

*This opinion is nonprecedential except as provided by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
A20-1444**

State of Minnesota,
Respondent,

vs.

Andrew Erik Heiderscheid,
Appellant.

**Filed August 30, 2021
Affirmed
Kirk, Judge***

Dakota County District Court
File No. 19HA-CR-20-1534

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

Kathryn M. Keena, Dakota County Attorney, Heather Pipenhagen, Assistant County Attorney, Hastings, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Julie Loftus Nelson, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Hooten, Presiding Judge; Smith, Tracy M., Judge; and
Kirk, Judge.

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

NONPRECEDENTIAL OPINION

KIRK, Judge

Appellant challenges his conviction for receiving stolen property on grounds that evidence introduced at trial was unnoticed and prejudicial *Spreigl* evidence. Because the challenged evidence was part of the immediate episode of the charged offense, we affirm.

FACTS

Appellant Andrew Erik Heiderscheid was convicted by a jury of receiving stolen property in August 2020. The evidence at trial established that a 2019 Ford F-350 truck and various hand tools were stolen from an industrial site on May 23, 2020. On May 30, an off-duty South St. Paul police officer spotted Heiderscheid parking the truck. The officer returned the next day and found Heiderscheid parked next to the truck in a silver van and discovered the truck to be stolen. Several hand tools stolen from the site were also found in the bed of the truck. The state also introduced evidence that a gray or silver van appeared on surveillance footage entering the site and following the truck out some minutes later, and that Heiderscheid pawned a tool determined to be stolen from the site several hours after the theft occurred.

DECISION

We review the district court's evidentiary ruling admitting the evidence of the burglary and the pawning of the tool for an abuse of discretion. *State v. Riddley*, 776 N.W.2d 419, 424 (Minn. 2009). Heiderscheid challenges this evidence as unnoticed and

prejudicial *Spreigl* evidence.¹ But the state may “prove all relevant facts and circumstances” of the immediate episode of the charged offense, “even though such facts and circumstances may prove or tend to prove that the defendant committed other crimes.” *State v. Wofford*, 114 N.W.2d 267, 271 (Minn. 1962). Such evidence may be properly admitted without *Spreigl* analysis. *State v. Darveaux*, 318 N.W.2d 44, 48 (Minn. 1982). The exception applies “where two or more offenses are linked together in point of time or circumstances so that one cannot be fully shown without proving the other,” and such evidence shows “a causal relation or connection between the two acts so that they may reasonably be said to be part of one transaction.” *Wofford*, 114 N.W.2d at 271-72.

The challenged evidence meets this exception. The burglary and the pawning of the stolen tool took place six days before Heiderscheid was spotted driving the stolen truck. Heiderscheid was discovered in possession of the same items that were alleged to be stolen. *See Darveaux*, 318 N.W.2d at 48 (concluding evidence of defendant’s later possession of drugs alleged to be stolen from a pharmacy was properly admitted as immediate episode evidence). The evidence of the burglary on May 23 facilitated the charged offense—receiving stolen property—because it produced the stolen property that he was charged with receiving. *See State v. Fardan*, 773 N.W.2d 303, 317 (Minn. 2009) (indicating the

¹ Evidence of other crimes or wrongful acts is not admissible except in accordance with Minn. R. Evid. 404(b). *State v. Kennedy*, 585 N.W.2d 385, 389 (Minn. 1998); *see generally State v. Spreigl*, 139 N.W.2d 167 (Minn. 1965). Rule 404(b) provides that other crimes evidence may not be admitted unless the defendant is provided notice, the evidence is “relevant to” proof of “motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident,” the defendant’s participation in the other crimes is “proven by clear and convincing evidence,” and “the probative value of the evidence is not outweighed by its potential for unfair prejudice.” Minn. R. Evid. 404(b).

immediate-episode exception is met where one offense is “committed to facilitate the other”). And there is no doubt of a close causal connection between the pawned tool and the charged offense, as the evidence of the pawned tool tends to demonstrate Heiderscheid’s knowledge that the remaining property from the burglary he was in possession of on May 30 was stolen. *See Riddley*, 776 N.W.2d at 425 (stating courts “have repeatedly affirmed the admission of immediate-episode evidence when there is a close causal and temporal connection between the prior bad act and the charged crime” (footnote omitted)).

Because the challenged evidence is part of the immediate episode of the charged offense, we discern no abuse of discretion in its admission.

Affirmed.