statute essentially useless.

Id. This court concluded that "if the state need not prove that the obstructed arrest was *legal*, it need not, *ipso facto*, prove further that the obstructed arrest was *mandatory*." *Id.* at 373. In *Litzau*, which cited *Shimota*, this court rejected a defendant's attempt to define "official duty" as only a mandatory duty. 893 N.W.2d at 407–08. This court affirmed the defendant's conviction for obstructing legal process when he resisted being "picked up" following a release-conditions violation. *Id.* at 407 n.1, 410.

Samuels argues that *Litzau* and *Shimota* are inapposite because they involved a defendant obstructing an arrest, whereas Officer Johnson “was not effecting an arrest at the time Samuels was deemed to have obstructed [him].” Samuels argues that the district court therefore erred when it concluded that his resistance to Officer Johnson’s instructions amounted to obstruction of legal process because the officer’s “commands to walk to [his] squad car” were “separate and apart from [his] official duties.” We disagree.

In *Litzau*, the defendant committed obstruction of legal process when he resisted a potentially warrantless arrest based on a release-conditions violation. *Id.* at 407 & n.1. In *Shimota*, the defendant-driver’s obstruction occurred when she resisted an officer’s attempts to investigate whether she was under the influence of alcohol. 875 N.W.2d at 365. Similarly, here, Samuels resisted Officer Johnson’s attempts to question him and, while Officer Johnson was not mandated by law to question Samuels, the officer was nonetheless acting under his official duties by attempting to investigate Samuels. *Cf. State v. Wick*, 331 N.W.2d 769, 771 (Minn. 1983) (“[W]hile a defendant would have a right to resist an officer in order to defend himself . . . against unjustified bodily attack, assaultive conduct is not justifiable solely on the ground that the officers are violating the defendant’s fourth amendment rights”); *State v. Diedrich*, 410 N.W.2d 20, 23 (Minn. App. 1987) (affirming obstructing-legal-process conviction where officer detained, but did not arrest, intoxicated passenger of a pulled-over car, stating that “whether the trooper was lawfully taking [the passenger] into custody by placing her in the patrol car or not is not a defense to the charge of obstructing legal process”).

We conclude that the district court's finding that Officer Johnson was engaged in the performance of his official duties was not clearly erroneous. Samuels provides no authority to support a contrary conclusion. Viewed in the light most favorable to the verdict, we conclude that sufficient evidence supports his conviction of obstructing legal process.

Affirmed.