STATE OF MINNESOTA
IN COURT OF APPEALS
A22-1595

State of Minnesota,
Respondent,

vs.

Joshua Louis Meek,
Appellant.

Filed October 9, 2023
Affirmed
Larkin, Judge

Otter Tail County District Court
File No. 56-CR-21-1260

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

Michelle M. Eldien, Otter Tail County Attorney, Benjamin G. A. Olson, Assistant County Attorney, Fergus Falls, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Richard Schmitz, Assistant Public Defender, Saint Paul, Minnesota (for appellant)

Considered and decided by Larkin, Presiding Judge; Segal, Chief Judge; and Wheelock, Judge.

NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellant challenges his conviction for first-degree aggravated robbery, arguing that the victim's trial testimony was not credible. We affirm.

FACTS

Respondent State of Minnesota charged appellant Joshua Louis Meek with first-degree aggravated robbery under Minn. Stat. § 609.245, subd. 1 (2020), felony theft under Minn. Stat. § 609.52, subd. 2(a)(1) (2020), and fifth-degree misdemeanor assault under Minn. Stat. § 609.224, subd. 1(2) (2020). The case was tried to a jury.

The trial evidence showed that Meek and the victim, TT, knew each other. On May 9, 2021, at around 4:30 a.m., Meek went to TT's apartment. TT testified that they both smoked something that caused them to "get high" and "crash." When TT woke, Meek was still sleeping. While he slept, TT removed a package of methamphetamine from Meek's jacket pocket. TT testified that he flushed the methamphetamine down the toilet and left the apartment.

After Meek awoke, he sent TT a series of instant messages, demanding that TT return his "stuff." TT returned to his apartment after confirming that Meek had left. He testified that several items were missing.

The following morning around 1:30 a.m., TT perceived that someone was ramming his apartment door. He believed it to be Meek. After sunrise, TT crawled out of his apartment window and onto the roof of a nearby shed to protect himself. TT saw Meek by the exterior door of his apartment. TT testified that Meek shot him with a BB gun several times. TT crawled back into his apartment and entered his bathroom to clean his wounds from the BB gun pellets. When TT walked out of the bathroom, Meek was in the apartment. TT testified that Meek grabbed him, punched him several times in the face,

causing him to bleed, and then searched him. TT testified that Meek took over $300 from his pocket and left.

TT did not immediately report the incident to the police or seek medical attention. TT testified that he has had trouble communicating with police in the past because they did not provide an interpreter. TT is deaf and communicates through sign language. About one week later, TT went to an emergency room and reported that he had been assaulted. Specifically, he told medical staff that he had been struck with fists and shot with a BB gun. Medical records were received as evidence at trial, which noted "[s]mall circular BB shot wounds" on TT's right arm and left wrists, and "dry debris" in his ear canal that may have been blood.

TT reported the incident to the police the day after he went to the emergency room. The police took pictures of TT's remaining injuries, which were consistent with BB gun shots. And TT gave the police a photograph of a necklace that he believed that Meek had taken from his apartment. TT also provided a written statement to the police. The photographs of TT's injuries and necklace were received as evidence at trial, as well as TT's written statement. A police sergeant testified that while Meek was held in custody, the sergeant found a necklace in Meek's personal property that matched the necklace that TT was wearing in the photograph. TT also identified the necklace at trial.

At trial, defense counsel challenged the adequacy of law enforcement's investigation of the alleged offense and emphasized the differences between TT's trial testimony and the written statement that he provided to the police. Meek did not testify.

The jury found Meek guilty as charged. The court sentenced Meek to 68 months in prison for first-degree aggravated robbery, stayed execution of the sentence, and placed him on probation.[1]

Meek appeals.

DECISION

Meek contends that the evidence was insufficient to sustain the jury's finding of guilt. He generally argues that the state failed to prove, beyond a reasonable doubt, that he robbed, stole from, and assaulted TT. Meek does not argue that the state failed to present evidence regarding any element of the charged offenses. Instead, Meek challenges TT's credibility as a witness, arguing that his "credibility was significantly undermined by his testimony, which was inconsistent with his prior statement to law enforcement and with the other evidence in the case, leading to grave doubts that [he] actually committed the offenses."

When considering a challenge to the sufficiency of the evidence to support a guilty verdict based solely on direct evidence, we carefully analyze the record to determine whether the evidence, viewed in the light most favorable to the conviction, was sufficient to permit the fact-finder to reach its verdict.[2] *State v. Webb*, 440 N.W.2d 426,

[1] The state indicates that the district court treated the felony theft and misdemeanor assault offenses as lesser-included offenses and "properly avoided entering convictions and imposing sentences" for those offenses. *See* Minn. Stat. § 609.04, subd. 1 (2022) ("Upon prosecution for a crime, the actor may be convicted of either the crime charged or an included offense, but not both.").

[2] Neither party argues that the heightened circumstantial-evidence standard of review applies here. *See State v. Al-Naseer*, 788 N.W.2d 469, 471 (Minn. 2010) (stating that

430 (Minn. 1989). We assume the fact-finder believed the state's witnesses and disbelieved any contrary evidence. *State v. Brocks*, 587 N.W.2d 37, 42 (Minn. 1998). We defer to the fact-finder's credibility determinations and will not reweigh the evidence on appeal. *State v. Franks*, 765 N.W.2d 68, 73 (Minn. 2009); *State v. Watkins*, 650 N.W.2d 738, 741 (Minn. App. 2002). We will not disturb a guilty verdict if the fact-finder, acting with due regard for the presumption of innocence and requirement of proof beyond a reasonable doubt, could have reasonably concluded that the state proved the defendant's guilt. *Bernhardt v. State*, 684 N.W.2d 465, 476-77 (Minn. 2004).

Meek acknowledges that witness-credibility determinations and the weight to accord a witness's testimony are "normally jury questions to which a reviewing court defers." He also acknowledges that "[a] conviction can rest on the uncorroborated testimony of a single credible witness." *State v. Hill*, 172 N.W.2d 406, 407 (Minn. 1969). But Meek argues that if there are reasons to question a victim's credibility and the state presented no corroborating evidence, "Minnesota's appellate courts will reverse convictions."

As support, Meek cites several Minnesota Supreme Court cases and argues that "[t]his case fits in the small category of cases where this Court should have grave doubts that the convicted defendant committed the alleged offenses." But each case that Meek cites is readily distinguishable from this case. *See State v. Foreman*, 680 N.W.2d 536, 537, 539 (Minn. 2004) (holding that testimony of victim was sufficient to support conviction

---

"heightened scrutiny applies to any disputed element of the conviction that is based on circumstantial evidence").

for assault in the second degree, despite victim's temporary pretrial recantation of her accusations); *State v. Huss*, 506 N.W.2d 290, 292-93 (Minn. 1993) (reversing conviction for child sexual abuse based on the victim's repeated exposure to a highly suggestive book by the child's therapist and mother); *State v. Langteau*, 268 N.W.2d 76, 77 (Minn. 1978) (reversing in the interests of justice and stating, "[t]he reason why defendant would have held up [the victim], with whom he was well acquainted, is left a mystery."); *State v. Gluff*, 172 N.W.2d 63, 65 (Minn. 1969) (reversing because armed robbery victim observed defendant for fewer than two minutes, during which time her eyes were "riveted on the gun," and "there was no evidence whatever to corroborate defendant's implication in the crime other than [the victim's] selection of [his] photograph from a police file").

We disagree that our customary approach of deferring to a jury's credibility determination should be abandoned in this case. Weighing the credibility of a complaining witness who has given conflicting stories is a function for the jury. *State v. Castle*, 109 N.W.2d 593, 595 (Minn. 1961). As the state acknowledges, TT "gave different versions of [the] events in his written statement to law enforcement and at trial." But TT explained those inconsistencies in his trial testimony. TT testified that those inconsistencies resulted in part from his "anxiety." And TT emphasized that, unlike when he gave his statement to law enforcement, he was "sober" during the trial. TT further explained that he had "[t]wo effective" interpreters at trial. In sum, TT's trial testimony explained his inconsistent statements and provided a basis for the jury to not weigh them heavily.

Moreover, the inconsistencies on which Meek relies do not cause us to have "grave" concerns regarding his guilt. Meek complains that TT "gave three different versions of where he went after leaving his apartment on the morning of May 9th." He also complains that TT "gave two different irreconcilable versions of when his property was taken." Meek argues:

> Chronically chemically dependent TT's testimony that he flushed the methamphetamine down the toilet to save children from potentially being exposed to the methamphetamine was also preposterous given the fact that TT also admitted to smoking methamphetamine with Meek after Meek arrived at his apartment, and TT also testified that he smoked marijuana at his friend's house when he left the apartment [while Meek slept].

We acknowledge that there may have been reasons for the jury to reject TT's testimony. But the inconsistencies in this case do not justify a departure from the well-established rule that "[t]he resolution of conflicting testimony is the exclusive function of the jury because it has the opportunity to observe the demeanor of witnesses and weigh their credibility." *State v. Lloyd*, 345 N.W.2d 240, 245 (Minn. 1984).

Nor are we persuaded by Meek's argument that "[t]he state's case included only weak and unconvincing corroboration for TT's testimony." The state presented evidence of TT's and Meek's instant-message exchange on May 9, 2021, which corroborated TT's testimony that he and Meek were together that morning. And although motive is not an element of the charged offenses, TT's admission that he took Meek's methamphetamine explains why Meek would have committed the offenses. *See State v. Oates*, 611 N.W.2d 580, 586-87 (Minn. App. June 20, 2000) (noting that eyewitness identifications had been

corroborated in part by evidence that the defendant had some motive to commit the crime), *rev. denied* (Minn. Aug. 22, 2000). The state presented photographs of TT's wounds, which corroborated TT's testimony that Meek shot him with a B.B. gun. The state also presented evidence that a police officer found TT's necklace in Meek's personal belongings, which supports TT's testimony that Meek took his necklace during the robbery. Once again, this record does not justify a departure from the well-established rule that "the weighing of evidence" is a task "reserved to the jury." *State v. Dahlin*, 695 N.W.2d 588, 596 (Minn. 2005).

We note that one of the purposes of a trial is to ascertain the truth. *See State v. Master*, 252 N.W.2d 859, 860 (Minn. 1977) (discussing whether certain evidence was relevant to the "truth-seeking process" of a trial). Consistent with that truth-seeking purpose, it is proper for a jury to evaluate a witness's testimony in light of prior inconsistent statements to determine where the truth lies. *Di-Carlo v. United States*, 6 F.2d 364, 368 (2d Cir. 1925) ("The possibility that the jury may accept as the truth the earlier statements in preference to those made upon the stand is indeed real, but we find no difficulty in it."). Thus, the jury was free to believe TT's trial testimony even though he made several prior inconsistent statements regarding the details of the offense. *See State v. Reichenberger*, 182 N.W.2d 692, 695 (Minn. 1970) (noting that "[t]he witness did make some prior statements which were not consistent with her testimony at trial," that "[t]he jury was apprised of those facts," and that "the task of weighing credibility was for the jury," and not the appellate court).

In sum, we apply our traditional deference to the jury's credibility determination. And because Meek does not argue that the evidence was otherwise insufficient to prove any element of the charged offenses beyond a reasonable doubt, we do not disturb the jury's verdicts.

Affirmed.