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**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-1223**

State of Minnesota,
Respondent,

vs.

Robert Jamar Casey,
Appellant.

**Filed June 17, 2019
Affirmed
Ross, Judge**

Redwood County District Court
File No. 64-CR-18-84

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

Jenna M. Peterson, Redwood County Attorney, Rudolph P. Dambeck, Assistant County Attorney, Redwood Falls, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Gina Schulz, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Cleary, Chief Judge; Ross, Judge; and Johnson, Judge.

UNPUBLISHED OPINION

ROSS, Judge

This is the Redwood County cooler caper case. A criminal complaint accused Robert Casey of using a screwdriver to break into a farmers cooperative building in the City of Milroy and steal a cooler filled with alcoholic beverages, two flashlights, winter

caps, a cellular telephone, and about \$28 in change. A jury found Casey guilty of second-degree burglary. Casey appeals from his conviction, arguing that the state presented insufficient evidence. Because the only reasonable inference that can be drawn from the circumstances proved supports the guilty verdict, we affirm.

FACTS

The general manager of the Farmers Cooperative Association of Milroy entered the cooperative building at about 7:30 the morning of January 22, 2018, and noticed something was wrong. He saw that doors had been “busted in” with door parts scattered on the floor, a cabinet had been forced open, and the safe bore pry marks. Several things were missing: quarters from his desk, change from a can on the top of the refrigerator, two flashlights, a cellular telephone, and a cooler that contained beer and a bottle of Phillips Gin left over from a holiday party. The general manager called the Redwood County Sheriff’s Office and reported the crime.

Deputy Sheriff Rick Wakefield arrived to investigate. He learned about a surveillance camera near the cooperative building. He photographed the scene. He learned from the general manger that the amount in stolen coins was uncertain but approximately \$30. He viewed a grainy video recording that the camera captured at 2:26 in the morning of January 22, depicting a sole male walking down the middle of the otherwise empty road and pulling a wheeled cooler in the direction away from the cooperative building.

Earlier in the month, Robert Casey had stopped into the cooperative building seeking a job. The general manager interviewed him but had no job to offer.

The night before the crime's discovery, Casey had attended a small party at his friend G.N.'s apartment in Milroy. Casey left and returned several times during the night and into the early morning hours. When he returned after one of these ventures, he announced that he had just purchased a cooler from a friend for \$40. Casey did not identify this "friend" or explain how he happened to encounter him after 2:00 in the morning. He asked for help to retrieve the cooler, which was behind a mechanic's shop not far from the cooperative building. Two partiers accompanied Casey to get the cooler. One person at the party recognized the cooler as belonging to the cooperative.

Later in the day after the crime's discovery, Casey told G.N. that someone was spreading a rumor around town that Casey had committed several burglaries. As Casey spoke, G.N. noticed that Casey's pockets seemed to bulge with a lot of loose change. G.N. called the sheriff's office and recounted the story of the cooler, which Casey had left in G.N.'s apartment after the party. Deputy Sheriff David Hester arrived to investigate, and G.N. turned over the cooler, empty beer cans, flashlights, several winter hats, a cellular phone, and a bottle of Phillips Gin.

Deputy Wakefield obtained a warrant to search Casey and his girlfriend's apartment. Deputies executed the warrant and found beer cans and a large amount of quarters consistent with what had been reported stolen from the top of the cooperative's refrigerator. Deputy Wakefield compared the distribution stamp on the bottom of one of the Budweiser beer cans with the numbered stamp he had found on the bottom of a full can of Budweiser beer that had been left at the cooperative and not stolen in the burglary. The numbers indicated that the two beers had been canned in the same facility at the same time,

strongly suggesting they had been purchased together. Casey's girlfriend said that the change was not hers and she did not know how it got there. She also told the deputy that she found two large screwdrivers on G.N.'s table the morning after the party when she was cleaning.

The state charged Casey with second-degree burglary under Minnesota Statutes, section 609.582, subdivision 2(a)(4) (2016). A jury found him guilty. He appeals.

D E C I S I O N

Casey argues that the state offered insufficient evidence for the jury to find him guilty of second-degree burglary. On a sufficiency-of-the-evidence claim, we review the evidence in the light most favorable to the verdict to determine whether the facts and inferences drawn from them would permit a jury to reasonably conclude that the defendant was guilty beyond a reasonable doubt. *State v. Salyers*, 858 N.W.2d 156, 160 (Minn. 2015).

To find Casey guilty of second-degree burglary, the jury had to find that he entered a building, that he did so without consent, that he entered intending to commit a crime, and that he did so possessing a tool to gain access to money or property. *See* Minn. Stat. § 609.582, subd. 2(a)(4) (2016). The jury received only circumstantial evidence from which it inferred Casey's guilt on each element. We review an evidence-sufficiency challenge to a conviction that rests on circumstantial evidence using a two-step test. *State v. Harris*, 895 N.W.2d 592, 598–601 (Minn. 2017). We first determine the circumstances proved based on the trial evidence and the verdict, and then we consider whether some reasonable inference other than guilt might be drawn from those circumstances. *Id.*

The circumstances proved at trial consist of the following, among others. Casey went inside and interviewed for a job at the cooperative building that was burglarized within weeks after his interview. Casey left the party at G.N.'s apartment several times during the early morning hours and went to places he did not disclose. Someone broke into the cooperative building and stole a cooler along with various other specific, identifiable items. Soon after Casey returned from one of his ventures from the party, he told parties that he knew about a cooler, its contents, and its location, and the timing of his revelation coincided with a video recording of a lone male walking away from the cooperative building with the cooler. After going through the effort to retrieve the cooler, Casey left the cooler and all the other items that had been stolen from the cooperative at G.N.'s apartment after the party, except he kept a large amount of change. Casey appeared to be carrying a large amount of change in his pockets later in the day after the burglary was discovered, and deputies found what appeared to be more change in his apartment, consistent with the change reportedly stolen.

Casey acknowledges that the items he possessed were those taken in the burglary, expressly conceding that he "is not challenging on appeal that he ended up with the stolen cooler and its contents." And he readily acknowledges that the evidence reasonably supports the inference that he committed the burglary. He insists, however, that the circumstances proved also support a different inference: that "Casey bought the cooler and its contents from a friend for \$40.00."

We conclude that the bought-it-from-an-undisclosed-friend hypothesis is not reasonable under the circumstances. There are major problems with the hypothesis. The

most obvious is that Casey abandoned the cooler and most of the stolen items when he left the party, keeping only the change. That means the only thing he valued from the transaction was a small amount of beer (whatever amount he consumed at the party) and all the change. So to credit his theory, we would have to think it reasonable that he would spend money (\$40) in order to purchase money (the stolen change). Sophisticated money launderers might exchange one quantity of money for a different quantity, but that is not who we seem to be dealing with here. The amount of stolen change is uncertain, but whatever it was, the supposed transaction would be unreasonable. If the stolen change was less than \$40 (testimony indicates it may have been as low as \$19), is it reasonable that Casey would have spent *more* money than that to obtain it? Or if the change totaled \$40 or more (it may have been as high as \$55), is it reasonable that some unknown burglar, having gone through all the trouble to get it, would have sold it for *less* than that? Certainly, no. And Casey, who was unemployed and looking for work, does not suggest how he possessed the \$40 for the purchase in the first place. Nor does he suggest how the screwdrivers—tools consistent with the one apparently used for prying during the burglary—happened to have been left out on G.N.’s table shortly after the burglary. Sometimes there’s only one way to reasonably interpret a series of coincidences, and, according to the jury and the circumstances proved, this is one of them.

Affirmed.