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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A23-1290**

State of Minnesota,
Respondent,

vs.

Travis Clay Andersen,
Appellant.

**Filed September 30, 2024
Affirmed; motion denied
Harris, Judge**

Carver County District Court
File No. 10-CR-22-167

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Considered and decided by Smith, Tracy M., Presiding Judge; Connolly, Judge; and
Harris, Judge.

NONPRECEDENTIAL OPINION

HARRIS, Judge

In this appeal from his conviction for felony harassment, appellant argues that the district court (1) erred by refusing to remove a seated juror for cause after the juror disclosed during trial that she used to provide daycare to the victim's children, (2) abused

its discretion by admitting appellant's personal writings as relationship evidence, and (3) erred by allowing testimony from the victim that she obtained a harassment restraining order (HRO) against appellant after the charged conduct occurred and that appellant violated previous restraining orders. Appellant raises additional arguments in a pro se supplemental brief. We affirm.

FACTS

In March 2022, respondent State of Minnesota charged appellant Travis Clay Andersen with two counts of felony harassment. The victim, A.E., is an attorney, who previously prosecuted Andersen in two cases and was involved in five of Andersen's appeals.

Between December 2020 and October 2021, while Andersen was incarcerated and after his release, Andersen sent several letters to A.E. The letters contained claims that Andersen was unjustly convicted as the result of misconduct by A.E. and law enforcement and statements about Andersen's physical attraction to A.E, and included personal information about A.E., such as the location of her office, a description of her vehicle, and the name of her Facebook profile. A.E. did not respond to any of the letters.

During the same timeframe, A.E. learned that Andersen made threatening statements toward her in recorded jail calls, and a search of Andersen's phone revealed that he made threatening statements about A.E. to others via text messages and searched online for A.E.'s name and address.

The offenses at issue in this appeal occurred on March 1, 2022. On this day, Andersen went to A.E.'s workplace. When the receptionist informed Andersen that A.E.

was unavailable and asked Andersen if he wished to leave a message, Andersen said, “I’ll find her.” At approximately 10:00 p.m., Andersen went to A.E.’s home uninvited and looked in the window. Doorbell video footage shows Andersen at A.E.’s door holding a black object. A.E. and her minor children were home at the time. A.E. received a notification that someone was at her front door and saw on her security app that it was Andersen. A.E. hid, turned off the lights, and called 911. Law enforcement responded to the scene, but Andersen was gone when they arrived.

Law enforcement went to Andersen’s home later that evening. Andersen told law enforcement that he did not know who A.E. was and that he was at A.E.’s home because he was looking for real estate. Andersen was arrested the next day. During an interview with a detective, Andersen admitted going to A.E.’s house to look for a “data facts report.”

Law enforcement executed a search warrant on Andersen’s home and discovered a three-ring binder and folder that contained Andersen’s personal writings. Prior to trial, the state noticed its intent to offer the personal writings at trial as relationship evidence. Andersen moved to exclude the writings, arguing that the evidence was not relevant and more prejudicial than probative. The district court issued an order, and later a supporting memorandum, determining the evidence was admissible because it was probative of the relationship between A.E. and Andersen and of Andersen’s intent and motive.

The matter proceeded to a jury trial. The letters, jail calls, and material recovered as a result of the search of Andersen’s phone were received as evidence without objection. Andersen’s personal writings were also received over a defense objection based on foundation. The district court received testimony from A.E., A.E.’s neighbor, the

receptionist at A.E.'s workplace, and several law-enforcement officers. Andersen did not testify or call any witnesses.

A.E. was the first witness to testify at trial. After A.E. testified about her background and was beginning to discuss previous letters sent to her by Andersen, Juror 23 informed the court that she knew A.E. because she had been A.E.'s children's daycare teacher. The district court and parties questioned the juror after the rest of the jury left the courtroom. The juror explained that she did not previously disclose that she knew A.E. because she didn't know A.E.'s last name. The juror stated that she was the children's daycare provider for about four years, she no longer works at the facility, and she only had conversations with A.E. about the "day-to-day care" of the children. In response to questions from the defense, the juror stated that she did not have any involvement with the children after they left her classroom. The juror stated that she last worked at the daycare almost six years earlier and that she would be fair and impartial and not favor any side because she previously provided care for the children.

After the juror left the courtroom, Andersen's counsel argued that the juror should be removed for cause because of her relationship with the children. The state argued that the juror was "clear" that she could be fair. The district court did not remove the juror for cause, stating, "Juror 23 was unequivocal in that she believes that she can set this aside, that she's fair and impartial, that she would not give [A.E.] any advantage and/or her children in any way."

The jury found Andersen guilty of both counts. Following a trial on aggravating factors, the jury found that Andersen invaded the home and area immediately surrounding

the home of A.E., that Andersen intentionally selected the victim because of the victim's role in prosecuting Andersen in a previous criminal case, that Andersen selected the victim in whole or in part because of the victim's sex, and that Andersen was a danger to public safety. The district court imposed an upward durational departure and sentenced Andersen to 120 months in prison. Andersen appeals.

DECISION

I. The district court did not err when it did not remove a juror for cause after the juror disclosed that she previously provided daycare for the victim's children.

On appeal, Andersen argues that he was deprived of a fair trial because the district court refused to remove the juror for cause under the implied bias doctrine.¹ *See* Minn. R. Crim. P. 26.02, subd. 5(1) (outlining grounds on which a juror may be challenged for cause). Specifically, Andersen argues that the district court should have removed the juror under rule 26.02, subdivision 5(1)(6), because the juror was an employee of the victim, and the juror had a previous relationship with the victim's children.²

Whether the implied bias doctrine applies to a particular juror is a question of law that we review de novo. *State v. Fraga*, 864 N.W.2d 615, 621 (Minn. 2015). "Implied bias is a bias that is conclusively presumed as a matter of law." *Id.* (quotation omitted).

¹ Andersen's argument on appeal is limited to whether the implied bias doctrine applies to the facts of this case. Andersen does not argue that the juror was actually biased.

² Andersen first argues that the juror and A.E. had an employer-employee relationship in his reply brief. The state filed a motion to strike the reply brief. We deny the motion to strike because Andersen was directly responding to respondent's argument that Andersen did "not claim that [the juror's] previous professional relationship with A.E. fits one of the eleven grounds of implied bias enumerated in the rule." *See* Minn. R. Civ. App. P. 128.02, subd. 3 ("The reply brief must be confined to new matters raised in the brief of the respondent.").

“Implied bias assumes that certain relationships or experiences create a mindset that cannot be changed or set aside.” *Id.* (quotation omitted). Rule 26.02, subdivision 5(1), “describes the circumstances when prospective jurors are too connected to the case at issue to sit,” and those circumstances are “the exclusive grounds to challenge a prospective juror for implied bias.” *Id.* at 622-23.

Rule 26.02, subdivision 5(1)(6), states that a juror may be challenged for cause based on the juror’s “[s]tanding as a guardian, ward, attorney, client, employer, employee, landlord, tenant, family member of the defendant, or person alleged to have been injured by the offense, or whose complaint instituted the prosecution.” In *Fraga*, the supreme court affirmed the holding in *State v. Stufflebean*, 329 N.W.2d 314 (Minn. 1983), that “rule 26.02 provides the exclusive grounds to challenge a prospective juror for implied bias.” 864 N.W.2d at 623. In *Stufflebean*, the supreme court concluded that the district court did not err by not excluding for cause two jurors who were employees of the victim’s family’s corporation, the president of the corporation was the victim’s father, and not the victim, and no actual bias was claimed. 329 N.W.2d at 317-18.

Although the juror cared for the victim’s children in the past, this is not a ground to remove a juror for cause under rule 26.02, subdivision 5(1).³ And, like in *Stufflebean*, the juror was not an employee of the victim or her children because the juror was employed by the daycare facility. Additionally, the juror stated that she stopped working at the daycare

³ The parties disagree about whether A.E.’s children were victims in this matter. Whether the children were victims does not change our analysis because the grounds to challenge a juror for cause under rule 26.02, subdivision 5(1)(6), include only familial relationships and relationships based on legal proceedings.

six years earlier, interacted with the children only when they were in her classroom, and discussed only the day-to-day care of the children with the victim. The juror clearly articulated that she could set aside the previous relationship with victim and the children and be an impartial juror.

In sum, the district court did not err by declining to remove the juror for cause. To the extent that Andersen argues that we should extend the implied bias doctrine to apply to the circumstances of this case, we decline to do so. *See State v. McCormick*, 835 N.W.2d 498, 510 (Minn. App. 2013) (stating the court of appeals is an error-correcting court and will make new law only when there are no statutory or judicial precedents), *rev. denied* (Minn. Oct. 15, 2013).

II. The district court did not abuse its discretion by admitting Andersen’s personal writings as general relationship evidence.

“[R]elationship evidence is character evidence that may be offered to show the strained relationship between the accused and the victim . . . [and] such evidence has further probative value when it serves to place the incident for which appellant was charged into proper context.” *State v. Loving*, 775 N.W.2d 872, 880 (Minn. 2009).⁴ Relationship evidence shall not be admitted unless “the probative value of the evidence is not outweighed by the potential for unfair prejudice to the defendant.” Minn. R. Evid. 404(b).

⁴ Neither party argues that Andersen’s writings do not fall within the definition of “domestic conduct” and are not relationship evidence. *See* Minn Stat. § 634.20 (2022) (defining relationship evidence as “evidence of domestic conduct by the accused against the victim of domestic conduct, or against other family or household members.”). The parties rely on the general relationship evidence exception to the admissibility of character evidence that is identified in caselaw.

Relationship evidence is generally deemed admissible against 404(b) challenges “where relevant to show a strained relationship,” and “has further probative value when it serves to place the incident for which appellant was charged into proper context.” *Loving*, 775 N.W.2d at 880 (quotations omitted).

Appellate courts review a district court’s decision to admit relationship evidence for an abuse of discretion. *Id.* at 879. 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. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019) (quoting *State v. Guzman*, 892 N.W.2d 801, 810 (Minn. 2017)).

Andersen argues that the district court abused its discretion by admitting Andersen’s personal writings as relationship evidence because the writings were more prejudicial than probative.⁵ Prior to trial, the state noticed its intent to offer the personal writings at trial as relationship evidence, including:

⁵Andersen also argues that the personal writings were cumulative of other evidence that illuminated the relationship between Andersen and A.E., such as the letters, phone-search history, jail calls, and text messages. Because Andersen did not raise this argument to the district court, we decline to consider it. *State v. Roby*, 463 N.W.2d 506, 508 (Minn. 1990) (stating appellate courts “do not decide issues which are not first addressed by the trial court and are raised for the first time on appeal even if the issues involve constitutional questions regarding criminal procedure” (quotation omitted)). Andersen also argues that the personal writings were not relevant because A.E. was not aware of the personal writings and the writings and any probative value was substantially outweighed by the danger of unfair prejudice. Andersen raised this argument during a pretrial hearing but did not raise it during trial. We conclude the district court did not abuse its discretion by not excluding the personal writings as irrelevant because the evidence had a tendency to make it more probable that Andersen harassed A.E. because it contained detailed descriptions of A.E. and his thoughts and feelings towards her, demonstrating Andersen’s intent and motive. Minn. R. Evid. 401.

- a. References to A.E. by various names, including by the name A.E. used for her Facebook profile.
- b. [Andersen] writes about A.E. being beautiful, but on the same page, speaks of aggression.
- c. [Andersen] writes, “[A.E.] one can say today that you’ve hurt me more than all the other women in my life combined with the pain of affliction that one has to self-sabotage himself and lock his body and mind in a room hoping for it all to be consumed as the walls become thicker the thoughts fade quicker.”
- d. [Andersen] writes about specific clothing that A.E. has worn that he finds attractive.
- e. [Andersen] writes that A.E. should look out the back window of her office and describes what she would see, indicating that [Andersen] knows where A.E.’s office is located On the same page, [Andersen] writes, “Believe in love, and never let it go. Make her aware that if it is true in her, you would love for her, and death only transforms, and eternity is beautiful misery in itself.”
- f. [Andersen] describes in graphic language his desire to have sexual relations with A.E. “and then punch you in the face, but then tell you that I love you (7/24/19) you’re a dumb c-t. So sexy goofball.”

Andersen points to specific excerpts from the writings and argues that “no jury could read these statements and fairly evaluate the state’s other evidence against Andersen.” Following a hearing on motions in limine, the district court determined in a written order that the personal writings were admissible as relationship evidence because it was probative of the relationship between A.E. and Andersen and probative of Andersen’s intent and motive. Specifically, the district court determined:

Finally, the items seized through the search warrant at [Andersen’s] home were highly probative of [Andersen’s]

feelings toward A.E. and were therefore relevant to show their relationship and [Andersen's] intent or motive. The relevant information the State sought to introduce from this evidence included the multiple references to A.E. by various names, including her Facebook profile name. This evidence was probative of [Andersen's] relationship with A.E. and gave the jury context for how to interpret his writings and his mindset regarding A.E.

The State also sought to introduce [Andersen's] writings where he wrote about A.E. being beautiful but later on the same page spoke of aggression. Like the first example, this gave the jury crucial context into the relationship between [Andersen] and A.E. The State sought to introduce writings where [Andersen] claimed A.E. hurt him "more than all the other women in [his] life combined" and also the writings where [Andersen] wrote about specific clothing A.E. wore that he found attractive. Similarly, to the other writings, these journals gave the jury insight into [Andersen's] mindset and the specific relationship between [Andersen] and A.E.

The State sought to introduce writings where [Andersen] mentioned the view A.E. sees out of the window of her office . . . and also wrote: "you would love for her and death only transforms and eternity is beautiful misery in itself." As stated before, these writings gave context to the jury about the relationship. Specifically, regarding the view out of the window, it provided for the jury insight into [Andersen's] focus on A.E. The State sought to introduce a writing wherein [Andersen] wrote: "its [sic] a strong f--- you like I want to bang you f----- [sic] brains out and then punch you in the face, but then tell you that I luv u [sic] [...]your [sic] a dumb c---." These descriptions gave such highly probative evidence of the nature of their relationship that any prejudice was outweighed.

Finally, the State sought to introduce [Andersen's] writing regarding love where he ends the page with "[A.E.], f--- you. I love you." This evidence was so highly probative of the extent of the relationship between [Andersen] and A.E.—or in other words, [Andersen's] mixed infatuation with A.E.—that the value strongly outweighed any prejudice.

These detailed findings do not amount to an abuse of discretion. Here, the state was required to prove (1) that Andersen “followed, monitored, or pursued [A.E.], in person or through any available technological or other means,” (2) that Andersen “acted with intent to kill, injure, harass, or intimidate [A.E.],” and (3) that Andersen placed A.E. in reasonable fear of substantial bodily harm or placed A.E. in reasonable fear that A.E.’s family or household members would be subjected to substantial bodily harm, or caused or would reasonably be expected to cause substantial emotional distress to [A.E.]” As the district court described, the personal writings are highly probative of the elements of the offense and personal writings place the events in context because they describe Andersen’s mindset regarding A.E, which goes towards his possible motive and intent.

Some of the evidence from Andersen’s writings introduced at trial was potentially irrelevant and not probative because the evidence was not specifically about A.E., but about women in general. For example, the phrase, “women are vicious, woeful creatures.” However, any error in admitting this evidence is harmless because of the overwhelming evidence of Andersen’s guilt, the limiting instruction given by the district court, and the limited references to the writings in closing argument.

Reviewing courts will not reverse a conviction based on the erroneous admission of evidence if that error was harmless. *See Loving*, 775 N.W.2d at 879. An error is harmless “[w]hen there is no reasonable possibility that it substantially influenced the jury’s decision.” *State v. Harvey*, 932 N.W.2d 792, 810 (Minn. 2019); *State v. Bigbear*, 10 N.W.3d. 48, 51 (Minn. 2024) (reiterating that “[h]armless-error review considers whether a reasonable possibility exists that the error significantly influences the verdict, not merely

whether the other properly admitted evidence was sufficient to support the verdict.”). The defendant who alleges the error must prove that the error significantly impacted the verdict. *State v. Smith*, 940 N.W.2d 497, 505 (Minn. 2020). In considering what effect the evidence had on the verdict, we consider factors including, “the manner in which the evidence was presented, whether it was highly persuasive, whether it was used in closing argument, and whether the defense effectively countered it.” *Townsend v. State*, 646 N.W.2d 218, 223 (Minn. 2002).

Manner Presented

Here, the statements Andersen challenged as inadmissible statements were in nine admissible exhibits, and were part of the eleven pages that made up the admissible exhibits.⁶ Also, the inadmissible statements that Andersen made in his personal writings are referenced in other evidence that was admissible including his letter to A.E., thus making these statements merely duplicative. Here, the state also introduced Andersen’s threatening jail calls, and his phone records, along with testimony from A.E. about her interactions with Andersen. A.E. also testified about actions she took in response to Andersen’s actions, including installing security cameras at her home, not letting her

⁶ Andersen identifies his writings in exhibit 37 referring to women as “vicious, woeful creatures”; exhibit 39 referring to the mall as a “perfect place” to find an “inebriated divorced woman still young and down for any kind, heightened gentle rough of sex imaginable,” and that “she wants semen in her mouth by way of fellation to bring her satisfaction to a degradation”; exhibit 40 referring to A.E. as a “crazy b---h”; exhibit 41 making the disparaging comment, “F--k you [A.E.], bipolar as shit. It’s a strong f--k you like, I want to bang you f-----g brains out and then punch you in the face, but then tell you that I luv you. * * *You’re a dumb c--t. So sexy Goof ball”; and exhibit 42 stating “[A.E.], f--k you. I love you.”

children play outside unattended, and using an alternate route to get to her office. And the jury considered evidence of what occurred on March 1st, including Andersen going to A.E.'s workplace and stating, "I'll find her," video footage of Andersen going up to A.E.'s home and looking in her window, and Andersen's statements to law enforcement that he did not know A.E., and was looking for a "data facts report."

Under these circumstances, we do not believe that the inadmissible statements were given undue prominence at trial and accordingly this factor supports a conclusion that the error was harmless.

Persuasive Value

Andersen claims the writings about his feelings towards women are highly prejudicial because they permitted the jury to hear his irrelevant thoughts about women, and no jury could read the incendiary statements and fairly evaluate the other evidence. First, Andersen's personal writings were highly probative of the element that Andersen "acted with intent to kill, injure, harass, or intimidate [A.E.] as they provided context regarding Andersen's mindset in relation to A.E. Although, Andersen's general writings about his feelings towards women was not persuasive of that element, the erroneously admitted evidence was not a significant part of the state's case. Whether Andersen had negative feelings towards women in general says nothing about whether he committed felony harassment. Second, we do not believe that the inadmissible statements were highly persuasive in evoking the jury's sympathy for A.E. Had the inadmissible statements been redacted the jury still would have received some of these statements in admissible evidence including Andersen's threatening jail calls and letters. Moreover, the district court

instructed the jury that it “must set aside sympathy, emotion, and prejudice in making [its] decision.” Finally, the district court also properly instructed the jury prior to the evidence being admitted and prior to its deliberations. The district court stated the evidence was offered “for the limited purpose of demonstrating the nature and extent of the relationship between [A.E.] and [Andersen] to assist [the jury] in determining whether [Andersen] committed the acts in which he is charged.” Because we presume that the jury followed the instruction, any persuasiveness of the inadmissible evidence or improper evocation of sympathy was mitigated. *See State v. Fardan*, 773 N.W. 2d 303, 320-21 (Minn. 2009) (stating that the jury is presumed to have followed limiting instructions and concluding that the district court’s erroneous admission of evidence was not reversible error because there was no reasonable possibility that the evidence significantly affected the verdict).

Under these circumstances, we do not believe that the inadmissible statements were highly persuasive and accordingly this factor supports a conclusion that the error was harmless.

Use in Closing Argument

Here, the state discussed the inadmissible statements in its closing argument. The state’s closing argument and rebuttal constituted 42 pages of trial transcript, and the prosecutor discussed the writings on two and one-half pages. In closing argument, the state relied on Andersen’s writings to show Andersen’s intent and motive. However, given the other evidence, there is no reasonable possibility that, but for this relationship evidence, the jury would have found Andersen not guilty. Because the prosecutor referenced the

defendant's statements primarily for evidence that was also introduced by other exhibits and witnesses, this factor supports a conclusion that the error was harmless.

Effectively Countered

We may also consider whether Andersen "effectively countered the evidence." Andersen's counsel had the opportunity to cross examine the states witnesses about the statements but did not. But Andersen's counsel did address the statements during his closing argument by stating:

Simply put, you don't have to like Mr. Andersen, you don't have to like his writings, you don't have to like the letters, you don't have to watch a Vikings game with or a Packers game, don't have to get a beer with him."

"They are using letters to show the relationship, show that he was so mad. That was last year. He was released from prison on December 16th of last year. This happened March 1st. If you want to use those letters as evidence that he was so mad that he wanted to intimidate her and wanted to get those convictions vacated he would have already done it, he wouldn't have made up—gone three and a half months. All of that information is try to go—attack Mr. Andersen's character, it doesn't go to the elements here, the intent.

The record demonstrates that Andersen took advantage of opportunities to counter the evidence. and accordingly, this supports a conclusion that the error was harmless.

In sum, after weighing these factors, Andersen has not shown that there is a reasonable possibility that the jury would have reached a different verdict had the inadmissible evidence not been admitted.

III. The district court did not plainly err by not excluding evidence that A.E. obtained an HRO following the charged offenses.

Andersen argues that it was plain error for the district court not to exclude testimony that A.E. obtained an HRO and that Andersen violated previous restraining orders. Generally, evidence of a person's bad acts unrelated to the crime for which they are on trial is prohibited. Minn. R. Evid. 404(b); *State v. Spriegl*, 139 N.W.2d 167, 169 (Minn. 1965). Such evidence may "be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident." Minn. R. Evid. 404(b).

At trial, A.E. testified about why she initially did not get an HRO prior to the date of the offense and made a statement that Andersen violated previous restraining orders. Andersen himself, not his attorney, objected. The district court did not rule on the objection, but instructed Andersen to remain quiet because he was represented by counsel. We review unobjected-to errors under the "plain error test." *State v. Myhre*, 875 N.W.2d 799, 804 (Minn. 2016). "In order to meet the plain error standard, a criminal defendant must show that (1) there was an error, (2) the error was plain, and (3) the error affected the defendant's substantial rights." *Id.* (citing *State v. Griller*, 583 N.W.2d 736, 740 (Minn. 1998)). "An error is plain if it is clear or obvious, which is typically established if the error contravenes case law, a rule, or a standard of conduct." *State v. Webster*, 894 N.W.2d 782, 787 (Minn. 2017) (quotation omitted). "The court's analysis under the third prong of the plain error test is the equivalent of a harmless error analysis." *State v. Matthews*, 800 N.W.2d 629, 634 (Minn. 2011). "With respect to the substantial-rights requirement, the

defendant bears the burden of establishing that there is a reasonable likelihood that the absence of the error would have had a significant effect on the jury's verdict." *State v. Horst*, 880 N.W.2d 24, 38 (Minn. 2016) (quotation omitted).

First, there was no plain error because Andersen opened the door to evidence that A.E. obtained an HRO. "A party 'opens the door' when it introduces evidence that creates a right in the opposing party to respond with evidence that would otherwise be inadmissible." *State v. Fraga*, 898 N.W.2d 263, 272 (Minn. 2017). "The right to respond helps to ensure that one party will not have an unfair advantage and that the factfinder is not presented with a misleading or distorted representation of reality." *Id.* (quotation omitted). "[T]he opening-the-door doctrine must be applied cautiously, and its application is left to the discretion of the district court." *Id.* (quotation omitted).

Andersen argued at trial that A.E. should have informed Andersen that his communication was not welcome and that A.E. was exaggerating. Here, the defense opened the door by questioning A.E. about why she did not obtain an HRO prior to March 1, 2022. The following exchanges occurred during cross-examination:

Q: And your testimony is that you have prosecuted thousands of defendants, correct?

A: Correct.

Q: And is it safe to assume here that some of them are violations of harassment restraining order?

A: That's correct.

Q: And doing so you have to understand the process of obtaining a harassment restraining order, correct?

A: Correct.

Q: And that's actually a civil matter. To get a harassment restraining order, correct?

A: Yes.

Q: And you got these letters, I believe, you stated after the April 1st kind of personal letter said to you -- sent to you by Mr. Andersen. You became very concerned?

A: Correct.

Q: Started changing habits?

A: Correct.

Q: And got more letters, more letters, personal letters. Thought that he was looking at where you lived, what vehicle you were driving, that sort of thing, correct?

A: Yes.

Q: And you were very concerned yet at no time before March 1st did you petition to the court for harassment restraining order against him, correct?

A: That's correct. For a specific reason.

Q: And if you obtained a harassment restraining order, he could get in trouble like that if he made contact with you, correct?

A: Correct.

In response, the state elicited the following testimony on redirect:

Q: [There] were questions about the fact that you did not get what's called a harassment restraining order against the Defendant prior to March 1st, 2022, and you said there was a specific reason. What was that reason?

A: I had specific conversations about whether or not to get a harassment restraining order including with attorneys. I decided at that point I didn't want him to fixate on me any further than he already had and I knew that if I filed for a harassment restraining order he would have a right to a hearing, which he would likely take advantage of to be able to see me and that would further his fixation. Additionally, he's violated every restraining [order] he's ever had. So I didn't have a lot of confidence.

If the state was not given the opportunity to respond to Andersen's questions about why A.E. had not obtained an HRO, this would have resulted in an unfair advantage. The state did not elicit testimony about A.E. obtaining an HRO until after Andersen elicited testimony about the HRO on cross-examination. Additionally, evidence about why A.E. did not obtain an HRO directly rebutted Andersen's arguments that A.E. never told Andersen to stop communicating with her and that exaggerated the fear she felt towards Andersen.

Andersen also relies on *State v. Myrland*, 681 N.W.2d 415, 421 (Minn. App. 2004), to argue that the district court erred by not excluding testimony that A.E. obtained an HRO against Andersen after the charged offenses, and argues the evidence was inadmissible and could have improperly influenced the jury to convict.

We are unpersuaded. We conclude that this case is distinguishable from *Myrland* and Andersen cannot meet the plain error standard. In *Myrland*, this court held that errors, including testimony about employment actions that were taken and the prosecutor's improper remarks during closing argument, drew the fairness of appellant's trial into question when considered cumulatively. 681 N.W.2d at 421. *Myrland* suggests that testimony about what employment actions were taken could have improperly influenced the jury to believe that the employer considered appellant guilty. *Id.*

In contrast, here, we are satisfied that the limited testimony indicating that A.E. obtained an HRO and that Andersen violated past restraining orders was admitted for the purpose of establishing A.E.'s state of mind, not Andersen's criminal history. During redirect, the following exchange occurred:

Q: What was your belief about . . . whether the Defendant would follow a harassment restraining order if you had gotten it before March 1st, 2022, that you would or would not?

A: I did not believe he would follow it and I felt that it would encourage additional behavior.

Q: Since March 1st, 2022, have you gotten a harassment restraining order against the Defendant?

A: Yes.

A.E.'s testimony establishes her state of mind about deciding whether to obtain an HRO and why she believed Andersen would not follow an HRO. And during closing arguments, the state did not mention that Andersen violated previous restraining orders, but argued,

[A.E.] didn't feel like she could communicate directly with him. But moreover she believed if she did, even if she could communicate directly with him and she did so, it may very well make things worse. Because she believed he would become even more fixated on her than he already was. That it might just elevate things, escalate things even further. That's why she explained she didn't apply for a harassment restraining order before March 1st of 2022.

Additionally, the HRO was discussed in only a few transcript pages and was only briefly mentioned during closing arguments. Andersen's defense counsel did not object but elicited testimony from A.E. that HROs are civil and have a different statute and different burden of proof. Andersen's defense counsel reiterated these differences during closing arguments, stating in part, "Now, HRO. You've heard that [A.E.] got one against [Andersen], just because of that you can't convict him. It's a different statute, different standard. This is criminal; that was civil." Therefore, we conclude that the district court did not plainly err by not excluding evidence that A.E. obtained an HRO.

IV. Andersen's pro se arguments lack merit.

Andersen argues that his constitutional rights were violated throughout the proceedings and that he did not commit any crime. We have carefully reviewed Andersen's claims and conclude that they lack merit. *See State v. Waiters*, 929 N.W.2d. 895, 902 (Minn. 2019) (stating that the reviewing court need not include detailed discussion of pro se claims that lack merit). But for the benefit of any future proceedings, we identify the following arguments raised in Andersen's pro se supplemental brief. Andersen argues that (1) his arrest was unlawful under Minnesota Statutes section 262.22 (2020); (2) bail was set in violation of Minnesota Statutes section 629.71 (2020); (3) a hearing was held in violation of Minnesota Rules of Criminal Procedure 5; (4) he was unlawfully transferred to Carver County Jail; (5) the sheriff unlawfully took numerous valuables and intellectual property belonging to Andersen; (6) the district court obstructed justice at the hearing on November 29, 2022, by not recusing itself, holding Andersen in direct contempt, and removing Andersen from the proceeding; and (7) the district court violated his Eighth Amendment rights on December 13, 2022.

Andersen also appears to argue that there is insufficient evidence of guilt because (1) the state did not produce any evidence that would indicate a crime was committed; (2) the prosecutor introduced "fake" and "derivative" evidence and the district court erred by not excluding the evidence; (3) testimony from witnesses at trial was inconsistent with recordings; (4) the state introduced inadmissible character evidence when a sheriff testified that Andersen was in custody because he went to a prosecutor's house uninvited and there

was speculation that a weapon was involved; and (5) the victim never told Andersen not to contact her.

Lastly, Andersen argues that his defense counsel was ineffective because (1) defense counsel had a conflict of interest because he was a former colleague of the presiding judge and Andersen did not consent to the conflict under Minnesota Rules of Professional Conduct 1.11; and (2) defense counsel did not file proper motions.⁷

All of Andersen's arguments listed above are conclusory and not supported by legal authority or analysis. *See State v. Bartylla*, 755 N.W.2d 8, 22 (Minn. 2008) (stating this court will not consider pro se arguments on appeal that are not supported by either arguments or citations to legal authority); *see State v. Andersen*, 871 N.W.2d 910, 915 (Minn. 2015) ("An assignment of error based on mere assertion and not supported by any argument or authorities in appellant's brief is waived and will not be considered on appeal unless prejudicial error is obvious on mere inspection." (quotation omitted)). Because no prejudicial error is obvious on inspection, we deem Andersen's arguments forfeited and decline to consider them.

Affirmed; motion denied.

⁷ Andersen also seems to challenge his conviction and sentence in a related court file. Andersen was convicted of felony escape from custody in violation of Minnesota Statutes section 609.485, subdivision 2(1) (2022). Andersen argues that the state did not produce sufficient evidence to meet both elements of the offense, the district court abused its discretion by not reading the attempt instruction, and that it was error for the jury to find that the escape occurred while he was in custody for a felony level offense. We decline to consider these arguments because they are outside the record of this appeal.