

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-0484**

State of Minnesota,
Respondent,

vs.

Michael Eugene Walker,
Appellant.

**Filed February 16, 2021
Affirmed
Florey, Judge**

Nobles County District Court
File No. 53-CR-17-971

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

Joseph M. Sanow, Nobles County Attorney, Travis J. Smith, Special Assistant County Attorney, Slayton, Minnesota (for respondent)

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

Considered and decided by Reilly, Presiding Judge; Florey, Judge; and Frisch, Judge.

NONPRECEDENTIAL OPINION

FLOREY, Judge

In this direct appeal from the judgment of conviction for failing to register as a predatory offender, appellant argues that the evidence was insufficient to prove beyond a reasonable doubt that he knowingly violated the registration statute. We affirm.

FACTS

Following a court trial, appellant Michael Eugene Walker was convicted of three counts of failing to register as a predatory offender pursuant to Minn. Stat. § 243.166, subd. 5(a) (2016), one count for each place of employment that Walker failed to register. The facts as found by the district court are as follows. Walker is subject to lifetime predatory-offender registration following his conviction of criminal sexual conduct in 2002. Since then, he has updated his predatory-offender registration quarterly or annually, as required by statute. Part of Walker's duty to register includes reporting any changes of employment within five days, which he has done on several occasions.

In 2016, Walker moved to Worthington, Minnesota, in Nobles County. Before moving, Walker's former parole officer, with whom Walker kept in contact for assistance with his predatory-offender-registration requirements, told Walker that he had to report to the local law-enforcement office in Worthington upon his arrival. Walker, however, failed to register with the Worthington Police Department and instead registered his information changes with a Murray County Sheriff's Office employee (Murray County employee). Walker met the Murray County employee through his sister. Murray County is located 30 miles away from Worthington, and the Murray County Sheriff's Office did not have jurisdiction over Walker's Worthington address.

Walker updated his information with the Murray County employee on three separate occasions in 2016, including submitting his annual compliance form in December 2016. A section of the annual compliance form required Walker to initial a list of items he had a duty to register, including "any changes in . . . employment . . . within five days of the

change.” (Emphasis omitted.) Walker did not have any contact with the Murray County employee or register any information regarding his employment with her in 2017.

On August 17, 2017, a detective who monitors predatory offenders went to Walker’s home to check on him. Walker was not home, but the detective learned from talking with Walker’s wife that Walker’s employment registration was not current. The following day, Walker registered his current employment. In a subsequent interview with the detective, Walker admitted that he had failed to register three employment changes, each lasting more than five days, from April 2017 to August 2017. Walker admitted that he knew he was supposed to register his employment changes in Nobles County, but stated it was a “pain in the rear” and that he was concerned that information would get out into the community that he was a predatory offender.

Walker testified at trial, but the district court expressly found that his testimony was not credible. Walker testified that he registered the three jobs in 2017 by going to the Murray County employee’s office at the Murray County Sheriff’s Department and giving his updated information to the receptionist, who wrote it down on a form for Walker to sign. He added that the Murray County employee had encouraged him to continue registering through her “because she knew how much of a pain in the ass it was to register” in Worthington. He stated that he either called or texted the Murray County employee to update his registration information and that he trusted her with the registration process because she was in law enforcement and because she told him it was okay. He further testified that he did not learn there was a problem until the detective came to his house. He

testified that he did not know that registering with the Murray County employee was not proper.

The Murray County employee testified that, although she helped Walker register some information in 2016, Walker did not register any information relating to his employment changes in 2017. She testified that she had not spoken to Walker since 2016.

The district court found that the state's witnesses were credible and that Walker was not credible. The district court found Walker guilty of all three counts, concluding that Walker "knew he was supposed to register his employers in Worthington and purposefully chose not to do so."

This appeal follows.

DECISION

Walker challenges the sufficiency of the evidence supporting his convictions, arguing that the state failed to prove beyond a reasonable doubt that he *knowingly* violated the registration statute. We first determine what the appropriate standard of review is and then apply that standard to the evidence presented.

I. The direct evidence standard of review applies to this case.

Walker argues that this court should apply the circumstantial evidence standard of review because his state of mind is at issue, and a defendant's state of mind is generally proved by circumstantial evidence. *See State v. Al-Naseer*, 788 N.W.2d 469, 473-74 (Minn. 2010) (indicating that the circumstantial evidence standard of review applies when a conviction is based on circumstantial evidence). In contrast, the state argues that the direct evidence standard applies because, while a criminal defendant's state of mind is most

often proved by circumstantial evidence, this is an example of a rare case where direct evidence proved Walker's state of mind. We agree.

Circumstantial evidence is “evidence from which the factfinder can infer whether the facts in dispute existed or did not exist.” *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (quotation omitted). “In contrast, direct evidence is evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption.” *Id.* (quotation omitted). Thus, “circumstantial evidence always requires an inferential step to prove a fact that is not required with direct evidence.” *Id.*

Here, the trial record contains direct evidence of Walker's state of mind—his statements to the detective and his own trial testimony. This was direct evidence because it reflected Walker's state of mind and personal observations, and allowed the district court to find Walker guilty without having to draw any inferences. *See Harris*, 895 N.W.2d at 599 (defining direct evidence). Therefore, we apply the direct evidence standard of review to this case. *See State v. Horst*, 880 N.W.2d 24, 39 (Minn. 2016) (observing that the direct evidence standard of review applies when, although there is both circumstantial and direct evidence of guilt as to a particular element, the disputed element is sufficiently proved by direct evidence alone)

II. There was sufficient evidence to prove Walker knowingly violated the predatory-offender statute.

Under the direct evidence standard, this court's review is limited to a “painstaking analysis of the record to determine whether the evidence, when viewed in a light most favorable to the conviction, was sufficient to permit the jurors to reach the verdict which

they did.” *State v. Webb*, 440 N.W.2d 426, 430 (Minn. 1989). “We use the same standard of review in bench trials and in jury trials in evaluating the sufficiency of the evidence.” *State v. Palmer*, 803 N.W.2d 727, 733 (Minn. 2011).

For the district court to convict Walker of the three failure-to-register offenses, the state had to prove that (1) Walker is a person required to register as a predatory offender; (2) Walker knowingly violated any of the requirements to register; (3) the time period during which Walker was required to register had not elapsed; and (4) Walker’s acts took place on specified dates in Nobles County. See Minn. Stat. § 243.166, subd. 1(b), 3-6 (2016). In this case, the state sought to prove that Walker was guilty of knowingly violating the requirement to register changes in his employment. See *id.*, subd. 4a. Walker only contests the sufficiency of the second element of the offenses—that he *knowingly* violated the predatory-offender statute. We are not persuaded.

A person required to register as a predatory offender who does not have an assigned corrections agent must register “with the law enforcement authority that has jurisdiction in the area of the person’s primary address.” *Id.*, subd. 3(a). Walker essentially argues that because he thought he was complying with the statute by notifying an employee at the Murray County Sheriff’s Office of his information and employment changes, he believed he was complying with the statute and therefore could not have “knowingly” violated it. While ignorance of the law does not generally excuse criminal liability, “when knowledge of the law is an element of the offense, mistake of law is a defense because it negates the existence of a required mental state.” *State v. Mikulak*, 903 N.W.2d 600, 603 (Minn. 2017). Therefore, knowledge of the law at the time of the violation is an element of the offense of

knowingly violating the predatory-offender-registration statute. *Id.* at 604. But Walker’s statement to the detective constituted direct evidence of his knowledge that he was required to provide his information to Nobles County law enforcement because it indicated that his failure to register was because he did not want to go through the trouble of registering in Worthington and because he did not want people in Worthington to know about his criminal record.

Furthermore, even if registering with the Murray County employee was complying with the requirements of the statute, the evidence when viewed in the light most favorable to the verdict demonstrates that Walker had not registered any of his three employment changes in 2017, even in Murray County. The district court concluded, and the record supports, that “there was no mistake of law in this case,” but rather Walker knew he was supposed to register his employment in Worthington but did not do so. Giving “due regard to the presumption of innocence and to the prosecution’s burden of proving guilt beyond a reasonable doubt,” we conclude that the evidence is sufficient to support Walker’s convictions. *State v. Vang*, 847 N.W.2d 248, 258 (Minn. 2014) (quotation omitted).

Affirmed.