

*This opinion is nonprecedential except as provided by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
A23-1849**

State of Minnesota,
Respondent,

vs.

Clinton Albert Christopher Juring,
Appellant.

**Filed October 14, 2024
Affirmed
Cochran, Judge**

Steele County District Court
File No. 74-CR-21-806

Keith Ellison, Attorney General, Peter Magnuson, Assistant Attorney General, St. Paul, Minnesota; and

Julia Forbes, Steele County Attorney, Owatonna, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Melissa Haley, Special Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Cochran, Judge; and Frisch, Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

In this direct appeal, appellant challenges his conviction of second-degree criminal sexual conduct. He argues that the evidence at trial was insufficient to support the conviction. In the alternative, appellant asserts that he is entitled to a new trial because the

district court abused its discretion in making various evidentiary rulings and that the prosecutor committed misconduct. Because we conclude that appellant's conviction is supported by sufficient evidence and his arguments for a new trial are unavailing, we affirm.

FACTS

In May 2021, 13-year-old D.O. was taken to the hospital by her mother, M.O., after M.O. found cut marks on D.O.'s wrist. At the hospital, D.O. told a nurse that her mother's ex-boyfriend, appellant Clinton Albert Christopher Juring, routinely forced her "to give him hand jobs." A law-enforcement officer with the Owatonna Police Department responded to the hospital to investigate D.O.'s allegations. D.O. told the officer that Juring had forced her to touch his penis "too many [times] to count," starting when she was 11 or 12 years old.

Respondent State of Minnesota charged Juring with two counts of second-degree criminal sexual conduct. The first count alleged that Juring had a significant relationship with D.O., D.O. was under the age of 16 at the time of the offense, and the abuse involved multiple acts over an extended period. *See* Minn. Stat. § 609.343, subd. 1(h)(iii) (2018). The second count alleged that Juring was more than 36 months older than D.O. and D.O. was under the age of 13 at the time of the offense. *See* Minn. Stat. § 609.343, subd 1(a) (2018). Juring pleaded not guilty, and the case proceeded to a jury trial.

At trial, the state presented the testimony of D.O., M.O., Juring's cousin, and two investigating officers. D.O., who was 15 years old at the time of trial, testified that Juring forced her to rub his penis with her hand. At trial, D.O. did not remember exactly when

Juring started forcing her to touch him, but she recalled that the abuse started while Juring was in a relationship with D.O.'s mother and was living with them. D.O. stated that the abuse happened "almost every day," often more than once a day, and that the total number of times was "too many" to count.

One of the peace officers testified that he recorded D.O.'s statements at the hospital after her initial disclosure. The state introduced D.O.'s recorded statement, which was admitted as an exhibit and played for the jury during trial. In the recording, the officer asked D.O., "Was it over a period of a year, six months, a month?" D.O. responded, "Longer than three."

D.O. also testified that the abuse happened while Juring was alone with her. She stated the first time that it happened was when her mother "left to the gas station with [her] younger brother." When asked why she did not tell anyone about Juring's repeated abuse until she was at the hospital, D.O. testified that Juring threatened to kill her or her mom if she disclosed the abuse. D.O. also testified that she feared Juring because he once "put a knife to [her] and [her] younger brother's throat." She added that Juring had punished her in the past by keeping her up all night and forcing her to "face the wall, do wall sits, [and] do burpees in the basement."¹ D.O. testified that Juring threatened her with similar punishments if she did not touch his penis.

On cross-examination, D.O. testified that she did not like Juring "when he came into the picture." On redirect, D.O. testified that her dislike for Juring was not due to Juring

¹ D.O. testified that burpees are "a pushup and then you stand up and jump, and then go back down and do a pushup."

taking up her mother's attention. D.O. stated her mother "still made time for" her. Rather, D.O. did not like Juring "[b]ecause he's a bad person." The prosecutor then asked D.O. if she thought Juring was a "bad person" because of "the things that [D.O.] testified . . . about like physical and sexual abuse and threats." D.O. responded, "That and the past."

Defense counsel also attempted to question D.O. about an alleged suicide attempt in 2022, more than a year after she last saw Juring, and about comments she made to the prosecutor about Juring potentially dying in prison. The district court ruled that D.O.'s purported suicide attempt was "too attenuated" and foreclosed defense counsel's questioning on the topic. Regarding D.O.'s comments about Juring dying in prison, the district court rejected defense counsel's argument that those comments showed D.O.'s desire that Juring go to prison where he might be harmed, adding that such testimony "adds nothing" and would be an impermissible "appeal to [the jury's] sympathy and emotion."

D.O.'s mother, M.O., testified next. She told the jury that Juring started living in the same house with her and her children in October 2019, when D.O. was eleven. M.O. last saw Juring in September 2020, when he fled from her car on foot after they were involved in a physical altercation in the car. M.O. was not employed while Juring lived with her. She testified that there were times when Juring was alone with D.O., mostly when M.O. was sleeping or shopping. M.O. testified that she sometimes woke up at night and found Juring downstairs on the couch with D.O. lying on his lap. On cross-examination, M.O. testified that D.O. never disclosed Juring's abuse to her, even when she was home with D.O. while Juring was away at work.

The state also called Juring's cousin to testify about past abusive conduct by Juring against the cousin and her daughter in 2014. Before trial, the state filed a notice informing Juring's counsel of the state's intention to introduce the cousin's testimony as evidence of Juring's past abuse of a family member. In the notice, the state provided a detailed description of that testimony. Juring filed a motion seeking an order prohibiting admission of the evidence. In a written pretrial order, the district court determined that the cousin's testimony about Juring's prior abusive conduct was admissible as relationship evidence under Minnesota Statutes section 634.20 (2022). But the district court limited the scope of the testimony and required the state to indicate when it intended to elicit the testimony so that the court could provide the jury with an instruction.

At trial, the district court issued a cautionary instruction prior to the cousin's testimony, instructing the jury that the testimony about Juring's prior conduct was admitted for the limited purpose of helping the jury determine whether Juring committed the acts with which he was charged in the current case. The district court also instructed the jury that Juring "is not being tried for, nor may he be convicted of, the other act that you are about to hear." The cousin then testified that she and her daughter lived with Juring for a time in 2014, during which she "experience[ed] sexual abuse." The cousin wanted to leave Juring's home, but Juring threatened to kill her and her daughter if she left. According to the cousin, Juring had control over where she went and who she saw "at all times."

The cousin also testified that she witnessed Juring "torture" her daughter by hitting, slapping, and strangling her. "[Juring] would choke her, put his hands over her mouth, shove his fingers down her throat" and hit her with "shoes, belts, buckles, whatever he

could get within his reach.” She further testified that Juring also forced her daughter to do pushups and “wall sits for hours on end” until her legs started shaking, and that Juring “would sweep her feet out from underneath her so she would hit her head and her face.” The cousin testified that, at times, Juring did not allow her daughter to eat, and that her daughter had “bruises all the time, [and] cuts and scrapes.” The cousin stated that she was able to escape when Juring sent her to the grocery store and she was able to explain her situation to a “person in uniform” and ask for help getting her child away from Juring. The state also called as a witness the “person in uniform,” a corrections officer, who testified about her encounter with the cousin at the grocery store.

Juring did not testify. During his closing argument, Juring’s attorney emphasized that D.O. “did not like” Juring and argued that D.O. fabricated her allegations of sexual abuse because “she could not stand” Juring. His attorney also focused on the fact that D.O. did not immediately report Juring’s abuse to anyone, and instead disclosed the abuse when her mother brought her to the hospital, months after Juring was out of their lives.

The jury found Juring guilty of both counts of second-degree criminal sexual conduct and the district court sentenced Juring to a 300-month executed sentence on count one.

Juring appeals.

DECISION

Juring argues that there was insufficient evidence to support his conviction for second-degree criminal sexual conduct under section 609.343, subd. 1(h)(iii), because the state failed to prove that Juring engaged in “multiple acts” of sexual abuse “committed

over an extended period of time.” He also argues that the district court abused its discretion by limiting his cross-examination of D.O. and by admitting the testimony of Juring’s cousin and the corrections officer. Lastly, Juring argues that the prosecutor committed misconduct warranting a new trial. We address each of Juring’s arguments, beginning with his challenge to the sufficiency of the evidence.

I. There was sufficient evidence for the jury to find beyond a reasonable doubt that Juring’s abuse of D.O. included multiple acts committed over an extended period of time.

Juring was convicted of second-degree criminal sexual conduct in violation of section 609.343, subdivision 1(h)(iii). To be convicted of this offense, the state was required to prove, among other elements, that the sexual abuse perpetrated by Juring involved “multiple acts committed over an extended period of time.” Minn. Stat. § 609.343, subd. 1(h)(iii). Juring argues that his conviction should be reversed because the state failed to prove this element of the offense. We are not persuaded.

Due process requires that the state prove each element of a charged offense beyond a reasonable doubt. *State v. Beganovic*, 991 N.W.2d 638, 354 (Minn. 2023). When considering a challenge to the sufficiency of the evidence, we conduct “a painstaking review of the record to determine whether the evidence and reasonable inferences drawn therefrom, viewed in a light most favorable to the verdict, were sufficient to allow the jury to reach its verdict.” *Lapenotiere v. State*, 916 N.W.2d 351, 360-61 (Minn. 2018) (quotation omitted). In addition, we assume that the jury disbelieved any evidence that conflicts with the verdict. *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016).

The phrase “multiple acts committed over an extended period of time” as used in section 609.343 is not statutorily defined. Words and phrases in statutes are to be interpreted according to “their common and approved usage” absent a statutory definition. Minn. Stat. § 645.08 (2022). We may rely on dictionary definitions when determining the “common and ordinary meaning[]” of a term. *State v. Thonesavanh*, 904 N.W.2d 432, 436 (Minn. 2017). “Multiple” means “consisting of more than one individual, element, part, or other component.” *The American Heritage Dictionary of the English Language* 1157 (5th ed. 2018). An “act” is “something done or performed.” *Id.* at 16. “Over” means “[t]hrough the period or duration of.” *Id.* at 1254. “Extended” means “[c]ontinued for a long period of time; protracted.” *Id.* at 627 (5th ed. 2018). And “long” means “of a relatively great duration.” *Id.* at 1033. Thus, per common usage, “multiple acts committed over an extended period of time” refers to something done more than once and through the duration of a relatively great length of time.

Based on the trial record, we conclude that the state’s evidence was sufficient for the jury to find that Juring committed “multiple acts” of abuse against D.O. “over an extended period of time.” The jury heard D.O.’s recorded interview with one of the police officers, in which D.O. said that the abuse occurred over a span of more than three months. And D.O. testified that Juring made her touch his penis almost every day. A reasonable inference from this evidence is that Juring forced D.O. to rub his penis nearly every day for approximately three months, which is a time period of “relatively great duration”—especially in the context of coerced sexual acts. Thus, the evidence sufficiently supports Juring’s conviction of second-degree criminal sexual conduct for sexual abuse involving

multiple acts committed over an extended period of time under section 609.343, subdivision 1(h)(iii).²

II. The district court did not abuse its discretion by admitting relationship evidence under section 634.20.

Next, Juring challenges the district court’s admission of testimony concerning his prior abuse of his cousin and her daughter under section 634.20. We will not reverse a district court’s evidentiary ruling absent a clear abuse of discretion. *Dolo v. State*, 942 N.W.2d 357, 362 (Minn. 2020). We “largely defer to the [district] court’s exercise of discretion in evidentiary matters and will not lightly overturn a [district] court’s evidentiary ruling.” *Id.* (quotation omitted). “A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record.” *State v. Vangrevenhof*, 941 N.W.2d 730, 736 (Minn. 2020).

Under section 634.20,

[e]vidence of domestic conduct by the accused against the victim of domestic conduct, or against other family or household members, is admissible unless the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issue, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

² Juring contends that an “extended period of time” means “over the course of several years.” Juring cites *State v. Suhon*, in which we merely acknowledged that several years is an extended period of time. 742 N.W.2d 16, 22 (Minn. App. 2007), *rev. denied* (Minn. Feb. 19, 2008). He also relies on *State v. Williams*, in which we considered whether the term “an extended period of time” is unconstitutionally vague. 363 N.W.2d 911, 912, 914 (Minn. App. 1985), *rev. denied* (Minn. May 1, 1985). Because these cases do not endorse a minimum temporal requirement for an “extended period of time,” Juring’s reliance on them is misplaced.

“Domestic conduct” includes, among other things, “evidence of domestic abuse.” Minn. Stat. § 634.20. Evidence offered under section 634.20 is commonly referred to as “relationship evidence.” *State v. Zinski*, 927 N.W.2d 272, 273 (Minn. 2019). “[T]he rationale for admitting relationship evidence under section 634.20 is to illuminate the relationship between the defendant and the alleged victim and to put the alleged crime in the context of that relationship.” *State v. Valentine*, 787 N.W.2d 630, 637 (Minn. App. 2010), *rev. denied* (Minn. Nov. 16, 2010). As this court has recognized, “evidence showing how a defendant treats his family or household members . . . sheds light on how the defendant interacts with those close to him, which in turn suggests how the defendant may interact with the victim.” *Id.* Under the terms of section 634.20, relationship evidence is presumptively admissible and may only be excluded if “the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issue, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” Minn. Stat. § 634.20.

Here, the district court permitted the state to introduce evidence of Juring’s abuse of his cousin and her daughter under section 634.20 to explain D.O.’s delayed reporting and to rebut the inference that D.O. fabricated her allegations. The district court ruled that this relationship evidence “has not just probative value, but substantial probative value.” Still, recognizing the “breadth and depth” of the proffered relationship evidence as noticed by the state, the district court took measures to curb its risk of unfairly prejudicing Juring. The district court ruled that the cousin could only testify about events that she “personally

experienced, heard, or saw” and that the jury would receive a cautionary instruction prior to the elicitation of the relationship evidence.

Juring argues that the district court abused its discretion by admitting this relationship evidence because the probative value of the evidence is substantially outweighed by the danger of unfair prejudice.³ Juring makes a two-part argument. First, he contends that the relationship evidence has minimal probative value because the evidence involves a different victim and “did nothing to explain the . . . current relationship between [Juring] and D.O.” Next, Juring argues that the probative value of the relationship evidence was substantially outweighed by its risk of unfair prejudice because the cousin’s testimony was “extreme” and “likely clouded” the jury’s decision making. He adds that D.O.’s and M.O.’s testimony provided “sufficient evidence of the context of the relationship [between D.O. and Juring].” We are not persuaded by either argument.

With regard to the probative value of the relationship evidence, we conclude that the district court did not abuse its discretion when it found that the evidence of Juring’s prior domestic abuse of his cousin and her child has “substantial probative value.”

³ Juring also contests the admission of the evidence because it is not sufficiently similar to the charged offense. Juring relies on *State v. McCoy*, in which the supreme court held that section 634.20 “provides for the admission of evidence of ‘similar conduct’ by the accused.” 682 N.W.2d 153, 159 (Minn. 2004) (quoting Minn. Stat. § 634.20 (2002)). But, in *McCoy*, the supreme court applied an older version of section 634.20, which was amended in 2013 to replace “similar conduct” with “domestic conduct.” 2013 Minn. Laws ch. 47, § 7, at 208 (codified at Minn. Stat. § 634.20 (Supp. 2013)). Since the amendment, the supreme court has noted that “evidence of domestic conduct by the accused against family or household members other than the victim may be admitted pursuant to [section] 634.20.” *State v. Fraga*, 864 N.W.2d 615, 627 (Minn. 2015). Accordingly, Juring’s reliance on *McCoy* to the extent that relationship evidence is only admissible if it involves “similar conduct” is unavailing.

Evidence has probative value “when it, in some degree, advances the inquiry.” *State v. Schulz*, 691 N.W.2d 474, 478 (Minn. 2005). Regarding relationship evidence, “[e]vidence that helps to establish the relationship between the victim and the defendant or which places the event in context bolsters its probative value.” *State v. Barnslater*, 786 N.W.2d 646, 652 (Minn. App. 2010) (quotation omitted), *rev. denied* (Minn. Oct 27, 2010). The cousin’s testimony has substantial probative value because it demonstrates that Juring’s cousin, like D.O., submitted to his sexual abuse due to his threats of physical violence if the abuse were to be disclosed. And, as the district court noted, evidence that Juring’s coercion was effective on his adult cousin makes the evidence “all the more compelling” in a case involving a minor victim—“if an adult was coerced out of fear of Mr. Juring, then it is more reasonable that a child would also be inhibited due to fear.” Moreover, because Juring attacked D.O.’s credibility based on her delayed reporting, the cousin’s testimony is particularly probative. Because Juring’s treatment of his cousin and her daughter helps to illuminate his conduct toward D.O., we agree this relationship evidence has substantial probative value. *See Valentine*, 787 N.W.2d at 637.

Next, we turn to the district court’s determination that the probative value of the evidence was not substantially outweighed by its potential for unfair prejudice. “When balancing the probative value against the potential prejudice, unfair prejudice is not merely damaging evidence, even severely damaging evidence; rather, unfair prejudice is evidence that persuades by illegitimate means, giving one party an unfair advantage.” *State v. Bell*, 719 N.W.2d 635, 641 (Minn. 2006) (quotation omitted). “Evidence that is probative, though it may arouse the passions of the jury, will still be admitted unless the tendency of

the evidence to persuade by illegitimate means overwhelms its legitimate probative force.” *Schulz*, 691 N.W.2d at 478-79.

While the cousin’s testimony was likely harmful to Juring’s case—and the state concedes as much—the proper inquiry is whether the evidence carried a risk of *unfairly* prejudicing Juring, and, if so, whether that risk *substantially* outweighed the evidence’s probative value. The record reflects that the district court was keenly aware of the relationship evidence’s risk of prejudicing Juring, and that it took measures to curtail that risk. First, the district court noted “there is a legitimate concern over the breadth and depth of the details” noticed by the state. In an effort to avoid “the possibility of a jury convicting Mr. Juring largely because he may have done horrible things in the past,” the district court restricted the cousin’s testimony to only those events listed in the state’s notice that she “personally experienced, heard, or saw.”

In addition, the district court instructed the jury that the cousin’s testimony was “being admitted for the limited purpose of helping [the] jurors in determining whether Mr. Juring committed the acts with which he is charged in this case” and that he was not being tried for the acts the cousin would describe. Both the supreme court and this court have upheld the admission of relationship evidence when accompanied by a cautionary instruction. *State v. Benton*, 858 N.W.2d 535, 542 (Minn. 2015); *State v. Andersen*, 900 N.W.2d 438, 441-42 (Minn. App. 2017). “A limiting instruction from the district court lessens the probability of undue weight being given by the jury to the evidence.” *State v. Patzold*, 917 N.W.2d 798, 805-06 (Minn. App. 2018) (quotation omitted), *rev. denied* (Minn. Nov. 27, 2018). And we assume that juries abide by a district court’s instructions.

Zornes v. State, 880 N.W.2d 363, 373 (Minn. 2016). Because the district court issued a cautionary instruction regarding the relationship evidence, its risk of unfair prejudice was diminished.⁴

Lastly, Juring asserts that the relationship evidence was needlessly cumulative because D.O.’s testimony provided “sufficient evidence of the context of the relationship [between D.O. and Juring].” We disagree. The purpose of relationship evidence is to “shed[] light on how the defendant interacts with those close to him, which in turn suggests how the defendant may interact with the victim.” *Valentine*, 787 N.W.2d at 637. D.O.’s testimony alone could not provide this context or assist the jury in weighing her credibility. And the cousin’s testimony included details such as Juring forcing the cousin’s daughter to perform demanding exercises as punishment that placed Juring’s domestic conduct in context and corroborated D.O.’s testimony. Thus, Juring has failed to demonstrate that the relationship evidence was needlessly cumulative, much less that its probative value was substantially outweighed by this consideration. *See* Minn. Stat. § 634.20.

In sum, the district court carefully considered the relationship evidence and concluded that its probative value was not substantially outweighed by its danger of unfair prejudice. In doing so, the district court created reasonable guardrails to curtail the risk of unfair prejudice. Additionally, Juring has not established that the cousin’s testimony was

⁴ Juring also asserts that the relationship evidence carried a risk of misleading the jury or confusing the issue. But, given the district court’s multiple cautionary instructions regarding the purpose of the relationship evidence, Juring has not demonstrated that the evidence’s probative value was substantially outweighed by these risks. *See Andersen*, 900 N.W.2d at 442.

needlessly cumulative of D.O.’s testimony. For these reasons, the district court did not abuse its discretion when it admitted the relationship evidence.

III. The district court did not abuse its discretion by limiting Juring’s cross-examination of D.O.

Juring next argues that the district court abused its discretion by limiting his cross-examination of D.O. Determining the scope of cross-examination is an evidentiary matter that “rest[s] within the sound discretion of the district court.” *State v. Glover*, 4 N.W.3d 124, 136 (Minn. 2024). Juring challenges the district court’s rulings that prevented him from cross-examining D.O. about her mental-health struggles in 2022 and her comment to the prosecutor that she believed that Juring might die in prison if convicted.

The due-process clause of both the federal and state constitutions “guarantee a criminal defendant’s right to present a complete defense.” *State v. Carbo*, 6 N.W.3d 114, 123 (Minn. 2024) (citing Minn. Const. art. I, § 6; U.S. Const. amend. XIV). As such, criminal defendants have the right to present their version of the facts through witness testimony. *State v. Smith*, 876 N.W.2d 310, 331 (Minn. 2016). A defendant’s right to present a complete defense is not absolute, however. *Carbo*, 6 N.W.3d at 123. A defendant “must comply with established rules of procedure and evidence.” *State v. Guzman*, 892 N.W.2d 801, 811 (Minn. 2017).

In addition to the right to present a complete defense, a defendant has a constitutional right “to be confronted with the witnesses against him.” *Glover*, 4 N.W.3d at 136 (quoting U.S. Const. amend. VI; Minn. Const. art. I, § 6). “The district court’s ability to curtail cross-examination is limited by the right of confrontation.” *Id.* But a

defendant is only guaranteed a right to cross-examination, “not cross-examination that is effective in whatever way, and to whatever extent, the defense might wish.” *Id.* (quotation omitted). Thus, the right to confrontation is not violated by a district court’s limitation on cross-examination when “the jury is presented with sufficient information from which to appropriately draw inferences as to the witness’s reliability.” *Id.* (quotation omitted). District courts have “wide latitude” to reasonably limit cross-examination of a witness for a variety of reasons, including over concerns of relevance or harassment. *Id.*

Juring asserts that the district court’s evidentiary rulings prohibited him from fully cross-examining D.O. about her mental health and dislike of Juring. The state counters that the district court acted within its discretion in limiting Juring’s cross-examination. We agree with the state.

D.O.’s Mental Health

While cross-examining D.O. about her initial disclosure of Juring’s abuse during a hospital stay in May 2021 for self-harm, defense counsel tried to elicit testimony about her alleged suicide attempt in 2022. After the state objected based on lack of relevance, defense counsel argued that evidence of D.O.’s ongoing mental-health issues in 2022 would rebut the inference that Juring’s conduct resulted in D.O. being brought to the hospital in 2021. The district court ruled that the alleged 2022 suicide attempt was “too attenuated” and sustained the state’s objection.

On appeal, Juring makes a similar argument. Juring contends that he should have been permitted to cross-examine D.O. about whether she attempted suicide in 2022 because her testimony would rebut the inference that Juring’s conduct caused D.O. to self-harm “by

establishing that she continued to suffer from mental health issues long after” she disclosed the abuse during her 2021 hospitalization. We are not persuaded.

The district court’s ruling that the alleged 2022 suicide attempt was too attenuated falls squarely within its “wide latitude” in limiting cross-examination regarding marginally relevant evidence. *Id.* at 136. Evidence is relevant if it has “any tendency to make the existence of any fact that is of consequence . . . more probable or less probable.” Minn. R. Evid. 401. D.O.’s purported suicide attempt in 2022 is marginally relevant, if at all, because whether D.O.’s mental-health issues were caused by Juring’s conduct was not a fact of consequence. During D.O.’s direct examination, the state did not evoke any testimony suggesting that D.O.’s 2021 hospitalization was because of Juring’s conduct. And to the extent that Juring wished to probe D.O.’s credibility, that was accomplished when D.O. testified at trial that she was struggling with her mental health at the time of her initial disclosure in 2021. In sum, Juring has not demonstrated the relevance of this evidence. Therefore, the district court did not abuse its discretion by limiting Juring’s cross-examination into the collateral issue of D.O.’s alleged suicide attempt in 2022.

D.O.’s Dislike of Juring

During cross-examination, D.O. affirmed that she told the prosecutor that she “wanted [Juring] to get life out of this case.” The state objected on relevance grounds. The district court allowed the answer to stand but instructed defense counsel to “move on.” Defense counsel approached the court to make a record of his intention to ask D.O. about a comment that she allegedly made to the prosecutor, namely: “If [Juring is] in prison, once they find out he’s a [sexual predator], . . . he’s dead.” Defense counsel offered that this

evidence was probative of D.O.'s bias against Juring. The state countered that D.O. "already said she doesn't like [Juring]," which established the bias that Juring intended to show. The state argued that asking D.O. about Juring's potential prison sentence "would ultimately confuse the jury and introduce something that they're not even supposed to be considering." The district court ruled that defense counsel could not proceed with the question, noting that the evidence "adds nothing" and would instead be "an appeal to sympathy and emotion" of the jury.

One purpose of the confrontation clause is to permit defendants to "reveal a prototypical form of bias on the part of the witness." *State v. Lanz-Terry*, 535 N.W.2d 635, 640 (Minn. 1995). "Bias is a catchall term describing attitudes, feelings, or emotions of a witness that might affect her testimony" *Id.* (quotation omitted). "Evidence of bias may properly show hatred or enmity between a witness and a party." *Id.* A witness's bias is "always relevant" for impeaching the witness's credibility. *Id.* (quotation omitted).

Juring contends that the district court's ruling abridged his right to confront D.O. about her bias against Juring. This argument is not persuasive because the district court admitted D.O.'s testimony that she wanted Juring to receive a life sentence and that she did not like Juring. Thus, the jury was already apprised of D.O.'s disdain for Juring, especially considering her inherent bias as a victim of criminal sexual conduct. Because the jury had sufficient evidence to assess D.O.'s potential bias, the district court did not abuse its discretion in limiting Juring's cross-examination in this manner. *See Glover*, 4 N.W.3d at 136 (holding confrontation right not violated when "the jury is presented with sufficient information from which to appropriately draw inferences as to the witness's reliability").

IV. Juring has not established prosecutorial misconduct warranting a new trial.

Finally, Juring argues that the prosecutor engaged in four instances of prosecutorial misconduct. Because Juring did not object to the purported misconduct at trial, we “review the prosecutor’s statements under a modified plain error analysis.” *State v. Davis*, 982 N.W.2d 716, 726 (Minn. 2022). Under this analysis, the defendant has the burden to prove an error that is plain. *State v. Parker*, 901 N.W.2d 917, 926 (Minn. 2017). “An error is plain if it was clear or obvious.” *State v. Ramey*, 721 N.W.2d 294, 302 (Minn. 2006) (quotations omitted). Typically, plain error is established “if the error contravenes case law, a rule, or a standard of conduct.” *Id.* If the defendant establishes plain error, “the burden shifts to the [s]tate to demonstrate that the plain error did not affect the defendant’s substantial rights.” *Parker*, 901 N.W.2d at 926. If the state does not satisfy its burden, the reviewing court must “consider whether the error should be addressed [and a new trial ordered] to ensure fairness and the integrity of judicial proceedings.” *Id.*

Juring argues that the prosecutor committed plain-error misconduct by (1) eliciting testimony from D.O. that he was a “bad person,” (2) arguing that the state “did not have to prove all the facts beyond a reasonable doubt,” and (3) arguing that the only logical conclusion to draw from D.O.’s and the cousin’s testimony was that they were telling the truth.⁵ The state counters that none of these incidents constitute plain-error misconduct. We agree with the state.

⁵ Juring also summarily states that the prosecutor committed misconduct by arguing during closing argument that it was Juring’s idea for D.O. to use saliva when touching his penis, questioning for “what other reason” D.O. would mention saliva in her testimony and her prior statements. Juring does not provide argument or caselaw in support of his assertion.

“Bad Person” Testimony

Juring first asserts that the prosecutor committed plain-error misconduct by eliciting testimony from D.O. on redirect that she did not like Juring because he is a “bad person” on account of “the things that [she] testified [about at trial] like physical abuse and sexual abuse and threats.” A prosecutor cannot ask questions “calculated to elicit or insinuate inadmissible and highly prejudicial character evidence and which are asked in the face of a clear trial court prohibition.” *State v. Harris*, 521 N.W.2d 348, 354 (Minn. 1994). But nothing in the record suggests that the prosecutor intentionally elicited inadmissible, “highly prejudicial character evidence.” *Id.* The state asked D.O. on redirect why she testified on cross-examination that she did not like Juring. The state asked the question to rebut defense counsel’s insinuation that D.O. fabricated her claims of abuse by Juring because she was jealous of Juring receiving M.O.’s attention. While D.O. responded on redirect that she did not like Juring because he is a “bad person,” she affirmed that her opinion of him was based on Juring’s abuse and threats that she had already testified about at trial. The prosecutor did not commit plain-error misconduct by asking D.O. why she did not like Juring.

“An assignment of error based on mere assertion and not supported by any argument or authorities in appellant’s brief is waived and will not be considered on appeal unless prejudicial error is obvious on mere inspection.” *State v. Andersen*, 871 N.W.2d 910, 915 (Minn. 2015). Because we discern no prejudicial error, we consider Juring’s argument waived.

Burden Shifting

Next, Juring asserts that the prosecutor improperly shifted the burden of proof. “The [s]tate must prove every element beyond a reasonable doubt to satisfy the requirements of due process.” *Beganovic*, 991 N.W.2d at 654. “[M]isstatements of the burden of proof are highly improper.” *State v. Strommen*, 648 N.W.2d 681, 690 (Minn. 2002) (quotation omitted). When reviewing a closing argument for prosecutorial misconduct, we must consider “the closing argument as a whole, rather than just selective phrases or remarks that may be taken out of context or given undue prominence.” *State v. Walsh*, 495 N.W.2d 602, 607 (Minn. 1993).

Juring argues that the prosecutor improperly shifted the burden of proof during closing when she said that the state did “not have to prove all of the facts in this case beyond a reasonable doubt.” We are not persuaded.

Our review of the closing argument as a whole demonstrates that the prosecutor accurately explained the state’s burden of proof to the jury. Although the prosecutor twice stated that the state did not need to prove “all of the facts in this case” beyond a reasonable doubt, the prosecutor preceded those statements by telling the jury that the state “must prove all of the elements of each offense beyond a reasonable doubt.” And the prosecutor correctly described the state’s burden of proof beyond a reasonable doubt three other times during closing argument. Thus, the prosecutor’s description of the state’s burden was, “at worst, . . . unartful, not misconduct.” *State v. Atkins*, 543 N.W.2d 642, 648 (Minn. 1996).

Vouching for Witnesses Credibility

Lastly, Juring argues that the prosecutor impermissibly vouched for D.O.'s testimony during closing argument. It is misconduct when a prosecutor "implies a guarantee of a witness's truthfulness" or "expresses a personal opinion as to a witness's credibility." *State v. Martin*, 773 N.W.2d 89, 106 (Minn. 2009). "While a prosecutor must not personally endorse a witness's credibility, the [s]tate may, in closing argument, argue that a witness was or was not credible." *Id.* Prosecutors have "a right to analyze the evidence and vigorously argue that the state's witnesses [are] worthy of credibility." *State v. Googins*, 255 N.W.2d 805, 806 (Minn. 1977); *see also State v. Fields*, 730 N.W.2d 777, 786 (Minn. 2007) (discerning no prosecutorial misconduct when alleged vouching concerned statements about "the credibility of witnesses in the context of the evidence before the court and the conclusions that can be drawn from that evidence.").

During closing argument, the prosecutor mentioned that both D.O. and the cousin testified that Juring forced his child-victims to perform strenuous physical exercises. The prosecutor asserted that the only "logical conclusion" was therefore that D.O. and the cousin were telling the truth about the exercises. While the prosecutor did argue that the witnesses were credible, she did not "personally endorse" the witnesses' testimony. *Martin*, 773 N.W.2d at 106. Instead, the prosecutor analyzed the evidence and argued that the similarities between D.O.'s and the cousin's testimony about forced physical exercises made that testimony credible. Thus, the prosecutor did not commit plain-error misconduct.

Affirmed.