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**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-0103**

State of Minnesota,
Respondent,

vs.

Christopher Jovan Hargrove,
Appellant.

**Filed December 16, 2019
Affirmed
Bjorkman, Judge**

Hennepin County District Court
File No. 27-CR-18-15596

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

Michael O. Freeman, Hennepin County Attorney, Jean Burdorf, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

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

Considered and decided by Reilly, Presiding Judge; Bjorkman, Judge; and Cochran,
Judge.

UNPUBLISHED OPINION

BJORKMAN, Judge

Appellant challenges his conviction of fifth-degree assault, arguing that the district court abused its discretion by admitting evidence that he told the victim he had considered burning down his sister's house. We affirm.

FACTS

In the early morning hours of May 5, 2018, A.G. gave appellant Christopher Hargrove, an acquaintance, a ride to his sister's house. After they arrived, they sat in the car in front of the house and talked. Hargrove asked A.G. why she would not "give a good guy a chance," which surprised her. They continued chatting, and then Hargrove suddenly lunged toward A.G. and put his hands around her neck and squeezed. A.G. was scared and had difficulty breathing. She tried to get Hargrove to calm down and release her. He did so briefly, but then put his hands around her neck a second time. A.G. also observed that Hargrove had taken her keys. Hargrove released her again, only to grab her neck a third time. At some point during this incident, Hargrove told A.G. that he had previously sat in front of his sister's house and thought about burning it down.

After the third assault, Hargrove remained in A.G.'s car. She repeatedly asked him to let her go, and eventually he threw the keys at her and got out. Later that day, he sent A.G. a series of text messages:

Sorry
I can't ever take back wt i did
Are u ok
U done with me now

The incident left A.G. “shaky and unstable” and her neck “extremely sore” and bruised. A.G. and her roommate took photographs of the bruising on May 5 or 6. On May 7, A.G. visited her chiropractor, who did not observe bruising but noted that A.G.’s neck muscles were stiff and her range of motion was limited. The following day, A.G. reported the incident to the police.

Hargrove was charged with fifth-degree assault. Before trial, Hargrove moved to exclude evidence of his statement about burning down his sister’s house, arguing that it was irrelevant, “incendiary,” and confusing.¹ The district court denied the motion and permitted A.G. to testify that Hargrove made the statement “during the kind of deescalation periods,” and that she “thought about it after the fact” and feared that he would retaliate. She acknowledged on cross-examination that she did not think of it as a threat at the time and did not include the comment in her initial report to police. The jury found Hargrove guilty, and the district court sentenced him to 30 months’ imprisonment. Hargrove appeals.

D E C I S I O N

We review a district court’s evidentiary rulings for an abuse of discretion. *State v. Johnson*, 699 N.W.2d 335, 338 (Minn. App. 2005), *review denied* (Minn. Sept. 28, 2005). Reversal is warranted only if the appellant demonstrates “both that the district court abused

¹ Hargrove also argued that the statement was improper evidence of other bad acts. See Minn. R. Evid. 404(b). On appeal, he does not challenge the district court’s determination that it was admissible as part of the immediate episode for which he was charged. See *State v. Riddley*, 776 N.W.2d 419, 425 (Minn. 2009) (permitting admission of immediate-episode evidence as exception to exclusion of bad-acts evidence).

its discretion in admitting the evidence and that the appellant was thereby prejudiced.”
State v. Guzman, 892 N.W.2d 801, 812 (Minn. 2017).

Hargrove first contends his statement that he thought about burning down his sister’s house was inadmissible because it is not relevant. Only relevant evidence is admissible. Minn. R. Evid. 402. Evidence is relevant if it has “any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Minn. R. Evid. 401. To satisfy this low threshold, the evidence need only “warrant[] a jury in drawing a logical inference assisting, even though remotely, the determination of the issue in question.” *State v. Schulz*, 691 N.W.2d 474, 478 (Minn. 2005).

Hargrove’s statement meets that standard. The state was required to prove that Hargrove intentionally inflicted bodily harm upon A.G. See Minn. Stat. § 609.02, subd. 10(2) (2016). Hargrove’s statement bears on the intent element of the offense. His expression of violent thoughts, even about another person, while lunging toward and repeatedly grabbing A.G. by the neck, suggests that he intended violence. But Hargrove contends that such evidence is irrelevant because assault-harm is a general-intent crime, requiring the state to prove only that he engaged in an intentional act that caused bodily harm, not that he specifically intended to inflict such harm. See *State v. Fleck*, 810 N.W.2d 303, 309-10 (Minn. 2012) (holding that assault-harm is a general-intent crime). We disagree. Proving specific intent is a viable means of proving general intent; by proving that Hargrove intended to harm A.G., the state proved that he engaged in intentional conduct that caused her harm. Hargrove’s violent statement also suggests that he intended

to make A.G. fear additional harm, making it relevant to the alternative charge of assault-fear.² See Minn. Stat. § 609.02, subd. 10(1) (2016) (defining assault to include intentionally causing another fear of immediate bodily harm or death). The further question of whether the statement was “convincing” on the question of Hargrove’s intent was for the jury to determine. See *Schulz*, 691 N.W.2d at 478.

Hargrove’s statement about burning his sister’s house down is also relevant to A.G.’s credibility. During trial, Hargrove challenged A.G.’s credibility based in part on her three-day delay in reporting the incident to police. Her testimony that she thought about Hargrove’s statement after the fact and perceived it to be a possible threat to her ongoing safety provides context for the jury to weigh her credibility.

The fact the state did not tie Hargrove’s statement about contemplating burning down his sister’s house to his intent or A.G.’s credibility—or even reference it in closing argument—does not change our analysis. Hargrove identifies no legal support for the proposition that a particular piece of evidence is relevant only if the state expressly articulates its relevance for the jury.

Finally, Hargrove argues that even if the statement is relevant, it should have been excluded as unfairly prejudicial. Relevant evidence may be excluded “if its probative value is substantially outweighed by the danger of unfair prejudice.” Minn. R. Evid. 403. Unfairly prejudicial evidence “is not merely damaging evidence, even severely damaging

² Although the state’s argument to the jury focused on assault-harm, the complaint alleges Hargrove committed assault-harm or assault-fear, and the district court instructed the jury on both definitions of assault.

evidence,” but evidence “that persuades by illegitimate means, giving one party an unfair advantage.” *Schulz*, 691 N.W.2d at 478. Hargrove’s statement presented some risk of portraying him as a violent person. But we are not persuaded that this portrayal is unfair. Hargrove chose to articulate that violent character to A.G. while he was attacking her. Under these circumstances, we discern no abuse of discretion by the district court in admitting the statement.

Moreover, even if the statement should have been excluded, its admission does not warrant reversal because it did not prejudice Hargrove. An appellant must prove that erroneously admitted evidence substantially influenced the jury’s decision to his detriment. *State v. Loving*, 775 N.W.2d 872, 879 (Minn. 2009). In assessing prejudice, we consider the way the evidence was presented, whether it was highly persuasive, whether it was used in closing argument, and the overall strength of the state’s evidence. *State v. Caulfield*, 722 N.W.2d 304, 314 (Minn. 2006). These factors do not indicate prejudice in this case. The challenged statement was not a significant part of the trial. As noted above, the prosecutor did not mention it during closing argument. And the state’s case against Hargrove was strong—A.G.’s testimony about the assault was corroborated by photos of her bruises, her chiropractor’s testimony about her resulting stiffness, and Hargrove’s apologetic text messages. Because the record overall does not indicate that Hargrove was prejudiced by the admission of his statement, he is not entitled to reversal on that basis.

Affirmed.