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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-1571**

State of Minnesota,
Respondent,

vs.

Jeffrey Alan Mcraven,
Appellant.

**Filed March 20, 2023
Affirmed
Worke, Judge**

Hennepin County District Court
File No. 27-CR-20-1792

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

Mary F. Moriarty, Hennepin County Attorney, Adam E. Petras, Assistant County Attorney,
Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Benjamin J. Butler, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Worke, Presiding Judge; Smith, Tracy M., Judge; and
Cochran, Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant filed a direct appeal of his second-degree murder conviction, which was
stayed to allow appellant to pursue postconviction relief. Appellant argues that the district

court abused its discretion by denying postconviction relief because (1) the state failed to disclose material evidence that was favorable to his defense, (2) the prosecutor committed misconduct by opposing appointment of counsel for the state's main witness, and (3) the district court failed to grant him an evidentiary hearing on postconviction issues. Appellant also argues that the district court abused its discretion by admitting *Spreigl* evidence, and raises several claims in his pro se supplemental brief. We affirm.

FACTS

In January 2020, respondent State of Minnesota charged appellant Jeffrey Alan McRaven¹ with the second-degree murder of Lemandre Ingram. McRaven raised an alternative-perpetrator defense, claiming that J.N. committed the murder. J.N. was a critical witness for the state because he was the sole witness to the circumstances surrounding the murder.

At McRaven's jury trial, J.N. testified that Ingram was his cousin and they had a good relationship. Ingram was a successful rapper about to sign with a record label. J.N. testified that McRaven was also his cousin. And like Ingram, McRaven was a rapper and the two collaborated.

On January 19, 2020, J.N., Ingram, McRaven, and one of their friends went to a casino. J.N. drove, Ingram sat in the front passenger seat, and McRaven sat behind Ingram. After the men left the casino, J.N. dropped off their friend. After another brief stop, the three men decided to buy cigarettes. The men did not have money, so J.N. was going to

¹ AKA Jeffrey Alan Mcraven.

sell “crack cocaine.” The men arrived at the sale location too late, and J.N. was unable to sell the drugs. J.N. remembered that he had cigarettes at his mother’s house.

J.N. parked at his mother’s house and exited the vehicle. As he walked away, he heard a gunshot. He walked back to the vehicle and saw that Ingram was deceased. J.N. testified that he was shocked and scared and had no idea why Ingram had been shot. J.N. walked back to the house. McRaven followed him inside.

J.N. testified that he feared for himself and his parents. J.N. found his cigarettes and he and McRaven left. As J.N. drove away, McRaven told him: “don’t snitch.” J.N. saw a black and chrome 9-millimeter gun and worried that McRaven would shoot him. J.N. told McRaven to throw the gun out the window; McRaven complied. McRaven told J.N. to drop him off at his sister’s house, which he did.

J.N. testified that he disposed of the body. He admitted that he initially told detectives that he and McRaven dumped the body together. J.N. testified that after he dumped the body, he sold crack cocaine, cleaned the vehicle, went home, and told his parents what McRaven did. J.N.’s mother told him to contact his brother, J.D. J.D. told J.N. to report the murder to the police, which he did.

Defense counsel’s cross-examination of J.N. was contentious. Defense counsel returned to J.N.’s admissions on direct examination about his prior convictions. J.N. testified that he has two drug and two felony gun-related convictions. Defense counsel also readdressed J.N.’s admissions that he took ecstasy the night of the offense, attempted to sell crack cocaine, sold crack cocaine, and lied to detectives about McRaven dumping the body with him.

J.N. stated: “Yes, I lied to law enforcement I’m a criminal. . . . I said I’m a criminal. Look at my record. I’m not proud of it.” J.N. emphasized, however, that he tells his family everything and his story never changed with his family. At one point, J.N. admitted that he “wanted to make sure that [he] [wasn]’t going to spend the rest of [his] life in jail.” And he stated that he would still “probably go to jail” for the admissions he made during his testimony.

The state’s remaining evidence was intended to corroborate J.N.’s testimony. Such evidence included: surveillance videos and phone records corroborating J.N.’s asserted timeline, phone records showing that McRaven’s phone was off, J.N.’s parents’ testimonies regarding J.N. and McRaven’s behavior inside their home, and forensic evidence showing the gunshot angle being from behind (where McRaven was sitting in the vehicle). McRaven did not testify.

The jury found McRaven guilty as charged. The district court sentenced McRaven to 390 months in prison. McRaven filed a direct appeal but the appeal was stayed for him to pursue postconviction relief.

In July 2021, McRaven filed a petition for postconviction relief, claiming that he was entitled to a new trial for several reasons. First, he claimed that the state suppressed evidence that shortly before his trial began, J.N. had been stopped for fleeing a police officer. He asserted that this evidence would have shown the jury that J.N. was dishonest and biased to testify favorably for the state to avoid prosecution for that offense. Second, he claimed that the prosecutor committed misconduct by opposing the appointment of counsel to J.N. for potential criminal liability and gave him the equivalent of immunity.

Next, he claimed that newly discovered evidence proved that J.N. committed the murder. Finally, he claimed that he received ineffective assistance of counsel.

The district court granted a postconviction hearing on McRaven's first two claims—whether the state failed to disclose evidence and whether the prosecutor committed misconduct.

At the postconviction hearing, the prosecutor who prosecuted McRaven's case testified that it was not until McRaven filed a postconviction petition that he learned that J.N. was facing fleeing charges. He testified that had he known during trial, he would have disclosed that information to the defense.

The prosecutor testified that J.N. had potential culpability in the murder case, but he did not charge J.N. because the case would not have existed but for J.N. reporting it. But the prosecutor testified that he never told J.N. that he was not going to charge him and never offered him any favoritism. He testified that J.N. never asked for an attorney.

The district court denied McRaven's petition. The district court ruled that McRaven failed to establish a *Brady* violation because evidence of the fleeing charge would have been impeaching, and J.N. had already been vigorously impeached making it "highly improbable" that the jury's perception of him would have been swayed. The district court ruled that McRaven failed to show prosecutorial misconduct. The district court summarily denied McRaven relief on his remaining claims without an evidentiary hearing. This appeal followed.

DECISION

Postconviction petition

McRaven argues that the district court abused its discretion by denying his petition for postconviction relief. *See Riley v. State*, 819 N.W.2d 162, 167 (Minn. 2012) (stating this court reviews the denial of postconviction relief for an abuse of discretion).

A postconviction court abuses its discretion when it has exercised its discretion in an arbitrary or capricious manner, based its ruling on an erroneous view of the law, or made clearly erroneous factual findings. Legal issues are reviewed de novo, but our review of factual issues is limited to whether there is sufficient evidence in the record to sustain the postconviction court's findings.

Pearson v. State, 891 N.W.2d 590, 596 (Minn. 2017) (quotations omitted).

Brady violation

McRaven first argues that the district court erroneously concluded that the state did not commit a *Brady* violation when it failed to disclose evidence that J.N. faced charges for fleeing a police officer.

The state violates a defendant's due-process rights when it suppresses "material evidence favorable to the defendant." *Walén v. State*, 777 N.W.2d 213, 216 (Minn. 2010) (citing *Brady v. Maryland*, 373 U.S. 83, 87 (1963)). For a violation to exist, the evidence must (1) be favorable to the defendant because it is exculpatory or impeaching; (2) have been suppressed by the state, willfully or inadvertently; and (3) be material, that is, the absence of the evidence must have prejudiced the defendant. *Walén*, 777 N.W.2d at 216.

The district court "assumed that the first two elements" were met. While the state does not concede that McRaven satisfied the first two elements, it recognizes that caselaw

supports the district court's conclusion. Thus, as the district court did, we will focus on the materiality element. This court reviews the district court's materiality determination de novo because the analysis involves issues of fact and law. *Id.*

A materiality determination requires consideration of "the effect the undisclosed evidence would have had in the context of the whole trial record." *Id.* "Evidence is material if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different." *State v. Hunt*, 615 N.W.2d 294, 299 (Minn. 2000) (quotation omitted). "A reasonable probability is one that is sufficient to undermine confidence in the outcome." *Pederson v. State*, 692 N.W.2d 452, 460 (Minn. 2005) (quotation omitted).

McRaven claims that information that J.N. allegedly fled police in the weeks before trial could have been used to impeach J.N. The district court determined that it was "highly improbable" that evidence of "then-still allegations of [J.N.] fleeing a police officer" would influence the jury's perception of J.N.'s reliability because he was impeached at trial. We agree.

On cross-examination, J.N. admitted that he is a criminal, has drug and gun-related felony convictions, took ecstasy the night of the offense, sold crack cocaine, and lied to authorities about disposing the body. While this evidence could have been more damaging, defense counsel effectively used J.N.'s admissions in closing argument to attack his credibility and show inconsistencies and changes in his stories. Thus, knowing what it did about J.N., it seems highly unlikely that the jury would have reached a different result had it also learned that he was accused of fleeing a police officer.

Moreover, McRaven claims that the prosecutor did not disclose the fleeing information because the defense could have used the information to show J.N.'s motivation to testify favorably for the state in McRaven's prosecution. But from the beginning, J.N. told a story that favored the state's prosecution of McRaven. J.N. identified McRaven as the shooter well before the fleeing accusations; thus, McRaven cannot argue that J.N. concocted the story that McRaven was the shooter only after the fleeing incident occurred. J.N.'s only incentive to avoid potential prosecution for the fleeing charge would have been to testify consistently with what he had already reported to detectives and prosecutors. Because J.N.'s credibility was effectively attacked, we cannot say that disclosure of the fleeing information would have changed the outcome. Accordingly, the district court did not err by concluding that McRaven's constitutional rights were not violated.

Prosecutorial misconduct

McRaven also argues that the prosecutor committed misconduct by opposing the appointment of counsel for J.N. and manipulating a de facto immunity deal that was hidden from the jury. The record supports the district court's determination that there is no indication of a secret immunity deal and that McRaven failed to show that the outcome would have been different had J.N. consulted with an attorney.

First, immediately before J.N. testified, defense counsel inquired whether J.N. had an immunity agreement or if he had been advised of his Fifth Amendment rights. *See* U.S. Const. amend. V (providing that no person "shall be compelled in any criminal case to be a witness against himself"). The district court similarly questioned whether J.N. had an attorney. The prosecutor replied that there was no immunity agreement with J.N. He also

replied that it was not necessary for J.N. to consult with an attorney about potential prosecution for him disposing of the body because there was no “realistic risk of prosecution” because he was the prosecutor responsible for charging and he was not charging J.N. The district court stated: “[T]he state has stated on the record, as officers of the court, there is no immunity granted, and we’ll see if [J.N.] gets nervous about testifying to anything that he did that may be a law violation.”

At the postconviction hearing, the prosecutor reiterated that, because the case was assigned to him, he exercised discretion in not charging J.N. with a crime. The prosecutor testified that he did so because there would be no case without J.N. reporting the murder. He also testified that J.N. was not offered immunity. And J.N. must have understood that to be true because he testified at McRaven’s trial that he was likely going to jail because of the admissions he made during his testimony.

The district court did not abuse its discretion by denying postconviction relief on McRaven’s prosecutorial-misconduct claim because this record does not show that the prosecutor objected to the appointment of counsel for J.N. or that a secret immunity deal existed.

Evidentiary hearing

McRaven next argues that the district court erred by denying an evidentiary hearing on the other claims in his petition. The postconviction court’s decision to deny an evidentiary hearing is reviewed for an abuse of discretion. *Caldwell v. State*, 853 N.W.2d 766, 770 (Minn. 2014). “A postconviction court abuses its discretion when its decision is

based on an erroneous view of the law or is against logic and the facts in the record.” *Andersen v. State*, 913 N.W.2d 417, 422 (Minn. 2018) (quotation omitted).

McRaven argues that the district court abused its discretion because its decision to deny a hearing is based on an erroneous view of the law; that is, it misapplied the standard for deciding whether a petitioner is entitled to a postconviction evidentiary hearing.

A postconviction court must hold an evidentiary hearing “[u]nless the petition and the files and records of the proceeding conclusively show that the petitioner is entitled to no relief.” Minn. Stat. § 590.04, subd. 1 (2022). The allegations in the petition are to be considered as true and construed in the light most favorable to the petitioner. *Andersen*, 913 N.W.2d at 422-23. “When a petitioner alleges facts that, if true, are legally insufficient to entitle him to the requested relief, the postconviction court need not hold an evidentiary hearing.” *Greer v. State*, 836 N.W.2d 520, 522 (Minn. 2013) (quotation omitted). The burden rests with “the petitioner to allege facts that, if proven, would entitle him to the requested relief.” *Wilson v. State*, 726 N.W.2d 103, 107 (Minn. 2007) (quotation omitted). And the allegations must be more than argumentative assertions without factual support. *State v. Turnage*, 729 N.W.2d 593, 599 (Minn. 2007).

The district court denied a postconviction hearing on McRaven’s claims of newly discovered evidence and ineffective assistance of counsel. It concluded that “the facts alleged, if proven, would not entitle [McRaven] to relief. Moreover, the allegations surrounding these issues significantly lack factual support based on the record of this case.” We agree.

Newly discovered evidence

The district court determined that McRaven was not entitled to an evidentiary hearing on his newly-discovered-evidence claim, which included evidence of posttrial social-media posts, text messages, and J.N.'s purported motives for committing the murder.

McRaven is entitled to an evidentiary hearing for newly discovered evidence if the facts asserted in the petition could satisfy the four-factor test set out in *Rainer v. State*, 566 N.W.2d 692, 695 (Minn. 1997). *Bobo v. State*, 820 N.W.2d 511, 517-18 (Minn. 2012). McRaven must show that the evidence (1) was not known to him at the time of the trial; (2) could not have been discovered through due diligence before trial; (3) was not cumulative, impeaching, or doubtful; and (4) would probably produce an acquittal or a more favorable result. *Id.* at 518.

Facebook post

The allegations in the petition include:

Twelve days after the verdict, [J.N.] essentially admitted he had duped everyone. He posted to his Facebook account a message reading, "Now the whole world know how it feel to be locked up for some sh-t you ain't even do." That statement was accompanied by two "laughing so hard I'm crying" emojis. Below the message, [J.N.] added the line "Good morning to me."

....

An investigator working with McRaven's defense team later received a video of [J.N.] that might relate to the post. In a video posted to his Facebook page, [J.N.] ranted in part: "I should let you stupid motherf---ers see it. I hope they seen it. I hope they seen it. And Jeffrey, yes, I am going to kill you're a-- when you get out n****r, I don't give a f--k, what the f--k you talking about." [J.N.] appears to have since deleted his Facebook account.

Considering these allegations are true and construing them in the light most favorable to McRaven, he has shown that the evidence was not known to him during trial and that he could not have discovered it through due diligence during trial because J.N. posted it after the verdict. But we cannot conclude that McRaven is entitled to an evidentiary hearing because he fails to show that the evidence was anything more than impeaching.

In a postconviction affidavit, an investigator for the defense stated that on September 14, 2020, McRaven's family members gave him a copy of the Facebook post that appears to be from J.N.'s account. The investigator stated that it was posted in August 2020, after McRaven's trial (the jury found McRaven guilty on August 6, 2020).

McRaven attempts to connect the Facebook post to him by means of an appellate investigator's affidavit. In the affidavit, the investigator stated that in May 2021, McRaven's family member sent him three videos that were supposedly posted on J.N.'s Facebook page, one of which references "Jeffrey." While the affidavit indicated when the investigator received the videos, it said nothing about when the videos appeared on J.N.'s page. Thus, there is no evidence connecting the videos and the August 2020 Facebook post.

With no evidence connecting the videos to the Facebook post, the question is whether the Facebook post alone required a hearing. The post, accompanied by two "laughing so hard I'm crying" emojis, read: "Now the whole world know how it feel to be locked up for some sh-t you ain't even do." A second post read: "Good morning to me."

McRaven has not provided information in his petition to show that, at an evidentiary hearing, he could prove by a preponderance of the evidence that the evidence would be anything other than impeaching. *See Rainer*, 566 N.W.2d at 695 (stating that to be entitled to an evidentiary hearing on newly discovered evidence, petitioner must show that evidence was not cumulative, impeaching, or doubtful).

Shooting of D.W.

The allegations in the petition include: “Sometime after Ingram was killed, [J.N.] shot a man named [D.W.] in the leg. When he did so, [J.N.] told [D.W.] he was going to kill him like he killed Ghost [(Ingram)].” The petition further alleges that D.W. sent text messages about the shooting that included a statement that J.N. was “involved” in Ingram’s murder, but D.W. could not do anything about it because J.N. is a “confidential informant.”

Considering these allegations are true and construing them in the light most favorable to McRaven, he is not entitled to an evidentiary hearing because he fails to show that he could not have discovered the evidence through due diligence before trial. *See id.* (stating that to be entitled to an evidentiary hearing on newly discovered evidence, petitioner must show that evidence could not have been discovered through due diligence before trial).

The appellate investigator’s affidavit stated that he talked to C.W. in May 2021. C.W. told the investigator that “she heard that [J.N.] told [D.W.] that he was going to do him like he did “Ghost.”” The investigator talked to McRaven’s half-brother, A.D., around the same time. A.D. stated that “[D.W.] told him that [J.N.] shot [D.W.] in the leg, and that [J.N.] said he was going to kill [D.W.] like he killed “Ghost.””

But the shooting of D.W. occurred before McRaven's trial. And the defense knew about it before McRaven's trial. McRaven asserts that the defense attempted to talk to D.W. but was unable to do so. McRaven provides no citations to the record to support this assertion.

Before trial, the defense also talked to A.D. about the shooting. But McRaven provides no information about what the defense learned in pretrial communications. He also provides no information about when A.D. claims to have talked to D.W. about the shooting or if A.D. heard about J.N.'s alleged confession from D.W. pretrial or posttrial.

Similarly, McRaven provides no information about when C.W. "heard" about the alleged confession. Without more information regarding C.W.'s and A.D.'s knowledge of the alleged confession and the defense's diligence in discovering this information, McRaven has not satisfied the due-diligence factor of the *Rainer* test.

Motive

In his petition, McRaven alleged that J.N. had motives to commit the murder. First, J.N. and Ingram were "feuding over the affections" of a woman. Second, J.N.'s family believed that Ingram was responsible for the death of one of J.N.'s brothers. McRaven claims in the petition: "It is not clear how much if any of this information McRaven's defense attorney had at the time of trial." With this statement, McRaven admits that this information was available at the time of trial, though leaving open-ended what effort his defense took to obtain this information. Thus, he has failed to meet the requirements of the *Rainer* test.

The district court appropriately determined that McRaven was not entitled to an evidentiary hearing on his claim of newly discovered evidence.

Ineffective assistance of counsel

The district court determined that McRaven was not entitled to an evidentiary hearing on his claim of ineffective assistance of counsel because he challenged trial strategy, which generally is not reviewable.

To establish an ineffective-assistance-of-counsel claim, the petitioner must show that (1) counsel's performance was not objectively reasonable, and (2) there is a reasonable probability that, but for counsel's errors, the result of the proceeding would have been different. *Strickland v. Washington*, 466 U.S. 668, 669 (1984). This court reviews an ineffective-assistance-of-counsel claim de novo. *State v. Mosley*, 895 N.W.2d 585, 591 (Minn. 2017). When a petitioner fails to establish one *Strickland* prong, this court need not review the other. *Chavez-Nelson v. State*, 948 N.W.2d 665, 671 (Minn. 2020).

In his postconviction petition, McRaven alleged that trial counsel was ineffective for failing to call a witness whose testimony would have contradicted J.N.'s testimony and "seriously undercut his credibility." McRaven also claims that trial counsel failed to "introduce any evidence of the informal immunity agreement between [J.N.] and [the state]."

There is a strong presumption that an attorney acted competently, and matters of trial strategy, "including which witnesses to call, what defenses to raise at trial, and specifically how to proceed at trial," do not support an ineffective-assistance-of-counsel claim, unless the trial strategy was not reasonable. *Ives v. State*, 655 N.W.2d 633, 636

(Minn. 2003). Here, it was trial counsel’s decision whether to call certain witnesses. As the district court determined, McRaven failed to show that counsel was ineffective for failing to call a witness, especially when it appears from the petition that the witness would have been used to “undercut [J.N.’s] credibility.” We have already determined that J.N.’s credibility was thoroughly attacked at trial. Finally, defense counsel did not introduce evidence of an immunity agreement because, as already described, the record shows that there was no immunity agreement. The district court appropriately determined that McRaven was not entitled to an evidentiary hearing on his ineffective-assistance-of-counsel claim.

Spreigl evidence

McRaven also challenges the district court’s evidentiary rulings during trial, arguing that he was deprived of a fair trial by the admission of irrelevant evidence of a prior bad act. We review the admission of *Spreigl* evidence for an abuse of discretion. *State v. Griffin*, 887 N.W.2d 257, 261 (Minn. 2016). McRaven has the burden to show that the district court erred in admitting the *Spreigl* evidence and that error resulted in unfair prejudice. *See id.*

Shortly before trial began, the state moved to admit *Spreigl* evidence. The state asserted that less than a week before the murder, someone posted a social-media video of McRaven, J.N., and Ingram in a maroon Chevy Tahoe (the vehicle in which the murder occurred). McRaven sat in the backseat behind Ingram (as he did on the day of the murder). McRaven took a silver and black handgun out of a bag and waved it around.

J.N.'s brother, J.D., turned this evidence over to police. The district court ruled that J.D. could testify about what he watched in the video. The district court found that the events were "close in time, location, and modus operandi." It stated that the probative value was not substantially outweighed by any prejudice to McRaven because he noticed an alibi and alternative-perpetrator defense making "opportunity and identity" important.

To properly admit *Spreigl* evidence, a five-step procedure must be followed: (1) the state must give notice of its intent to admit the evidence; (2) the state must indicate what the evidence will prove; (3) there must be clear and convincing evidence that the defendant committed the prior act; (4) the evidence must be relevant and material; and (5) the probative value of the evidence must not be outweighed by its potential prejudice. *State v. Ness*, 707 N.W.2d 676, 685-86 (Minn. 2006).

Notice

McRaven first argues that notice of the intended use of the evidence was untimely because he did not receive it until four days before trial.

In a felony case, "notice must be given at or before the Omnibus Hearing under Rule 11, or as soon after that hearing as the other crime, wrong, act, or specific instance of conduct becomes known to the prosecutor." Minn. R. Crim. P. 7.02, subd. 4(a). The notice requirements are intended to avoid surprise to the defendant by giving him time to prepare a defense. *State v. Riddley*, 776 N.W.2d 419, 427 (Minn. 2009). Defects do not require reversal when the state substantially complied with the notice requirements and the defendant is not prejudiced. *State v. Bolte*, 530 N.W.2d 191, 199 (Minn. 1995).

The state asserted that it provided the image in discovery on February 20, 2020. The state did not learn about the importance of the context—that it was taken inside the vehicle, and that the individuals involved in the case were seated in the same seats as the day of the murder—until July 24, 2020. As soon as the state understood the context, it indicated that the purpose of the evidence was to “prove opportunity and to show factual similarities between the prior act and the offense.” Thus, the defense had possession of the evidence since February 20, 2020. It could not have been surprised by the evidence and it had sufficient time to prepare a defense. And the state provided notice of the intended use of the evidence as soon as the state knew its importance. The state substantially complied with the notice requirements.

Relevant and material

McRaven also argues that the evidence was improperly admitted because his possession of a gun does not show his opportunity to commit murder or that possessing a gun is similar to committing murder.

In assessing whether *Spreigl* evidence is relevant and material to the state’s case, the district court must “identify the precise disputed fact to which the *Spreigl* evidence would be relevant.” *Ness*, 707 N.W.2d at 686 (quotation omitted); Minn. R. Evid. 401 (defining “[r]elevant evidence” as evidence tending to make more or less probable the existence of any consequential fact). There must be a “sufficiently close relationship between the charged offense and the *Spreigl* [act] in time, place, or modus operandi.” *Ture v. State*, 681 N.W.2d 9, 15 (Minn. 2004) (quotation omitted). “The closer the relationship

between the events, the greater the relevance of the evidence and the lesser the likelihood it will be used for an improper purpose.” *Id.*

Here, as the district court determined, the two events were “close in time, location, and modus operandi.” The video was recorded a week before the murder, the same individuals were in the same vehicle sitting in the same locations, and the gun matched the description of the gun that J.N. saw on McRaven. There is a sufficiently close relationship between the murder and McRaven’s possession of the gun. And, because McRaven claimed that J.N. committed the murder, the evidence is relevant and probative to the identity of which individual in the vehicle committed the murder.

Prejudice

McRaven argues that the evidence was prejudicial because the jury heard that he possessed a gun, but it did not hear that J.N. had assaulted someone with a gun. But this argument is misplaced in a prejudice analysis.

In this context, prejudice does not mean the damage to a party’s case “from the legitimate probative force of the evidence.” *State v. Welle*, 870 N.W.2d 360, 366 (Minn. 2015) (quotation omitted). “[I]t refers to the unfair advantage” resulting from the evidence’s capacity “to persuade by illegitimate means.” *Id.* (quotation omitted).

The likelihood of prejudice was relatively low. The evidence involved McRaven possessing a gun, not committing a murder; thus, it is unlikely it persuaded by illegitimate means. The district court also instructed the jury that it could consider the *Spreigl* evidence only to determine whether McRaven committed the charged act and not as proof of character or that he acted in conformity with that character. This cautionary instruction

reduced the risk of unfair prejudice. *See State v. Tomlinson*, 938 N.W.2d 279, 287-88 (Minn. App. 2019) (noting that cautionary instructions reduce risk of unfair prejudice), *rev. denied* (Minn. Feb. 26, 2020); *State v. Fardan*, 773 N.W.2d 303, 317 (Minn. 2009) (stating that juries presumably follow instructions).

Finally, evidence regarding J.N. has nothing to do with whether the *Spreigl* evidence was prejudicial. But even if it did, the district court did not allow evidence that J.N. assaulted someone with a gun because McRaven failed to prove it. And it had no connection to the murder. The entire context of the *Spreigl* incident—it occurred shortly before the murder, in the same vehicle, and involved the same individuals sitting in the same locations—was relevant, not just that McRaven possessed a gun. The district court did not abuse its discretion by admitting the *Spreigl* evidence.

Pro se claims

McRaven filed a pro se supplemental brief raising several claims: (1) the state had a vendetta against him because he had been acquitted of a different charge a year prior and so conspired and entrapped him; (2) the state turned J.N. against him; (3) J.N. was an informant who was not credible and extensively coached by the state; (4) the prosecutors committed misconduct by coaching testimony, failing to disclose evidence, offering *Spreigl* evidence, and using contaminated evidence and noncredible witnesses; (5) his trial attorney was ineffective for failing to investigate, disclose the identity of an informant, suppress evidence (including a confession), advise him, prepare for trial, explore a plea offer, object to evidence and inflammatory arguments, and effectively impeach witnesses;

(6) his appellate attorney was ineffective for failing to give him his file; and (7) a juror was biased for looking “angry” and giving him “the evil eye.”

McRaven’s pro se brief is lengthy and includes references to the record and citations to caselaw. However, he failed to raise any claim that is supported by the record and he failed to logically connect any claim to caselaw support. Thus, McRaven’s pro se claims do not merit relief. *See State v. Benton*, 858 N.W.2d 535, 542 (Minn. 2015) (stating that pro se argument was meritless because it was unsupported by the record and devoid of legal authority); *State v. Palmer*, 803 N.W.2d 727, 741 (Minn. 2011) (stating that reviewing court may decline to address pro se claims that lack argument and citation to legal authority or the record unless prejudicial error is obvious).

Affirmed.