STATE OF MINNESOTA
IN COURT OF APPEALS
A21-1734

State of Minnesota,
Respondent,

vs.

Derrick George Rocha,
Appellant.

Filed December 12, 2022
Affirmed
Cochran, Judge

Polk County District Court
File No. 60-CR-17-2384

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

Greg Widseth, Polk County Attorney, Scott A. Buhler, First Assistant County Attorney, Crookston, Minnesota (for respondent)

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

Considered and decided by Wheelock, Presiding Judge; Bratvold, Judge; and Cochran, Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

In this appeal from his conviction of second-degree sale of a controlled substance in a prohibited zone, appellant argues that his conviction must be reversed because the state failed to prove that he constructively possessed the methamphetamine found in his vehicle

and that he intended to sell it. Alternatively, appellant seeks a new trial on the ground that the district court committed prejudicial error by admitting evidence of appellant's other drug-possession offenses. We affirm.

FACTS

Following an attempted traffic stop, respondent State of Minnesota charged appellant Derrick Rocha by amended complaint with seven counts: first-degree sale of a controlled substance (count one); second-degree sale of a controlled substance in a prohibited zone (count two); third-degree possession of a controlled substance (count three); failure to affix a tax stamp (count four); third-degree driving while impaired (counts five and six); and misdemeanor fleeing a peace officer (count seven). The following facts were established at Rocha's jury trial.

On the morning of November 12, 2017, a state trooper on a routine patrol saw a vehicle turn left in front of him at an intersection in Crookston. The trooper saw the driver—later identified as Rocha—wave at him. Because neither Rocha nor the passenger in the front seat was wearing a seatbelt, the trooper activated his emergency lights. Rocha then accelerated and pulled the car into a driveway where Rocha and the passenger got out of the car and ran away on foot, leaving the car running. They abandoned the car approximately 210 feet from a public school building. Law-enforcement officers first found the passenger hiding behind a nearby house and later found Rocha hiding under a vehicle within a few blocks of where they fled on foot. Law-enforcement officers arrested both men.

Before Rocha was located, the trooper who initiated the stop searched the abandoned car for some type of identification to help identify the driver of the car. The trooper found a glasses case on the center console next to the gear shift. The glasses case was large enough to contain a driver's license. Inside the glasses case, the trooper found two plastic baggies containing a substance that the trooper suspected was methamphetamine. The glasses case also contained a spoon and a glass pipe. The trooper testified at trial that the glasses case was located "equal distance" between Rocha and the passenger riding in the car. Testing later confirmed that the two plastic baggies contained methamphetamine, which weighed a total of 18.6 grams. The trooper also found a backpack in the back seat of the car that contained a lockbox holding 156 small unused plastic baggies, a hypodermic syringe, pills, and a calibration weight for a scale. A second lockbox located behind the driver's seat contained more drug paraphernalia.

Rocha showed signs of impairment at the time of his arrest. Though he refused field sobriety tests, he admitted to having "used" hours earlier and a blood sample obtained by a search warrant tested positive for "a very high amount" of methamphetamine. A toxicologist testified at trial that the amount of methamphetamine in Rocha's blood sample indicated that Rocha was not a "naïve" or first-time user.

Before trial, the state filed notice of its intent to present "evidence of other crimes, wrongs, or acts committed by the defendant, pursuant to Minn. R. Evid. 404(b)." The state identified five such acts: two convictions of fifth-degree possession of a controlled substance for offenses involving methamphetamine that Rocha committed in 2014, and three other charges from 2018—failure to appear in court, third-degree possession of a

controlled substance in a prohibited zone, and gross-misdemeanor burglary. The 2018 charges stemmed from Rocha's failure to appear in court for this case and a subsequent incident in which Rocha attempted to evade officers executing a resulting arrest warrant by rolling out of a car later found to contain methamphetamine, fleeing on foot, and hiding in a nearby garage. In a supporting memorandum, the state argued that evidence of these acts was relevant and admissible at trial to prove Rocha's "consciousness of guilt, state of mind (intent and/or knowledge), and identity." Rocha opposed the state's motion.

The district court granted the state's motion for three of the five acts the state had identified: the two 2014 offenses resulting in fifth-degree possession convictions, and the third-degree possession charge from 2018. The district court determined that these three acts were relevant to prove Rocha's intent, knowledge, lack of mistake, and modus operandi. The district court denied the state's motion with respect to the failure-to-appear and burglary charges from 2018.

In July 2021, the case proceeded to a jury trial. The jury heard testimony from numerous witnesses, including: the prior owner of the car that Rocha was driving on the day of the traffic stop; the trooper who attempted the traffic stop; the investigator who handled the evidence collected from Rocha's car; the forensic toxicologists who analyzed Rocha's blood sample and the methamphetamine found in the car; and the law-enforcement officers and toxicologists familiar with the circumstances of the 2014 and 2018 drug-possession incidents.

The prior owner of the car testified that she sold the car to Rocha several weeks before the 2017 incident for $800 in cash. Rocha stipulated before trial that he was unemployed during 2017.

The investigator who handled the evidence recovered from Rocha's vehicle testified to the nature of the evidence found. He testified that, based on his years of experience investigating drug offenses, the amount of methamphetamine recovered in an investigation can indicate whether it was intended for personal use or sale. He testified that a typical user may have one to two grams of methamphetamine on their person, while possession of 18 grams of methamphetamine would amount to "70 or so usages" and would therefore suggest an intent to sell. He testified that one gram of methamphetamine cost about $100 in 2017, so 18 grams would have been worth about $1,800 at that time. And he testified that a person who intends to sell or distribute methamphetamine would use a spoon and a scale, along with a calibration weight, to divide the drug into smaller amounts for resale and repackage it in small "designer" plastic baggies. The officer could think of no reason why a person using methamphetamine but not selling it would have more than 100 clean "designer" baggies in their possession. And he testified that because methamphetamine is expensive, most people who use the drug also sell it to support their habit.

The jury acquitted Rocha of first-degree sale of a controlled substance (count one) and found him guilty of the remaining counts: second-degree sale of a controlled substance in a prohibited zone (count two), third-degree possession of a controlled substance (count three), failure to affix a tax stamp (count four), third-degree driving while impaired (counts five and six), and fleeing a peace officer (count seven). The district court accepted the

jury's verdict on all counts but entered convictions for counts two, five, and seven only, because the remaining counts were lesser-included offenses. The district court sentenced Rocha to consecutive sentences on counts two, five, and seven for an aggregate sentence of 128 months in prison.

Rocha appeals.

DECISION

Rocha challenges his conviction of second-degree sale of a controlled substance in a prohibited zone (count two) on two grounds. First, Rocha argues that the evidence is insufficient to prove that he possessed the methamphetamine found in his vehicle and that he intended to sell it.[1] Second, in the alternative, Rocha argues that this court should order a new trial because the district court committed reversible error by admitting "irrelevant and prejudicial *Spreigl* evidence" at trial.[2] We address each argument in turn.

I. The state presented sufficient evidence to support Rocha's conviction of second-degree sale of a controlled substance in a prohibited zone.

When considering a challenge to the sufficiency of the evidence, appellate courts generally will not overturn a guilty verdict if the jury, applying the presumption of

[1] Rocha also challenges the sufficiency of the evidence to support the jury's guilty verdicts on counts three and four, given that they are lesser-included offenses of count two. Because we conclude that the state presented sufficient evidence to support Rocha's conviction on count two, we need not address this argument. *See State v. Moua*, 678 N.W.2d 29, 42 n.10 (Minn. 2004) (declining to review unadjudicated counts for sufficiency of the evidence when affirming a conviction of a greater offense).

[2] In Minnesota, we commonly refer to evidence of other crimes, wrongs, or acts admitted under Minn. R. Evid. 404(b) as "*Spreigl* evidence" in reference to the supreme court's decision in *State v. Spreigl*, 139 N.W.2d 167 (Minn. 1965). *State v. Kennedy*, 585 N.W.2d 385, 389 (Minn. 1998).

innocence and the state's burden to prove an offense beyond a reasonable doubt, "could reasonably have found the defendant guilty of the charged offense." *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016). To make this determination, 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 support the conviction. *State v. Ortega*, 813 N.W.2d 86, 100 (Minn. 2012). This standard of review applies when direct evidence alone is sufficient to support a jury verdict. *Loving v. State*, 891 N.W.2d 638, 643 (Minn. 2017). But when the state relies on circumstantial evidence to prove an element of an offense, we apply a heightened standard of review.[3] *Id.*

Under the heightened standard of review, we conduct a two-step analysis. *State v. Silvernail*, 831 N.W.2d 594, 598 (Minn. 2013). As a first step, we identify the circumstances proved by the state. *Id.* In doing so, we defer to the jury's acceptance of the state's evidence of these circumstances and rejection of any evidence that conflicted with the circumstances proved by the state. *Id.* at 598-99. "As with direct evidence, we construe conflicting evidence in the light most favorable to the verdict and assume that the jury believed the State's witnesses and disbelieved the defense witnesses." *Id.* at 599 (quotation omitted). As a second step, we "determine whether the circumstances proved are consistent with guilt and inconsistent with any [other] rational hypothesis." *Id.*

[3] Circumstantial evidence is "evidence from which the [fact-finder] 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).

(quotation omitted). To make this determination, we view the circumstances proved as a whole and independently examine the reasonableness of all inferences that might be drawn rather than deferring to the jury's choice between reasonable inferences. *Id.*

To convict Rocha of second-degree sale of a controlled substance in a prohibited zone, the state had to prove that Rocha unlawfully possessed methamphetamine in a school zone and intended to sell it. *See* Minn. Stat. § 152.022, subd. 1(7)(ii) (2016); Minn. Stat. § 152.01, subd. 15a(1), (3) (2016) (explaining that "sell" means "to sell, give away, barter, deliver, exchange, distribute or dispose of to another" *or* "to possess with intent to perform" such an act). A "school zone" is "any property owned, leased, or controlled by a school district," including the area up to 300 feet beyond the school property. Minn. Stat. § 152.01, subd. 14a(1)-(2) (2016). Rocha does not dispute that law-enforcement officers recovered methamphetamine from his car and that the car was located in a school zone, but he argues that the state presented insufficient evidence to prove the elements of possession and intent to sell.

The record reflects that the state offered circumstantial evidence at trial to prove both elements. Accordingly, we apply the heightened standard to Rocha's challenge to the sufficiency of the evidence. *See Loving*, 891 N.W.2d at 643.

Proof of Possession and Intent

Before turning to the specific circumstances proved in this case, we begin our analysis by discussing the legal standard that the state must meet to prove the challenged elements—possession and intent. Possession of a controlled substance may be proved by evidence of actual or constructive possession. *Harris*, 895 N.W.2d at 601. Constructive

possession exists "where the inference is strong that the defendant at one time physically possessed the item and . . . continued to exercise dominion and control over it up to the time of the arrest." *State v. Salyers*, 858 N.W.2d 156, 159 (Minn. 2015) (quoting *State v. Florine*, 226 N.W.2d 609, 610 (Minn. 1975)). The state may therefore prove constructive possession in one of two ways: (1) by showing that law enforcement officers "found the item in a place under the defendant's exclusive control to which other people normally did not have access" or (2) if law enforcement officers found the item in a place accessible to others, by showing that a strong probability exists, inferable from other evidence, that the defendant consciously or knowingly exercised dominion and control over the item. *Harris*, 895 N.W.2d at 601.

Notably, "[a] defendant may possess an item jointly with another person." *Id.*; *see also State v. Sam*, 859 N.W.2d 825, 834 (Minn. App. 2015) (explaining that constructive possession may be shared). To prove joint possession, the state must demonstrate that the defendant exercised dominion and control over the item itself and not merely the place where it was found. *State v. Hunter*, 857 N.W.2d 537, 542-43 (Minn. App. 2014). "Proximity is an important factor in establishing constructive possession." *State v. Porte*, 832 N.W.2d 303, 308 (Minn. App. 2013) (quotation omitted). But "mere proximity" is insufficient by itself to prove the knowing exercise of dominion and control over an item. *Harris*, 895 N.W.2d at 601.

Intent to sell or distribute a controlled substance is typically proved by circumstantial evidence as well. *State v. White*, 332 N.W.2d 910, 912 (Minn. 1983). "Evidence tending to show an intent to sell or distribute includes evidence as to the large

quantity of drugs possessed, evidence as to the manner of packaging, and other evidence." *State v. Hanson*, 800 N.W.2d 618, 623 (Minn. 2011) (quotation omitted).

To assess the sufficiency of the evidence to support Rocha's conviction of second-degree possession of a controlled substance, we first identify the circumstances proved by the state and then consider whether those circumstances are consistent with guilt as to each of the disputed elements of the crime: possession and intent to sell.

Circumstances Proved

The record reflects that the state proved the following circumstances at Rocha's trial: (1) on the morning of November 12, 2017, a state trooper attempted to make a traffic stop after observing Rocha driving a car through an intersection without wearing a seatbelt; (2) a second person was riding in the passenger seat; (3) Rocha owned the car he was driving; (4) after the trooper activated his emergency lights, Rocha drove the car into a nearby driveway and parked it; (5) Rocha and the passenger got out of the car and fled on foot, leaving the car running; (6) in searching the abandoned car, law enforcement officers found 18.6 grams of methamphetamine, a glass pipe, and a spoon in a glasses case located on the center console of the car next to the gear shift, an "equal distance" between the driver's seat and the front passenger's seat; (7) police also found a syringe, pills, a calibrating weight, and 156 unused "designer" plastic baggies in the back seat of the car; (8) law enforcement officers eventually found Rocha and the passenger hiding nearby and arrested them; (9) after his arrest, Rocha showed signs of impairment and admitted to having "used" hours earlier; (10) Rocha's blood sample tested positive for a high amount of methamphetamine, indicating that he was an experienced user; (11) a typical

methamphetamine user possesses only one to two grams for personal use; (12) one gram of methamphetamine sold for about $100 in 2017, making the methamphetamine recovered from Rocha's car worth about $1,800; (13) Rocha was unemployed at the time of the traffic stop; and (14) drug dealers often use scales to weigh quantities of methamphetamine for resale, use weights to calibrate their scales, and use spoons and plastic baggies to repackage methamphetamine for resale.

Reasonable Inferences

Taken as a whole, the circumstances proved are consistent with the rational inference that Rocha possessed the 18.6 grams of methamphetamine found in his car with the intent to sell. Rocha does not dispute that this is a rational inference from the circumstances proved. Rather, Rocha argues that the evidence is not sufficient to support his conviction because the circumstances proved *also* support rational inferences consistent with innocence.

Rocha first argues that the circumstances proved support a rational inference that "the passenger alone" possessed the methamphetamine. We disagree. Viewed as a whole, the only rational inference from the circumstances proved is that Rocha consciously exercised dominion and control over the methamphetamine found in his car and therefore constructively possessed it, either jointly with the passenger or by himself. Rocha had been driving the car in which law-enforcement officers found the methamphetamine, he owned the car, he was in close proximity to the methamphetamine located in the car, he fled on foot when the trooper attempted to make a traffic stop, he was under the influence when law-enforcement officers apprehended him, and his use of methamphetamine gave him a

motive to possess and sell it. *See* Minn. Stat. § 152.028, subd. 2 (2016) (providing that the presence of a controlled substance in a car permits the jury "to infer knowing possession of the controlled substance by the driver or person in control of the [car] when the controlled substance was in [it]"); *Porte*, 832 N.W.2d at 308 (noting that "[p]roximity is an important factor in establishing constructive possession" (quotation omitted)); *State v. Taylor*, 869 N.W.2d 1, 22 (Minn. 2015) (explaining that a jury may consider flight before apprehension as suggestive of a defendant's consciousness of guilt); *State v. Hill*, 287 N.W.2d 918, 920 (Minn. 1979) (concluding that defendant's acknowledgment of an expensive drug habit along with his unemployment was "strong evidence of motive" for robbery). Considering these circumstances proved as a whole, the only reasonable inference is that Rocha consciously exercised dominion and control over the methamphetamine found in his car and therefore constructively possessed it. *See Harris*, 895 N.W.2d at 601.

We are not persuaded otherwise by Rocha's argument that this case is analogous to *Sam*, in which the appellant challenged the sufficiency of the evidence to support his conviction for possession of methamphetamine. 859 N.W.2d at 828. In *Sam*, the appellant was driving a borrowed car, accompanied by a passenger in the front seat. *Id.* at 834. After a traffic stop, a trooper searched the car and found a small bag of methamphetamine in the glove compartment of the car. *Id.* at 829. This court reversed the appellant's conviction after determining that the circumstances proved in *Sam* were "insufficient to eliminate all reasonable inferences inconsistent with [his] guilt." *Id.* at 835-36. We held that there were two alternative inferences inconsistent with guilt: (1) the methamphetamine may have been

there when appellant borrowed the car, and (2) the methamphetamine may have belonged to the passenger alone. *Id.* at 835.

The circumstances of *Sam* are distinguishable from this case for several reasons. First, in *Sam*, the appellant did not own the vehicle he was driving. *Id.* at 834. Second, in *Sam*, law-enforcement officers recovered methamphetamine from the glove compartment directly in front of the passenger. *Id.* at 829. The passenger in *Sam* was therefore sitting in closer proximity to the methamphetamine than the driver. And third, additional evidence in *Sam*—a small amount of methamphetamine discovered in the passenger's wallet—could have led to a reasonable inference that the passenger alone possessed the methamphetamine. *Id.* at 835. Here, no such evidence connects the passenger in Rocha's car to the methamphetamine recovered from it, and Rocha and the passenger were sitting an equal distance from the methamphetamine located in the glasses case on the center console. Finally, Rocha owned the car where the methamphetamine was found. Though a jury could have reasonably inferred that Rocha and the passenger exercised *joint* dominion and control over the methamphetamine and therefore constructively possessed it *together*, we disagree with Rocha's assertion that the state failed to eliminate "the other rational inference" that the passenger exercised *exclusive* dominion and control over the methamphetamine.

Rocha next argues that the state presented insufficient evidence to prove that he intended to sell the methamphetamine located in his car. According to Rocha, even assuming that the state proved beyond a reasonable doubt that he possessed the methamphetamine, the circumstances proved "create a reasonable inference inconsistent

with guilt [of intent to sell]—that is, possession for personal use." Again, we are not persuaded.

Viewed as a whole, the only reasonable inference from the circumstances proved is that Rocha intended to sell at least some of the methamphetamine found in his car. Evidence of the significant amount of methamphetamine in Rocha's possession and the other drug paraphernalia found in his car—most significantly, a scale calibration weight and 156 unused "designer" baggies—strongly supports the inference that Rocha intended to divide up at least some of the methamphetamine and repackage it for resale. The trial testimony of the investigator who took custody of the evidence after the traffic stop supports this conclusion: he could think of no reason that a person who possessed methamphetamine solely for personal use without intending to sell any of it would possess the quantity of methamphetamine found in Rocha's car—18.6 grams—and more than 100 clean "designer" baggies. Rocha's possession of these items is inconsistent with any rational inference other than that he intended to sell or distribute at least some of the methamphetamine. *See Hanson*, 800 N.W.2d at 623 (concluding that "the only reasonable inference to be drawn from [appellant's] possession of the approximately 100 small, unused plastic bags of a type used for the packaging of methamphetamine for distribution and sale is that [appellant] possessed methamphetamine with an intent to sell").

In sum, we conclude that the circumstances proved by the state are consistent with the inference that Rocha constructively possessed and intended to sell the methamphetamine found in his car. Further, the circumstances proved are inconsistent with any other rational hypothesis. Therefore, we conclude that the state presented

sufficient evidence to sustain Rocha's conviction of second-degree sale of a controlled substance in a prohibited zone.

II. Any error by the district court in admitting *Spreigl* evidence at trial was harmless and does not warrant reversal.

In the alternative, Rocha challenges the district court's admission of *Spreigl* evidence. We review a district court's decision to admit *Spreigl* evidence for an abuse of discretion. *Griffin*, 887 N.W.2d at 261. "A district 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." *State v. Jaros*, 932 N.W.2d 466, 472 (Minn. 2019). A defendant who claims that the district court erred in admitting *Spreigl* evidence bears the burden of showing (1) that the error occurred and (2) that the erroneous admission resulted in prejudice. *Griffin*, 887 N.W.2d at 261. "If an appellate court determines that the district court erroneously admitted *Spreigl* evidence, the court must then determine whether there is a reasonable possibility that the wrongfully admitted evidence significantly affected the verdict." *Id.* at 262.

Spreigl evidence, or "[e]vidence of another crime, wrong, or act," cannot be admitted "to prove the character of a person in order to show action in conformity therewith." Minn. R. Evid. 404(b)(1); *State v. Smith*, 932 N.W.2d 257, 266 (Minn. 2019) (stating that "[g]enerally, other-crimes evidence is not admissible to demonstrate that the defendant (a) has a propensity to commit crimes and (b) acted in accord with that propensity"). But *Spreigl* evidence may be admitted for other limited purposes, such as to

prove "motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident." Minn. R. Evid. 404(b)(1).

A district court may admit *Spreigl* evidence if: (1) the state gave notice of its intent to admit the evidence; (2) the state clearly indicated what the evidence was being offered to prove; (3) there was clear and convincing evidence that the defendant participated in the prior act; (4) the evidence is relevant and material; and (5) the potential prejudice to the defendant does not outweigh the probative value of the evidence. *State v. Ness*, 707 N.W.2d 676, 685-86 (Minn. 2006).

Here, the district court allowed the state to present evidence of three other acts at Rocha's jury trial: two incidents in 2014 that each resulted in Rocha pleading guilty to fifth-degree possession of methamphetamine, and the 2018 incident that resulted in a third-degree possession charge that was pending at the time of trial in this case. In a pretrial order, the district court explained that these three acts were relevant to prove Rocha's intent, knowledge, lack of mistake, and modus operandi. At trial, the district court admitted testimony related to these incidents over Rocha's objection.

Rocha argues that the district court did not conduct the proper analysis before admitting the *Spreigl* evidence and erred by concluding that the evidence was admissible. He contends that "[t]he *Spreigl* evidence was not relevant to any proper purpose and invited unfair prejudice that far outweighed any de minimis probative value." And he asserts that the district court erred by evaluating only the probative value of the evidence without addressing its prejudicial effect. Rocha further argues that the admission of the *Spreigl*

evidence significantly affected the verdict and therefore warrants reversal and remand for a new trial.

In this case, we need not determine whether the district court abused its discretion by allowing the state to introduce the *Spreigl* evidence because we conclude that there is no reasonable possibility that the allegedly inadmissible evidence significantly affected the jury's verdicts. *See State v. Thao*, 875 N.W.2d 834, 839 (Minn. 2016). "To warrant a new trial, the erroneous admission of *Spreigl* evidence must create a reasonable possibility that the wrongfully admitted evidence significantly affected the verdict." *State v. Fardan*, 773 N.W.2d 303, 320 (Minn. 2009) (quotation omitted); *see also Thao*, 875 N.W.2d at 839. In assessing this possibility, we consider whether the district court issued a cautionary jury instruction, whether the state "dwelled on the evidence in closing argument, and whether the evidence of guilt was overwhelming." *Thao*, 875 N.W.2d at 839.

To support his argument that the *Spreigl* evidence may have impacted the jury's verdicts, Rocha emphasizes the "lack of evidence directly linking Rocha to the contraband to establish possession," the "frankly overwhelming amount of *Spreigl* evidence," and the state's reliance on that evidence in its opening and closing arguments. By contrast, the state emphasizes that the district court issued a cautionary jury instruction and asserts both that the prosecution's use of the *Spreigl* evidence was minimal and that the evidence against Rocha was significant. The state also notes that the jury acquitted Rocha of the most serious charge against him, which suggests that the jury was not "unduly swayed" by the prosecutor's comments. *See State v. DeWald*, 463 N.W.2d 741, 745 (Minn. 1990).

We agree with the state and conclude that there is no reasonable possibility that the admission of the *Spreigl* evidence significantly affected the jury's verdicts. First, the district court issued a cautionary instruction to the jury just before the jury heard each piece of *Spreigl* evidence, explaining its "limited purpose." "We presume a jury follows a court's cautionary instruction." *State v. Riddley*, 776 N.W.2d 419, 428 (Minn. 2009). Second, although the prosecutor did mention the *Spreigl* evidence in opening and closing arguments, he did not "dwell" on the evidence and he cautioned in closing argument that the evidence was introduced only "for the very limited purpose of" showing Rocha's "knowing possession of methamphetamine" and helping "to identify him as the possessor." Finally, the state presented significant evidence of Rocha's guilt that was sufficient by itself to support Rocha's convictions. As discussed above, the evidence at trial established that Rocha purchased the car that he was driving a few weeks before the incident; he fled when the trooper attempted to make a traffic stop; law enforcement officers found 18.6 grams of methamphetamine in a glasses case on the center console of the car along with a calibration weight and more than 100 "designer" baggies typically used for drug distribution in the back seat; and Rocha tested positive for methamphetamine after he was located and arrested near his vehicle. Given the district court's cautionary instruction, the prosecutor's minimal focus on the *Spreigl* evidence in closing argument, and the strength of the evidence, we conclude, based on the entire record, that the allegedly erroneous admission of the *Spreigl* evidence was harmless and does not warrant a new trial.

Conclusion

In sum, we conclude that the circumstantial evidence proved by the state is sufficient to support Rocha's conviction of second-degree sale of a controlled substance in a prohibited zone. We further conclude that any error by the district court in admitting *Spreigl* evidence at trial was harmless and therefore does not warrant reversal.

Affirmed.