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**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-1755**

State of Minnesota,
Respondent,

vs.

Jon Dorian Brown,
Appellant.

**Filed September 23, 2019
Affirmed
Kirk, Judge***

Steele County District Court
File No. 74-CR-18-469

Keith Ellison, Attorney General, Edwin W. Stockmeyer, Assistant Attorney General,
St. Paul, Minnesota; and

Daniel A. McIntosh, Steele County Attorney, Owatonna, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Sara L. Martin, Assistant Public
Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Worke, Presiding Judge; Hooten, Judge; and Kirk,
Judge.

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

UNPUBLISHED OPINION

KIRK, Judge

Appellant challenges his conviction of failing to register as a predatory offender, arguing that he was denied his right to present a complete defense and that the evidence is insufficient to support his conviction. We affirm.

FACTS

In January 1996, appellant Jon Dorian Brown pleaded guilty to fourth-degree criminal sexual conduct. As a result of the conviction, Brown was required to register as a predatory offender pursuant to Minn. Stat. § 243.166, subd. 1b(a)(1)(iii) (1996). Brown was arrested several times in the fall of 2017. After leaving detention on September 19, 2017, he registered his primary address as the apartment of L.C. On December 12, 2017, law enforcement conducted a compliance check at the residence. L.C. informed law enforcement that Brown was not there and that the apartment was not his primary address. Law enforcement subsequently attempted to contact Brown on his cell phone, but when they identified themselves as law enforcement, he hung up. In March 2018, Brown was arrested.

Respondent State of Minnesota charged Brown with two counts of failing to register as a predatory offender. One count was based on his failure to register his primary address, the other was based on his failure to register his employment. With respect to the charge based on his failure to register a primary address, the state alleged that Brown knowingly failed to register a primary address between December 2017 and March 2018. At trial, L.C. testified that she and Brown had previously been in an on-again, off-again

relationship, but that the relationship had ended sometime in the spring of 2017. She acknowledged that he had spent a few days at the residence around Thanksgiving 2017, but testified that it was not his primary residence at that time and that he did not stay there at all between December 2017 and March 2018. Brown testified in his own defense. He testified that L.C.'s address was his primary address at the time of the compliance check, and continued to be his address until the date of his arrest. He testified that he would leave the residence during the day because he had a conflict with L.C.'s son, but would spend the night there.

Following a court trial, the district court found Brown guilty of failing to register his primary address, but not guilty of failing to register his employment. The district court sentenced Brown to 30 months in prison. This appeal follows.

D E C I S I O N

Right to present a complete defense

A criminal defendant has a constitutional right to “a meaningful opportunity to present a complete defense.” *California v. Trombetta*, 467 U.S. 479, 485, 104 S. Ct. 2528, 2532 (1984). That right encompasses, among other things, “the right to present the defendant’s version of the facts . . . to the [fact-finder] so it may decide where the truth lies.” *Washington v. Texas*, 388 U.S. 14, 19, 87 S. Ct. 1920, 1923 (1967). But in presenting a defense the defendant “must comply with established rules of procedure and evidence designed to assure both fairness and reliability in the ascertainment of guilt and innocence.” *Chambers v. Mississippi*, 410 U.S. 284, 302, 93 S. Ct. 1038, 1049 (1973). Evidentiary

rulings will not be reversed absent a clear abuse of discretion. *State v. Nunn*, 561 N.W.2d 902, 906-07 (Minn. 1997).

Brown argues that he was prevented from presenting a complete defense because the district court prevented him from testifying about the nature of the conflict between him and L.C.'s son, A.C. At trial, Brown testified that he would leave L.C.'s residence during the day to reduce animosity because he had a dispute with A.C. The prosecutor did not object when Brown was questioned as to the existence of a dispute with A.C., but objected on relevance grounds when defense counsel asked about the nature of the dispute. Defense counsel argued that the existence of the dispute could show bias on the part of L.C., but the district court responded that L.C. testified that she was not aware of any conflicts between her children and Brown. Based on this, the district court determined that "as the question is currently posed the objection is sustained."

Brown argues that the district court's ruling violated his right to present a complete defense because he was not permitted to present evidence about him and A.C. having a dispute, which he asserts would suggest that L.C. was biased. But the district court did not actually exclude any evidence, it merely sustained the objection to the question as "currently posed." As the district court noted, L.C. testified that she was not aware of any disputes between her children and Brown. Without an offer of proof that she should be or was aware of these disputes, the nature of the dispute was not relevant. And as the state notes, defense counsel was free to rephrase and continue the line of questioning to establish a basis as to why the testimony would be relevant, but it did not do so. On this record, the district court did not deny Brown the opportunity to present a complete defense.

Sufficiency of the evidence

When considering a sufficiency-of-the-evidence argument, we ascertain whether the facts in the record and the legitimate inferences that can be drawn from those facts would permit a fact-finder to reasonably conclude that the defendant was guilty of the charged offense. *State v. Merrill*, 274 N.W.2d 99, 111 (Minn. 1978). We view the evidence in the light most favorable to the fact-finder's verdict, and assume that the fact-finder believed the state's witnesses and disbelieved any evidence to the contrary. *State v. Moore*, 438 N.W.2d 101, 108 (Minn. 1989).

When a conviction is based on circumstantial evidence, we use a two-step process. *State v. Silvernail*, 831 N.W.2d 594, 598 (Minn. 2013). First, we identify the circumstances proved, assuming that the fact-finder resolved any factual disputes in a manner that is consistent with the fact-finder's verdict. *Id.* at 598-99. Second, we independently examine the reasonableness of the inferences the fact-finder could draw from those circumstances. *Id.* at 599. All circumstances proved must be consistent with guilt and inconsistent with any rational hypothesis except that of guilt. *State v. Andersen*, 784 N.W.2d 320, 329 (Minn. 2010).

Brown concedes that the circumstances proved include a rational hypothesis that he is guilty of the crime of failure to register his primary address. But he argues that the circumstances proved are consistent with the rational hypothesis that he did not have a consistent address during the time period in question and therefore considered L.C.'s apartment his primary address because he kept some belongings there. But this assertion is inconsistent with the testimony presented at trial. L.C. testified that Brown did not stay

at her residence on a regular basis after they ended their relationship in the spring of 2017, and that after staying there for a few days around Thanksgiving, he did not stay there at all during the time period leading up to his arrest in March 2018. Brown testified that between December 2017 and March 2018, he was living at L.C.'s residence and regularly spending the night there. Thus, Brown's argument is inconsistent with his theory of defense presented at trial. And the district court explicitly credited L.C.'s testimony and found Brown's testimony to be "wholly not credible." L.C.'s testimony refutes Brown's assertion that there is a rational hypothesis that he considered L.C.'s address to be his primary address when the circumstances proved are that between the spring of 2017 and his March 2018 arrest he only spent a few days there. It is not rational that Brown would believe that L.C.'s address was his primary address merely because he kept some belongings there when over the course of nearly a year, he only spent a few days there. On this record, the evidence is sufficient to support Brown's conviction of failing to register as a predatory offender.

Affirmed.