

*This opinion is nonprecedential except as provided by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
A22-0353**

State of Minnesota,
Respondent,

vs.

John Melvin Karnes,
Appellant.

**Filed April 17, 2023
Affirmed
Bratvold, Judge**

Mower County District Court
File No. 50-CR-18-1170

Keith Ellison, Attorney General, Lydia Villalva Lijó, Assistant Attorney General, St. Paul, Minnesota; and

Kristen Nelsen, Mower County Attorney, Austin, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Rachel F. Bond, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Johnson, Presiding Judge; Bratvold, Judge; and Bryan, Judge.

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

Appellant seeks reversal of his convictions for third-degree assault, false imprisonment, and criminal vehicular operation (CVO), arguing the evidence is legally insufficient. Appellant argues that the state failed to prove beyond a reasonable doubt that

he inflicted substantial bodily harm, and therefore, the evidence is insufficient to sustain his convictions for third-degree assault and CVO. Appellant also contends that his false-imprisonment conviction rests on circumstantial evidence and that there is a reasonable inference that appellant lawfully detained the victim. Because we conclude the evidence sustains all three convictions, we affirm.

FACTS

Respondent State of Minnesota charged appellant John Melvin Karnes with third-degree assault inflicting substantial bodily harm under Minn. Stat. § 609.223, subd. 1 (2016); false imprisonment by intentional restraint under Minn. Stat. § 609.255, subd. 2 (2016); CVO causing substantial bodily harm under Minn. Stat. § 609.2113, subd. 2(1) (2016); and fifth-degree assault with intent to inflict bodily harm under Minn. Stat. § 609.224, subd. 1(2) (2016).¹ The following summarizes the evidence received at Karnes's jury trial.

Around midday on May 28, 2018, in Austin, Karnes drove a white van on 12th Street at about 15 miles per hour. Karnes abruptly stopped, nearly causing B.N.'s car to collide with the rear of Karnes's van and a motorcycle to collide with the rear of B.N.'s car. Karnes and B.N. exited their vehicles, and Karnes "instantly started screaming." B.N. "threw his sandals down on the ground." After prompting from the motorcyclist, Karnes and B.N. returned to their vehicles and drove them "off the road" so traffic was not blocked.

¹ The state also charged Karnes with second-degree assault with a dangerous weapon under Minn. Stat. § 609.222, subd. 1 (2016). The jury did not reach a unanimous verdict on that charge.

Karnes started recording the encounter on his cell phone. The argument resumed, and Karnes “stepped towards” B.N. and “open-palm slapped [B.N.] in the face.” B.N. and Karnes “hit each other back and forth a couple times.”

Karnes put B.N. in a “headlock” and bit B.N. on the top of the head. Karnes climbed into his van and started driving while holding on to B.N. by the neck. B.N. was “flailing” and “trying to get free.” B.N. tried to run alongside the vehicle, fell, and was dragged more than 100 feet before Karnes let go. B.N. recalls hitting his head as he “skipped across the ground.” B.N. estimated Karnes drove at speeds up to 40 miles per hour.

Law enforcement responded and took B.N. to the hospital, where he was treated for injuries to his neck, feet, back, and head. B.N. was diagnosed with a cervical neck strain, multiple abrasions, and a bite wound. The treating physician instructed B.N. to wear a cervical collar and expressed concern about a potential ligamentous injury.

At the October 2021 jury trial, the state called B.N.; the emergency-room physician who treated B.N.; B.N.’s girlfriend, who was in B.N.’s car at the time of the incident; a responding police officer; and four eyewitnesses. B.N. testified that having gravel removed from his feet was “the most painful thing [he has] ever experienced” and that he could not wear shoes for “about four months” and “couldn’t work” because of the injuries. B.N. also testified that he had a head injury and is “very forgetful” after the accident. And B.N. testified that his neck still hurts, he “still go[es] to a chiropractor and [has] massages done, because [he is] still in pain.”

Karnes testified in his own defense. He admitted that he slapped B.N. and could have ended the encounter earlier by leaving when he moved his van out of the street. Karnes

also testified he held B.N. “around [B.N.’s] neck,” but added that he “let go of [B.N.]” as he got into the van and before he drove away.

The jury found Karnes guilty of third- and fifth-degree assault, false imprisonment, and CVO. At sentencing, the district court convicted Karnes of all offenses except fifth-degree assault and imposed the presumptive stayed sentence of 18 months for third-degree assault.

Karnes appeals.

DECISION

Karnes’s brief to this court challenges the sufficiency of the evidence to sustain his convictions for third-degree assault, false imprisonment, and CVO. When evaluating the sufficiency of the evidence, “the evidence must be viewed in the light most favorable to the verdict, and it must be assumed that the fact-finder disbelieved any evidence that conflicted with the verdict.” *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016). “The verdict will not be overturned if the fact-finder . . . could reasonably have found the defendant guilty of the charged offense.” *Id.*

I. The evidence is sufficient to sustain Karnes’s convictions for third-degree assault and CVO.

Karnes challenges the sufficiency of the evidence proving substantial bodily harm, a necessary element of his convictions for third-degree assault and CVO. *See* Minn. Stat. §§ 609.223, subd. 1, .2113, subd. 2(1). Substantial bodily harm is “bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which

causes a fracture of any bodily member.” Minn. Stat. § 609.02, subd. 7(a) (2016). Karnes argues that none of B.N.’s injuries satisfied the substantial-bodily-harm element. B.N.’s injuries included a cervical strain, deep cuts to his feet, memory loss, a bite wound, abrasions on his back, and a head injury.

Karnes argues that the cervical collar B.N. wore after the May 28 incident was “to prevent a potential injury, not the result of an actual bodily injury.” Karnes contends that precautions taken to prevent injury cannot meet the standard of substantial bodily harm. The state responds that Karnes’s argument is unconvincing because it “diminishes the diagnosed cervical neck strain.”

Karnes relies on the treating physician’s testimony that the cervical collar was a precaution based on “concern[] for a ligamentous injury” that could have developed from B.N.’s cervical neck strain. The physician added that a ligamentous injury could not have been confirmed “in the emergency department.”

Karnes’s brief to this court ignores other record evidence about B.N.’s neck injury. The treating physician testified that B.N.’s cervical collar was used to “keep the head in [a] particular position” and to “provide some stability.” B.N. testified that he wore the cervical collar for four weeks and could not work during that time. B.N. also testified that he “still go[es] to a chiropractor and [has] massages done, [be]cause [he is] still in pain.” Thus, the record evidence establishes that B.N. suffered substantial bodily harm because his neck injury caused a “temporary but substantial loss or impairment of the function” of his head and neck.

Karnes also contends that evidence of B.N.'s foot injury was insufficient to establish substantial bodily harm, arguing that B.N. "did not testify as to any specific impairment in the functioning of his feet." B.N. testified that his bare feet were "dragging" on the road as Karnes drove and held him. B.N. also testified that "the wounds were so deep on [his] feet" that he could not wear shoes for four months, and his feet still hurt "to this day." B.N. testified that because of his various "injuries," he "couldn't work." Thus, we conclude the record evidence establishes that B.N. suffered substantial bodily harm because B.N.'s feet were "temporar[ily] but substantial[ly] impair[ed]."

The state compares B.N.'s neck and foot injuries to the injuries in *State v. Carlson*, in which this court affirmed a conviction for third-degree assault based on its conclusion that evidence of two black eyes, facial bruises, bruises on the neck and head, and scratches on the arm sufficiently proved substantial bodily harm. 369 N.W.2d 326, 327-28 (Minn. App. 1985), *rev. denied* (Minn. July 26, 1985). We agree. Like the record evidence in *Carlson*, the record evidence of B.N.'s neck and foot injuries "taken together were sufficient for a jury" to conclude that substantial bodily harm occurred.

Because we conclude that the record evidence of injuries to B.N.'s neck and feet satisfies the substantial-bodily-harm standard, we need not consider B.N.'s additional injuries, including a bite wound, abrasions, and a head injury.

II. The evidence is sufficient to sustain Karnes's conviction for false imprisonment.

Karnes argues that his conviction for false imprisonment should be reversed because the circumstances proved "failed to eliminate the rational inference that Karnes reasonably

believed he had lawful authority to restrain or confine [B.N.].” A conviction for false imprisonment under Minn. Stat. § 609.255, subd. 2, requires evidence that Karnes, “knowingly lacking lawful authority to do so, intentionally confine[d] or restrain[ed]” B.N.

Karnes does not contend that he had actual lawful authority. Rather, Karnes argues the state failed to prove he “knowingly” lacked lawful authority. Intent or knowing conduct is often proved by circumstantial evidence because a defendant’s knowledge is usually inferred from the evidence. *See State v. Bahtuoh*, 840 N.W.2d 804, 809 (Minn. 2013) (“The State ordinarily proves a criminal defendant’s mental state by circumstantial evidence.”). We agree with the parties that the record includes only circumstantial evidence of Karnes’s intent or knowledge. Circumstantial evidence is “evidence from which the factfinder can infer whether the facts in dispute existed or did not exist,” and it “always requires an inferential step to prove a fact.” *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017).

We review the legal sufficiency of circumstantial evidence using heightened scrutiny in a two-step test. *State v. Al-Naseer*, 788 N.W.2d 469, 473 (Minn. 2010). The first step is to identify the circumstances proved. *Id.* “In identifying the circumstances proved, we defer, consistent with our standard of review, to the jury’s acceptance of the proof of these circumstances and rejection of evidence in the record that conflicted with the circumstances proved by the State.” *Id.* (quotations omitted). The second step is to “examine independently the reasonableness of all inferences that might be drawn from the circumstances proved; this includes inferences consistent with a hypothesis other than guilt.” *State v. Andersen*, 784 N.W.2d 320, 329 (Minn. 2010) (quotation omitted). In

conducting this examination, “[w]e give no deference to the fact finder’s choice between reasonable inferences.” *Al-Naseer*, 788 N.W.2d at 474 (quotations omitted).

In the first step of our review, we note the circumstances proved that support the verdict: Karnes screamed at B.N., used his cell phone to record the encounter, is bigger and heavier than B.N., slapped B.N., traded punches with B.N., put B.N. in a headlock, bit B.N., got into his van while holding on to B.N.’s neck, began driving while still holding B.N., and dragged B.N. over 100 feet.

Under the second step, Karnes argues that there is a rational hypothesis of innocence. He contends that “[t]hese facts support a rational inference that, even if not satisfying all elements of a self-defense claim, Karnes reasonably believed he could lawfully restrain [B.N.] for the purposes of stopping [B.N.]’s blows and driving away from the altercation.” We disagree for two reasons. First, Karnes’s theory conflicts with evidence that Karnes used his cell phone to record the fight but did not call 911 for emergency assistance. It also conflicts with the evidence that Karnes is bigger than B.N. and gained control over B.N. by placing him in a headlock.

Second, it is not a reasonable inference that a person intending to extricate himself from a fight would reasonably believe it necessary to forcibly drag the other combatant for over 100 feet. Karnes agreed that he had a chance to drive away from B.N. after moving his van from the middle of the street. Instead of driving away, Karnes reengaged with B.N. *See State v. Devens*, 852 N.W.2d 255, 258 (Minn. 2014) (requiring a person to retreat if reasonably possible before acting in self-defense). Karnes’s argument that his only course

of escape was to drive away while holding on to B.N.'s neck conflicts with Karnes's admission that he could have driven away before reengaging with B.N.

In conclusion, there is no reasonable inference based on the circumstances proved that is consistent with a verdict other than guilt.

Affirmed.