

*This opinion is nonprecedential except as provided by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
A23-1904**

State of Minnesota,
Respondent,

vs.

Clinton Albert Christopher Juring,
Appellant.

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

Steele County District Court
File No. 74-CR-20-1584

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

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

Cathryn Middlebrook, Chief Appellate Public Defender, Adam Lozeau, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

NONPRECEDENTIAL OPINION

FRISCH, Judge

In this direct appeal following a conviction for felony domestic assault, appellant argues that the district court abused its discretion by admitting evidence of a past incident

of domestic abuse as relationship evidence under Minn. Stat. § 634.20 (2020). Because the district court did not abuse its discretion in admitting the challenged evidence, we affirm.

FACTS

Respondent State of Minnesota charged appellant Clinton Albert Christopher Juring with two counts of felony domestic assault pursuant to Minn. Stat. § 609.2242, subd. 4 (2020), based on an allegation that Juring assaulted his girlfriend, M.O. Juring asserted the defense of self-defense.

Before trial, Juring moved to preclude the state from offering “any evidence” under Minn. Stat. § 634.20. The state then filed a notice of intent to introduce “[p]ast instances of domestic conduct” between Juring and M.O. Specifically, the state sought to present evidence that in February 2011, Juring had assaulted M.O. by strangulation. After hearing argument on the admissibility of the proposed testimony, the district court issued a written order denying Juring’s motion to exclude the evidence because Juring had “not established any unfair prejudice, nor [could] the Court discern any.” The following facts were elicited at trial.

M.O. testified that she and Juring had an “on an off” romantic relationship and that Juring was the father of her youngest child. At the time of the alleged offense, Juring lived with M.O. On the morning of September 29, 2020, M.O. and Juring “got into an argument like usual.” M.O. drove Juring to work with their child and M.O.’s second youngest child, D.O., riding in the back seat. The argument continued in the car, eventually prompting M.O. to pull over and park on the shoulder of the interstate because she was “just tired of

[the arguing] and just wanted to get away.” M.O. opened the driver’s side door and told the children to get out of the car. As M.O. tried to exit the car, Juring “grabbed [her] hoodie and yanked [her] back in and said drive, bitch.” Juring punched M.O. in her right cheek, and M.O. “backhanded him back,” causing Juring’s nose to bleed. M.O. testified that she mistakenly “hit the gas,” propelling the car into a ditch. Juring exited the vehicle with M.O.’s phone and jumped over a wire fence separating the ditch from the frontage road. As M.O. exited the vehicle, Juring threw her phone, striking M.O. in the forehead. Juring “took off running,” and M.O. called the police.

A police officer arrived at the scene, saw the vehicle in the ditch, and observed that M.O. “had some redness around her neck” and “a slight cut and blood near her left eyebrow.” The officer radioed for assistance to help locate Juring. A DNR conservation officer found Juring approximately a mile from the scene and placed him under arrest.

The state requested a cautionary instruction on the relationship evidence before examining M.O. about the 2011 incident. The district court informed the jurors that the state was going to introduce evidence about the 2011 incident “for the limited purpose of demonstrating the nature and the extent of the relationship between” M.O. and Juring to assist the jury “in determining whether Mr. Juring committed the two charges he is accused of in this case.” The district court further explained that Juring was not being tried for any conduct other than his actions on September 29, 2020, and instructed the jurors “not to convict” Juring “on the basis of conduct from February of 2011.”

M.O. then testified that in 2011, she and Juring got into an argument:

[Juring] started choking me. He's punching me. I'm being slammed to the ground. I try to run to break the window to get the neighbor's attention because I could not get out of the home. He kept blocking both the front and the back door and broke the window finally, and he was choking me on the couch in front of [the children]. As [D.O.] is saying stop, he's telling her to shut up, and I was choked to the point that I urinated on myself.

M.O. testified that this was the last contact she had with Juring until they rekindled their relationship in 2019.

Following the presentation of evidence, the district court declined to instruct the jury on self-defense. In its final instructions, the district court repeated its cautionary instruction regarding the relationship evidence.

The jury found Juring guilty of both counts of felony domestic abuse. The district court entered a conviction for count two and sentenced Juring to one year and one day in prison. Juring appeals.

DECISION

Juring argues that the district court abused its discretion by admitting M.O.'s testimony concerning the 2011 assault as relationship evidence. We review the district court's admission of relationship evidence for an abuse of discretion. *State v. Matthews*, 779 N.W.2d 543, 553 (Minn. 2010). "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. Tapper*, 993 N.W.2d 432, 437 (Minn. 2023) (quotation omitted). Juring "has the burden on appeal of proving both that the trial court abused its discretion when it

made the evidentiary ruling and that [he] was thereby prejudiced.” *Miles v. State*, 840 N.W.2d 195, 204 (Minn. 2013).

As an initial matter, “[a]ll relevant evidence is admissible, except as otherwise provided by” law. Minn. R. Evid. 402. Evidence is relevant if it has “any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Minn. R. Evid. 401. But “[e]vidence of another crime, wrong, or act is not admissible to prove the character of a person in order to show that” they committed the offense for which they stand trial. Minn. R. Evid. 404(b)(1). A district court may exclude such evidence despite its probative value because of the risk that a jury will convict the defendant based on their prior bad acts, “though guilt of the crime charged is not proved.” *State v. Spreigl*, 139 N.W.2d 167, 172 (Minn. 1965) (quotation omitted).

An exception to Minn. R. Evid. 404(b) exists for “[e]vidence of domestic conduct by the accused against the victim of domestic conduct . . . unless the probative value is substantially outweighed by the danger of unfair prejudice.” Minn. Stat. § 634.20; *see State v. McCoy*, 682 N.W.2d 153, 161 (Minn. 2004) (adopting Minn. Stat. § 634.20 as a rule of evidence). “Domestic conduct” includes, among other things, “evidence of domestic abuse.” Minn. Stat. § 634.20. Relationship evidence admitted under section 634.20 can “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); *see also State v. Hormann*, 805 N.W.2d 883, 890 (Minn. App. 2011) (“Relationship evidence is character evidence

that may be offered to show the strained relationship between the accused and the victim . . . [and] to place the incident for which appellant was charged into proper context.” (quotation omitted)), *rev. denied* (Minn. Jan. 17, 2012).

M.O.’s testimony about the 2011 assault by strangulation fits squarely within the express terms of the statute: Juring committed a past act of domestic abuse against M.O., the victim of domestic abuse in this case. Thus, the evidence was “presumptively admissible.” *See State v. Andersen*, 900 N.W.2d 438, 441 (Minn. App. 2017). But Minn. Stat. § 634.20 also requires that a district court evaluate if “the probative value [of the otherwise admissible evidence] is substantially outweighed by the danger of unfair prejudice.” The district court did not expressly conduct a balancing-test analysis of the evidence other than its conclusory statement that Juring had “not established any unfair prejudice, nor [could] the Court discern any.” We discern no abuse of discretion in the district court’s evidentiary ruling.

Juring first argues that the district court’s “fail[ure] to adequately assess the evidence’s probative value contributed to [its] abuse of discretion.” We disagree. The supreme court has held that “admission of relationship evidence was not error, despite the fact that the trial court did not, on the record, engage in the probative value versus potential prejudice balancing test.” *State v. Bell*, 719 N.W.2d 635, 640 (Minn. 2006); *see also State v. O’Meara*, 755 N.W.2d 29, 33 (Minn. App. 2008) (concluding that the district court’s failure to “recite the required balancing test” was “not erroneous”). Thus, the district court did not commit reversible error merely because it did not, on the record, balance the probative value of the evidence against its potential for unfair prejudice to Juring.

Juring next argues that the district court abused its discretion in admitting the relationship evidence because “[t]he evidence had minimal probative value,” “[a]ny probative value was substantially outweighed by the danger of unfair prejudice,” and “[t]he error was not harmless.” We address each argument in turn.

Juring argues the relationship evidence lacked probative value as to the charged offense because, in general, the real probative value of relationship evidence lies in its capacity to overcome the unique challenges posed by domestic-abuse cases. Relying on language from *McCoy*, 682 N.W.2d at 161, Juring notes that such cases are difficult to prosecute because they may occur in the privacy of the home, involve a pattern of activity that escalates over time, go unreported, or involve abusive dynamics that lead victims to change their stories or refuse to testify altogether. Juring argues that because “[n]one of these rationales for admitting evidence of domestic conduct were present in this case,” the admitted evidence “had little, if any, probative value.”

Although Juring identifies instances where relationship evidence may carry heightened probative significance, Minnesota courts have routinely upheld the admission of section 634.20 evidence in a much wider range of circumstances. *See, e.g., Andersen*, 900 N.W.2d at 441 (affirming admission of past verbal and physical abuse because it illuminated the relationship between the defendant and the victim and put the alleged crime in the “context” of that relationship); *Valentine*, 787 N.W.2d at 637 (same); *State v. Loving*, 775 N.W.2d 872, 880 (Minn. 2009) (affirming admission of relationship evidence that provided context and “helped establish motive, intent, identity, and premeditation”). And the supreme court has recognized “the inherent value of evidence of past acts of violence

committed by the same defendant against the same victim.” *State v. Williams*, 593 N.W.2d 227, 236 (Minn. 1999).

M.O.’s testimony about the 2011 assault by strangulation shed light on the volatile nature of her relationship with Juring, “and put the alleged crime in the context of that relationship.” *See Valentine*, 787 N.W.2d at 637. The history of violence in the relationship may have assisted the jury in its understanding of how the argument escalated into a physical altercation and why M.O. abandoned her car on the side of the interstate and attempted to flee with her children.

Juring also argues that “the state did not need [the] evidence to show that [the relationship] was volatile and unhappy” because M.O. separately testified that she and Juring had an “ongoing problematic relationship” and regularly argued with each other. He argues that this testimony provided sufficient context for the jury to understand his relationship with M.O., significantly diminishing the probative value of the section 634.20 evidence.

It is true that “the [state’s] need for section 634.20 evidence is naturally considered as part of the assessment of the probative value versus prejudicial effect of the evidence.” *Bell*, 719 N.W.2d at 639. The jury heard other testimony about the volatile nature of Juring and M.O.’s relationship which provided context for the state’s allegations. And Juring did not present evidence at trial to contest that Juring and M.O. were arguing, that Juring punched M.O., that M.O. struck Juring, and that Juring threw a phone at M.O., striking her on the forehead. Excluding the relationship evidence likely would not have compromised the state’s theory or the strength of its case. But evidence of Juring’s past abuse of M.O.

carries inherent probative value, and that history is probative to explain M.O.’s actions and the escalation of the conflict into physical violence. *See Williams*, 593 N.W.2d at 236. And at the time the district court determined the relationship evidence was admissible, Juring had asserted the defense of self-defense, to which the relationship evidence may have been probative.

Juring also argues that the 2011 assault lacked probative value because it occurred “nearly a decade before the incident at issue in the trial.” But the timing of the prior incident does not necessarily negate its probative value. *See State v. Ware*, 856 N.W.2d 719, 722, 724, 730 (Minn. App. 2014) (upholding the admission of a past act of abuse occurring almost a decade before the charged crime); *State v. Apfelbacher*, No. A21-0565, 2022 WL 1073231, at *1, *4-5 (Minn. App. Apr. 11, 2022) (upholding the admission of two prior instances of domestic abuse that took place 16 years and 19 years before the charged conduct), *rev. denied* (Minn. June 29, 2022).¹

Juring likewise argues that “any minimal probative value of the section 634.20 evidence was substantially outweighed by its danger of 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.” *Bell*, 719 N.W.2d at 641 (quotation omitted). Persuasion by illegitimate means can include “leading the jury to improperly conclude that the defendant has a propensity to behave criminally

¹ We cite nonprecedential authority for its persuasive value. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c).

and should now be convicted, and punished, for the charged offenses.” *Hormann*, 805 N.W.2d at 891.

Juring argues that the relationship evidence introduced a significant risk of unfair prejudice because “the conduct described in the relationship evidence was disturbing and far more violent than the charged incident.” We have considered “the level of violence at issue” in determining whether the admission of evidence of past acts are “overly prejudicial.” *See State v. Wiedeman*, No. A17-0282, 2018 WL 414314, at *4 (Minn. App. Jan. 16, 2018), *rev. denied* (Minn. Mar. 28, 2018); *State v. Couch*, No. A15-1662, 2016 WL 7365717, at *4 n.5 (Minn. App. Dec. 19, 2016) (expressing concern “about the potential prejudice” from relationship evidence that is “more violent” than the charged conduct); *see also State v. Word*, 755 N.W.2d 776, 784 (Minn. App. 2008) (noting that a victim’s detailed description of “harrowing incident” of past domestic abuse was “dramatic and prejudicial” to defendant).

M.O. provided graphic testimony concerning the 2011 incident. She described how Juring choked her, punched her, and slammed her to the ground. M.O. tried to break a window to call for help. Juring continued choking M.O. on the couch in front of her children to the point where she urinated on herself, while D.O. yelled for him to stop. We agree that the description of events surrounding this incident are significantly more violent than the conduct associated with the charged offense, which presented a risk that the jury would be persuaded to convict Juring by illegitimate means, namely, “his propensity to behave criminally.” *See Hormann*, 805 N.W.2d at 891; *see also Apfelbacher*, 2022 WL 1073231, at *4 (noting that the defendant’s past act of domestic abuse was “more serious

and more likely to create the impression that [he] was a violent person”). But the two cautionary instructions issued by the district court “minimized any potential prejudice” to Juring. *See State v. Lindsey*, 755 N.W.2d 752, 757 (Minn. App. 2008), *rev. denied* (Minn. Oct. 29, 2008). Minnesota courts have repeatedly affirmed the admission of relationship evidence when accompanied by a cautionary jury instruction. *See, e.g., State v. Benton*, 858 N.W.2d 535, 542 (Minn. 2015) (affirming admission of relationship evidence, in part, because the district court “provided numerous cautionary instructions . . . which lessened the probability” of the jury giving “undue weight” to the evidence (quotation omitted)). And “[w]e presume that juries follow instructions given by the [district] court.” *Matthews*, 779 N.W.2d at 550. Here, the two cautionary instructions “lessened any probability that the jury would rely improperly on relationship evidence.” *See Andersen*, 900 N.W.2d at 441.

Juring argues that the cautionary instruction *increased* the danger of unfair prejudice because the district court “failed to caution the jurors” that they were prohibited from using the evidence “to prove the character of the defendant or that the defendant acted in conformity with such character.” But both cautionary instructions informed the jury that the evidence was being introduced “for the limited purpose of demonstrating the nature and the extent of the relationship between” M.O. and Juring, and that Juring was not being tried for any conduct other than his actions on September 29, 2020. And in both instances, the district court instructed the jurors “not to convict” Juring “on the basis of conduct” from the February 2011 assault. These instructions mitigated the danger of unfair prejudice, and

Juring cites no caselaw to support his contention that a district court must include the specific propensity language he claims is indispensable.

Finally, even assuming that the district court abused its discretion in admitting the relationship evidence, Juring's claim still fails because he has not established prejudice. *See Miles*, 840 N.W.2d at 204. "A defendant is prejudiced by an evidentiary ruling when there is a reasonable possibility that without the error the verdict might have been more favorable to the defendant." *State v. Miller*, 754 N.W.2d 686, 700 (Minn. 2008) (quotations omitted); *see also State v. Davis*, 820 N.W.2d 525, 536 (Minn. 2012) ("An error is prejudicial if the error substantially influenced the jury's decision." (quotation omitted)). To determine whether the admission of relationship evidence substantially influenced the jury's decision, we "consider [1] whether the district court provided the jury a cautionary instruction, [2] whether the State dwelled on the evidence in closing argument, and [3] whether the evidence of guilt was strong." *State v. Fraga*, 898 N.W.2d 263, 274 (Minn. 2017).

First, the district court cautioned the jury, thus mitigating the risk of unfair prejudice. Second, the state did not reference the relationship evidence during their closing argument. And finally, the evidence of Juring's guilt was strong. M.O.'s testimony about Juring's conduct was detailed and corroborated by testimony from D.O. and the responding officer. It is unlikely that the relationship evidence had any impact on the verdict. Thus, any error in admitting the relationship evidence was harmless because there is no reasonable possibility that absent such error, the verdict might have been different. *See Miller*, 754 N.W.2d at 700.

In sum, we discern no abuse of discretion in the district court's decision to admit relationship evidence and conclude that the admission of such evidence was harmless.

Affirmed.