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**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-1179**

State of Minnesota,
Respondent,

vs.

Kevin Herman Larson,
Appellant.

**Filed July 1, 2019
Affirmed
Johnson, Judge**

Sherburne County District Court
File No. 71-CR-17-1096

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

Kathleen A. Heaney, Sherburne County Attorney, Dawn R. Nyhus, Assistant County Attorney, Elk River, 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 Johnson, Presiding Judge; Hooten, Judge; and Reilly, Judge.

UNPUBLISHED OPINION

JOHNSON, Judge

A Sherburne County jury found Kevin Herman Larson guilty of failure to register as a predatory offender. We conclude that the evidence is sufficient to support the jury's verdict. Therefore, we affirm.

FACTS

In 1993, Larson was convicted of second-degree criminal sexual conduct, in violation of Minn. Stat. § 609.343, subd. 1(a) (1990). Because of that conviction, Larson is required to register as a predatory offender. *See* Minn. Stat. § 243.166, subd. 1b(a)(1)(iii) (2016). But he has steadfastly refused to do so and has been convicted of failure to register as a predatory offender on six prior occasions.¹

This appeal concerns Larson's seventh conviction of failure to register as a predatory offender. In 2017, Larson was incarcerated at the prison in St. Cloud, serving a sentence on a prior conviction of failure to register as a predatory offender. His anticipated release date was August 3, 2017. On June 1, 2017, Kenneth Kalla, a corrections security case manager at the prison, met with Larson to discuss his anticipated release. Kalla spoke

¹ *See State v. Larson*, No. A17-1274, 2018 WL 4288994 (Minn. App. Sept. 10, 2018), *review denied* (Minn. Nov. 27, 2018); *State v. Larson*, No. A15-1085, 2016 WL 4596403 (Minn. App. Sept. 6, 2016), *review denied* (Minn. Nov. 23, 2016); *State v. Larson*, No. A10-1562, 2011 WL 2672239 (Minn. App. July 11, 2011), *review denied* (Minn. Sept. 20, 2011); *State v. Larson*, No. A07-2145, 2008 WL 5396820 (Minn. App. Dec. 30, 2008), *review denied* (Minn. Mar. 17, 2009); *State v. Larson*, No. A06-0623, 2007 WL 2993608 (Minn. App. Oct. 16, 2007), *review denied* (Minn. Dec. 19, 2007); *State v. Larson*, No. A05-0040, 2006 WL 618857 (Minn. App. Mar. 14, 2006), *review denied* (Minn. May 16, 2006).

with Larson about, among other things, his obligation to register as a predatory offender. Kalla brought paperwork to the meeting that Larson could complete and submit, but Larson refused to look at it, stating, “I’ve never filled out registration paperwork and I never will.” On June 22, 2017, Special Agent Nathaniel Brovold of the Bureau of Criminal Apprehension (BCA) met with Larson, reminded him of his obligation to register as a predatory offender, and provided him with registration paperwork. Larson refused to complete or sign the paperwork. On August 2, 2017, BCA Special Agent Nicholas Riba met with Larson and attempted to persuade him to register as a predatory offender. Larson refused to look at the paperwork that Special Agent Riba provided and did not respond when asked whether he was refusing to register.

On August 2, 2017, the state charged Larson with failure to register as a predatory offender, in violation of Minn. Stat. § 243.166, subds. 3(a), 5(a) (2016). The case was tried to a jury on two days in April 2018. The state called three witnesses—Special Agent Brovold, Special Agent Riba, and Kalla—each of whom testified to the interactions with Larson that are described above. Larson, who represented himself at trial, testified about the reasons why he had refused to comply with the requests that he complete the registration paperwork. The jury found Larson guilty, and the district court sentenced him to 39 months of imprisonment. Larson appeals.

D E C I S I O N

Larson argues that the evidence is insufficient to sustain his conviction of failure to register as a predatory offender.

When reviewing the sufficiency of the evidence for a conviction, we undertake “a painstaking analysis of the record to determine whether the evidence, when viewed in the light most favorable to the conviction, was sufficient” to support the conviction. *State v. Ortega*, 813 N.W.2d 86, 100 (Minn. 2012) (quotation omitted). We seek 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. Salyers*, 858 N.W.2d 156, 160 (Minn. 2015) (quotations omitted). “We must assume the jury believed the state’s witnesses and disbelieved any evidence to the contrary.” *State v. Caldwell*, 803 N.W.2d 373, 384 (Minn. 2011) (quotation omitted). “[W]e will not disturb the verdict if the jury, acting with due regard for the presumption of innocence and the requirement of proof beyond a reasonable doubt, could reasonably conclude that the defendant was guilty of the charged offense.” *Ortega*, 813 N.W.2d at 100.

The statute on which Larson’s conviction is based requires a person who has been convicted of second-degree criminal sexual conduct to register as a predatory offender. Minn. Stat. § 243.166, subd. 1b(a)(1)(iii). When a person is sentenced on such a conviction, the district court shall inform the offender of the registration requirement. *Id.*, subd. 2. If the district court does not do so, the offender’s assigned corrections agent shall inform the offender of the registration requirement. *Id.* “[A]t least five days before the person starts living at a new primary address . . . , the person [who is required to register] shall give written notice of the new primary address to the assigned corrections agent or to the law enforcement authority with which the person currently is registered.” *Id.*, subd.

3(b). In this case, the district court instructed the jury that the elements of the offense charged are as follows:

First, defendant is a person required to register as a predatory offender. . . .

Second, the defendant knowingly violated any of the requirements to register. . . .

Third, the time period during which defendant is required to register has not elapsed. . . .

Fourth, the defendant's failure to act took place on or about August 2, 2017 in Sherburne County, Minnesota.

Larson contends that the evidence is insufficient on the ground that his refusal to complete the registration paperwork that was provided to him is not, in itself, a failure to register. In response, the state contends that Larson's "refusal to complete written forms was a means by which he chose not to register" and that the jury could reasonably conclude that Larson was guilty of failure to register as a predatory offender "based on his refusal to engage in the registration process altogether."

The statute specifies the form and content of the required registration. The predatory offender must provide a signed, written statement with the following information: (1) the offender's primary address; (2) the offender's secondary addresses; (3) addresses of all property owned, leased or rented by the offender; (4) addresses of all locations where the offender is employed; (5) addresses of all schools where the offender is enrolled; and (6) identification of all motor vehicles owned or regularly driven by the offender. Minn. Stat. § 243.166, subds. 4(a), 4a (2016). Larson is correct insofar as he asserts that the statute does not necessarily require him to use the paperwork that was provided to him by

the BCA special agents and prison staff. He may fulfill his duty to register by signing and submitting any document that contains the information required by the statute. Thus, the pertinent question is whether he signed and submitted a written statement containing the information required by the statute.

The evidence introduced at trial is sufficient to allow the jury to conclude that Larson did not sign and submit *any* written statement to fulfill his duty to register. The state's witnesses described Larson's general attitude concerning his duty to register, which was consistent throughout the summer of 2017. In addition, Larson testified that he had refused to register in the past, objected to registering as a predatory offender as a matter of principle, and "would never sign anything that's got the word 'predatory' on it." In closing argument, Larson personally stated that he did not disagree with the prosecutor's evidence but that he did not believe that he is "legally required to supply this information." In light of the evidence introduced by both the state and Larson, as well as Larson's argument for acquittal, a reasonable juror could infer that Larson had not completed the registration paperwork that was provided to him and had not submitted any other signed, written statement with the information required by the statute.

Larson also contends that the evidence is insufficient on the ground that, even if he did not register with two BCA special agents and a corrections security case manager, the state did not prove that he failed to register with his assigned corrections agent. Larson is correct insofar as he asserts that the statute requires him to register with either "the assigned corrections agent" or "the law enforcement authority that has jurisdiction in the area of the person's primary address." *See id.*, subd. 3(a). Larson also is correct that his assigned

corrections agent is Molly Bice, who did not testify at trial. The state's evidence would have been stronger if the state had called Bice as a witness and if she had testified that Larson did not register with her. But the absence of Bice's testimony is not fatal to the state's case if other evidence is capable of proving that Larson did not register with Bice or with a law-enforcement authority. Because we have determined that the state's evidence is sufficient to allow a reasonable juror to infer that Larson never registered at all, the evidence also is sufficient to allow a reasonable juror to infer that Larson never registered with Bice or with a law-enforcement authority.

Before concluding, we note that Larson filed a handwritten 12-page *pro se* supplemental brief. We have carefully reviewed the *pro se* supplemental brief, and we conclude that it does not contain any grounds for reversal.

In sum, the evidence is sufficient to support Larson's conviction of failure to register as a predatory offender.

Affirmed.