

*This opinion is nonprecedential except as provided by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
A21-0753**

State of Minnesota,
Respondent,

vs.

Loren Michael Longie,
Appellant.

**Filed May 9, 2022
Affirmed
Cochran, Judge**

Clay County District Court
File No. 14-CR-20-2274

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

Brian J. Melton, Clay County Attorney, Moorhead, Minnesota (for respondent)

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

Considered and decided by Reyes, Presiding Judge; Johnson, Judge; and
Cochran, Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

Appellant challenges his conviction of fifth-degree assault, arguing that the state
failed to meet its burden to disprove his claim of self-defense. Because the state presented

sufficient evidence for a jury to find beyond a reasonable doubt that appellant was not acting in self-defense, we affirm.

FACTS

Respondent State of Minnesota charged appellant Loren Longie with second-degree assault with a dangerous weapon and gross-misdemeanor fifth-degree assault. The charges stemmed from allegations that Longie struck a woman in the face with a shovel. Prior to trial, the defense informed the state that Longie intended to rely on a claim of self-defense.

The case proceeded to a jury trial. Three witnesses testified: the woman who was injured, a police officer who responded to the incident, and Longie himself.

The injured woman, M.S., testified as follows. On the day of the assault, she went to McDonald's to get dinner. While at the restaurant, she received a call from a friend. The friend, N.F., asked M.S. to go to the house where N.F. had been staying and pick up N.F.'s phone and car keys. After getting her food to go, M.S. drove to the house and parked her car on the street. She then walked towards the house. She was eating her McDonald's sandwich and had her fries in hand at the time.

Outside the house, M.S. saw two men—one of whom was holding a shovel. At trial, M.S. identified the man holding the shovel as Longie. Longie was standing in the driveway near a car and close to the house. The other man was standing on the steps of the house.

As M.S. walked up the driveway, Longie “pretty much stopped” her. M.S. tried to explain to Longie that she was there to get her friend's phone and keys, but Longie began accusing her of “snooping around the car or trying to break into the car.” Longie was “coming off really aggressive” and telling her to leave. Longie then suddenly hit M.S. in

the face with the shovel. M.S. testified that she was standing still at the time and “didn’t see it coming It happened so fast.” Her food “flew out of [her] hand” and she could feel her face bleeding. M.S. told Longie that she was going to call the police and started dialing 911. At that point, the two men went into the house. M.S. walked back toward her car and waited for the police.

The second witness who testified at trial was one of the two police officers who responded to M.S.’s 911 call. The officer found M.S. on the street, near the house where she had been injured, and observed that her face was bleeding. The officer testified that M.S. reported that she had gone to the house to pick up some items for a friend and that a man standing outside the house had hit her in the face with a shovel. M.S. gave the officer a description of the person who had hit her—a description that matched Longie. The officer also took photos of (1) M.S.’s injuries and (2) the scene outside the house, which included fries scattered on the driveway. After interviewing M.S., the officer knocked on the door of the residence and spoke with A.G., who answered the door. The officer did not find Longie at the house at that time.

Later during the same shift, the officer returned to the house to follow up on another incident and found Longie at the house. The officer questioned Longie about the assault of M.S. The officer testified that Longie’s story was “rather inconsistent,” but he admitted that he had hit a woman with a shovel. Longie stated that he did so because he thought the woman was not supposed to be at the house. Longie also told the officer that a woman had stabbed him, and he showed the officer his stab wound. He did not say when the stabbing occurred.

Longie testified in his own defense and described a different series of events. He testified that, on the day of the assault, he went to visit a friend, A.G., who was living at the house where the incident occurred. A.G. asked Longie to come over because she was “having trouble” with a group of people who were using drugs at the house. Longie eventually got the people to leave the house, but not before getting into a physical altercation with them. Longie then called a friend, who picked him up from the house.

Later that day, A.G. called Longie’s friend to report that the group had returned and that they were trying to break into the house and into a car parked in the driveway. After receiving the call, Longie went back to the house. According to Longie, he saw a man standing in the driveway by the car. Longie told the man to leave. Longie testified that the man then brandished a flashlight like a baseball bat and gestured like he was going to hit Longie with it. Longie could also see another person in the car and told them to get out. Longie testified that he then picked up a shovel, “hoping to posture. . . and . . . de-escalate” the situation. Longie then tried to get into the house, but A.G. did not answer the door. He again told the people to leave. At that point, Longie “rushed” the man because he believed the man was coming at him, and they wrestled to the ground. Longie then realized there was another person involved in the scuffle, so he disengaged, and the people “took off running up the street.” After they left, Longie’s friend told him that one of the people involved in the scuffle, a woman, had stabbed Longie. Longie then saw that he had been stabbed in the stomach but did not call 911 or seek medical attention.

At trial, Longie acknowledged that, when law enforcement arrested him, he told the arresting officer that he had hit a woman with a shovel during an altercation. But he

explained that he hit the woman because she stabbed him. On cross-examination, M.S. denied stabbing Longie.

Following the close of evidence at trial, the district court instructed the jury on the charged offenses—second-degree assault with a deadly weapon and fifth-degree assault. The district court also instructed the jury on self-defense for both counts. The jury acquitted Longie of second-degree assault but found him guilty of fifth-degree assault.

Longie appeals.

DECISION

Longie argues that the state did not present sufficient evidence to support his conviction. He does not contend that he did not assault M.S.; rather, he contends that the state's evidence is insufficient to prove beyond a reasonable doubt that he was not acting in self-defense when he injured M.S.

When reviewing the sufficiency of the evidence for a conviction, we undertake “a painstaking analysis of the record to determine whether the evidence, when viewed in the light most favorable to the conviction, was sufficient” to convict. *State v. Ortega*, 813 N.W.2d 86, 100 (Minn. 2012) (quotation omitted). “We must assume the jury believed the state's witnesses and disbelieved any evidence to the contrary.” *State v. Caldwell*, 803 N.W.2d 373, 384 (Minn. 2011) (quotation omitted). “Assessing witness credibility and the weight given to witness testimony is exclusively the province of the jury.” *State v. Pendleton*, 759 N.W.2d 900, 909 (Minn. 2009). “And we will not disturb the verdict if the jury, acting with due regard for the presumption of innocence and the

requirement of proof beyond a reasonable doubt, could reasonably conclude that the defendant was guilty of the charged offense.” *Ortega*, 813 N.W.2d at 100.

A person is guilty of gross-misdemeanor fifth-degree assault if he “intentionally inflicts or attempts to inflict bodily harm upon another” and that violation occurs “within three years of a previous qualified domestic violence-related offense conviction.” Minn. Stat. § 609.224, subds. 1(2), 2(b) (2018).¹ But an individual may use reasonable force to resist an offense against them. Minn. Stat. § 609.06, subd. 1(3) (2018). In such a circumstance, a defendant may claim self-defense. The supreme court has instructed that a self-defense claim involves four elements:

- (1) the absence of aggression or provocation by the defendant,
- (2) the defendant’s actual and honest belief that he or another was in imminent danger of death or great bodily harm, (3) the existence of reasonable grounds for the belief, and (4) the absence of a reasonable possibility of retreat to avoid danger.

State v. Zumberge, 888 N.W.2d 688, 694 (Minn. 2017). At trial, the defendant bears the burden of introducing evidence to support a self-defense claim. *State v. Basting*, 572 N.W.2d 281, 286 (Minn. 1997). Once the defendant has introduced such evidence, the burden shifts to the state to demonstrate that the defendant did not act in self-defense by negating one or more of these four elements beyond a reasonable doubt. *Id.*

Longie argues that the evidence presented by the state at trial was insufficient to establish that he was not acting in self-defense. He contends that the state failed to disprove

¹ Longie stipulated at trial to a prior conviction within three years that qualified as a domestic violence-related offense.

any of the four elements and, therefore, “a jury could not have reasonably found that [he] did not act in self-defense.” We are not persuaded.

Starting with the first required element of self-defense, “the absence of aggression or provocation by the defendant,” the record reflects that the state’s evidence was sufficient to disprove Longie’s claim that he was not the initial aggressor. *See State v. Johnson*, 719 N.W.2d 619, 630 (Minn. 2006) (discussing first element of self-defense in terms of whether defendant was the original aggressor). At trial, M.S. testified that Longie hit her with the shovel without provocation. She explained that she went to the house alone, started to walk towards the door, and was “pretty much stopped” by Longie. She further testified that, while she was trying to explain her reason for being there, Longie suddenly hit her with the shovel. She also testified that, at the time of the assault, she was standing still and holding food in her hands. The food flew out of her hands and her face started bleeding from the impact of the shovel. The responding officer’s testimony and photo evidence corroborated M.S.’s version of events. Based on this evidence, the jury could have reasonably found that the state proved that Longie was the initial aggressor.

We are not persuaded otherwise by Longie’s argument that the state failed to rebut his testimony that a third party was the aggressor and that he was acting in self-defense when he hit M.S. with the shovel. His testimony about the alleged third-party aggressor is inconsistent with the version of events testified to by M.S. In reviewing evidence on appeal, we assume that “the jury believed the state’s witnesses and disbelieved any evidence to the contrary.” *Caldwell*, 803 N.W.2d at 384 (quotation omitted). Therefore, we must assume that the jury rejected Longie’s testimony and believed the testimony of

M.S. Accordingly, we conclude that the state presented sufficient evidence to disprove the first element of Longie's self-defense claim. On this basis alone, the jury could have reasonably concluded that Longie *was not* acting in self-defense when he hit M.S. with the shovel. Because the state presented sufficient evidence to disprove the first element of Longie's self-defense claim, we need not address the additional elements. *See Basting*, 572 N.W.2d at 286 (noting that the state defeats a self-defense claim by disproving just one of the elements of self-defense beyond a reasonable doubt).

In sum, because the evidence in the record is sufficient for a jury to find beyond a reasonable doubt that Longie was the aggressor and did not act in self-defense when he committed fifth-degree assault, we conclude that sufficient evidence exists to sustain his conviction.

Affirmed.