

*This opinion is nonprecedential except as provided by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
A24-0300**

In the Matter of the Welfare of: J. R. Z. R., Child.

**Filed November 12, 2024
Affirmed
Ede, Judge**

Blue Earth County District Court
File No. 07-JV-23-3248

Cathryn Middlebrook, Chief Appellate Public Defender, Laura G. Heinrich, Assistant Public Defender, St. Paul, Minnesota (for appellant J.R.Z.R.)

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

Patrick R. McDermott, Blue Earth County Attorney, Jonathan M. Janssen, Assistant County Attorney, Mankato, Minnesota (for respondent State of Minnesota)

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

NONPRECEDENTIAL OPINION

EDE, Judge

In this appeal from the district court's final disposition adjudicating appellant as a juvenile traffic offender on a charge of careless driving, appellant argues that the evidence is insufficient to sustain the district court's adjudication. Because we conclude that there is sufficient evidence to prove that appellant carelessly operated a vehicle on a highway in a manner that endangered property and a person, we affirm.

FACTS

After appellant J.R.Z.R.'s vehicle collided with another vehicle, a police officer cited J.R.Z.R. for careless driving, in violation of Minnesota Statutes section 169.13, subdivision 2(a) (2022). The matter proceeded to a bench trial, during which the district court heard testimony from the citing officer, the driver of the other vehicle involved in the collision, and J.R.Z.R. The district court also received a digital video exhibit, which showed the officer's body-camera footage of what occurred immediately after the collision. The following factual summary is based on evidence adduced at trial, described in the light most favorable to the fact-finder's verdict.

On a late August night in 2023, J.R.Z.R. was driving on a two-lane highway in Mankato with a group of friends when he decided to attempt a U-turn. J.R.Z.R. pulled over, stopped in a bicycle lane, activated his hazard lights, and observed an oncoming vehicle, which happened to be a squad car driven by a police officer. The officer passed J.R.Z.R. and observed another vehicle traveling behind J.R.Z.R. in the same direction as J.R.Z.R. was traveling. The driver of the other vehicle saw J.R.Z.R.'s vehicle on the side of the road. As she approached the area where J.R.Z.R.'s vehicle was stopped, the driver of the other vehicle began to slow down.

Before beginning a U-turn, J.R.Z.R. looked back to see if any other vehicle was approaching from the rear. Seeing lights, J.R.Z.R. believed them to be those of the officer who had passed, although he later realized that the lights he saw were those of the other driver's vehicle. J.R.Z.R. started the U-turn when the other vehicle was almost even with the back of his vehicle and the other vehicle was "slowly starting to pass." Because "[t]he

officer was coming the opposite way,” the driver of the other vehicle “had nowhere to go[,]” meaning that she could not go around J.R.Z.R. by entering the other lane. When he attempted the U-turn, J.R.Z.R. “turned into” and collided with the other vehicle’s front passenger side tire and door area, causing the other vehicle to spin before the driver managed to regain control. The officer observed the collision through his rearview mirror and turned around.

After determining that the evidence of J.R.Z.R.’s conduct proved the elements of careless driving beyond a reasonable doubt, the district court found J.R.Z.R. guilty. The district court reasoned that J.R.Z.R.’s conduct amounted to careless driving not because of where J.R.Z.R. stopped before the collision, but because of the time at which J.R.Z.R. chose to begin turning and J.R.Z.R.’s failure “to maintain a lookout for vehicles before he attempted the U-turn.” Thus, the district court determined that the “act of making a U-turn without . . . making sure that [J.R.Z.R. was] not turning into somebody . . . reach[ed] the level of operating carelessly or heedlessly in disregard of the rights of others.” The district court adjudicated J.R.Z.R. a juvenile traffic offender and imposed a \$100 fine.

J.R.Z.R. appeals.

DECISION

J.R.Z.R. challenges the district court’s adjudication, arguing that “[t]he state failed to present sufficient evidence to prove beyond a reasonable doubt that [he] was negligent in making a U-turn.” More specifically, J.R.Z.R. maintains that “[t]he fact that J.R.Z.R. hit a car when conducting a U-turn is circumstantial evidence of negligence” because “[i]t requires the factfinder to infer that J.R.Z.R. hit the other car due to inattention or some

other form of negligence and does not in itself, without the inference, prove that the conduct leading up to the collision was negligent.” From the premise that an inference is required, J.R.Z.R. contends that the heightened standard of review for convictions based on circumstantial evidence applies and that the standard is not met here. Respondent State of Minnesota contends that the heightened circumstantial-evidence standard of review does not apply because “[c]areless driving is proved by objective not subjective elements” and because we have analyzed sufficiency-of-the-evidence challenges involving objective elements by applying the direct-evidence standard of review. The state also asserts that there is sufficient direct evidence to sustain the district court’s adjudication. We agree with the state.

A. The direct-evidence standard of review applies.

Minnesota appellate courts “use the same standard of review in bench trials and in jury trials in evaluating the sufficiency of the evidence.” *State v. Palmer*, 803 N.W.2d 727, 733 (Minn. 2011). “The relevant standard of review depends on whether the factfinder . . . reached its conclusion of law based on direct or circumstantial evidence.” *State v. Petersen*, 910 N.W.2d 1, 6 (Minn. 2018). In other words, “[w]hether we apply the standard of review applicable to circumstantial evidence depends on whether the conviction necessarily depends on circumstantial evidence.” *State v. Porte*, 832 N.W.2d 303, 309 (Minn. App. 2013). And “[w]hen the direct evidence of guilt on a particular element is not alone sufficient to sustain the verdict, . . . [appellate courts] apply . . . the circumstantial-evidence standard of review.” *Loving v. State*, 891 N.W.2d 638, 643 (Minn. 2017). Direct evidence “is evidence that is based on personal knowledge or observation and that, if true, proves a

fact without inference or presumption.” *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (quotation omitted). Circumstantial evidence is “evidence from which the factfinder can infer whether the facts in dispute existed or did not exist.” *Id.* (quotation omitted).

“Any person who operates or halts any vehicle upon any street or highway carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger any property or any person, including the driver or passengers of the vehicle, is guilty” of careless driving. Minn. Stat. § 169.13, subd. 2(a). J.R.Z.R.’s challenge focuses on the evidence supporting the district court’s determination that he carelessly made the U-turn. In reaching the conclusion of law that J.R.Z.R.’s “act of making a U-turn . . . without making sure that [he was] not turning into somebody” amounted to “operating carelessly or heedlessly in disregard of the rights of others,” the district court relied on the time at which J.R.Z.R. chose to begin turning and his failure “to maintain a lookout for vehicles before he attempted the U-turn.” These facts were established in the trial record by J.R.Z.R.’s admissions immediately after the collision, which were video recorded by the officer’s body-camera,¹ as well as by the testimony of the officer and the driver of the other vehicle. All such evidence was based on each witness’s personal knowledge and observation of both the collision and the events leading up to it. To determine whether this is direct evidence, the question is whether the evidence can sufficiently prove that J.R.Z.R. operated his vehicle carelessly “without inference or presumption.” *Harris*, 895 N.W.2d at 599 (quotation omitted).

¹ Video is direct evidence of what it shows. See *State v. Blevins*, 10 N.W.3d 29, 39–40 (Minn. 2024).

“In the context of careless driving, carelessness is synonymous with ordinary negligence.” *State v. Al-Naseer*, 690 N.W.2d 744, 752 (Minn. 2005) (citing *State v. Meany*, 115 N.W.2d 247, 257 (Minn. 1962), and construing Minn. Stat. § 169.13, subd. 2 (2004), which uses language that is identical to the careless-driving statute here).² This is an objective element that direct evidence may prove. *Cf. State v. McCormick*, 835 N.W.2d 498, 507 (Minn. App. 2013) (concluding that “there was direct evidence on the issue of objective gross negligence” that, “when viewed in the light most favorable to the state, would permit the jury to evaluate whether [the appellant’s conduct] would constitute a gross deviation from an objective standard of care”), *rev. denied* (Minn. Oct. 15, 2013).

And “[a]lthough intent . . . may in most cases be proven only by circumstantial evidence,” *State v. Collins*, 580 N.W.2d 36, 44 (Minn. App. 1998), *rev. denied* (Minn.

² See also *State v. Pflepsen*, 590 N.W.2d 759, 765–66 (Minn. 1999) (citing Minn. Stat. § 169.13, subd. 2 (1998)—which is the same as the version of the careless-driving statute here—and describing “the essential elements of careless driving” as “negligent operation of a motor vehicle”); *State v. Erickson*, 396 N.W.2d 709, 711 (Minn. App. 1986) (“The correct standard to apply in a prosecution for careless driving is ordinary negligence.” (citing *State v. Tereau*, 229 N.W.2d 27, 29 (Minn. 1975))); *In re Welfare of M.B.W.*, 364 N.W.2d 491, 492–93 (Minn. App. 1985) (concluding that “[t]he trial court was correct in stating that ordinary negligence resulting in property damage can constitute careless driving” in reviewing appellant’s sufficiency-of-the-evidence challenge to his adjudication as a juvenile traffic offender on a charge of careless driving, in violation of Minnesota Statutes section 169.13, subdivision 2 (Supp. 1983), which is likewise identical to the careless-driving statute before us); see also 10 *Minnesota Practice*, CRIMJIG 27.12 (2022) (citing Minn. Stat. § 169.13, subd. 2(a), *Tereau*, *Meany*, and *M.B.W.*, and explaining that careless driving is proven by evidence that “the defendant was negligent in the operation of the vehicle”). Although we cite CRIMJIG 27.12 herein for its persuasive value, we are mindful that, “[w]here there is a conflict between the Minnesota Jury Instructions Guide, Criminal (CRIMJIG) and the statute or our case law, the latter two control.” *State v. Taylor*, 869 N.W.2d 1, 15 (Minn. 2015); see also *State v. Pierce*, 792 N.W.2d 83, 86 (Minn. App. 2010) (stating that jury instructions “are not the law”).

July 16, 1998), “[c]areless driving does not require the element of intent,” *M.B.W.*, 364 N.W.2d at 493.³ Indeed, the careless-driving statute, unlike the reckless-driving statute, does not include a subjective-knowledge requirement or a state-of-mind element. *Compare* Minn. Stat. § 169.13, subd. 2(a), *with* Minn. Stat. § 169.13, subd. 1(a) (2022) (reckless-driving statute providing—unlike the careless-driving statute—that a person who drives a vehicle “*while aware of and consciously* disregarding a substantial and unjustifiable risk that the driving may result in harm . . . is guilty of reckless driving” (emphasis added)).⁴

Our decision in *McCormick* is instructive. In that case, we analyzed the objective and subjective elements of Minnesota Statutes section 609.205(1) (2010), which “provides

³ While our analysis in *M.B.W.* did not rely on inferences as to the appellant’s state of mind, we did reason that the appellant’s “straight tire tracks [left] a logical inference that the driver of the vehicle [that] struck the pick-up took no evasive action prior to the collision and perhaps simply drove into a stationary object without first seeing it.” 364 N.W.2d at 493. Although we did not explicitly say so, our reference to “evidence from which the factfinder [could] infer whether [a] fact[] in dispute existed” might suggest that it was circumstantial evidence in *M.B.W.* that sustained the adjudication. *See Harris*, 895 N.W.2d at 599 (quotation omitted). But this does not mean that we are required to apply a circumstantial-evidence standard of review here. Determining the appropriate sufficiency-of-the-evidence standard of review demands a fact-specific, case-by-case analysis because “[t]he relevant standard of review depends on whether the factfinder . . . reached its conclusion of law based on direct or circumstantial evidence.” *Petersen*, 910 N.W.2d at 6. And *M.B.W.* did not broadly hold that circumstantial evidence is necessary to prove a charge of careless driving in every case.

⁴ *See also Erickson*, 396 N.W.2d at 711 (“Although careless driving does not require an element of intent, from all of the evidence presented, the trial court could conclude that appellant’s driving amounted to ordinary negligence beyond a reasonable doubt.”); *State, City of Wood Lake v. Johnson*, 358 N.W.2d 127, 129 (Minn. App. 1984) (affirming a conviction of careless driving, in violation of Minn. Stat. § 169.13, subd. 2 (Supp. 1983), despite the appellant’s testimony “that he did not intend to swerve at [the victim]” and instead “was trying to turn his radio up and may have accidentally swerved toward her” because, “[e]ven if the court believed his testimony, the conviction could be sustained because intent is not an element of careless driving”).

that a person who causes the death of another by the person's culpable negligence whereby the person creates an unreasonable risk, and consciously takes chances of causing death or great bodily harm to another is guilty of second-degree manslaughter." *McCormick*, 835 N.W.2d at 507 (quotation omitted). We explained that "[t]his standard is satisfied by establishing (1) objective gross negligence on the part of the actor and (2) subjective 'recklessness in the form of an actual conscious disregard of the risk created by the conduct.'" *Id.* (quoting *State v. Frost*, 342 N.W.2d 317, 320 (Minn. 1983)).

"The objective aspect is satisfied by demonstrating that the act was 'a gross deviation from the standard of care that a reasonable person would observe in the actor's situation.'" *Id.* (quoting *Frost*, 342 N.W.2d at 319) (other citation omitted). And "[t]he subjective aspect requires a finding of the actor's state of mind[.]" which "'is generally proven circumstantially, by inference from words or acts of the actor both before and after the incident.'" *Id.* (quoting *State v. Johnson*, 616 N.W.2d 720, 726 (Minn. 2000)). Although we concluded that there was sufficient direct evidence to prove the element of objective gross negligence, we also concluded that "whether [the] appellant consciously disregarded the risk [posed by his conduct] was necessarily proven by circumstantial evidence" and that, "because the circumstantial evidence presented at trial on the issues of recklessness . . . support[ed] reasonable inferences inconsistent with appellant's guilt, . . . the district court erred in denying appellant's motion for a judgment of acquittal."⁵ *Id.* at 507, 510.

⁵ Although we noted in *McCormick* that the "appeal [was] not a challenge to the sufficiency of the evidence supporting the jury's verdict, because the order granting a new trial vacated

Here, as in *McCormick*, there is direct evidence supporting the objective element of ordinary negligence. Such evidence includes statements about the time at which J.R.Z.R. chose to begin the U-turn and his failure to watch for vehicles before attempting the turn, as shown by J.R.Z.R.’s recorded admissions immediately after the collision, along with the officer’s and the other driver’s accounts of the incident. That evidence sufficiently proves that J.R.Z.R. operated his vehicle carelessly “without inference or presumption.” *Harris*, 895 N.W.2d at 599 (quotation omitted). And unlike *McCormick*, careless driving does not require proof of a subjective element like intent, which in many cases might be proved by circumstantial evidence. See *McCormick*, 835 N.W.2d at 507; *Collins*, 580 N.W.2d at 44; *M.B.W.*, 364 N.W.2d at 493. Thus, because we conclude that “the factfinder . . . reached its conclusion of law based on direct . . . evidence[,]” *Petersen*, 910 N.W.2d at 6, and that “the conviction [does not] necessarily depend[] on circumstantial evidence[,]” *Porte*, 832 N.W.2d at 309, we apply the direct-evidence standard of review here.

B. The evidence is sufficient to sustain the adjudication.

When evaluating the sufficiency of direct evidence, appellate courts “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 [fact-finder] to reach its verdict.” *Loving*, 891 N.W.2d at 643 (quotation omitted). Appellate courts “assume that the [fact-finder] believed the state’s witnesses and

the jury verdict[,]” we also explained that the “[a]ppellant’s appeal of the denial of his posttrial motion for judgment of acquittal . . . require[d] us to conduct a de novo review of the sufficiency of the state’s circumstantial evidence.” *McCormick*, 835 N.W.2d at 505–06.

disbelieved any evidence to the contrary.” *State v. Loveless*, 987 N.W.2d 224, 246 (Minn. 2023) (quotation omitted). Rather than reweighing evidence presented to the district court, appellate courts “defer[] to the fact-finder’s credibility determinations.” *State v. Olson*, 982 N.W.2d 491, 495 (Minn. App. 2022). “An appellate court will not disturb a guilty verdict if the fact-finder, acting with due regard for the presumption of innocence and the requirement of proof beyond a reasonable doubt, could have reasonably concluded that the state proved the defendant’s guilt.” *Id.*

Along with a time and jurisdictional element, the elements of careless driving are: (1) that the defendant “operate[d] or halt[ed a] vehicle on a street or highway”; and (2) that, when the defendant “operated or halt[ed the] vehicle[,]” they did so “carelessly or heedlessly in disregard of the rights of others, or in a manner that endangered or was likely to endanger any property or any person, including the driver or any passenger of the vehicle.” Minn. Stat. § 169.13, subd. 2(a).⁶ As noted above, the thrust of J.R.Z.R.’s sufficiency-of-the-evidence challenge is toward the second element, specifically as to whether the state sufficiently proved that J.R.Z.R. operated the vehicle carelessly. In explaining that “carelessness is synonymous with ordinary negligence[,]” the Minnesota Supreme Court has distinguished between ordinary and gross negligence by engaging in a conduct-based analysis, highlighting that ordinary negligence encompasses “simple

⁶ See also CRIMJIG 27.12.

inadvertence” and “a mere failure to exercise ordinary care.” *Al-Naseer*, 690 N.W.2d at 752 (quotation omitted).⁷

Here, viewing the direct trial evidence in the light most favorable to the adjudication—including J.R.Z.R.’s recorded admissions depicted in the officer’s body-camera footage, as well as testimony by the officer and the driver of the other vehicle—we conclude that the record is sufficient. J.R.Z.R. pulled over in a bicycle lane to turn around, looked back to check for other vehicles, and saw headlights. Despite that observation, J.R.Z.R. still initiated a U-turn. At that point, the other driver’s vehicle was almost even with the back of J.R.Z.R.’s vehicle and was “slowly starting to pass.” When he made the U-turn, J.R.Z.R. collided with the other vehicle at a speed that caused the other vehicle to spin before the driver regained control. Because it reflects “simple inadvertence” and “a mere failure to exercise ordinary care[,]” this direct evidence sufficiently proves that J.R.Z.R. engaged in ordinary negligence given the time at which he chose to begin the U-turn and his failure to keep watch for other vehicles before starting the turn. *Al-Naseer*, 690 N.W.2d at 752 (quotation omitted). We therefore conclude that the record sufficiently supports J.R.Z.R.’s careless-driving adjudication because J.R.Z.R. carelessly operated his

⁷ See also *State v. Munnell*, 344 N.W.2d 883, 886 (Minn. App. 1984) (defining negligence in the context of negligently driving under the influence as “the doing of something which an ordinarily prudent person would not do or the failure to do something [that] an ordinarily prudent person would do under like or similar circumstances” (quotation omitted)); CRIMJIG 27.12 (citing Minn. Stat. § 169.13, subd. 2(a), *Tereau, Meany*, and *M.B.W.*, and explaining that a “defendant [is] negligent if the defendant failed to use such care as a reasonable person would use under similar circumstances”).

vehicle in a manner that was likely to endanger property and the driver of the other vehicle.
See Minn. Stat. § 169.13, subd. 2(a).⁸

But even if we were to conclude that direct evidence cannot sustain the adjudication, we would still affirm because there is sufficient circumstantial evidence in the record that J.R.Z.R. carelessly operated his vehicle. “When the evidence for an element of a conviction is based on circumstantial evidence, [appellate courts] apply a heightened, two-step standard of review to decide whether the evidence is sufficient.” *State v. Colgrove*, 996 N.W.2d 145, 150 (Minn. 2023). At the first step, appellate courts identify the circumstances proved. *Id.* “This step requires us to winnow down the evidence presented at trial by resolving all questions of fact in favor of the [fact-finder’s] verdict, which results in a subset of facts that constitute the circumstances proved.” *Id.* (quotation omitted). At the second step, appellate courts “analyze whether the circumstances proved are consistent with the hypothesis that the accused is guilty and inconsistent with any rational hypothesis other than guilt.” *State v. Cruz*, 997 N.W.2d 537, 551 (Minn. 2023) (quotation omitted).

The circumstances proved are as follows:

- J.R.Z.R. was driving a vehicle on a two-lane highway;
- J.R.Z.R. pulled over in a bicycle lane to make a U-turn;
- J.R.Z.R. looked back to check for other vehicles and saw headlights;

⁸ *See also State v. Jedlicka*, No. C3-98-707, 1998 WL 846518, at *3 (Minn. App. Dec. 8, 1998) (nonprecedential opinion persuasively concluding that there was sufficient evidence to sustain the appellant’s careless-driving conviction because the record showed that the appellant, among other things, did not keep an adequate lookout to observe the disabled vehicle ahead of her); Minn. R. Civ. App. P. 136.01, subd. 1(c) (providing that “nonprecedential opinions may be cited as persuasive authority”).

- Despite seeing headlights, J.R.Z.R. attempted the U-turn and collided with another vehicle; and
- The collision caused the other vehicle to spin before the driver of the other vehicle regained control.

The only rational hypothesis consistent with the above circumstances is that J.R.Z.R. was negligent. The reasonable inferences arising from the circumstances proved establish that J.R.Z.R. attempted the U-turn without keeping an appropriate lookout and in a manner that was likely to endanger property or any person. *See* Minn. Stat. § 169.13, subd. 2(a).

Affirmed.