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**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-0958**

State of Minnesota,
Respondent,

vs.

Marissa Rae Jones,
Appellant.

**Filed June 10, 2019
Affirmed
Slieter, Judge**

Stearns County District Court
File No. 73-CR-17-4942

Keith Ellison, Attorney General, Michael Everson, Assistant Attorney General, St. Paul, Minnesota; and

Janelle Kendall, Stearns 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 Slieter, Presiding Judge; Worke, Judge; and Kalitowski, Judge.*

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

UNPUBLISHED OPINION

SLIETER, Judge

In this direct appeal from her conviction, appellant Marissa Jones argues that her convictions for first-degree burglary and third-degree assault must be reversed because the state failed to prove the charges beyond a reasonable doubt due to uncorroborated testimony. We affirm.

FACTS

The state charged Jones with first-degree burglary and third-degree assault. The case was tried to a jury, and the following evidence was presented at trial.

Marissa Jones (Jones) was in a relationship with Allen Elgin (Elgin) until early 2016. Following the couple's breakup, Elgin lived with victim S.E. for about six months. Elgin moved out of S.E.'s house in early May 2017, and thereafter lived with Jones again. After Elgin resumed living with Jones, Jones sent S.E. a number of threatening text messages, warning S.E. to stay away from Elgin.

On May 12, 2017, S.E. was alone at her St. Cloud home, preparing for bed. She heard the back door slam shut and someone coming up the stairs. Jones then appeared upstairs. Jones took S.E.'s cell phone and began looking through it. S.E. told Jones to leave. Jones grabbed S.E. by the hair and dragged her down the stairs while asking S.E. if she had seen Elgin recently. Jones then held S.E.'s head down and punched S.E. repeatedly in the face.

Jones again demanded information about S.E.'s relationship with Elgin. S.E. complied, and Jones then hit S.E. again, knocking her to the ground. Jones also threw a plant and a blender near S.E.

Jones stayed with S.E. through the rest of the night. Jones told S.E. she could not leave the house, and S.E. could not call police because Jones still had her phone. During the night, Jones searched S.E.'s purse and jewelry box.

Around 5:00 a.m., Jones brought S.E. to a local Super America to buy cigarettes. Jones drove a black Dodge Avenger that belonged to Elgin—S.E. was in the passenger seat. Jones waited in the car while S.E. purchased cigarettes. S.E. did not ask for help in Super America because she “was already scared and terrified.” Jones and S.E. then returned to S.E.'s home.

At approximately 8:00 a.m., Elgin arrived at S.E.'s home. Elgin and Jones argued about Elgin's affair with S.E. While Jones and Elgin argued, S.E. walked to a residential-care facility where she previously worked and her sister-in-law currently worked. S.E. used her sister-in-law's phone to call her father. She asked him to keep her son for the day because S.E. did not want her son to see her injuries. A resident of the facility, who knew S.E., testified that he saw S.E. with severe injuries to her face.

S.E. then returned to her home—Elgin and Jones were no longer there. S.E.'s home was a “horrible mess,” and several things were missing, including a hair straightener, blow dryer, and surround-sound speakers.

That afternoon, S.E. sought treatment at a hospital. S.E. told hospital staff that two women had “jumped” her in a bar. Doctors diagnosed S.E. with a fractured eye socket.

The next morning, S.E. reported the assault to police. A detective spoke with Elgin, who denied knowing anything about the assault.

The jury found Jones guilty of both charged offenses. This appeal follows.

D E C I S I O N

When considering the sufficiency of the evidence, we view “the evidence in the light most favorable to the jury’s verdict.” *State v. Braylock*, 501 N.W.2d 625, 628 (Minn. 1993). “We will not disturb the 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.” *Bernhardt v. State*, 684 N.W.2d 465, 476-77 (Minn. 2004) (quotation omitted).

Jones argues that her conviction should be overturned because S.E.’s uncorroborated testimony is insufficient to establish beyond a reasonable doubt that Jones committed first-degree burglary and third-degree assault. “[A] conviction can rest on the uncorroborated testimony of a single credible witness.” *State v. Foreman*, 680 N.W.2d 536, 539 (Minn. 2004) (quotation omitted).

Contrary to Jones’s assertions, the jury was presented with corroborating evidence. The state introduced surveillance footage from Super America showing S.E. arriving in a black Dodge Avenger driven by someone else, and S.E., with facial injuries, purchasing cigarettes. A resident of S.E.’s former workplace testified that he saw S.E. that morning and that she had facial injuries. The state also introduced threatening text messages that Jones sent S.E. In summary, S.E.’s testimony was corroborated by other evidence.

Jones also contends that S.E. is not credible because she had motive to falsely accuse Jones of assaulting her: Jones was interfering with S.E.'s relationship with Elgin. In support of her argument, Jones relies on the fact that S.E. did not accuse Jones of assaulting her until *after* Jones had warned S.E. to stop communicating with Elgin. Jones also attacks S.E.'s credibility because S.E. did not inform the Super America staff that she had been assaulted and was being held captive, did not tell her father what had occurred when she had the chance, and told hospital staff that she had been assaulted by two women at a bar.

Generally, “judging the credibility of witnesses is the exclusive function of the jury.” *Dale v. State*, 535 N.W.2d 619, 623 (Minn. 1995). We thus defer to the jury’s credibility determinations, *State v. Watkins*, 650 N.W.2d 738, 741 (Minn. App. 2002), and assume that “the jury believed the state’s witnesses and disbelieved any evidence to the contrary.” *State v. Moore*, 438 N.W.2d 101, 108 (Minn. 1989).

The jury was apprised of the affair between S.E. and Elgin—S.E. testified that she informed Jones about her relationship with Elgin. S.E. also testified that the reason she remained silent about the assault and initially claimed two women attacked her at a bar was because she was scared of Jones. Weighing S.E.’s credibility was the jury’s role, and it found S.E. credible. *State v. Reichenberger*, 182 N.W.2d 692, 695 (Minn. 1970). We, therefore, affirm Jones’s conviction.¹

Affirmed.

¹ Jones submitted a two-page supplemental brief that appears to make a sufficiency-of-the-evidence claim. Because we have already addressed the sufficiency-of-the-evidence claim argued by Jones’s appellate counsel, we do not address Jones’s *pro se* argument.