

*This opinion is nonprecedential except as provided by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
A24-0165**

State of Minnesota,
Respondent,

vs.

Jose Francisco Aplicano-Ramos,
Appellant.

**Filed March 3, 2025
Affirmed
Wheelock, Judge**

Hennepin County District Court
File No. 27-CR-20-8098

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

Mary F. Moriarty, Hennepin County Attorney, Linda M. Freyer, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Eva F. Wailes, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Wheelock, Presiding Judge; Johnson, Judge; and Bjorkman, Judge.

NONPRECEDENTIAL OPINION

WHEELOCK, Judge

Appellant challenges his conviction for third-degree criminal sexual conduct, arguing that the state did not present sufficient evidence to prove his guilt. Because the state presented sufficient evidence to support the jury's guilty verdict, we affirm.

FACTS

Respondent State of Minnesota charged appellant Jose Francisco Aplicano-Ramos with third-degree criminal sexual conduct, Minn. Stat. § 609.344, subd. 1(c) (Supp. 2019), for sexually assaulting a woman in the restroom of a club in Minneapolis. Appellant exercised his right to a jury trial, and at trial, the state offered testimony from several witnesses and exhibits including numerous surveillance videos from the club, the responding officers' body-camera videos, and photos of the scene. The following facts were elicited.

Appellant encountered complainant N.W. outside of a club she had been visiting during a night out in Minneapolis. N.W. had gone outside to have a cigarette, and because she typically did not smoke, she became dizzy and nauseous. After she put the cigarette out, appellant approached her and said that it was a waste of a cigarette. N.W. responded that she felt ill and needed the restroom.

The club's security footage shows N.W. and appellant entering the club and appellant paying his cover fee. N.W. testified that she went into a restroom, shut the door, and slid the lock to "occupied."

The footage then shows appellant locate the restroom that N.W. is in and knock on the door. After he waits for a few minutes, he leans toward the middle of the door and manipulates it. N.W. testified that, while she was inside the restroom, she heard the lock turn from the outside. The footage shows appellant step into the restroom, look over his shoulder to the interior of the club, pause, and enter the restroom.

N.W. and appellant provided different accounts of what happened in the restroom. N.W. testified that, when appellant entered the restroom, she asked him to leave, but he stayed and locked the door behind him. She testified that she tried to leave, but that he grabbed her, restrained her legs by pulling her pants down to her knees, and pinned her to the sink with his body weight. She testified that he ripped open her bodysuit and penetrated her vagina with his fingers and penis against her protests. She testified that he covered her mouth with his hand while she protested.

Appellant testified that N.W. waved at him from inside of the bathroom and that he and N.W. kissed while he was trying to assist with her nausea. He said that he touched N.W. under her clothes, N.W. pulled her pants down with appellant's help, N.W. grabbed at appellant's crotch while his pants were on, and they eventually had consensual sexual intercourse.

The security footage, which was played for the jury, shows N.W. frantically exit the restroom about five and a half minutes after appellant entered. N.W. testified that she hid in the coat closet and, when asked, told club staff that appellant raped her. As appellant walked out of the club, N.W. saw him, began yelling at him, and hit him with her shoe. Security pulled her away.

N.W. testified that she wanted to go home but instead went to the hospital for medical attention and a sexual-assault examination. Law enforcement arrested appellant and took him into custody for a DNA sample and examination. The DNA tests revealed that appellant had N.W.'s DNA on his genitals at the time of his examination. The nurse who examined N.W. testified that N.W. did not suffer substantial physical injuries during

the assault. The nurse testified that this is typical of a sexual-assault examination conducted immediately after the type of assault N.W. experienced because bruises can take days to develop and vaginas are stretchy and generally lubricated. N.W. gave a statement about the assault to a police investigator the following day.

The state's case included N.W.'s testimony that appellant used force to sexually penetrate her without her consent. N.W. also testified that, while she consumed more alcohol than was typical for her, she became ill from nicotine, not alcohol. She testified that the alcohol did not affect her judgment. Additionally, the nurse who examined N.W. at the hospital testified that she did not notice any signs that N.W. was impaired during her examination. Finally, a club employee testified that the club's restroom locks are comparable to airplane lavatory locks that move a lever to indicate from the outside whether the room is vacant or occupied and that patrons "can actually just slide that vacant sign over, and it will unlock the door" from outside the bathroom.

The jury found appellant guilty of criminal sexual conduct in the third degree. This appeal follows.

DECISION

Appellant argues that the state did not present sufficient evidence to prove his guilt of third-degree criminal sexual conduct beyond a reasonable doubt because there were "several reasons to doubt N.W.'s accusations and the state's overall case" and because the state did not corroborate N.W.'s trial testimony. The state argues that N.W.'s testimony alone was sufficient to support the jury's verdict. The state argues further that, even though N.W.'s testimony does not need corroboration, her prior consistent statements, eyewitness

testimony of her conduct and demeanor after the assault, and her prompt report of the assault all corroborate her testimony.

“When reviewing a claim of the sufficiency of the evidence, [an appellate] court’s inquiry is limited to whether, given the evidence as it was presented in court, a jury could have reasonably concluded that appellant was guilty beyond a reasonable doubt.” *State v. Huss*, 506 N.W.2d 290, 292 (Minn. 1993). Reviewing courts “must view the evidence in a light most favorable to the verdict and assume the jury believed the state’s witnesses and disbelieved the contrary evidence presented.” *Id.*

Determining the weight and credibility of a witness’s testimony is a task for the trier of fact. *Id.* Minnesota courts do not require the corroboration of a sexual-assault complainant’s testimony. *State v. Ani*, 257 N.W.2d 699, 700 (Minn. 1977). “It is well-settled that a conviction can rest on the uncorroborated testimony of a single credible witness.” *State v. Hill*, 172 N.W.2d 406, 407 (Minn. 1969); *see also* Minn. Stat. § 609.347, subd. 1 (2024) (“[T]he testimony of a [sexual-assault] victim need not be corroborated.”); *State v. Edwards*, 380 N.W.2d 503, 510 (Minn. App. 1986) (holding that a sexual-assault victim’s testimony did not need to be corroborated, even though it conflicted with—among other evidence—the defendant’s self-serving testimony because weighing witness credibility is exclusively the jury’s duty).

For the jury to find appellant guilty of third-degree criminal sexual conduct, the state needed to prove that (1) appellant engaged in sexual penetration of N.W. and (2) appellant used force or coercion to accomplish the penetration. Minn. Stat. § 609.344, subd. 1(c). “Force” is the “infliction, attempted infliction, or threatened infliction by the actor of bodily

harm or commission or threat of any other crime by the actor against the complainant” that, “if the actor does not have a significant relationship to the complainant, also causes the complainant to submit.” Minn. Stat. § 609.341, subd. 3(b) (2018). “Coercion” is the use of “words or circumstances that cause the complainant reasonably to fear that the actor will inflict bodily harm upon the complainant” or “the use by the actor of confinement, or superior size or strength, against the complainant that causes the complainant to submit to sexual penetration . . . against the complainant’s will.” *Id.*, subd. 14 (2018). “Consent” is words or overt actions that indicate “a freely given present agreement to perform a particular sexual act with the actor.” *Id.*, subd. 4(a) (2018).

Appellant argues that we must reverse his conviction because, without corroboration, N.W.’s testimony cannot establish that he engaged in nonconsensual intercourse with her. This argument is not persuasive because “[it] is well-settled that a conviction can rest on the uncorroborated testimony of a single credible witness.” *Hill*, 172 N.W.2d at 407. Here, because the jury returned a verdict that was consistent with N.W.’s testimony and inconsistent with appellant’s testimony, we “must view the evidence in a light most favorable to” N.W.’s testimony and assume the jury “disbelieved the contrary evidence presented.” *Huss*, 506 N.W.2d at 292.

We determine that the state provided sufficient evidence to support the jury’s finding on each element. During trial, N.W. testified that appellant penetrated her vagina with his fingers and penis, without her consent, by pinning her to the sink and restraining her legs. We conclude that a reasonable jury could find that this testimony established the

elements of third-degree criminal sexual conduct; therefore, N.W.'s testimony was sufficient to support the verdict.

Appellant argues that N.W.'s testimony needed corroboration because of the lack of physical injuries found during her sexual-assault examination and because of her alcohol consumption. We first observe that the record corroborates N.W.'s testimony: the video evidence shows appellant successfully enter a locked restroom, and it then shows N.W. frantically exit the restroom. Evidence in the record also shows that N.W. hid in the coat room after exiting the restroom. This supports the inference that something occurred in the restroom that upset N.W.

We are not persuaded, however, that N.W.'s testimony needs corroboration based on the facts here. Although, as appellant points out, Minnesota courts have observed that, under certain circumstances, "[t]he absence of corroboration . . . may well call for a holding that there is insufficient evidence upon which a jury could find the defendant guilty beyond a reasonable doubt," *Ani*, 257 N.W.2d at 700 (quotation omitted), those cases are distinguishable from the case here. Appellant cites *State v. Gluff*, 172 N.W.2d 63, 65 (Minn. 1969), and *State v. Langteau*, 268 N.W.2d 76, 77 (Minn. 1978), to support his argument that corroboration is necessary for his conviction to be upheld.

In *Gluff*, the supreme court determined that the evidence was insufficient to support the jury's verdict that the defendant had committed the charged offense. 172 N.W.2d at 64-65. The supreme court determined that proof of this issue was "permeated with doubt" because the state's only witness saw the defendant in poor lighting for two minutes or less. *Id.* Moreover, the witness testified that "she was not quite sure of anything It was

happening very, very quickly.” *Id.* at 64 (quotation marks omitted). Given these circumstances, the supreme court reversed the judgment of conviction and remanded the case for a new trial. *Id.* at 66.

In *Langteau*, the supreme court determined that there was not sufficient credible evidence to support the jury’s guilty verdict for the crime of robbery. 268 N.W.2d at 77. In that trial, only two witnesses provided significant evidence: the defendant and the victim. They were “well acquainted” with each other. *Id.* The victim testified that, on the night he was robbed, he was leaving the hospital where he had been visiting a friend, long after typical visiting hours ended. *Id.* The state provided no other evidence linking the defendant with the crime and offered no motive for the crime. *Id.* It posited, without support in the record, that the defendant was on drugs. *Id.* The record demonstrated that, during deliberations, the jurors had questions about what “reasonable doubt” meant, and that despite ultimately finding the defendant guilty, the jury had stated—two hours into the 12-hour deliberation—that there was “no possibility of agreement as to defendant’s guilt.” *Id.* Under these circumstances, the supreme court reversed the jury’s guilty verdict in the interests of justice and ordered a new trial. *Id.*

In comparing the evidentiary deficiencies of *Gluff* and *Langteau* with the evidence in this case, we conclude that the present case is distinguishable from those cases and does not present circumstances that support a conclusion that uncorroborated witness testimony was insufficient to support the jury’s guilty verdict. Additionally, we have already explained that the record here corroborates N.W.’s testimony. Although N.W. testified that she consumed more alcohol than was typical for her on the night of the assault, she

testified that her judgment was not impaired. The examining nurse also testified that she did not notice signs that N.W. was impaired during the sexual-assault examination and that it is typical for survivors not to exhibit physical harm on their bodies immediately after a sexual assault. The security footage was consistent with N.W.'s testimony, and a club employee explained how it was possible for appellant to slide the restroom lock open after N.W. had entered the restroom alone and locked it behind her.

Because a jury could have reasonably found that appellant used force or coercion to achieve sexual penetration of N.W. without her consent based on the evidence in the trial record, we conclude that the state presented sufficient evidence to support appellant's conviction.

Affirmed.