

*This opinion is nonprecedential except as provided by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
A24-0193**

State of Minnesota,
Respondent,

vs.

Jared Anthony Norman,
Appellant.

**Filed February 10, 2025
Affirmed
Worke, Judge**

Mille Lacs County District Court
File No. 48-CR-21-927

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

Cory J. Haller, Mille Lacs County Attorney, Milaca, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, St. Paul, Minnesota; and

Andrew C. Wilson, Special Assistant Public Defender, Wilson & Clas, Minneapolis, Minnesota (for appellant)

Considered and decided by Slieter, Presiding Judge; Worke, Judge; and Reilly, Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant challenges the sufficiency of the evidence for his conviction of threats of violence under Minn. Stat. § 609.713, subd. 1 (2020). Because we conclude the evidence sufficiently supports appellant’s conviction, we affirm.

FACTS

Appellant Jared Anthony Norman engaged in a two-hour stand-off with the Mille Lacs County Sheriff’s Office in front of his home in May 2021. Afterward, respondent State of Minnesota charged him with multiple crimes, including threats of violence under Minn. Stat. § 609.713, subd. 1 (2020) (criminalizing direct or indirect threats to “commit any crime of violence with purpose to terrorize another,” or in “reckless disregard of the risk of causing such terror”). The case proceeded to trial, and the jury heard testimony from law enforcement officers and from Norman himself. To determine guilt, the district court instructed the jury to evaluate whether Norman threatened a sheriff’s deputy—Deputy Sawatsky—in front of his home with a dangerous weapon.¹ The district court also included a self-defense instruction on the charge.

¹ We note that the first potential prong for guilt under section 609.713—to threaten “any crime of violence with the purpose to terrorize another”—is a specific intent crime, while the second prong—to threaten with “reckless disregard of the risk of causing such terror”—is a general intent crime. *See State v. Bjergum*, 771 N.W.2d 53, 56-57 (Minn. App. 2009), *rev. denied* (Minn. Nov. 17, 2009). Accordingly, here, the district court instructed the jury to evaluate whether Norman acted “with intent to terrorize Deputy [Sawatsky]” or whether he acted “in reckless disregard of the risk of causing such terror.”

At trial, Deputy Sawatsky provided the following testimony. On the night of the stand-off, he and another sheriff's deputy responded to an incident near a bridge along a rural county road. An individual told Deputy Sawatsky that he was fishing with friends when a man in a truck discharged a firearm, said they were on his property, and threatened to shoot them. Consistent with this information, a male called 911 dispatch to complain about people on his property. Based on the fisherman's description of the man's truck, Deputy Sawatsky and multiple other deputies went to a nearby home where a similar truck was parked in the driveway. The deputies did not have an arrest warrant or a search warrant to enter the home. Instead, they knocked on the front door and windows outside the residence, but no one came out to speak with them. Another sheriff's deputy testified that he then removed screens from windows and peeked inside the house with a flashlight.

Deputy Sawatsky testified that, while he was in front of the house, dispatch provided additional information that the male who previously called to complain about people on his property was inside the residence and called again to say that he would not come outside. Deputy Sawatsky then learned that the man inside called yet again to say that if law enforcement entered his home, he would shoot them.²

Eventually, a patrol sergeant with the sheriff's office arrived on the scene to provide additional support, and at trial he testified about his involvement in the incident. The sergeant recalled speaking with the individual inside the home multiple times on the phone,

² Consistent with testimony from Deputy Sawatsky, the district court admitted into evidence an audio recording of a male calling dispatch and threatening to shoot law enforcement officials in front of his home if they came inside.

but the individual would not provide his name and refused to exit the residence. He also recalled the individual mentioning that his wife and several children were in the home. By phone and through a PA system, the sergeant told the individual that he was under arrest and that he should come outside with his hands up. The sergeant eventually told the individual that if he did not come out that he would “kick down the door” and “blow it off the hinges.” Deputy Sawatsky confirmed that the sergeant also said something along the lines of: “I’m gonna park [a] 37,000-pound vehicle in your driveway if you don’t come out and I might even throw flash bombs in there where you have kids.” The sergeant testified that two hours after his original call to dispatch, the individual inside the home walked out, and law enforcement placed him under arrest. During trial, the sergeant identified the person who walked out as Norman. After Norman’s wife and children left the property, law enforcement obtained a search warrant for the home and confiscated several firearms inside.

Norman testified that he was scared and concerned for his whole family who were sleeping in the house. Norman stated that he conveyed the message that if law enforcement came inside, he would defend his family and himself and admitted to using the term “shoot.” He testified that he eventually chose to walk outside because the “threat of a 37,000-pound tank anywhere near [his] kids or [his] house was obviously, [something he] didn’t want . . . to happen.” He also said that he walked out because he was concerned about the “flash bombs.”

After deliberation, the jury returned a guilty verdict. The district court stayed imposition of Norman's sentence and placed him on probation for five years. This appeal followed.

DECISION

Norman challenges the sufficiency of the evidence for his threats-of-violence conviction. He argues that, when threatening to shoot Deputy Sawatsky, he expressed an intent to defend himself and his family lawfully.

Under the threats-of-violence statute, “[w]hoever threatens, directly or indirectly, to commit any crime of violence with purpose to terrorize another . . . or in reckless disregard of the risk of causing such terror . . . may be sentenced to imprisonment for not more than five years or to payment of not more than \$10,000, or both.” Minn. Stat. § 609.713, subd. 1. To “threaten” means to declare “an intention to injure another . . . by some unlawful act.” *State v. Mrozinski*, 971 N.W.2d 233, 239 (Minn. 2022) (quotation omitted). A communication is a threat if, “in context, it creates a reasonable apprehension that the defendant will . . . act on the threat.” *Id.* A “crime of violence” includes all offenses designated as a “violent crime” under Minn. Stat. § 609.1095, subd. 1(d) (2020). *See* Minn. Stat. § 609.713, subd. 1. To act with “[p]urpose” means to have an objective or intent. *State v. Schweppe*, 237 N.W.2d 609, 614 (Minn. 1975). To be “reckless” means to act “in conscious disregard of a substantial and unjustifiable risk that . . . words or conduct will cause extreme fear.” *Mrozinski*, 971 N.W.2d at 240. And to “[t]errorize means to cause extreme fear by use of violence or threats.” *Schweppe*, 237 N.W.2d at 614.

Here, whether Norman threatened Deputy Sawatsky, and whether he did so with the purpose of terrorizing the deputy—or in reckless disregard of doing so—presented factual questions that required the jury to draw inferences from Norman’s behavior and the context of his statements. *See State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (defining circumstantial evidence “as evidence from which a factfinder can infer whether the facts in dispute existed or did not exist”).

When a verdict relies on circumstantial evidence, we apply “heightened scrutiny” under a two-step analysis. *State v. Al-Naseer*, 788 N.W.2d 469, 473 (Minn. 2010). First, we identify the circumstances proved, giving deference to “the jury’s acceptance of the proof of these circumstances as well as to the jury’s rejection of evidence in the record that conflicted with the circumstances proved by the state.” *State v. Hanson*, 800 N.W.2d 618, 622 (Minn. 2011). Second, we analyze “whether the circumstances proved are consistent with guilt and inconsistent with any rational hypothesis except that of guilt.” *State v. Silvernail*, 831 N.W.2d 594, 599 (Minn. 2013) (quotations omitted). For the second step, we do “not review each circumstance proved in isolation” but instead consider the circumstances as a whole. *State v. Andersen*, 784 N.W.2d 320, 332 (Minn. 2010).

Here, the circumstances proved include the following: (1) Deputy Sawatsky and other law enforcement showed up at Norman’s home without a search or arrest warrant based on reports that he fired a gun and threatened to shoot a group fishing near his property; (2) Norman would not leave his home, and law enforcement knocked on his front door, flashed lights, knocked on his windows, and removed screens from his windows; (3) Norman called 911 dispatch multiple times while law enforcement were in front of his

home, and in one of those calls, threatened to shoot law enforcement who entered his home, including Deputy Sawatsky; (4) Deputy Sawatsky learned about Norman’s threats while in front of his home; (5) the sergeant eventually arrived on the scene, and Norman continued to refuse to leave his home (6) the sergeant threatened to kick down the door, “park [a] 37,000-pound vehicle in [Norman’s] driveway” and throw flash bombs into his home; and (7) Norman left his home and surrendered after a two-hour stand-off.

In applying the second step in the analysis, we conclude that the circumstances proved are consistent with guilt and inconsistent with any rational hypothesis except guilt.

First, the circumstances proved demonstrate that Norman—by telling dispatch that he would shoot law enforcement if they entered his home—indirectly threatened Deputy Sawatsky. Norman made his statement during a tense stand-off and at the outset of an investigation into allegations that he discharged a firearm and threatened to shoot others earlier that night. Given the context, his statements would create reasonable apprehension that he would act on them. *See Mrozinski*, 971 N.W.2d at 239.

Second, Norman threatened a “crime of violence.” A “crime of violence” includes second-degree assault, *see* Minn. Stat. § 609.1095, subd. 1(d), and the elements of second-degree assault describe the conduct Norman threatened to commit, *see* Minn. Stat. § 609.222 (2020) (criminalizing as second-degree assault the assault of “another with a dangerous weapon”); Minn. Stat. § 609.02, subd. 10 (2020) (defining “assault” to include “the intentional infliction of or attempt to inflict bodily harm upon another”); *id.*, subd. 6 (defining “dangerous weapon” to include “any firearm”).

And third, given the substantial bodily harm that would result from a gunshot wound, and the extreme fear that would result from such a threat, Norman either purposefully or recklessly terrorized the deputy. *See Schweppe*, 237 N.W.2d at 614; *Mrozinski*, 971 N.W.2d at 240.

Nevertheless, Norman argues that the evidence is consistent with a rational hypothesis other than guilt. He contends that, because law enforcement was threatening to arrest him without probable cause and to enter his home without a warrant, he expressed lawful intent to act in self-defense and defense of others and was therefore not threatening a “crime of violence” under section 609.713. We disagree.

Although a defendant has “a right to resist an officer in order to defend himself or another against unjustified bodily attack,” a defendant cannot engage in “assaultive conduct . . . solely on the ground that the officers are violating the defendant’s fourth amendment rights or on the ground that the defendant believes that the officers are violating his rights.” *State v. Wick*, 331 N.W.2d 769, 771 (Minn. 1983).

Here, Norman produced no evidence that when he threatened to shoot Deputy Sawatsky he or his family faced the prospect of an “unjustified bodily attack.” *See id.* Prior to Norman’s threats, Deputy Sawatsky, along with other law enforcement, were knocking on his door and windows, flashing lights, and asking him to leave. They were not threatening Norman or his family with physical harm. To the extent the sergeant threatened physical harm, he did so *after* Norman threatened to shoot law enforcement. Because the “assaultive conduct” Norman threatened was not justified by his belief that

law enforcement was violating his Fourth Amendment rights, the circumstances proved are inconsistent with any rational hypothesis except guilt.

We conclude that the evidence sufficiently supports Norman's conviction.

Affirmed.