

*This opinion is nonprecedential except as provided by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
A23-1436**

State of Minnesota,
Respondent,

vs.

Royal Douglas Bissonette,
Appellant.

**Filed November 4, 2024
Affirmed
Slieter, Judge**

Ramsey County District Court
File No. 62-CR-23-510

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

John J. Choi, Ramsey County Attorney, Peter R. Marker, Assistant County Attorney, St. Paul, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Suzanne M. Senecal-Hill, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Wheelock, Presiding Judge; Reyes, Judge; and Slieter, Judge.

NONPRECEDENTIAL OPINION

SLIETER, Judge

On appeal from the judgment of conviction of second-degree assault, appellant Royal Douglas Bissonette argues that the district court violated his right to present a complete defense by prohibiting him from impeaching the victim with evidence that she

had previously falsely accused someone else of assault. Because the district court acted within its discretion by denying Bissonette's request to admit the evidence, and because any such error would have been harmless, we affirm.

FACTS

Respondent State of Minnesota charged Bissonette with second-degree assault in violation of Minn. Stat. § 609.221, subd. 1 (2022); threats of violence in violation of Minn. Stat. § 609.713, subd. 1 (2022); and domestic assault in violation of Minn. Stat. § 609.2242, subd. 2 (2022). The following facts derive from Bissonette's May 2023 jury trial.

Bissonette and S.F. had a sporadic romantic relationship. S.F. testified that, on December 1, 2022, she was at her apartment with Bissonette and her daughter. An altercation between S.F. and Bissonette occurred, and Bissonette took S.F.'s car keys and ran out of the apartment. According to S.F., when she told Bissonette to give her keys back, Bissonette pushed her down three flights of stairs, hit her head against the wall, punched her in the face, pulled out a "little knife" and told S.F. that he was going to kill her, and cut her face.

Another resident heard the incident and called 911, reporting that a woman was screaming for help in the hallway and that she "heard a lot of bumping, like she was being chased up and down the steps." When law enforcement responded, they located S.F. and noticed that her face was covered in blood.

A jury found Bissonette guilty of all three counts. The district court entered convictions for all three counts and sentenced Bissonette to 32 months in prison for

second-degree assault. The district court did not impose sentences for the threats-of-violence or domestic-assault counts.

Bissonette appeals.

DECISION

“A defendant has the constitutional right to present a complete defense.” *State v. Atkinson*, 774 N.W.2d 584, 589 (Minn. 2009). The rules of evidence limit that right by preventing defendants from admitting evidence that would confuse or mislead the jury. *Id.* Appellate courts “review a district court’s evidentiary rulings for [an] abuse of discretion, even when, as here, the defendant claims that the exclusion of evidence deprived him of his constitutional right to a meaningful opportunity to present a complete defense.” *State v. Zumberge*, 888 N.W.2d 688, 694 (Minn. 2017).

Evidence that the complainant has made false accusations are admissible only when there is an indication that the prior statements were false. *State v. Goldenstein*, 505 N.W.2d 332, 340 (Minn. App. 1993), *rev. denied* (Minn. Oct. 19, 1993). The proponent of the evidence bears the burden of establishing admissibility, which here requires a reasonable probability of falsehood. *See Goeb v. Tharaldson*, 615 N.W.2d 800, 816 (Minn. 2000) (holding that the proponent of scientific evidence bears the burden of establishing admissibility).

Bissonette claims that the district court abused its discretion by prohibiting him from introducing evidence that S.F. had previously reported to law enforcement that she was assaulted by her neighbor.

At the start of trial, Bissonette sought to introduce evidence of S.F.'s prior report to law enforcement, arguing that the incident report shows that S.F. "exaggerated or lied to the police that she was punched in the face by another neighbor." The district court denied Bissonette's request. It explained:

There aren't any findings by the police. [The prior incident] was a scrape with another neighbor There are different views on whether it was just verbal or it was physical. Apparently [S.F.], you know, the next day contacts and says she's appeared at the hospital, is suggesting that there was a physical altercation. And then the police, you know, respond as they are supposed to, and they have troubles confirming that. And I guess you're suggesting that this was somehow made up or that she really wasn't attacked. There's really no finding by the police to that—to that extent. They ask for some assistance. She becomes uncooperative. That's how I view it. She is uncooperative. She bolts the door. She won't come. You know, it's hard to say why. The police do what the police do. They follow it up once. They try to follow up again. She's not going to cooperate. There's nothing more to do. And you don't really have a final—you know, any kind of finding or really even suggesting by the police that this was, you know, made up or not.

The record supports the district court's explanation. The previous report that Bissonette sought to introduce does not contain assertions that S.F. had provided false information, nor does it suggest that law enforcement suspected that she made a false report, and S.F. has never been charged with or convicted of making a false report in connection with this incident. Bissonette, therefore, failed to make the threshold showing of falsity. *Id.* And, thus, the district court acted within its discretion when it denied his motion to admit the evidence.

But even if the district court abused its discretion in denying the evidence, this court will “reverse only if the exclusion of evidence was not harmless beyond a reasonable doubt.” *Zumberge*, 888 N.W.2d at 694. “An error in excluding evidence is harmless only if the reviewing court is ‘satisfied beyond a reasonable doubt that if the evidence had been admitted and the damaging potential of the evidence fully realized, a [reasonable] jury would have reached the same verdict.’” *State v. Olsen*, 824 N.W.2d 334, 340 (Minn. App. 2012) (quoting *State v. Post*, 512 N.W.2d 99, 102 (Minn. 1994)).

S.F.’s testimony about the assault was corroborated by her daughter and the neighbor who called 911 to report the incident. Moreover, the record indicates that Bissonette attacked S.F.’s credibility by cross-examining her about prior inconsistent statements and about the fact that she did not seek medical attention for her injuries. Thus, even if the evidence had been admitted, a reasonable jury would have reached the same verdict. *Id.* at 340.

Affirmed.