

*This opinion is nonprecedential except as provided by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
A22-1488**

State of Minnesota,
Respondent,

vs.

Timothy Robert Steele,
Appellant.

**Filed October 23, 2023
Affirmed
Johnson, Judge**

Dakota County District Court
File No. 19HA-CR-15-3500

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

Kathryn M. Keena, Dakota County Attorney, Jessica A. Bierwerth, 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 Bjorkman, Presiding Judge; Johnson, Judge; and Kirk,
Judge.*

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

NONPRECEDENTIAL OPINION

JOHNSON, Judge

Timothy Robert Steele killed his grandmother by repeatedly hitting her on the head with a hammer. At trial, he asserted the defense of mental illness. The district court, sitting as fact-finder, rejected the defense and found him guilty of second-degree intentional murder. We conclude that the district court did not clearly err by finding that Steele knew that his actions were morally wrong. Therefore, we affirm.

FACTS

Steele has experienced mental-health symptoms since he was 17 years old. He has been diagnosed with a bipolar type of schizoaffective disorder, severe alcohol-use disorder, severe methamphetamine-use disorder, and anti-social personality disorder. Steele's symptoms include "impaired thought processes, disorganization, thought blocking, paranoid delusional ideation, . . . auditory and visual hallucinations," and both manic and depressive episodes.

In October 2015, Steele lived with his mother, D.S., and his grandmother, A.S. On October 15, 2015, while the three were eating dinner together at home, A.S. blew her nose. Steele was "grossed out" and believed that, by smiling at him, A.S. was "rubbing it in." Steele went to his bedroom, where he experienced a sensation of tasting mucus, which "pushed [him] over the edge." He found a hammer and walked into A.S.'s bedroom. A.S. was lying in bed, watching television. Steele asked himself, "Can I really do this?" He then used the hammer to hit A.S. on the head seven or eight times.

D.S. heard a noise and asked Steele about it, and he said it was “nothing.” Steele changed his shirt and walked to a gas station to buy cigarettes and pop. As he walked, Steele thought to himself that he should “try to run” but decided that he should go home, rest for a couple hours, and then “fess up and turn [himself] in.” He heard an auditory hallucination of a voice telling him that he was “the dumbest criminal in the world.”

After Steele returned home from the gas station, he told D.S. that he had killed A.S. Steele told D.S. that he was feeling suicidal and asked D.S. to buy him a gun. He told D.S. to not go into A.S.’s bedroom, but D.S. did so to confirm that A.S. was dead. D.S. took Steele for a drive to calm him down (which had been effective on prior occasions) and to persuade him to allow her to call the police. During the drive, D.S. and Steele discussed what might happen next.

When Steele and D.S. returned home, Steele told D.S. that she could call the police. An officer arrived within minutes and confirmed that A.S. was dead. The officer spoke with Steele, who remained calm and respectful. Steele confessed that he had killed A.S. and claimed that voices in his head caused him to do so.

After being arrested, Steele waived his *Miranda* rights and answered questions posed to him by officers. He explained that he had experienced mental-health symptoms in recent months and that he had been feeling depressed and suicidal and was hearing voices. Steele stated that he “was pushed over the edge.” Steele explained that he believed that his grandmother was intentionally ruining his clothes and that he was “grossed out” when she blew her nose at the dinner table. He stated that he had never before thought about killing A.S. and that “it was more of an impulse.” He explained that he thought that

if he could “push [himself] to do something like” killing his grandmother, his mental-health symptoms would stop.

Four days later, the state charged Steele with second-degree intentional murder, in violation of Minn. Stat. § 609.19, subd. 1(1) (Supp. 2015). In January 2016, the district court suspended the criminal case on the ground that Steele was incompetent to proceed. *See* Minn. R. Crim. P. 20.01, subd. 6(b). Nearly five years later, after a series of examinations and competency determinations, the district court found Steele competent to proceed.

Because Steele asserted the defenses of not guilty and mental illness, the district court bifurcated the trial so that his not-guilty defense would be determined first and his mental-illness defense would be determined second. *See* Minn. R. Crim. P. 20.02, subd. 7(a). In May 2021, Steele waived his right to a jury trial. In addition, Steele agreed that the first phase would be tried based on stipulated evidence. *See* Minn. R. Crim. P. 26.01, subd. 3. The district court conducted the first phase of trial in November 2021. In December 2021, the district court filed an order in which it found, beyond a reasonable doubt, that Steele is guilty, subject to his mental-illness defense.

The district court conducted the second phase of trial in February and March of 2022. The state called two police officers and D.S. as witnesses. In addition, the state called Mary Kenning, a clinical psychologist who had examined Steele. Kenning testified that, at the time he committed the act of killing his grandmother, Steele knew that his actions were wrong. In the defense case, Steele called Christina Haldaman, a forensic

psychologist who also had examined Steele. Haldaman testified that Steele was aware of the nature of his actions but not aware that they were morally wrong.

In April 2022, the district court filed a 14-page order and memorandum in which it found Steele guilty. The district court concluded that Steele “failed to prove . . . that at the time of committing the act . . . [he] did not know the nature of his act, or did not know that it was morally wrong.” The district court imposed a sentence of 366 months of imprisonment. Steele appeals.

DECISION

Steele argues that the district court erred by finding him guilty on the ground that he proved by a preponderance of the evidence that, at the time he killed A.S., he did not know that it was morally wrong to do so.

“A criminal defendant is presumed sane and responsible for his acts” but may avoid criminal liability by “proving a mental-illness defense by a preponderance of the evidence.” *State v. Roberts*, 876 N.W.2d 863, 867 (Minn. 2016). In Minnesota, the mental-illness defense is based on the *M’Naghten* rule, which has been codified in a statute providing that a defendant “shall not be excused from criminal liability except upon proof that at the time of committing the alleged criminal act the person was laboring under such a defect of reason, from one of these causes, as not to know the nature of the act, or that it was wrong.” Minn. Stat. § 611.026 (2014); *see also Roberts*, 876 N.W.2d at 867. The supreme court has explained that “[t]he word ‘wrong’ in this statute is ‘used in the moral sense.’” *Roberts*, 876 N.W.2d at 868 (quoting *State v. Bott*, 246 N.W.2d 48, 52 (Minn. 1976)). Accordingly, “a ‘defendant must know that his act was wrong in a moral sense and not merely know that

he has violated a statute.” *Id.* (quoting *State v. Ulm*, 326 N.W.2d 159, 161 (Minn. 1982)). The defendant bears the burden to prove the mental-illness defense by a preponderance of the evidence. *State v. Odell*, 676 N.W.2d 646, 648 (Minn. 2004).

“The application of the mental-illness defense is a question of fact to be resolved by the factfinder.” *Roberts*, 876 N.W.2d at 868. Accordingly, “a finding that a defendant failed to meet his or her burden to prove a mental-illness defense should not be disturbed unless it is clearly erroneous.” *Id.* Findings of fact are clearly erroneous if “they are manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole.” *In re Civil Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021) (quotation omitted). The clear-error standard of review does not permit an appellate court to engage in fact-finding, reweigh the evidence, make credibility determinations, or reconcile conflicting evidence. *Id.* at 221-22.

Rather, because the factfinder has “the primary responsibility of determining the fact issues” and the “advantage” of observing the witnesses in “view of all the circumstances surrounding the entire proceeding,” an appellate court’s “duty is fully performed” after it has fairly considered all the evidence and has determined that the evidence reasonably supports the decision.

Id. at 222 (quoting *State ex rel. Peterson v. Bentley*, 71 N.W.2d 780, 786 (Minn. 1955)). “Broad deference is granted ‘to the fact-finder in determining the appropriate weight to assign expert psychiatric testimony’” when reviewing a district court’s findings concerning the mental-illness defense. *Odell*, 676 N.W.2d at 648-49 (quoting *State v. Brom*, 463 N.W.2d 758, 764 (Minn. 1990)).

In this case, it is undisputed that Steele suffers from a mental illness. In addition, both expert witnesses—Kenning and Haldaman—testified that Steele understood the nature of his actions when he killed A.S. Kenning and Haldaman differed as to whether, at the time he killed A.S., Steele knew that his actions were morally wrong. The sole issue on appeal is whether the district court clearly erred by finding that Steele knew that his actions were morally wrong.

The district court’s finding on that issue is supported by Kenning’s expert testimony. She testified that Steele’s “actions both before and after” he killed his grandmother “strongly suggests” that he knew the wrongfulness of his actions. Specifically, she pointed out that Steele acted surreptitiously in choosing and concealing his weapon, in changing his clothing before walking to the gas station, in telling his mother not to go into his grandmother’s bedroom, in expressing sorrow and the desire to kill himself, in discussing possible penalties with his mother while driving around, and in allowing his mother to call police. The district court specifically relied on this part of Kenning’s testimony in explaining its finding that Steele was aware that his actions were morally wrong.

Steele contends that the district court erred for several reasons. For example, he contends that Kenning wrongly “focused on Steele’s behavior after he killed A.S.” and that the relevant inquiry is whether he knew that his actions were morally wrong at the time of the offense. The supreme court has demonstrated that, in determining whether a defendant knew that his or her actions were morally wrong at the time of the act, it is appropriate to consider the defendant’s actions immediately following the act. *See Roberts*, 876 N.W.2d at 869, 871 (discussing evidence that defendant disposed of blood-stained items and

expressed awareness of likelihood of consequences); *DeMars v. State*, 352 N.W.2d 13, 15-16 (Minn. 1984) (discussing evidence that defendant expressed sorrow and attempted to dispose of victim's body and blood-stained clothing). Steele also contends that Kenning did not distinguish between the concepts of legal wrong and moral wrong. But the district court clearly found that Steele was aware that his actions were both legally wrong and morally wrong. Steele's remaining contentions challenge other parts of Kenning's testimony that do not necessarily affect her opinion on the disputed issue and are not reflected in the district court's order.

Keeping in mind the broad deference that is due to a district court's reliance on expert testimony of this type, *see Odell*, 676 N.W.2d at 648, we conclude that the district court did not clearly err by finding that Steele knew that killing A.S. was morally wrong and, thus, did not clearly err by finding that Steele did not prove his mental-illness defense.

Affirmed.