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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-0995**

In re the Matter of:

Hannah Marie Lagoon,
Respondent,

vs.

Steve Lagoon,
Appellant.

**Filed March 22, 2021
Affirmed
Jesson, Judge**

Ramsey County District Court
File No. 62-DA-FA-19-308

Hannah Lagoon, St. Paul, Minnesota (pro se respondent)

Steve Lagoon, Cottage Grove, Minnesota (pro se appellant)

Considered and decided by Worke, Presiding Judge; Reyes, Judge; and
Jesson, Judge.

NONPRECEDENTIAL OPINION

JESSON, Judge

Respondent-daughter Hannah Lagoon obtained an order for protection (OFP) against appellant-father Steve Lagoon, based on physical abuse that occurred during her childhood. Father challenges the OFP. He argues that the district court abused its

discretion by excluding certain documents from evidence and granting the OFP without sufficient evidence of the alleged abuse. We affirm.

FACTS

Daughter petitioned for an OFP against father in spring 2019. She alleged that father had physically and sexually abused her as a child, and after reporting the incidents to police she feared he would retaliate. After an evidentiary hearing, the district court determined that there was insufficient evidence to support a finding of actual or threatened harm or harassment in the recent past and dismissed the petition. Daughter appealed, and this court reversed and remanded, concluding that the district court applied the incorrect legal standard by requiring the harm or threat of harm to have occurred within the recent past. *Lagoon v. Lagoon*, No. A19-0824, 2020 WL 522188, at *2-3 (Minn. App. Feb. 3, 2020).

Since we last considered this case, daughter submitted an amended affidavit. In addition to her initial claims, she stated that father “was manipulative, threatening, and engaged in stalking behavior,” making her feel afraid. The affidavit also included a detailed account of father’s alleged sexual and physical abuse. After granting an ex parte OFP, the district court held an evidentiary hearing during which the parties testified.

Daughter described specific instances of physical abuse that she experienced during childhood. She stated that father hit her with hard objects, causing welts and bruises, and in one case permanently damaging her finger. Daughter also recalled father telling her that “God had made him bigger and that’s why it was like his—he was supposed to hurt [her].” These experiences made daughter feel afraid and trapped, and caused her to have low self-esteem. More recently, after daughter filed the police report, father and other family

members contacted daughter, encouraging her to meet them or explain why she was no longer in contact. Daughter testified that as a result of these experiences, she suffers from posttraumatic stress disorder, severe anxiety, and depression, and has difficulty concentrating on schoolwork or working full-time jobs.

Father denied daughter's allegations. After initially testifying from memory, father began reading directly from unidentified documents. Daughter's attorney objected. When questioned about the documents, father explained that they included portions of the court of appeals decision and the transcript from the previous evidentiary hearing. The district court took judicial notice of the appellate opinion, but told father that he would have to provide copies of all other documents he wanted to reference to daughter's attorney and the district court. The hearing was rescheduled to allow father time to comply.

But when the evidentiary hearing continued a week later, father only produced copies of the specific pages he wanted to read from, not the documents in their entirety. The district court explained that it would not admit the copies into evidence because they were incomplete and because its decision would only be based on evidence introduced at the hearing, not at previous proceedings. Father protested, claiming that daughter already had her own copies of the documents. He also took issue with the fact that daughter had quoted from a document—without providing him copies—during her own testimony. The district court reiterated that it would not allow father to quote from or introduce the incomplete documents.

Following the hearing, the district court determined that past physical abuse had occurred, but that there was insufficient evidence to conclude that sexual abuse had

occurred. Because daughter had recently filed a police report and the fear of imminent harm still existed, the district court granted the OFP.

Father appeals.

DECISION

Father challenges the OFP on two grounds. First, he alleges that the district court abused its discretion by excluding the partial court documents from evidence. According to father, the district court should have admitted those materials as a matter of justice and fairness. Second, father claims that there was insufficient evidence to grant the OFP because daughter did not provide any evidence corroborating her claims of past physical abuse. We consider each argument in turn.

I. The district court did not abuse its discretion by excluding incomplete documents from evidence.

Father first asserts that the district court abused its discretion by excluding the incomplete copies of prior court documents. He argues that because the documents were part of previous proceedings in the same case, which daughter presumably had the same access to, the documents should have been admitted as a matter of fairness and justice.

We review a district court's evidentiary rulings in an OFP proceeding for an abuse of discretion. *Olson ex rel. A.C.O. v. Olson*, 892 N.W.2d 837, 841 (Minn. App. 2017). The appellant bears the burden of showing that the ruling resulted in prejudicial error which influenced the fact-finder and changed the result of the proceeding. *Id.* at 842. Absent evidence that the district court misapplied the law or that its findings are not supported by the record, we will not disturb its evidentiary ruling. *Id.* at 841.

Generally, all relevant evidence is admissible. Minn. R. Evid. 402. But even relevant evidence may be excluded if the district court determines that its probative value is substantially outweighed by the potential for undue delay, unfair prejudice, confusion of the issues, or the needless presentation of cumulative evidence. Minn. R. Evid. 403.

Here, the district court excluded the partial copies because it was unclear what larger documents they came from. Although the documents may have been relevant, the district court understandably could not accurately make that determination without first knowing their context. As a result, the district court properly balanced the probative value of the partial documents father offered against their potential for confusion and prejudice.

Nor did father satisfy his burden of showing that the district court's ruling resulted in prejudice. When father first attempted to quote directly from the documents, the district court gave him clear instructions on how to correct his error and properly offer the documents for admission: by making copies of the documents for both the district court and daughter's attorney. The district court also provided a reasonable amount of time for father to comply with those instructions by rescheduling the hearing for the following week. And even when father failed to provide copies as instructed, the district court still allowed father to testify to the general contents of those documents. In fact, the district court encouraged father to "look at your page one and tell me what you want me to know without reading." Father then testified as to his position on daughter's claims, despite not being able to quote directly from those documents. Based on these facts, father has not demonstrated that the district court's ruling resulted in prejudice.

In sum, because the district court’s evidentiary decision was within its broad discretion and, regardless, because father did not show that he was prejudiced, we conclude that the district court acted appropriately to exclude the incomplete documents.

II. The district court did not abuse its discretion by granting the OFP.

Father also asserts that daughter did not present sufficient evidence to support the OFP. According to father, because daughter did not provide any evidence to corroborate her claims of past harm, and because father testified that he never harmed daughter, the district court should not have granted the OFP.

We review a district court’s grant of an OFP for an abuse of discretion. *Aljubailah ex rel. A.M.J. v. James*, 903 N.W.2d 638, 643 (Minn. App. 2017). The district court abuses its discretion if it misapplies the law or makes factual findings with no basis in the record. *Id.*

Here, factual support for the district court’s findings abounds. Under the Minnesota Domestic Abuse Act, the district court may grant an OFP if it finds that domestic abuse has occurred. Minn. Stat. § 518B.01, subds. 4, 6 (2020). Domestic abuse is defined as both physical harm and the infliction of fear of imminent physical harm committed by one family member against another. *Id.*, subd. 2(a)(1)-(2) (2020). Here, the district court found that domestic abuse occurred based on the fact that daughter “credibly testified that she was physically abused as a child by [father].” Because we do not decide issues of witness credibility, we defer to the district court’s determination on this matter. *Aljubailah*, 903 N.W.2d at 643. Further, the district court appropriately considered “all of the relevant circumstances”—including daughter’s recent police report—in deciding to grant the OFP.

Thompson ex rel. Minor Child v. Schrimsher, 906 N.W.2d 495, 500 (Minn. 2018) (“[O]nce ‘domestic abuse’ has been established, the district court may examine all of the relevant circumstances proven to determine whether to grant or deny the petition for an OFP.”). And the district court found that although the domestic abuse had occurred in the past, the fear of imminent harm still existed because daughter had only recently filed her police report. Therefore, the district court determined, the OFP was necessary.

Based on our review of the record, we conclude that the district court did not abuse its wide discretion by granting the OFP. The evidence supports the district court’s findings that domestic abuse did occur and an OFP was necessary. The district court acted appropriately when it excluded the incomplete documents from evidence and granted the OFP.

Affirmed.