

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A23-1842**

State of Minnesota,
Respondent,

vs.

Adam John Haeska,
Appellant.

**Filed December 2, 2024
Affirmed in part, reversed in part, and remanded
Schmidt, Judge**

Freeborn County District Court
File No. 24-CR-22-1359

Keith Ellison, Attorney General, Lydia Villalva Lijó, Assistant Attorney General, St. Paul, Minnesota; and

David Walker, Freeborn County Attorney, Albert Lea, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jessica Merz Godes, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Schmidt, Presiding Judge; Ross, Judge; and Ede, Judge.

NONPRECEDENTIAL OPINION

SCHMIDT, Judge

In this appeal from the final judgment, appellant Adam John Haeska challenges his convictions of criminal sexual conduct and domestic assault. Haeska argues the district court abused its discretion by admitting improper relationship evidence. Haeska also argues the district court erred by entering convictions on verdicts stemming from the same

course of conduct. Because the district court did not abuse its discretion by admitting the relationship evidence, we affirm Haeska's conviction for first-degree criminal sexual conduct while using coercion and one conviction for felony domestic assault. But we reverse and remand for the court to vacate the conviction for criminal sexual conduct while using force and to vacate the other conviction for felony domestic assault because those convictions arose from the same course of conduct as the two convictions that we affirm.

FACTS

N.O. and Haeska were in a relationship for nine years. In August 2022, Haeska taped N.O.'s arms together and forcibly penetrated her anally and vaginally. N.O. reported the incident to the police. Respondent State of Minnesota charged Haeska with two counts of first-degree criminal sexual conduct and two counts of domestic assault. Haeska pleaded not guilty, and the case proceeded to trial.

In a pretrial motion, the state sought to admit multiple relationship-history incidents under Minnesota Statute section 634.20 (2022). Haeska objected to N.O. testifying about three of the incidents: (1) on the day N.O. gave birth to her daughter, Haeska told N.O. her friends do not like her and she should kill herself; (2) after N.O. made Haeska speak to his dying grandmother on the phone, Haeska grabbed his gun and chased her down a hallway; and (3) N.O. once woke up to Haeska lying on top of her and saying he was going to melt into her, and then Haeska chased her, waving his arms before holding a gun to her head. The district court granted the state's motion to admit all but one instance of relationship evidence, including the three incidents to which Haeska raised objections.

At trial, N.O. testified to Haeska's forced, nonconsensual anal and vaginal penetration. She testified about the three relationship-evidence incidents that Haeska challenges on appeal. N.O. also testified about Haeska cheating on her, other times he physically abused her, and instances where the police were called. Other witnesses testified about N.O.'s demeanor after the assault, DNA evidence from a vaginal swab, and crumpled up tape found in the bedroom. Haeska did not testify at trial.

The jury found Haeska guilty on all four counts. The district court entered convictions on all four verdicts, but sentenced Haeska only on the first-degree criminal sexual conduct. This appeal follows.

DECISION

I. The district court did not abuse its discretion by admitting the three incidents as relationship evidence.

On appeal, Haeska argues one of the objected-to incidents of relationship evidence should have been excluded because it does not qualify under the statute as domestic conduct. Haeska further contends that all three incidents were inadmissible because the danger of unfair prejudice substantially outweighed the probative value of the evidence.

“Evidence of domestic conduct by the accused against the victim of domestic conduct . . . is admissible unless the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issue, or misleading the jury[.]” Minn. Stat. § 634.20. “‘Domestic conduct’ includes, but is not limited to, evidence of domestic abuse,” violations of different kinds of protective orders, harassment, stalking, or obscene telephone calls. *Id.* The legislature has defined domestic abuse as family or household

conduct that involves: “(1) physical harm, bodily injury, or assault; (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or (3) terroristic threats, . . . criminal sexual conduct, . . . sexual extortion[,] . . . or interference with an emergency call[.]” Minn. Stat. § 518B.01, subd. 2(a)(1)-(3) (2022).

A district court’s decision to admit relationship evidence under section 634.20 is reviewed for an abuse of discretion. *State v. McCoy*, 682 N.W.2d 153, 161 (Minn. 2004). Whether evidence falls within the scope of the statute is a question of statutory interpretation that we review de novo. *State v. Valentine*, 787 N.W.2d 630, 636 (Minn. App. 2010), *rev. denied* (Minn. Nov. 16, 2010). To reverse a district court’s evidentiary ruling, the appellant must prove that admitting the evidence was both “erroneous and prejudicial.” *State v. Loving*, 775 N.W.2d 872, 879 (Minn. 2009).

A. Haeska’s comment to N.O. that her friends do not like her and she should kill herself constitutes domestic conduct under the statute.

Haeska argues that his comment to N.O. on the day she gave birth was not “domestic conduct” as defined in the statute. Haeska claims his statement did not constitute any crime listed in the statute and was not similar to any of the enumerated offenses. We disagree.

The language of the statute states that domestic conduct “includes, but is not limited to, evidence of domestic abuse[.]” Minn. Stat. § 634.20. The statute, therefore, is not limited to just the enumerated crimes. Instead, the legislature broadly wrote the statute to encompass a range of conduct, including domestic abuse. *Id.*

Our state’s caselaw has recognized this broad interpretation of the statute. In *State v. Andersen*, for example, the district court admitted evidence of the defendant both

verbally and physically abusing the victim earlier in the relationship. 900 N.W.2d 438, 441 (Minn. App. 2017). In affirming the district court’s admission of the evidence, this court stated that the physical *and* verbal abuse evidence illuminated “the volatility of the relationship and put the . . . incident in the context of the couple’s interaction with each other.” *Id.* at 441-42. Similarly, in *State v. McCurry*, this court referred to the “not limited to” language in the statute as encompassing “general testimony about the relationship, including conduct that does not rise to the level of the crimes listed in the definition of ‘similar conduct.’”¹ 770 N.W.2d 553, 560 (Minn. App. 2009) (“Such evidence was admitted in this case, when [the victim] described ongoing tension, arguments, or minor spats between her and [the defendant].”), *rev. denied* (Minn. Oct. 28, 2009).

Here, the district court determined that Haeska telling N.O.—on the same day she gave birth—that her friends do not like her and she should kill herself does not constitute physical abuse, but it does constitute “extreme emotional abuse.” The district court determined that the conduct fell “right within the context of the 634.20 statute.” We agree. Haeska’s conduct falls within the heart of what the legislature intended to capture when enacting section 634.20. Although the abuse was verbal, the district court appropriately deemed the conduct “extreme emotional abuse” given the context of the words used (N.O.’s friends do not like her and N.O. should kill herself) and when Haeska used those words (on the same day that N.O. gave birth to her daughter). We conclude the district court acted within its discretion by admitting the relationship evidence.

¹ The statutory language changed from “similar conduct” to “domestic conduct” in 2013. 2013 Minn. Laws ch. 47, § 7, at 208.

B. The probative value of the relationship evidence was not substantially outweighed by the danger of unfair prejudice.

Haeska argues that all three pieces of challenged evidence admitted as relationship evidence were inadmissible because their probative value was substantially outweighed by the danger of unfair prejudice. We disagree.

A district court abuses its discretion if it admits evidence that, although relevant, has limited probative value and is substantially outweighed by its unfair prejudice. *Loving*, 775 N.W.2d at 879-80. We review the district court's weighing of the probative value against its unfair prejudice for an abuse of discretion. *Id.* at 879.

Haeska first argues the evidence was not needed to support N.O.'s credibility. But the evidence went beyond N.O.'s credibility; it helped the jury put the relationship into context, which the supreme court has held is a proper use of relationship evidence. *See McCoy*, 682 N.W.2d at 159 (holding relationship evidence is properly used "to illuminate the history of the relationship, that is, to put the crime charged in the context of the relationship between the two").

The evidence also addressed several other relevant topics with significant probative value: the assumption that sex in a functioning relationship is consensual; why N.O. did not call the police immediately after being assaulted or abused in the past; and how "the escalating nature of the conduct affected N.O.'s behavior, particularly in going to work" after the sexual assault. These reasons—articulated by the state in advocating to admit the evidence—are valid purposes to admit the relationship evidence that extends beyond N.O.'s credibility. *See, e.g., Andersen*, 900 N.W.2d at 441 (affirming admission of

relationship evidence to demonstrate victim's past fearful interactions with defendant); *State v. Word*, 755 N.W.2d 776, 784 (Minn. App. 2008) (affirming admission of relationship evidence to provide context for why victim recanted, explain victim's confusion about exact locations and times, and impeach defendant's credibility).

Haeska next argues the probative value of the evidence was substantially outweighed by unfair prejudice because the three incidents constituted improper character or propensity evidence. In support, Haeska cites this court's decision in *State v. Hormann*, which concluded that certain relationship evidence admitted had limited probative value that was outweighed by the danger of unfair prejudice. 805 N.W.2d 883, 891 (Minn. App. 2011), *rev. denied* (Minn. Jan. 17, 2012). But the evidence in *Hormann* consisted of the victim's general testimony about her marriage with the defendant, which lacked specificity in "time, place, circumstance, or context[.]" *Id.* Nevertheless, we concluded that the district court properly admitted four other specific prior incidents that the victim detailed in her testimony because that evidence established the context of the crime, the defendant's intent, and the effect these actions had on the victim. *Id.* at 890.

The four incidents properly admitted in *Hormann* are more analogous to the three challenged incidents here than the improper testimony in *Hormann* that Haeska cites. N.O. testified to three specific instances that put her relationship with Haeska into context, showed her mindset in the relationship, and demonstrated how the abuse began, continued, and became worse over time. The district court properly admitted evidence of these three instances because they could "aid the trier of fact in understanding this couple[']s relation and how patterns of abuse could escalate and culminate in the current charges."

Finally, Haeska argues the district court “did nothing meaningful to prevent the jury from misusing the ‘relationship evidence’ as character or propensity evidence when determining Haeska’s guilt.” The record belies Haeska’s contention. Before allowing testimony on the relationship evidence, the district court instructed the jury:

The State is about to introduce evidence of conduct by the defendant . . . on prior occasions. This evidence is being offered for the limited purpose of demonstrating the nature and extent of the relationship between him and this witness in order to assist you in determining whether the defendant committed . . . those acts for which he has now been charged in the Complaint. He is not being tried nor may he be convicted of any behavior other than that found in the charges. You are not to convict him based on the conduct you hear about from an earlier occasion. To do so might result in unjust double punishment.

The district court gave another limiting instruction before closing arguments, echoing the prior language, and stating that the jury is not to “convict the defendant on the basis of any other conduct or occurrence.” The district court took great care to limit any unfair prejudice. The cautionary instructions “lessened the probability of undue weight being given by the jury to the evidence.” *State v. Benton*, 858 N.W.2d 535, 542 (Minn. 2015) (quotation omitted). We “presume that juries follow instructions given by the district court.” *State v. Segura*, 2 N.W.3d 142, 167 (Minn. 2024).

Because there was a need for the evidence, it was not improper character or propensity evidence, and the court provided limiting instructions, we conclude that the district court did not abuse its discretion by admitting the challenged relationship evidence.

C. Even if the evidence was improperly admitted, any error was harmless.

Even if the incidents should not have been admitted, we conclude the admission was harmless. For a harmless-error analysis, we consider other evidence of the defendant's guilt, "the manner in which the evidence was presented, whether the evidence was highly persuasive, whether it was used in closing argument, and whether it was effectively countered by the defense." *State v. Courtney*, 696 N.W.2d 73, 80 (Minn. 2005).

The three incidents were a small part of the total evidence presented at trial, which otherwise consisted of strong evidence of guilt. N.O. gave clear testimony of the sexual assault, third parties testified to her demeanor after the assault, and a swab of N.O.'s vaginal area had DNA matching Haeska. N.O.'s testimony about the three incidents composed four pages of the trial transcript, while her total testimony was over 60 pages. In closing argument, the prosecutor mentioned the first incident where Haeska told N.O. everyone wants her dead and that Haeska had "held a gun to [N.O.'s] head multiple times[,] but otherwise generally referred to Haeska's abusive conduct. In addition, other instances of prior abuse were admitted without objection and support the prosecutor's closing argument related to the general abusive conduct. Defense counsel countered the state's evidence by pointing out inconsistencies in N.O.'s testimony during cross-examination and in his closing argument. Defense counsel also argued that not one prior instance of abuse involved sexual abuse. Based on the other evidence, the limited presentation of the objected-to evidence, and the effective countering by the defense, we conclude that any assumed error in admitting the challenged evidence was harmless.

II. The district court erred in entering multiple convictions.

The district court entered convictions on all charges—two counts of criminal sexual conduct in the first degree and two counts of felony domestic assault. Haeska argues—and the state concedes—that two convictions were improper. We agree.

A defendant “may be convicted of either the crime charged or an included offense, but not both.” Minn. Stat. § 609.04, subd. 1 (2022). This law applies when multiple convictions are “for the same offense against the same victim on the basis of the same act.” *State v. Goodridge*, 352 N.W.2d 384, 389 (Minn. 1984).

Haeska’s two criminal sexual conduct convictions are for penetration that caused injury to the victim while using “coercion to accomplish the act” and for penetration using force that inflicted bodily harm. Minn. Stat. § 609.342, subd. 1(c)(i), (d) (2022). These convictions are against the same victim and arose from acts committed during a single behavioral incident. Thus, we reverse and remand for the district court to vacate the first-degree criminal sexual conduct conviction on count two.

Haeska’s two domestic assault convictions are for committing “an act with intent to cause fear in another of immediate bodily harm or death” and for intentionally inflicting or attempting “to inflict bodily harm upon another[.]” Minn. Stat. § 609.2242, subd. 1(1), (2) (2022). These convictions are against the same victim and arose from acts committed during a single behavioral incident. Thus, we reverse and remand for the district court to

vacate either count three or count four. On remand, the guilty verdicts on all four counts shall remain intact. *State v. LaTourelle*, 343 N.W.2d 277, 284 (Minn. 1984).

Affirmed in part, reversed in part, and remanded.