

STATE OF MINNESOTA

IN SUPREME COURT

A23-1606

A25-0334

Blue Earth County

Procaccini, J.
Dissenting, Hudson, C.J., Thissen, J.

State of Minnesota,

Respondent,

vs.

Filed: September 23, 2026
Office of Appellate Courts

Lee Wayne Young, Jr.,

Appellant.

Keith Ellison, Minnesota Attorney General, Jacob Campion, Assistant Attorney General,
Saint Paul, Minnesota; and

Patrick McDermott, Blue Earth County Attorney, Mankato, Minnesota, for respondent.

Cathryn Middlebrook, Chief Appellate Public Defender, Jenna Yauch-Erickson, Assistant
Public Defender, Saint Paul, Minnesota, for appellant.

S Y L L A B U S

1. The district court did not abuse its discretion by declining to admit a recording of a statement made by an alleged alternative perpetrator under Minnesota Rules of Evidence 807 (residual hearsay exception) and 613 (impeachment of prior statements of witness).

2. The district court did not abuse its discretion by excluding a portion of a video exhibit under Minnesota Rules of Evidence 611 (scope of cross-examination) and 403 (unfair prejudice).

3. The district court did not abuse its discretion by excluding the alleged alternative perpetrator's internet searches as irrelevant under Minnesota Rule of Evidence 404(b).

4. The district court did not abuse its discretion by excluding the alleged alternative perpetrator's prior methamphetamine possession convictions as irrelevant under Minnesota Rule of Evidence 404(b).

5. The district court's exclusion of a learned treatise during cross-examination of a State expert witness was harmless beyond a reasonable doubt.

6. Appellant was not entitled to postconviction relief based on the State's introduction of undisclosed expert opinion testimony at trial when appellant did not object to the testimony at trial and did not show that the opinion testimony affected his substantial rights.

7. When considered cumulatively, the exclusion of a learned treatise and introduction of undisclosed expert opinion testimony did not deny appellant a fair trial.

Affirmed.

OPINION

PROCACCINI, Justice.

In this consolidated direct and postconviction appeal, appellant Lee Wayne Young, Jr., challenges his conviction for first-degree murder. Young's appeal is based on

six alleged trial errors and the cumulative effect of those alleged errors. Young was indicted on several counts of first-degree murder for the killing of T.B., a two-year-old boy. T.B.'s mother had a relationship with Young's father, L.Y. Young and L.Y. would sometimes spend time at the apartment where T.B. and his mother lived. At trial, the district court allowed Young to present an alternative perpetrator defense alleging that L.Y. had committed the crime. But the district court excluded some evidence related to Young's alternative perpetrator defense. After Young was convicted, he filed a petition for postconviction relief, arguing that he was entitled to a new trial based on undisclosed opinion testimony introduced at trial by the State's expert witness. The district court denied postconviction relief.

On appeal, Young argues that the district court abused its discretion by excluding the following evidence at trial: (1) a recording of L.Y. making a statement to police that L.Y. had touched the victim, T.B., "in his body"; (2) a police squad car video of Young and L.Y. being transported to the police station after T.B.'s body was found; (3) L.Y.'s internet search history for pornography; (4) L.Y.'s prior methamphetamine possession convictions; and (5) an article about confirmation bias in forensic science. Young further argues that each of these evidentiary rulings was not harmless beyond a reasonable doubt. He also challenges the district court's denial of his petition for postconviction relief, arguing that the admission of undisclosed expert opinion testimony at trial was reversible error. Finally, Young argues that the cumulative effect of these alleged errors deprived him of a fair trial. Young requests a new trial. Because Young has not shown reversible error, we affirm the conviction.

FACTS

At approximately 4:30 p.m. on April 16, 2021, a woman at an apartment building in Mankato flagged down police officers, asking for help because her son was not breathing. When they approached the apartment building, the officers saw L.Y. carrying a small child, T.B., out of the apartment building. T.B. was stiff and lifeless. The officers observed bruises on T.B.'s face and body, as well as freshly dried blood. The officers also observed rigor mortis,¹ which suggested that T.B. had died some time earlier. T.B. was taken by ambulance to the hospital, where he was pronounced dead. Officers drove Young and L.Y. to the police station to be interviewed. Young and L.Y. rode in the same squad car, and while in the car, L.Y. made statements to Young that were recorded on squad video.

After an investigation into T.B.'s death, including witness statements, cell phone location data, forensic testing, and the autopsy results, a grand jury indicted Young on 25 counts relating to T.B.'s death. The counts included first-degree murder committed in the course of criminal sexual conduct with a person under the age of 13.

Prior to trial, Young moved to present an alternative perpetrator defense, identifying L.Y. as the alleged alternative perpetrator. The district court allowed Young to present this alternative perpetrator defense but excluded some evidence Young offered related to this defense, including evidence of L.Y.'s internet searches for "anal teen" pornography and L.Y.'s prior convictions for methamphetamine possession.

¹ Rigor mortis is the stiffening of the body's joints and muscles after death. *Rigor Mortis*, *Black's Law Dictionary* (12th ed. 2024).

The case proceeded to a jury trial on 24 of the 25 counts.² At trial, the State offered testimony from police officers, doctors, the medical examiner, forensic scientists, experts on cell phone tracking data, and family members—including T.B.’s mother and T.B.’s sister. Around the time of the murder, Young’s father, L.Y., had a relationship with T.B.’s mother. Young and L.Y. would sometimes spend time at T.B.’s mother’s apartment.

Police officers testified that, over the course of their investigation, they learned the following: L.Y. and T.B.’s mother left her Mankato apartment between midnight and 1:00 a.m. on April 16 with the stated intent to purchase a used car in Renville, a couple of hours away. They left Young and T.B.’s sister in the apartment with two-year-old T.B.

T.B.’s sister, who was 11 years old at the time of the murder, testified about what happened after L.Y. and T.B.’s mother left the apartment on April 16. According to T.B.’s sister, both she and Young—who was 16 years old at the time—stayed in the apartment for most of the day and did not go to school. It is unclear whether anyone checked on T.B. before the afternoon of April 16. T.B.’s sister testified, however, that she received a text message from T.B.’s mother in the afternoon and then checked on T.B., who was in his bed in his room. She found that T.B. was “frozen” and “not moving.” She further testified that after she found T.B. in that condition, she called her mother, very upset. According to T.B.’s sister, Young told her not to call the police. L.Y. and T.B.’s mother returned to the apartment later that afternoon.

² Prior to trial, the district court dismissed one count, first-degree murder committed in the course of domestic abuse, for lack of probable cause.

The medical examiner who performed T.B.'s autopsy testified that T.B. was covered in bruises that had been inflicted within the 24 hours before his death. The medical examiner noted significant injuries around T.B.'s head and mouth, including damage to T.B.'s mouth consistent with someone manipulating it, multiple bruises inside T.B.'s mouth and on T.B.'s head, and damage to T.B.'s upper frenulum—the tissue connecting T.B.'s upper lip to his jaw. The medical examiner determined that T.B. suffered brain and eye hemorrhages and had injuries to his anus that suggested a strong probability of sexual assault. The medical examiner testified that semen was found in T.B.'s rectum and within anal lacerations. The medical examiner further testified that toxicology testing indicated that there was a small amount of methamphetamine in T.B.'s body but that the methamphetamine did not cause T.B.'s death. Instead, the medical examiner testified that T.B.'s death was caused by “multiple traumatic injuries due to physical assault.” Although the medical examiner did not testify as to a precise time of death, he opined that T.B. had died approximately 8 to 12 hours before his body was discovered at 4:30 p.m.

The State also presented evidence about L.Y.'s and Young's whereabouts in the hours leading up to the discovery of T.B.'s body. The State presented tracking data related to Young's cell phone. That data showed that Young's cell phone remained at the apartment where T.B. was killed from midnight the night before the death until the next afternoon, when Young was transported to the police station. The State also presented photographs that Young had taken of himself that day in the apartment, evidence that Young logged into his Xbox account while in the apartment that day, and tracking data

related to L.Y.'s cell phone. L.Y.'s phone movement indicated that on the night before T.B. died, L.Y. had left the apartment shortly after midnight and arrived in Renville around 3:00 a.m. The State presented eyewitness testimony confirming that L.Y. purchased a used car in Renville. Cell phone tracking data suggested that L.Y. did not return to Mankato until approximately 2:40 p.m. on the day T.B. died. The tracking data also showed that L.Y. returned to the apartment at approximately 4:30 p.m., suggesting that he did not go straight to the apartment upon returning to Mankato.

The State also presented forensic evidence related to several items collected from the apartment and DNA samples obtained from L.Y. and Young. Forensic scientists at the Bureau of Criminal Apprehension (BCA) crime lab tested the items and compared the DNA found on the items to L.Y.'s, Young's, and T.B.'s DNA. Some of the forensic testing appeared to inculcate Young. Testing of a towel collected from the apartment showed that it had Young's semen and T.B.'s blood on it. Testing of a blanket from the apartment showed that it also had both T.B.'s blood and Young's semen on it. Testing of Young's underwear revealed a mixture that contained Young's semen, and T.B.'s DNA could not be excluded from the mixture. And testing of Young's shoes revealed both blood and T.B.'s DNA.

Based on the evidence it presented at trial, the State's theory of the case was that after L.Y. and T.B.'s mother left the apartment for Renville, Young, T.B.'s sister, and T.B. stayed in the apartment—and that at some point while L.Y. and T.B.'s mother were away, Young sexually assaulted and murdered T.B.

After the State presented its case-in-chief, Young called several witnesses—including L.Y., multiple police officers, and a forensic expert—to support his alternative perpetrator defense, which asserted that L.Y., not Young, had sexually assaulted and murdered T.B.

L.Y. testified that he last saw T.B. alive before L.Y. and T.B.’s mother left for Renville. He testified that when he returned to the apartment at approximately 4:30 p.m. on April 16, he found T.B., performed mouth-to-mouth CPR on T.B., and spoke to police officers at the scene. L.Y. testified that, in his initial conversation with officers, he told the officers that he had “questions” about providing a DNA sample. L.Y. testified that, in this conversation, he had explained to the officers that T.B. was potty training and that he helped T.B. “wipe” when T.B. went to the bathroom. L.Y. also testified that when he spoke to officers at the scene, he admitted to “sweating and touching [T.B.] in his body.” Young’s attorney questioned L.Y. extensively about L.Y.’s statement to police officers that he had “touch[ed T.B.] in his body.” L.Y. appeared to both admit and deny making that statement. L.Y. further testified about his return to Mankato from Renville, admitting that he had “smashed” a video camera in the apartment upon his return. Young’s attorney questioned L.Y. about the statements L.Y. made to Young and to police the evening of April 16.³ L.Y. also admitted to having been convicted of multiple prior felonies, but—consistent with the district court’s prior ruling—he did not specify the crimes for which he had been convicted.

³ Young later argued in closing that L.Y. had lied to the police, attempted to distance himself from the scene of the crime, and tried to “pin” the blame for the crime on others.

The police officer who transported Young and L.Y. to the police station testified. During Young's direct examination of the officer, Young attempted to publish a portion of the squad car video showing Young and L.Y. being driven to the station. The district court excluded the video, determining that it was cumulative of other evidence.

Another police officer testified that he recovered a video camera in a nearby car. Young did not present the video footage recorded on that camera to the jury.⁴ But in closing arguments, Young argued that the camera found in the car was hidden by L.Y. to cover up evidence, and that L.Y. had lied to the police when he told the police that he smashed a camera.

Young's forensic expert witness testified, among other things, about rigor mortis and its relevance to the time of T.B.'s death and the locations where DNA could have been found on T.B.'s body. Referring to the evidence showing that L.Y.'s DNA was found inside T.B.'s mouth, Young's forensic expert witness testified that it would be "unusual to find another person's DNA within ... the closed mouth of a deceased individual." The State attributed the presence of L.Y.'s DNA in T.B.'s mouth to the fact that L.Y. had attempted to administer mouth-to-mouth CPR when L.Y. arrived at the scene. But Young argued that the forensic evidence from T.B.'s mouth implicated L.Y. as T.B.'s killer. Referring to the testimony of his forensic expert witness, Young argued that T.B.'s mouth would have been opened had someone actually performed mouth-to-mouth CPR, but that

⁴ The video footage depicts the apartment living room the afternoon that T.B.'s body was discovered. It shows T.B.'s sister in the living room that afternoon, distraught.

T.B.'s mouth was closed, and it was therefore unlikely that L.Y. ever performed mouth-to-mouth CPR.

In sum, Young's alternative perpetrator theory at trial was that L.Y. killed T.B., fled to Renville, and then returned to Mankato the next afternoon, where he then attempted to destroy evidence, lie to police, and frame someone else for the crime.

The jury found Young guilty of 20 of the 24 counts.⁵ The district court convicted Young of first-degree murder committed in the course of first-degree criminal sexual conduct.

Young filed a direct appeal to this court and a petition for postconviction relief in district court. We stayed Young's direct appeal pending the resolution of his postconviction petition. The district court denied the petition without a hearing, and Young appealed. We consolidated Young's direct and postconviction appeals, and we address both below.

ANALYSIS

In this appeal, Young raises five challenges to the district court's evidentiary rulings at trial, a challenge to the district court's denial of postconviction relief, and a claim that the cumulative effect of these alleged errors warrants a new trial. We begin with a discussion of the standard of review for Young's five evidentiary challenges. We then address each issue in turn.

⁵ After the State rested, the district court granted Young's motion for a judgment of acquittal only with respect to the two kidnapping-related charges. The jury found Young guilty of 20 of the remaining 22 counts. It found him not guilty of first-degree premeditated murder and second-degree intentional murder.

Because Young preserved his objections to the district court’s evidentiary rulings at issue here, we review each of those decisions for an abuse of discretion. A district court abuses its discretion when its ruling “is based on an erroneous view of the law or is against logic and the facts in the record.” *State v. Bustos*, 861 N.W.2d 655, 666 (Minn. 2015) (citation omitted) (internal quotation marks omitted). In close cases, we defer to the district court’s evidentiary rulings, even if another court might have reasonably ruled differently. *See State v. Blom*, 682 N.W.2d 578, 613 (Minn. 2004).

Even if a district court abuses its discretion in excluding evidence, we will not reverse the district court if the error is harmless. *State v. Carbo*, 6 N.W.3d 114, 123 (Minn. 2024). Because the erroneous exclusion of evidence offered by a criminal defendant can deprive the defendant of their constitutional right to present a complete defense, we examine whether any erroneous exclusion of evidence here was harmless beyond a reasonable doubt. *See State v. Westrom*, 6 N.W.3d 145, 155 (Minn. 2024). “[E]xclusion of evidence is harmless beyond a reasonable doubt when, assuming the potential damage of the excluded evidence were fully realized, a reasonable jury would have reached the same verdict.” *Id.* (citation omitted) (internal quotation marks omitted).

I.

We start with Young’s argument that the district court abused its discretion by denying his motion to offer into evidence the recording of L.Y.’s statement to officers that he had touched T.B. “in his body.” L.Y. made this statement after the police discovered T.B.’s body, when an officer asked L.Y. for a DNA sample. L.Y. was initially reluctant to give the sample, explaining that he had touched T.B. “in his body.” During L.Y.’s direct

examination, L.Y. acknowledged that on the day of the murder he told officers he had touched T.B. “in his body.” Although the State did not object to L.Y.’s testimony about his encounters with police following the murder, it did dispute the admissibility of a recording of this statement.

Young twice moved to introduce the recording of this statement during L.Y.’s testimony—once on the grounds that it was admissible hearsay under Minnesota Rule of Evidence 807 and once as impeachment evidence under Minnesota Rule of Evidence 613. The district court declined to admit the recording on either basis. We review the district court’s two evidentiary rulings in turn.

A.

Young moved to admit the recording of L.Y.’s statement as substantive evidence under Minnesota Rule of Evidence 807, which is one of the exceptions to the rule against hearsay. Hearsay is a statement made by a declarant, not while testifying at the current trial, that is offered to prove the truth of the matter asserted. *State v. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019). “A hearsay statement is not admissible except as provided in the Minnesota Rules of Evidence or any other rules prescribed by our court or the Legislature.” *Id.* (citing Minn. R. Evid. 802). There is no dispute that the recording of L.Y.’s “in his body” statement contained hearsay.

Rule 807 provides a “residual exception,” allowing for the admission of certain hearsay statements even if other exceptions to the hearsay rule do not apply:

A statement not specifically covered by Rule 803 or 804 but having equivalent circumstantial guarantees of trustworthiness, is not excluded by the hearsay rule, if the court determines that (A) the statement is offered as

evidence of a material fact; (B) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and (C) the general purposes of these rules and the interests of justice will best be served by admission of the statement into evidence.

Minn. R. Evid. 807.

We have said that the decision to admit a hearsay statement under Rule 807 involves two steps. *Hallmark*, 927 N.W.2d at 292. First, the district court must consider the totality of the circumstances to evaluate whether the statement has circumstantial guarantees of trustworthiness. *Id.* Second, the district court must evaluate whether the statement satisfies prongs A, B, and C listed in the rule. *Id.* at 293. The statement is admissible only if it has sufficient circumstantial guarantees of trustworthiness *and* it satisfies all three prongs.

Here, the district court did not abuse its discretion, because it reasonably determined that the recording of the “in his body” statement did not satisfy prong B—the requirement that the statement be “more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts.” Minn. R. Evid. 807. To the contrary, the district court determined that the recording was “not more probative than [L.Y.’s] testimony.” Before the district court made this determination, L.Y. had testified extensively. He testified that he performed CPR on T.B. and that his mouth “touched” T.B.’s. He testified that he told officers at the scene that T.B. had recently been potty trained, despite none of the officers asking about potty training. He explained that he had concerns about giving the officers a DNA sample, testifying, “My concern was that whatever had happened to him that day while I was

gone was going to somehow get implicated onto me for reasons I had no idea of.” He testified that he told the officers at the scene about helping T.B. wipe while T.B. was going to the bathroom. When defense counsel first asked L.Y. whether he had told police that he was “sweating and touching [T.B.] in his body,” L.Y. responded, “During CPR? I don’t know what you’re getting at but—yeah.”

The district court noted that L.Y.’s testimony was not always clear. But the recorded statement was similarly unclear. When an officer in the recording first mentioned asking L.Y. for a DNA sample, L.Y. said, “I just gave [T.B.] mouth-to-mouth,” referring to CPR, and that L.Y. “bathe[s] him.” When asked whether his DNA would be on T.B.’s genitals, L.Y. said, “No. It shouldn’t be.” When asked whether his DNA would be on T.B.’s anus, L.Y. said, “I mean when you wipe him,” and he consistently expressed concerns about being implicated in the crime based on potty training T.B.

Whether the recording of the statement was more probative than the testimony that L.Y. had already given is a close question, but we conclude that the district court did not abuse its discretion. L.Y. testified extensively at trial. L.Y. testified that he performed CPR on T.B., including putting his mouth to T.B.’s mouth. He also testified that he told police officers that he helped wipe T.B. when T.B. went to the bathroom. He admitted to telling the police that he “touch[ed] [T.B.] in his body” when he performed CPR on T.B. Overall, L.Y. testified that he had touched T.B. and testified that he had told the police the same. Moreover, L.Y.’s testimony was consistent with the recording, which was a muddled exchange with police officers in which L.Y. expressed concerns about being implicated in the crime based on DNA evidence found on T.B. via CPR or potty training.

The district court’s conclusion—that the recording of L.Y.’s specific statement to police about “touching him in his body” is not more probative than the several instances at trial in which L.Y. admitted to touching T.B.—is reasonable based on the record.

In reaching this conclusion, we recognize that the recording itself has probative value. The State argued that Young sexually assaulted and murdered a child, and L.Y.’s admission to touching that child “in his body” inculpates L.Y. and may cast doubt as to Young’s guilt. But Rule 807 does not require only that a statement be probative: The statement must be *more probative* than any other evidence Young could have reasonably obtained. *See* Minn. R. Evid. 807. As noted above, Young elicited testimony from L.Y. about the “in his body” statement, which Young’s attorney recited in full to L.Y. during his direct examination. This is a close call, and in close cases, we defer to the district court’s evidentiary rulings, even if another court could have ruled differently. *See Blom*, 682 N.W.2d at 613. Accordingly, we defer to the district court’s exercise of its discretion and conclude that the district court did not abuse its discretion when it determined that the recording of the statement was not more probative than other evidence Young could have procured.

B.

We now turn to the district court’s denial of Young’s motion to admit the recording as impeachment evidence under Minnesota Rule of Evidence 613. Under Rule 613(b), extrinsic evidence of a prior inconsistent statement is generally inadmissible unless the witness is given a prior opportunity to explain or deny the evidence and the opposing party is afforded an opportunity to cross-examine the witness about the evidence. Minn.

R. Evid. 613(b). Additionally, to impeach a witness with evidence of a prior inconsistent statement, the proponent of the evidence must show that the witness's statements are actually inconsistent. *State v. Vance*, 254 N.W.2d 353, 358 (Minn. 1977).

Here, Young sought to impeach L.Y. by admitting the recording of L.Y. stating that he had touched T.B. "in his body" as evidence of a prior inconsistent statement. He sought to do so during his direct examination of L.Y. During the direct examination, L.Y. gave conflicting testimony, appearing to both admit and deny making the statement. Initially, L.Y. admitted to making the statement. On direct examination, L.Y. was asked, "Did you tell the police that you were sweating and touching [T.B.] in his body?" L.Y. answered, "During CPR? I don't know what you're getting at but—yeah." L.Y. further testified that the statement was taken "out of context." Young's attorney attempted to refresh L.Y.'s recollection of the statement with a transcript of the police interview that included the statement. After L.Y. reviewed the transcript, Young's attorney asked L.Y., "So you're saying you never said 'even though I was sweating and touching him in his body?' " L.Y. responded, "It might have sounded like that but that's not what was said, never even once." Eventually, Young's attorney asked L.Y., "[D]id you say those words in that order?" to which L.Y. replied, "No."

Based on this muddled exchange, the district court determined that L.Y. did not deny making the statement. The district court reasoned that L.Y.'s testimony was that he was confused and under duress when he made the statement and that the statement was not what L.Y. meant. Having determined that Young had not met his burden to show that

the recording contained an inconsistent statement, the district court did not allow Young to admit the recording.

A district court does not abuse its discretion in excluding an inconsistent statement if the witness admits to making the statement. *State v. Fraga*, 898 N.W.2d 263, 271 (Minn. 2017). When it is uncertain or ambiguous whether a statement satisfies Rule 613(b), the district court has the discretion to “weigh the matter,” and we will not reverse the district court’s decision “unless it is clearly shown that the [district] court abused its discretion.” *Vance*, 254 N.W.2d at 358.

Here, reasonable minds could disagree. L.Y. appeared to both admit and deny making the statement. In light of the uncertainty and ambiguity in L.Y.’s testimony, the district court’s weighing of the matter was permissible under *Vance*. *See id.* And we cannot say that Young has clearly shown that the district court’s determination was inconsistent with the law or the facts in the record. *See id.* L.Y. expressly or impliedly admitted to making the statement at least four times. He admitted it when first asked about the statement, testifying, “I don’t know what you’re getting at but—yeah.” He admitted it again shortly thereafter, claiming that the officer was taking the statement “out of context.” When Young’s attorney and the district court judge were discussing refreshing L.Y.’s recollection, Young’s attorney told the judge that L.Y. “just said that’s not what he said,” at which point L.Y. interjected, “*No*, I said that’s not how it *sounded*.” (Emphasis added.) And at the end of the exchange, L.Y. testified that he “might have like said it like on accident or something.”

Even if these admissions were equivocal, so were Young's possible denials. For example, L.Y. testified, "*It might have sounded like that* but that's not what was said, never even once," and "That's not what was *meant*, no. *Might have sounded like that.*" (Emphasis added.) The district court determined that L.Y. did not deny making the statement but that L.Y. instead testified that he was confused and the statement was not what he meant. That determination is consistent with the exchange set forth above. Accordingly, we conclude that the district court did not abuse its discretion when it denied Young's motion to admit the recording of L.Y.'s statement as impeachment evidence, because Young did not show that the statements were actually inconsistent.

II.

We next consider Young's argument that the district court abused its discretion by excluding a portion of a video recording from an officer's squad car. The first portion of the video shows a view of the crime scene outside the empty squad car's windshield, and the second portion of the video shows a conversation in the squad car between Young and L.Y., in which L.Y. does most of the speaking. The State offered and published the first portion of the video during its direct examination of the police officer. Young moved to publish the second portion twice: first during his cross-examination of one of the responding officers in the State's case-in-chief and then again during his direct examination of the same officer during Young's case. The district court denied both motions, and we review each decision in turn.

A.

We begin with the district court's exclusion of the second portion of the video during Young's cross-examination of the officer. The district court based its decision on Minnesota Rule of Evidence 611(b), which provides that "[c]ross-examination should be limited to the subject matter of the direct examination and matters affecting the credibility of the witness" but that the district court may exercise its discretion to "permit inquiry into additional matters." The scope of cross-examination is "largely left to the discretion of the [district] court," and we will not overturn a district court's ruling under Rule 611(b) "absent a clear abuse of discretion." *State v. Parker*, 585 N.W.2d 398, 406 (Minn. 1998).

The district court determined that the scope of the State's direct examination of the police officer was limited to "presence at the scene, what happened there," and that the scope ended with "the statement that [Young] went into [the officer's] squad car, and they then went to the law enforcement center." The district court determined that the scope did *not* include what was said or done during the ride to the police station.

In evaluating the district court's decision, our reasoning in *State v. Parker*, 585 N.W.2d 398, is instructive. In *Parker*, we determined that the district court did not abuse its discretion by excluding evidence as beyond the scope of direct examination in part because the defendant who sought to expand the scope of cross-examination could have called the witness as a defense witness. *Id.* at 406. Here, not only *could* Young have called the police officer as a witness, but he in fact *did* call the police officer as a witness. Just as in *Parker*, here we conclude that the district court did not abuse its discretion by

declining to allow Young to present the second portion of the video in his cross-examination of the police officer.

B.

We now turn to the district court's decision to exclude the second portion of the squad car video during Young's direct examination of the officer. At this stage, the district court excluded the video for two reasons. First, it determined that the video was cumulative under Minnesota Rule of Evidence 403. Second, it determined that the video contained inadmissible hearsay. Because we conclude that the district court did not abuse its discretion when it excluded the evidence because it was cumulative, we do not reach the district court's alternative ruling related to hearsay. *See, e.g., State v. Ali*, 855 N.W.2d 235, 244 n.7 (Minn. 2014) (declining to reach alternative ground for excluding a document when we determined that the district court excluded it on a proper ground).

Minnesota Rule of Evidence 403 permits the district court to exclude otherwise relevant evidence for a variety of reasons, including when such exclusion would avoid the "needless presentation of cumulative evidence." We have said that evidence is cumulative when it "merely duplicate[s] other evidence already presented." *State v. Buchanan*, 431 N.W.2d 542, 551 (Minn. 1988); *see also State v. Zumberge*, 888 N.W.2d 688, 696 (Minn. 2017) (explaining the same). But evidence is not cumulative when it is "probative of material facts in ways unique and distinct from the other evidence in the case." *State v. Schulz*, 691 N.W.2d 474, 479 (Minn. 2005).

Here, the district court determined that the squad car video was cumulative when considered in light of L.Y.'s testimony during direct examination. We will reverse a district court's Rule 403 decision for a "clear abuse" of discretion. *Schulz*, 691 N.W.2d at 477. And we "routinely affirm the exclusion of evidence on the ground that it would involve needless presentation of cumulative evidence." *State v. Foster*, 20 N.W.3d 6, 27 (Minn. 2025).

Young argues that the excluded portion of the video contained the only evidence of the statements that L.Y. made in the squad car. But comparing the video with L.Y.'s testimony, we note that L.Y.'s statements in the squad car and his testimony at trial were largely the same: L.Y. left Mankato while T.B. was still alive; was in contact with Young, T.B.'s sister, and T.B. to some extent over the phone while he was gone; came back to the scene and panicked; gave T.B. mouth-to-mouth CPR; told Young to either call or speak to the police; and attempted to reassure Young. There are some minor discrepancies between the video and L.Y.'s trial testimony as to who had called to check up on T.B. and how often that happened. Despite these discrepancies, the second portion of the video is largely duplicative of other evidence. Young presented the information via his direct examination of L.Y., instead of via the squad car video. Accordingly, Young's argument that the video presents the only evidence of what was said in the squad car is not persuasive, and the district court was within its discretion to conclude that the statements in the video are not "probative of material facts in ways unique and distinct from the other evidence in the case." *Schulz*, 691 N.W.2d at 479.

Young also argues that the video was not cumulative because it corroborates L.Y.'s testimony. Although we have said that corroboration evidence is not cumulative, *see State v. Penkaty*, 708 N.W.2d 185, 203 (Minn. 2006), Young's attempt to apply that principle to the circumstances here misses the mark. Evidence may corroborate some or all of a witness's testimony when it "restore[s] confidence in the truth of" that testimony. *State v. Clark*, 755 N.W.2d 241, 253 (Minn. 2008) (citation omitted) (internal quotation marks omitted). But Young did not seek to introduce the video to make L.Y.'s testimony at trial *more* credible. Instead, according to Young's characterization of the evidence, Young attempted to introduce the video to *undermine* L.Y.'s credibility by showing that L.Y. lied and scapegoated Young.

We defer to the district court's evidentiary rulings, even if another court might have ruled differently. *See Blom*, 682 N.W.2d at 613; *Dolo v. State*, 942 N.W.2d 357, 362 (Minn. 2020). Because we conclude that the district court acted within its discretion when it determined that the statements in the second portion of the squad car video were cumulative under Rule 403, we conclude that the district court did not abuse its discretion when it denied Young's motion to admit the video.

III.

We next turn to Young's argument that the district court abused its discretion by excluding evidence of L.Y.'s internet search history. In pretrial motions, both the State and Young sought to introduce internet search history evidence at trial. The State sought to admit evidence that Young searched the Internet for pornography related to sex with a

younger stepbrother, and Young sought to admit evidence that L.Y. searched the Internet for “anal teen” pornography.

In a pretrial order, the district court considered and denied both motions. The district court first analyzed Young’s internet search history, which was offered by the State. The district court determined that the evidence was inadmissible because the search was not a search for child pornography, was not criminal conduct, was not substantively similar to the charged crime, was “border[ing] on propensity,” and was highly prejudicial. The district court then explained that a “similar analysis applie[d]” to L.Y.’s browsing history. With respect to L.Y.’s search for “anal teen” pornography, the district court reasoned that a “teen” could be a legal adult (18 or 19 years old), the conduct occurred weeks before T.B.’s death, and these searches were highly prejudicial.

Only the exclusion of L.Y.’s internet search history is at issue in this appeal. Upon satisfying the threshold requirement to present an alternative perpetrator defense, which Young did here, a defendant may present evidence that “tend[s] to prove the [alleged alternative perpetrator] committed the act to create reasonable doubt about [the defendant]’s guilt.” *State v. Heller*, 12 N.W.3d 452, 469 (Minn. 2024). Such evidence may include “evidence of an alternative perpetrator’s other crimes, wrongs, or bad acts under certain circumstances.” *See State v. Glover*, 4 N.W.3d 124, 134 (Minn. 2024) (citation omitted) (internal quotation marks omitted). We refer to such evidence as reverse-*Spreigl* evidence. *Id.* For reverse-*Spreigl* evidence to be admissible, the defendant must show: (1) clear and convincing evidence that the alternative perpetrator participated in the prior conduct; (2) that the conduct is “relevant and material to the charged crime;”

and (3) “that the probative value of the ... evidence outweighs its potential for unfair prejudice.” *Id.* at 134–35 (citation omitted) (internal quotation marks omitted). The first requirement of the reverse-*Spreigl* test—that there was clear and convincing evidence that L.Y. performed the internet searches—is not at issue here. Accordingly, we turn our analysis to whether the district court abused its discretion when it determined that Young failed to show that the evidence of L.Y.’s searches was relevant and material to the charged crime.

Ordinary evidentiary rules apply to the admissibility of alternative perpetrator evidence, and the defendant must make the same showing of relevance and materiality as is required to admit prior bad acts of a defendant under Minnesota Rule of Evidence 404(b)(1). *Heller*, 12 N.W.3d at 469. Accordingly, the defendant must show that the reverse-*Spreigl* evidence will “show the alternative perpetrator’s motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.” *Id.* at 470; *see also* Minn. R. Evid. 404(b)(1). And, consistent with Rule 404(b)(1), we have further explained that reverse-*Spreigl* evidence “is not admissible to prove that the alternative perpetrator had the propensity to commit the crime for which the defendant is on trial, but it may be admissible for other purposes.” *Heller*, 12 N.W.3d. at 469.

When evaluating whether reverse-*Spreigl* evidence is relevant and material, the district court must assess the closeness of the relationship between the evidence and the charged crime in terms of “time, place, or modus operandi.” *Glover*, 4 N.W.3d at 135 (citation omitted) (internal quotation marks omitted). Here, the district court examined

the closeness in time between the internet searches and the crime charged, determining that the searches occurred “weeks prior” to T.B.’s death. The district court also examined modus operandi, determining that a search for “anal teen” pornography was not sufficiently similar to the sexual assault of a two-year-old, because teens may be legal adults “of eighteen or nineteen.” The district court reasoned that this meant that the search was not evidence that L.Y. had searched for child pornography. We conclude that the district court reasonably determined that the internet searches and the crime charged were not sufficiently similar in terms of time and modus operandi.⁶

In sum, in evaluating the evidence of L.Y.’s internet search history, the district court cited the correct rule of law governing the admission of reverse-*Spreigl* evidence, it applied the requirements of Rule 404(b)(1), and it arrived at a logical result. The district court therefore did not abuse its discretion when it excluded L.Y.’s internet search history.⁷ See *Bustos*, 861 N.W.2d at 666.

⁶ The parties made no argument to the district court or our court regarding the relationship between the evidence and the charged crime in terms of “place.”

⁷ Because we determine that the district court did not abuse its discretion when it excluded the evidence on the grounds that the evidence was not relevant or material to the crime charged, we need not reach the additional requirements of the reverse-*Spreigl* test. See *Glover*, 4 N.W.3d at 136 n.6 (declining to reach the probative value requirement after determining that the district court did not abuse its discretion in finding that the reverse-*Spreigl* evidence was not relevant and material). And because we conclude that the district court logically and permissibly analyzed relevance and materiality in terms of time and modus operandi, we need not reach the district court’s determination that the search history evidence “borders on propensity.”

IV.

We now consider Young’s argument that the district court abused its discretion by excluding evidence showing that L.Y. had been convicted of possession of methamphetamine. The district court determined that this reverse-*Spreigl* evidence was not relevant or material to the crime charged. The district court also determined that the evidence of the prior convictions was prejudicial to L.Y. because it associated him with an illegal substance. On appeal, Young argues that this was an abuse of discretion because T.B. had methamphetamine in his system when he died, so evidence that L.Y. possessed methamphetamine in the past was relevant and material.

To resolve this question, we again analyze whether the district court abused its discretion in applying the reverse-*Spreigl* test. As discussed above, reverse-*Spreigl* evidence is relevant and material if it “show[s] the alternative perpetrator’s motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.” *Heller*, 12 N.W.3d at 470; *see also* Minn. R. Evid. 404(b)(1). And we reiterate that the district court’s analysis should focus on the closeness of the relationship between the evidence and the charged crime in terms of “time, place, or modus operandi.” *Glover*, 4 N.W.3d at 135 (citation omitted) (internal quotation marks omitted).

The district court again conducted an analysis guided by the relevant rule of law. Turning first to the timing of the conduct, the district court noted that the prior convictions showed only that L.Y. possessed methamphetamine “in the past.” The district court then determined that the modus operandi was not sufficiently similar, noting that “nothing about [L.Y.’s] previous conviction illustrates how or why methamphetamine

would be in [T.B.’s] body.” Instead, the district court observed, the proffered evidence “merely show[ed] that [L.Y.] has been in contact with methamphetamine in the past.”⁸ The district court reasonably determined that possessing methamphetamine and causing a two-year-old to ingest methamphetamine were not substantially similar. *See, e.g., id.* (explaining that we require a “high degree of similarity ... between the reverse-*Spreigl* incident and the charged crime to establish relevance”). There is no dispute that, although T.B. had a small amount of methamphetamine in his system, he did not die from consuming methamphetamine. The district court therefore did not abuse its discretion when it determined that the prior convictions were not relevant and material to the crimes charged in this case.⁹

Accordingly, the district court did not abuse its discretion when it excluded evidence of L.Y.’s prior methamphetamine possession convictions.

V.

Young’s two remaining trial-error claims relate to the testimony of a BCA forensic scientist who testified as an expert for the State regarding DNA testing that the forensic scientist conducted on evidence collected from the apartment. Young challenges the exclusion of a learned treatise during cross-examination and the admission of testimony

⁸ The parties made no arguments as to whether this reverse-*Spreigl* evidence was similar as to “place.”

⁹ As above, in light of our determination that the district court did not abuse its discretion because the prior convictions do not meet the relevance and materiality requirement, we need not reach the other requirements of the reverse-*Spreigl* test. *See Glover*, 4 N.W.3d at 136 n.6.

regarding an undisclosed expert opinion. We address the learned treatise here and the undisclosed expert opinion in section VI.

During cross-examination of the forensic scientist, Young sought to impeach the forensic scientist with a scientific article that discussed confirmation bias in forensic science. Under the Rules of Evidence, parties may read a learned treatise into evidence on direct or cross-examination but not admit the treatise as an exhibit. Minn. R. Evid. 803(18). The forensic scientist acknowledged that the article was “required reading” at the BCA and was a learned treatise recognized by experts in the field. Young sought to use the article to impeach the forensic scientist (specifically, to demonstrate bias) but did not seek to admit the article as substantive evidence. The State objected to Young’s use of the article because it had not been disclosed. *See* Minn. R. Crim. P. 9.02, subd. 1 (requiring the defense to disclose certain materials prior to criminal trials).

Although the district court excluded the article, it permitted Young to cross-examine the forensic scientist about confirmation bias. The district court’s reason for excluding the article is unclear, but it appears to have been based on the district court’s determination that the article had no probative value. Because the district court’s reasoning is not clear here, it is difficult for us to determine whether the district court abused its discretion when it excluded the article. And as for the State’s assertion that the district court properly excluded the article because it was not disclosed before trial, we have not squarely addressed whether a learned treatise must be disclosed prior to its admission at trial.

We need not decide that issue here, however, because even assuming that the district court abused its discretion by excluding the article, we conclude that the exclusion is harmless beyond a reasonable doubt. *See Westrom*, 6 N.W.3d at 155. “[E]xclusion of evidence is harmless beyond a reasonable doubt when, assuming the potential damage of the excluded evidence were fully realized, a reasonable jury would have reached the same verdict.” *Id.* (citation omitted) (internal quotation marks omitted).

Here, although Young was not permitted to use the article to educate the jury about confirmation bias, Young’s attorney was able to effectively cross-examine the forensic scientist about the same topic. Young’s attorney elicited testimony from the forensic scientist that lent credibility to Young’s points about confirmation bias. During cross-examination, the forensic scientist confirmed that he had read the article about confirmation bias because the article was “required reading” for his job at the BCA and that the article was “a learned treatise recognized by experts in [the] field.” The forensic scientist also defined the term “confirmation bias,”¹⁰ acknowledged that confirmation bias is discussed in the forensic scientist community, and admitted that confirmation bias may be problematic in the work that the BCA performs. This testimony lent authoritative support to the point being made in cross-examination—that confirmation bias could have undermined the BCA’s work. For these reasons, even if Young’s attorney had been permitted to read from the article itself, it would not have significantly affected the tenor

¹⁰ The forensic scientist testified that “[c]onfirmation bias is when – where we’re confirming that someone is involved with a case, or in my circumstance a DNA profile would be matching a certain known individual in a case.”

or impact of the cross-examination, and a reasonable jury would have nonetheless reached the same verdict. *See Westrom*, 6 N.W.3d at 155. Accordingly, we conclude that any error in the exclusion of the article was harmless beyond a reasonable doubt.

VI.

We next address Young’s other challenge related to the forensic scientist’s testimony, which he first raised in a petition for postconviction relief.¹¹ Young argues that he is entitled to a new trial based on the admission of the forensic scientist’s trial testimony regarding an undisclosed expert opinion. At trial, the expert testified that the blood on Young’s shoes was human blood, but the expert’s opinion that the blood was *human* blood had not been disclosed before trial.

Because Young did not object to the opinion testimony at trial, his challenge is forfeited unless it meets the exception for plain error. *See Arredondo v. State*, 754 N.W.2d 566, 574 (Minn. 2008) (applying plain-error review to a postconviction claim that required us to analyze the unobjected-to introduction of evidence at trial). To satisfy the plain-error exception, an appellant must establish “(1) an error, (2) that is plain, and (3) that affects the [appellant]’s substantial rights.” *Pulczynski v. State*, 972 N.W.2d 347, 356 (Minn. 2022). And plain error is reversible “*only* when it seriously affects the fairness, integrity, or public reputation” of the judicial system. *Id.*

¹¹ Although Young’s petition for postconviction relief raised three issues, Young appeals only the district court’s denial of relief on one issue: whether the State’s failure to disclose an expert opinion about the forensic evidence found on Young’s shoes warranted a new trial.

Before trial, the State disclosed the forensic scientist's report, which included the scientist's opinion that Young's shoes tested positive for both blood and a mixture of DNA containing T.B.'s DNA. At trial, beyond what the State disclosed prior to trial, the forensic scientist also testified that the blood found on Young's shoes was *human* blood. The State concedes that it was plain error not to disclose this opinion as required under the Minnesota Rules of Criminal Procedure. Minn. R. Crim. P. 9.01, subd. 1(4)(c) (requiring the State to disclose information that is within its "possession or control," including expert reports and "findings, opinions, or conclusions the expert will give" at trial).

Because the State concedes that the admission of the forensic scientist's opinion was plain error, we analyze whether Young has met his burden to show that the error affected his substantial rights. *See State v. Watkins*, 840 N.W.2d 21, 28 (Minn. 2013). An error affects substantial rights when the appellant shows that "there is a reasonable likelihood that the error[] had a significant effect on the jury's verdict." *Bustos*, 861 N.W.2d at 663 (citation omitted) (internal quotation marks omitted). When deciding whether wrongfully admitted evidence significantly affected the verdict, we generally consider four non-exclusive factors: (A) "the manner in which the party presented the evidence," (B) "whether the evidence was highly persuasive," (C) "whether the party who offered the evidence used it in closing argument," and (D) whether the other party "effectively countered the evidence." *State v. Bigbear*, 10 N.W.3d 48, 54 (Minn. 2024) (citation omitted) (internal quotation marks omitted). We also consider the overall strength of the evidence. *Id.* at 59. If the other evidence against the defendant is strong, it

is less likely that the wrongfully admitted evidence affected the verdict. *Id.* We examine these factors below.

A.

In reviewing the manner in which the party presented the evidence, we have tended to examine the role that the evidence played in the case. *Id.* at 56. The more prominent the evidence, the more likely it is that the evidence had a significant effect on the verdict. *See State v. Trifiletti*, 6 N.W.3d 79, 95 (Minn. 2024). To evaluate prominence, we have considered whether the jury may have “focused unduly on th[e] evidence” based on the type and variety of other evidence presented. *See Townsend v. State*, 646 N.W.2d 218, 223 (Minn. 2002) (determining that the jury did not unduly focus on the wrongfully admitted evidence when the trial included “extensive testimony regarding DNA, ballistics, and an arson investigation” and when the wrongful evidence “was not the focus of any one witness’ testimony”); *Trifiletti*, 6 N.W.3d at 95 (explaining that if the wrongfully admitted evidence is presented in a manner that does not give it significant focus, then it is less likely the jury’s verdict was based on that evidence).

Here, the State did not present the evidence in a way that gave it significant focus, nor is there any indication in the record that the jury focused unduly on the undisclosed opinion. In this case, as in *Townsend*, the State called many witnesses, including police officers, family members, and experts. *See Townsend*, 646 N.W.2d at 223 (noting that “several witnesses” testified about the crime scene and none focused on the erroneously admitted evidence). These witnesses presented a large volume of evidence spanning a variety of topics, including the crime scene, the events following the discovery of T.B.’s

body, T.B.'s autopsy, Young's and L.Y.'s whereabouts, and DNA evidence that had been properly disclosed to Young before trial.

We further note that the undisclosed opinion was not the focus of the forensic scientist's testimony. The forensic scientist discussed DNA profiling results from over 20 samples, one of which was from Young's shoes. These samples were also from parts of Young's body, parts of T.B.'s body, T.B.'s teddy bear, Young's clothing, and towels and bedsheets recovered from the scene of the crime. Of these samples, the forensic scientist spent the most time discussing DNA profiling results from samples taken from various parts of T.B.'s body, as well as profiling results from semen found on Young's underwear. The State used this testimony to argue that Young's semen and DNA were on several objects connected to the crime, and therefore, that it was Young who committed the crime. Young's attorney also spent significant time cross-examining the forensic scientist, during which Young's attorney focused on testing errors, confirmation bias, and the extent to which the DNA evidence actually inculpated Young.

In evaluating the manner in which evidence is presented, we often also examine whether the evidence was a large part of the State's case based on the number of transcript pages occupied by the presentation of the evidence. *See State v. Smith*, 940 N.W.2d 497, 506 (Minn. 2020) (noting that contested testimony amounted to just 35 pages of a 1,380-page trial transcript). Here, the undisclosed testimony spans a small fraction of the trial transcript's 1,076 total pages. The forensic scientist's testimony occupies approximately 100 transcript pages. And of those 100 pages, only three pages relate to the undisclosed opinion. This reflects a significantly smaller percentage than that

at issue in *Smith*, a case in which we determined that the wrongfully admitted evidence was “only a small part of the State’s presentation.” 940 N.W.2d at 506.

Because the opinion was a small portion of a lengthy trial and was not given significant focus, the manner in which the evidence was presented weighs against a determination that the undisclosed opinion affected Young’s substantial rights.

B.

Turning next to the persuasiveness of the improperly admitted evidence, the State acknowledges that the undisclosed opinion was persuasive. We agree. Here, a qualified DNA expert offered a conclusive opinion about the nature of the blood on Young’s shoes based on scientific testing. We generally consider such conclusive, scientific opinions to be persuasive. *See State v. Caulfield*, 722 N.W.2d 304, 314–15 (Minn. 2006) (concluding that a BCA report was persuasive because it provided “conclusive proof” not provided in other testimony). The undisclosed opinion’s persuasiveness favors a determination that the lack of disclosure affected Young’s substantial rights.

C.

We have reasoned that there is a greater possibility that wrongfully admitted evidence impacted the verdict when the State focuses on that evidence during its closing argument. *Trifiletti*, 6 N.W.3d at 95. Here, the State did not rely on the undisclosed opinion during closing argument. Instead, the State made reasonable inferences based on the forensic scientist’s admissible testimony that there was both blood and human DNA on the shoes. We have long held that a prosecutor may make reasonable inferences based on the *admissible* evidence in closing argument. *See Fraga*, 898 N.W.2d at 278; *State v.*

Bobo, 770 N.W.2d 129, 142 (Minn. 2009); *State v. Barnes*, 713 N.W.2d 325, 336 (Minn. 2006); *State v. Porter*, 526 N.W.2d 359, 363–64 (Minn. 1995). That is what the prosecutor did here.

In this case, the State mentioned the blood found on Young’s shoes four times in its closing argument, noting that “the major profile of the DNA mixture on those shoes” matched T.B.’s, that T.B. “contributed DNA to the blood stains on defendant’s shoes,” that human blood was found on the shoes because “[h]uman DNA” was found in the blood samples on the shoes, and that the jury should “[k]eep in mind the defendant had [T.B.]’s blood on his Converse shoes.”

Although the State mentioned the blood on Young’s shoes four times, these statements reflect reasonable inferences based on the admissible portions of the forensic scientist’s testimony, which included his opinions that the samples from the shoes contained a mixture of DNA, that T.B.’s DNA was the “major male component” in the mixture, that there was “human DNA” in the mixture, and that there was blood on the shoes. The State did not need to rely on the inadmissible portion of the testimony, noting at trial that “a lot [had been] made about whether ... they could say it was human blood.” The State went on to make a reasonable inference based on the admissible evidence: “Human DNA was found in all three samples. What does that prove? That it’s human blood on those shoes.” Because the State’s closing argument relied on reasonable inferences made from the admissible evidence, the closing argument did not contribute to the impact of the wrongfully admitted evidence on the verdict. *See Trifiletti*, 6 N.W.3d

at 98 (explaining that it was less likely that the wrongfully admitted evidence affected the verdict when the prosecutor did not refer to the evidence at closing argument).

D.

We next consider whether Young successfully countered the impermissible evidence, limiting its impact on the verdict. *See Bigbear*, 10 N.W.3d at 59. Inadmissible witness testimony may be effectively countered through cross-examination. *See, e.g., Smith*, 940 N.W.2d at 505–06. And here the cross-examination appears to have been effective. Young’s attorney cross-examined the forensic scientist on the merits of that opinion. *See Caulfield*, 722 N.W.2d at 315 (explaining that evidence is less likely to have been effectively countered when the admissibility of the evidence is challenged instead of the merits). Upon cross-examination, the forensic scientist admitted that he had not disclosed his opinion that the blood on the shoes was human blood to anyone and that he could not say who the blood belonged to.

In addition to cross-examination, a defendant’s closing argument may also counter the use of impermissible evidence. *See State v. McDonald-Richards*, 840 N.W.2d 9, 20 (Minn. 2013) (countering was effective when counsel “supported [the defendant’s] explanation in closing argument”). We note that Young’s closing argument spent significant time discrediting the forensic scientist’s DNA analysis.

The fact that Young had opportunities to counter the undisclosed opinion both in cross-examination and in his closing argument—and took advantage of those

opportunities—again cuts against a conclusion that the opinion significantly affected the verdict.¹²

E.

Our final consideration is the overall strength of the evidence. If the evidence against a defendant is strong, it is less likely that the impermissible evidence affected the outcome of the verdict. *Bigbear*, 10 N.W.3d at 59. Here, the State presented strong evidence against Young: He lied to the police. He spent most of the day in the apartment with T.B. His semen, along with T.B.’s blood, was found on a towel and a blanket collected from the apartment. And his underwear had a semen stain that contained a mixture from which T.B.’s DNA could not be excluded. The opinion that the blood on Young’s shoes was *human* blood, while undisclosed, is also a reasonable inference given

¹² This case is unlike *State v. Beecroft*, 813 N.W.2d 814, 838–41 (Minn. 2012), in which a plurality of our court concluded that the State’s intimidation of a defendant’s expert witness violated the defendant’s constitutional right to present a complete defense. In *Beecroft*, the State’s intimidation convinced the defendant’s expert not to testify, and the plurality noted that, without the expert witness, the defendant lacked an “equal opportunity to present to the factfinders the opposing views of the defendant’s experts” and lost a “critical opportunity to cast doubt on the government’s evidence.” *Id.* at 839 & n.14. As discussed above, we acknowledge that the expert’s testimony was persuasive. But the State did not prevent Young’s expert from testifying or otherwise work to exclude relevant evidence. We have not held that the erroneous admission of expert testimony must always substantially affect a verdict or that the only way to counter erroneous admission of expert testimony is with the testimony of another expert. To the contrary, we have concluded that a verdict was not substantially affected even when there was no indication that the defendant countered erroneously admitted expert testimony with their own expert witness. *See State v. Matthews*, 800 N.W.2d 629, 634–35 (Minn. 2011).

the other facts in the forensic expert's report, which noted that there was both blood and human DNA on the shoes.¹³

We acknowledge that Young's alternative perpetrator defense highlighted evidence that pointed toward L.Y.'s potential culpability. For example, L.Y. made the unusual decision to leave home to purchase a used car at approximately 1:00 a.m., and L.Y. also appears to have lied to the police. And based on the evidence presented at trial, it is possible T.B. could have died before L.Y. left the apartment. Young also presented evidence that L.Y. was untrustworthy. For example, Young showed that L.Y. admitted to destroying a video camera that was in the apartment and which documented the moments following the discovery of T.B.'s body. But police officers' search of a nearby car recovered an undamaged video camera in the pocket of a jacket that L.Y. had placed in the car after officers arrived on the scene—a fact that Young used to argue that L.Y. had lied about destroying the camera. As to forensic evidence, Young pointed to the fact that L.Y.'s DNA was found on T.B.'s mouth. Since no one testified that they saw L.Y. give CPR and T.B.'s mouth was closed while in full rigor mortis, Young's theory was that L.Y.'s DNA was deposited there while T.B. was still alive. Young highlighted this evidence, arguing extensively that L.Y. killed T.B. or, at the very least, that there was reasonable doubt about the identity of T.B.'s killer. The jury rejected Young's theory.

¹³ As Young's counsel noted at oral argument, the forensic scientist's report also found that "presumptive testing" could not confirm that the blood on Young's shoes was "of human origin." This portion of the report does not express an opinion as to whether the blood was human blood. That the blood was human blood remains a reasonable inference that is consistent with the report.

Under a plain-error analysis, Young bears the burden to demonstrate that the erroneously admitted evidence affected his substantial rights by significantly affecting the verdict. *See Bigbear*, 10 N.W.3d at 54. But Young has not demonstrated that the forensic scientist's single, undisclosed opinion significantly affected the verdict. The opinion played a minor part in a lengthy trial, and the State did not focus on the opinion during direct examination or closing argument. When the opinion was admitted during direct examination, Young countered it with an effective and discrediting cross-examination on the merits. And the State did not rely on the opinion in its closing argument, instead relying on reasonable inferences based on the admissible portions of the forensic scientist's testimony. Moreover, there was substantial evidence against Young, including independent and admissible DNA evidence. We therefore conclude that Young has not met his burden here.

Because the admission of testimony regarding the undisclosed opinion that the blood on Young's shoes was human blood did not affect Young's substantial rights, that error is not grounds for reversal.

VII.

Finally, we address the cumulative effect of the errors identified above. An appellant is entitled to a new trial when the district court's errors, taken cumulatively, have the effect of denying the defendant a fair trial. *Fraga*, 898 N.W.2d at 278. To evaluate the cumulative effect of the errors, we look at "the egregiousness of the errors and the strength of the State's case." *Id.*

Young’s appeal reveals two possible errors for us to consider cumulatively: the exclusion of the article about confirmation bias during Young’s cross-examination of the forensic scientist¹⁴ and the admission of the forensic scientist’s testimony regarding the undisclosed opinion that the blood found on Young’s shoes was human blood. Considered together, these errors did not produce an unfair trial. As discussed above, the exclusion of the article did not prevent Young from cross-examining the forensic scientist about confirmation bias—the point he sought to make with the article. And although the State concedes that the forensic scientist’s opinion about the nature of the blood on the shoes was improperly admitted because it was not previously disclosed, that opinion was also a reasonable inference from the admissible portions of the forensic scientist’s testimony, and it was not the focus of the State’s lengthy presentation of evidence.

We may reverse based on cumulative error in “very close factual cases,” but we have declined to reverse based on cumulative error when the State’s case against the defendant is strong. *See id.* at 279. Here, the district court was required to make close calls. But the two errors that we have identified occurred over the course of a lengthy, seven-day trial in which the State put on a strong case, showing not only that Young’s DNA implicated Young in the crime, but also that Young was in the apartment with T.B. and had the means to commit the crime. And Young also presented a meaningful defense, which the jury ultimately rejected. The jury considered a substantial alternative perpetrator defense that shifted suspicion from Young onto L.Y. and exposed flaws in the

¹⁴ Above we assumed without deciding that the exclusion of this article was an error. We make the same assumption here.

State's forensic evidence. We presume that the jury considers all the evidence presented. *Cf. State v. Vang*, 774 N.W.2d 566, 578 (Minn. 2009) ("We assume that the jury followed the court's instructions and properly considered the evidence."). Based on the evidence presented to the jury, we conclude that the errors, when considered cumulatively, did not deny Young a fair trial.

Accordingly, a new trial is not warranted based on the cumulative effect of the errors that we have identified.

CONCLUSION

For the foregoing reasons, we affirm the conviction and the decision of the district court denying postconviction relief.

Affirmed.

D I S S E N T

HUDSON, Chief Justice (dissenting).

The due process clauses of the United States and Minnesota Constitutions guarantee criminal defendants the right to present a complete defense. U.S. Const. amend. XIV, § 1; Minn. Const. art. I, § 7; *State v. Foster*, 20 N.W.3d 6, 18 (Minn. 2025). Although the district court allowed Lee Wayne Young, Jr., to present an alternative perpetrator defense, its exclusion of inculpatory statements made by his father, L.Y., denied Young his constitutional right to present a complete defense. Accordingly, I disagree with the court's conclusion that the district court did not abuse its discretion when it denied Young's motion to admit L.Y.'s prior recorded statement under Minnesota Rules of Evidence 613 or 807.

I also disagree with the court's conclusion that the State's undisclosed expert opinion at trial did not affect Young's substantial rights. Because I conclude that the district court's errors violated Young's constitutional right to present a complete defense and denied him a fair trial, I would reverse and remand for a new trial.

I respectfully dissent.

A.

I begin with the district court's exclusion of inculpatory statements made by L.Y. First, I lay out the relevant background. Next, I evaluate the district court's evidentiary rulings and explain why they were abuses of discretion under both Rule 613 and 807. Finally, I demonstrate that the district court's errors were not harmless beyond a reasonable doubt.

1.

Only four people had access to T.B. around the time of his death: T.B.'s mother, T.B.'s sister, L.Y., and Young. Because T.B.'s anal and rectal swabs contained semen, either L.Y. or Young killed T.B. Young's defense at trial was that L.Y. committed the crime.

The district court granted Young's motion to present an alternative perpetrator defense, explaining that it did so based upon "evidence that [L.Y.] lied about his location during the hours leading up to the discovery of the deceased victim, he made various statements to police about DNA including explaining why his DNA would be on the victim's rectal area, [and] his DNA was found on the victim's oral cavity."

In a taped statement to police on the same day T.B.'s body was discovered, L.Y. expressed strong reluctance to give a DNA sample and attempted to preemptively explain why his DNA and semen might be found in T.B.'s body. The relevant portion of the audio recording is as follows:

[OFFICER]: There'd be no (inaudible), there'd be no (inaudible, two speaking at once) - - reason any semen is inside of him from you.

[L.Y.]: No. Like *if there was*, like I don't know how to f***** put this without sounding like one, like I'm trying to hide it and two, like whatever else 'cause I don't and I just don't want to get f***** over from - - I don't know how that works.

...

[OFFICER]: We're asking you to give a consensual voluntary known DNA sample, it's a cheek swab. Okay? For us to use to eliminate you from any, any evidence of any sexual assault that's found.

[L.Y.]: Even though I was sweating and *touching him in his body* - - just this afternoon when they took his clothes off, all that - - outside.

(Emphasis added.)

Given the significance of these statements to Young's defense, Young called L.Y. as a witness at trial and made multiple attempts to elicit an admission that L.Y. made the statements in an apparent effort to preemptively explain why L.Y.'s DNA might be found in T.B.'s body. But Young's attempts were futile:

[COUNSEL]: And I'm just going to go back to the DNA swab. Did you tell the police that you were sweating and touching [T.B.] in his body?

[L.Y.]: During CPR? I don't know what you're getting at but - yeah.

[COUNSEL]: I'm just saying during an interview with the police -

[L.Y.]: Well, he was just taking it out of context.

...

[COUNSEL]: What - When you said you were sweating and touching [T.B.] in his body, what did you mean?

[L.Y.]: *I never said anything in his body.* Like you're just taking my words out of context here. You can read whatever you want.

(Emphasis added.)

Following this failed attempt, Young refreshed L.Y.'s recollection with a transcript of the audio recording. The following exchange then occurred:

[L.Y.]: I don't know how it got put like that but that never -

[COUNSEL]: So you're saying you never said, "even though I was sweating and touching him in his body"?

[L.Y.]: It might have sounded like that but *that's not what was said, never even once.*

(Emphasis added.) After L.Y. denied making the statement, Young requested to impeach him with the audio recording. The State objected, arguing that Young could refresh L.Y.'s recollection with the audio recording outside the presence of the jury, but impeachment was inappropriate at that time. Young explained that he should be allowed to impeach with the recording because "[L.Y.] just said that's not what he said." L.Y. interjected:

[L.Y.]: No, I said that's not how it sounded. It might have sounded like I said that. That's not what I said. You're just trying to make –

[COUNSEL]: What do you mean by that?

[L.Y.]: You're trying to make a play on words.

[COUNSEL]: Did you say those words in that order?

[L.Y.]: *No*.

(Emphasis added.)

Again, Young requested to impeach L.Y. with the audio recording. The State objected, and the district court sustained the objection. The district court allowed Young to refresh L.Y.'s recollection outside the presence of the jury. After listening to the recording, L.Y. said the recording did not refresh his recollection. When the jury returned, the following exchange ensued:

[COUNSEL]: [N]ow that you've had a chance to refresh your recollection, do you agree that you told the police, "even though I was sweating and touching him in his body"?

[L.Y.]: That's not what was meant, no. Might have sounded like that. And I might have like said it like on accident or something because I was confused like the whole day after I got back it was just chaos.

[COURT]: Next question, please.

[COUNSEL]: You agree those are the words you said, even if you did not mean it that way?

[L.Y.]: *No.*

(Emphasis added.) After L.Y. denied making the statement, once again, Young asked to impeach L.Y. with the audio recording. The district court denied the request.

In sum, L.Y. unequivocally and unambiguously denied making the statement four times: “I never said anything in his body”; “that’s not what was said, never even once”; “No” in response to “Did you say those words in that order?”; and “No” in response to “You agree those are the words you said, even if you did not mean it that way?”

Young also attempted to question L.Y. about other parts of the taped interview, but L.Y. said the whole day was a blur, implying he had no memory of his statements. When Young asked L.Y. whether reviewing the audio recording would refresh his recollection, L.Y. said it would not.

On the next trial day,¹ Young filed a motion to admit L.Y.’s statement that L.Y. was “touching T.B. in his body” under Rule 807. The basis for Young’s motion was that the recording was more probative than L.Y.’s testimony because it was not clear that L.Y. admitted to making the statement. The State urged the district court to give some consideration to the fact that the testimony was already covered during L.Y.’s direct examination. The State disputed that L.Y. denied making the statement at issue stating, “I don’t believe [L.Y.] denied making the statement as suggested.”

¹ L.Y. testified on a Friday and thus the next trial day was the Monday following the weekend.

In the moments leading up to its ruling, the district court misstated L.Y.’s testimony several times: “[L.Y.] agreed the words were said”; “my recollection of his testimony was he did not deny making the statement”; and “He didn’t deny making the statement.” The court ultimately denied Young’s motion.

2.

“We review a district court’s evidentiary rulings for an abuse of discretion.” *State v. Bonnell*, 31 N.W.3d 527, 548 (Minn. 2026). A district court abuses its discretion when its ruling “is based on an erroneous view of the law or is against logic and the facts in the record.” *State v. Bustos*, 861 N.W.2d 655, 666 (Minn. 2015) (citation omitted) (internal quotation marks omitted). Although our abuse of discretion standard requires us to give great deference to the district court, the deference is not absolute—the district court’s rulings must be grounded in the facts in the record. *See Dolo v. State*, 942 N.W.2d 357, 362 (Minn. 2020).

a.

Under Minnesota Rule of Evidence 613, extrinsic evidence of a prior inconsistent statement is generally inadmissible “unless the witness is afforded a prior opportunity to explain or deny” the evidence and the opposing party is given an opportunity to cross-examine the witness about the evidence. Minn. R. Evid. 613(b). Additionally, to impeach a witness with evidence of a prior inconsistent statement, the proponent of the evidence must show that the witness’s statements are actually inconsistent. *State v. Vance*, 254 N.W.2d 353, 358 (Minn. 1977).

Here, Young sought to impeach L.Y. with an audio recording of L.Y.'s prior inconsistent statement that he had touched T.B. "in his body." But the district court denied Young's request to admit the recording despite the fact that L.Y. unequivocally denied making the statement at least four times: "I never said anything in his body"; "that's not what was said, never even once"; "That's not what was said"; in response to "Did you say those words in that order?" he responded, "No"; and in response to "You agree those are the words you said, even if you did not mean it that way?" he responded, "No." To the extent L.Y. ever admitted to making the statement at issue, it was equivocal at best: "That's not what was meant, no. Might have sounded like that. And I might have like said it like on accident or something" And when Young attempted to confirm whether L.Y. was admitting to making the statement, L.Y. made it clear that he was not.

And yet, the court gives the impression that L.Y.'s testimony on the issue was a toss-up and that reasonable minds could disagree on whether L.Y. admitted to making the statement or not. The record tells a different story. L.Y.'s testimony was a series of unequivocal denials, punctuated by a single, ambiguous, half-hearted admission that L.Y. immediately confirmed was not an admission. In my view, the question of whether L.Y. admitted or denied making the statement at issue was not a close call. But even if it was, an admission must be unequivocal to thwart impeachment by extrinsic evidence. *See Briggs v. Chi. Great W. Ry. Co.*, 80 N.W.2d 625, 635 (Minn. 1957) (stating that proof of inconsistency by extrinsic evidence becomes unnecessary "[o]nce a witness has *unequivocally admitted* having previously made inconsistent statements" (emphasis

added)); *Price v. Grieger*, 70 N.W.2d 421, 425 (Minn. 1955).² The district court abused its discretion when it denied Young’s request to impeach L.Y. because its ruling was against the facts in the record.³ See *Bustos*, 861 N.W.2d at 666.

b.

Because of L.Y.’s obfuscation and the district court’s ruling, Young was unable to impeach L.Y. and thus definitively prove to the jury that L.Y. made the inculpatory statement. Determined to get the statement admitted, Young turned to the “residual exception” under Minnesota Rule of Evidence 807 as an alternative means to admit L.Y.’s statement. Rule 807 allows for the admission of certain hearsay statements even if other exceptions to the hearsay rule do not apply:

A statement not specifically covered by Rule 803 or 804 but having equivalent circumstantial guarantees of trustworthiness, is not excluded by the hearsay rule, if the court determines that (A) the statement is offered as evidence of a material fact; (B) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and (C) the general purposes of these rules and the interests of justice will best be served by admission of the statement into evidence.

Minn. R. Evid. 807.

² The court implies that the equivocal admissions were adequate simply because the denials were equivocal too. First, I disagree that the denials were equivocal. There is nothing equivocal about “that’s not what was said, never even once” or “No” in response to, “You agree those are the words you said, even if you did not mean it that way?” Second, whether the denials were equivocal or not is irrelevant—the only question is whether there was an unequivocal admission. Here, there was not.

³ Although Young’s requests to impeach were made before the State had an opportunity to cross-examine L.Y. as required by Rule 613(b), that was not the basis of the district court’s denial of Young’s requests to impeach.

In support of his motion to admit the audio recording under Rule 807, Young argued that the recording was more probative than L.Y.'s testimony because it was not clear that L.Y. admitted to making the statement. But again, the district court denied Young's motion because it determined that the audio recording was "not more probative than [L.Y.'s] testimony."

Under our abuse of discretion standard, the district court's ruling should be accorded great deference. *See State v. Diggins*, 836 N.W.2d 349, 357 (Minn. 2013) (stating that we defer to the district court's evidentiary rulings because the district court is "in the best position" to evaluate the evidence (citation omitted) (internal quotation marks omitted)). But the particular circumstances of this case underscore why that deference is not absolute. To determine whether the audio recording was more probative than L.Y.'s testimony, the district court had to compare the two. Although the district court made this comparison, it did so on the Monday following L.Y.'s testimony on Friday, and without the benefit of a transcript of L.Y.'s testimony. Unfortunately for Young, the district court's recollection of L.Y.'s testimony was inaccurate. In the moments leading up to the district court's ruling, the district court repeatedly misstated key elements of L.Y.'s testimony, observing that: "my recollection of his testimony was he did not deny making the statement"; and "He didn't deny making the statement." Under no plausible reading of the record, including the one the court adopts today, is it accurate to say that L.Y. did not deny making the statement. In fact, L.Y. denied making the statement at least four times. Put simply, the district court's ruling was not grounded in the facts in the record.

It is against this backdrop that we must review the district court's exercise of discretion. Having the benefit of the transcript of L.Y.'s testimony, we are under no obligation to uphold an evidentiary ruling that was based on an erroneous recollection of the facts in the record. *See Bustos*, 861 N.W.2d at 666 (“[W]e may reverse the district court when the district court’s ruling ... is against logic and the facts in the record.” (citation omitted) (internal quotation marks omitted)).

A close look at those facts demonstrates that the audio recording was more probative on the point for which it was offered than L.Y.'s testimony. Although L.Y. was adamant about not making the inculpatory statement, his testimony was unclear at best. L.Y. tried to have his cake and eat it too by employing a combination of obfuscation and selective recollection. Indeed, the court concedes that L.Y.'s testimony was a “muddled exchange.” Even the district court, despite its misstatements of the record, acknowledged that L.Y.'s testimony was confusing: “I think what’s so confusing is this.... And that is, that, to me is the conundrum here a sort of hybrid. Well, no, I didn’t say that but here’s the explanation.”

Moreover, by L.Y.'s own admission, his recollection of his statements to the police was not reliable:

[COUNSEL]: Do you remember generally what you told them?

[L.Y.]: [I] was a little bit like confused and like overwhelmed with the whole like CPR and stuff like that. So I was kind of like blinded I guess.

...

[L.Y.]: The whole day was a blur.

[COUNSEL]: ... So you don't have a clear memory of it?

[L.Y.]: From the time I got back and started CPR until I was down with this I didn't even get a chance to breathe. I was just answering questions.

In light of this record, the question is whether the confusing, "muddled exchange," based on L.Y.'s blurry, vague recollection, was more probative than a recorded inculpatory statement given to police on the day of the crime. It was not. Accordingly, the district court abused its discretion by denying Young's motion to admit L.Y.'s recorded statement because its ruling was against the facts in the record.

3.

L.Y.'s recorded statement to police in response to a request for L.Y.'s DNA was critical to Young's defense and directly affected the ascertainment of guilt. But the district court improperly excluded this evidence, for the reasons just addressed.

When, as here, evidence was improperly excluded in violation of a defendant's right to present a complete defense, we must ask whether the error was harmless beyond a reasonable doubt. *State v. Carbo*, 6 N.W.3d 114, 123 (Minn. 2024). This standard asks whether "there is a reasonable possibility that the verdict might have been different if the evidence had been admitted." *State v. Post*, 512 N.W.2d 99, 102 (Minn. 1994). This assessment requires us to "be satisfied beyond a reasonable doubt that if the evidence had been admitted and the damaging potential of the evidence fully realized, an average jury (*i.e.*, a reasonable jury) would have reached the same verdict." *Id.* Even in cases where the State introduced strong circumstantial evidence against the defendant, we must ask whether "honest, fair-minded jurors might very well have brought in not-guilty verdicts"

absent the constitutional error. *Chapman v. California*, 386 U.S. 18, 25–26 (1967); *State v. Juarez*, 572 N.W.2d 286, 291 (Minn. 1997).

I am not satisfied beyond a reasonable doubt that an average jury would have reached the same verdict if L.Y.’s statement had been admitted and fully realized its damaging potential—honest, fair-minded jurors might well have brought in not guilty verdicts.

First, if L.Y.’s statement had been admitted, the jury would have learned that L.Y. lied under oath. Additionally, the jury would have also learned that in the immediate aftermath of T.B.’s sexual assault and murder, L.Y. was extremely reluctant to give his DNA sample and that he repeatedly tried to preemptively explain and justify why his DNA might be found in T.B.’s body. And the jury would have learned that even after police reminded L.Y. that they would be looking for his semen, he continued to assert that his DNA—and apparently, his semen—might be in T.B.’s body for some legitimate reason.

This counterfactual scenario would be damning to L.Y. It is odd, if not highly suspicious, for an innocent person to volunteer reasons why his DNA, including his semen, might be found in the body of a murdered child who he knows was sexually assaulted. And it is possible that the jury would have viewed L.Y.’s statements as consciousness of guilt. Because this evidence would be inculpatory of L.Y., the alternative perpetrator, it would be exculpatory of Young. But the district court excluded the evidence. Consequently, the jury went into the deliberation room believing that L.Y. never made the statement. Even worse, the jury might have also been left with the

impression that Young was misquoting L.Y. or unfairly twisting his words. The exclusion of the evidence was not harmless beyond a reasonable doubt.

B.

I turn now to the second piece of improperly excluded evidence. The Minnesota Rules of Criminal Procedure require the State to disclose information that is within its possession or control, including expert reports and “findings, opinions, or conclusions the expert will give” at trial. Minn. R. Crim. P. 9.01, subd. 1(4)(c).

Here, the State concedes that it did not disclose the expert’s opinion as it was required to do under Rule 9.01, and thus there is no dispute that there was plain error. The court and I agree. Accordingly, the question is whether the error affected Young’s substantial rights. *See State v. Griller*, 583 N.W.2d 736, 740 (Minn. 1998). And if it did, whether the error “seriously affects the fairness, integrity, or public reputation” of the judicial system. *See Pulczynski v. State*, 972 N.W.2d 347, 356 (Minn. 2022).

I conclude both that the error affected Young’s substantial rights and that a failure to correct it would seriously affect the fairness, integrity, and public reputation of the judicial system.

1.

An error affects substantial rights when the appellant shows that “there is a reasonable likelihood that the error[] had a significant effect on the jury’s verdict.” *Bustos*, 861 N.W.2d at 663. When deciding whether an erroneous admission of evidence significantly affected the verdict, we consider four non-exclusive factors: “(1) the manner in which the party presented the evidence, (2) whether the evidence was highly

persuasive, (3) whether the party who offered the evidence used it in closing argument, and (4) whether the defense effectively countered the evidence.” *State v. Bigbear*, 10 N.W.3d 48, 54 (Minn. 2024). We also consider the overall strength of the evidence—if the evidence against the defendant is strong, it is less likely the wrongfully admitted evidence affected the outcome of the verdict. *Id.* at 59. The analysis is fact specific, and “not all the factors are relevant or persuasive in every case.” *Id.* at 54–55. Examining these factors, I conclude there is a reasonable likelihood that the error significantly affected the verdict.

The evidence at issue was presented as expert testimony of a forensic scientist, which the State agrees was a highly persuasive form of evidence, and one we have said juries often give undue weight. *State v. Beecroft*, 813 N.W.2d 814, 839 n.14 (Minn. 2012) (acknowledging that jurors tend to assume that scientific evidence is more objective and accurate than lay testimony). In its closing the State capitalized on the erroneously admitted evidence to argue that human blood was found on Young’s shoes.

The fact that the erroneously admitted evidence was scientific evidence is significant. “ ‘[T]he major danger of scientific evidence is its potential to mislead the jury’ because ‘an aura of scientific infallibility may shroud the evidence and thus lead the jury to accept it without critical scrutiny.’ ” *Id.* (quoting Paul C. Giannelli, *The Admissibility of Novel Scientific Evidence: Frye v. United States, a Half-Century Later*, 80 Colum. L. Rev. 1197, 1237 (1980)). Therefore, “if factfinders are exposed to the opinions of the government’s expert witnesses, a defendant must have an equal opportunity to present to the factfinders the opposing views of the defendant’s experts.”

Id. at 839. “When the government has presented expert testimony, a defendant who is unable to present the testimony of his own well-informed experts loses a critical opportunity to cast doubt on the government’s evidence.” *Id.* at 839 n.14.

Here, the jury was exposed to the undisclosed opinion of the State’s expert witness. Because of the discovery violation, Young did not have an opportunity to present the views of his own expert to counter that opinion. It is not enough, as the court contends, that Young “had opportunities to counter the undisclosed opinion both in cross-examination and in his closing argument—and took advantage of those opportunities.” *See id.* at 843 n.16 (observing that defense counsel “cannot be expected to understand scientific evidence and effectively cross-examine [government] experts ... without access to defense experts” (alteration in original) (quoting Brandon L. Garrett & Peter J. Neufeld, *Invalid Forensic Science Testimony and Wrongful Convictions*, 95 Va. L. Rev. 1, 1, (2009))). Under these circumstances, Young should have been afforded an opportunity to counter the State’s expert with his own expert witness.⁴

The court distinguishes *Beecroft* on the basis that the State did not prevent Young’s expert from testifying or otherwise work to exclude relevant evidence in Young’s case. However, this distinction ignores the State’s role in the discovery violation and the

⁴ The court contends that we have never held that the only way to counter erroneous admission of expert testimony is with the testimony of another expert. But that is beside the point. The point is that a defendant who wishes to counter the State’s expert with his own expert should be able to do so. The State’s wrongdoing should not prevent the defendant from “meet[ing] the State as an equal in our adversarial system of justice.” *See Beecroft*, 813 N.W.2d at 839.

resulting downstream consequences. The State's role is demonstrated in this key colloquy between the State and its expert witness in this case:

[STATE]: And are you able to tell again if that's human blood or non-human blood?

[EXPERT]: In this circumstance we attempted to try a – Sorry. A presumptive test for human origin. We were unable to determine if it was human at that time. However, during my profiling we were able to obtain human DNA from that swabbing of that shoelace, so, yes.

[STATE]: So, yes, it's human blood in your opinion?

[EXPERT]: In my opinion, yes, it would be.

Put simply, the State's leading question prompted the expert's undisclosed opinion.

The court also reasons that the error here did not affect Young's substantial rights because the undisclosed expert opinion was only a small portion of a lengthy trial. However, even a single sentence can have an outsized impact on a trial. That is especially true when, as here, the sentence adds a missing piece to the State's case. The undisclosed expert opinion is the only evidence that the blood on Young's shoes was human blood.

Young's contention is two-fold: that the State's expert connected the dots for the jury based on flawed science and that Young had no advance notice that the State's expert would connect the dots in this way. If Young had known that the State's expert would testify that the blood on Young's shoes was human blood, he would have prepared accordingly. Thus, but for the State's discovery violation, Young would have been prepared to present countervailing testimony by his own expert to demonstrate that the opinion of the State's expert was scientifically dubious. Unless we are willing to

countenance trial by ambush, Young should not be penalized for not knowing what he did not know.

Furthermore, the evidence against Young was not overwhelming because the evidence against L.Y., the alternative perpetrator, was equally strong and thus made the State's case against Young weaker: L.Y. was at the residence within the timeframe when T.B. was killed; L.Y. lied to police about his whereabouts; L.Y. tried to wipe his phone remotely following T.B.'s death; after T.B.'s body was discovered, L.Y. removed, destroyed, or tried to hide a camera from the crime scene; and L.Y.'s DNA—the only identifiable DNA found directly on T.B.'s body—was found inside T.B.'s mouth.⁵

Because there is a reasonable likelihood that admission of the undisclosed expert opinion had a significant effect on the jury's verdict, the error affected Young's substantial rights. *See Bustos*, 861 N.W.2d at 663.

2.

An error “seriously affects the fairness, integrity, or public reputation of judicial proceedings” when failing to correct it “would have an impact beyond the current case by causing the public to seriously question whether our court system has integrity and generally offers accused persons a fair trial.” *Pulczynski*, 972 N.W.2d at 356.

The forensic evidence against L.Y. was arguably stronger than the evidence against Young. Indeed, L.Y.'s DNA, not Young's, was the only identifiable DNA on

⁵ The medical examiner testified that T.B.'s mouth was likely “manipulate[d]” by an assailant. Although L.Y. claimed that the DNA in T.B.'s mouth was a result of CPR, the doctor's testimony that T.B. was in rigor mortis and that his mouth could not be opened undermined L.Y.'s claim.

T.B.'s body. To counteract the strong forensic evidence against L.Y., the State exploited an erroneously admitted expert opinion to bolster its relatively weak forensic evidence against Young. The error was exacerbated by the fact that Young did not have an opportunity to offer his own forensic expert witness to mitigate the State's erroneously admitted forensic expert opinion. These facts call into question the fairness and integrity of our court system. *See State v. Penkaty*, 708 N.W.2d 185, 205 (Minn. 2006) (concluding that erroneously admitted testimony had "a fundamental effect on the fairness and integrity of the trial" where the testimony "was of critical importance to the state's case not just because of its substance, but also due to [the witness's] likely credibility with the jury.").

* * *

Two errors occurred here. The first excluded key evidence against L.Y., and the second deprived Young of a meaningful opportunity to counter highly persuasive evidence against him that was erroneously admitted. These errors, alone and cumulatively, denied Young his constitutional right to present a complete defense. Because Young did not receive a fair trial, I would reverse and remand for a new trial.

THISSEN, Justice (dissenting).

I join in part A of Chief Justice Hudson's dissent.