

*This opinion is nonprecedential except as provided by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
A24-0402**

State of Minnesota,
Respondent,

vs.

Steven Allen Hart,
Appellant.

**Filed March 3, 2025
Reversed and remanded; motion denied
Harris, Judge**

Olmsted County District Court
File No. 55-CR-22-1598

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

Mark A. Ostrem, Olmsted County Attorney, Carrie J. Osowski, Senior Assistant County Attorney, Rochester, Minnesota (for respondent)

James McGeeney, Doda McGeeney, Rochester, Minnesota (for appellant)

Considered and decided by Ede, Presiding Judge; Harris, Judge; and Bentley, Judge.

NONPRECEDENTIAL OPINION

HARRIS, Judge

Appellant challenges his conviction of first-degree assault, arguing that the district court abused its discretion by excluding testimony of an expert witness that appellant

proffered in support of his self-defense claim.¹ Because the district court abused its discretion by excluding the proffered expert testimony and that error was not harmless beyond a reasonable doubt, we reverse and remand for a new trial.

FACTS

The facts below summarize the evidence received during the jury trial, viewed in the light most favorable to the jury's verdict. On the evening of March 13, 2022, three teenage boys vandalized a bus stop and fled on foot through a nearby parking lot, eventually making their way to a residential area. Around this time, appellant Steven Allen Hart went out to his driveway to start his truck when he noticed one of the boys, T.L., on his neighbor's property across the street. Hart confronted T.L. and the two other boys, M.K. and M.M., yelling at them to leave. M.K. insisted that they were not doing anything wrong, and Hart replied that "the owner might still want to kick his a-s for messing around his garage." During this confrontation, Hart claims that he was standing still, approximately eight feet away from the boys, when M.K. bolted at him with a knife flipped out while M.K. said "[n]obody's going to kick my ass." M.K. testified that Hart approached him first and, out of fear, M.K. pulled out his knife. Several seconds later, Hart drew and

¹ Hart also argues that the district court abused its discretion by denying his motion to continue the trial due to the district court's exclusion of his expert witness and by denying his motion for a dispositional departure on the ground that he exercised his constitutional right to a trial instead of resolving the case via a plea agreement. Because we reverse and remand for a new trial based on the district court's erroneous and prejudicial exclusion of Hart's proffered expert-witness testimony, we need not address Hart's additional arguments.

cocked his pistol and “shot downward” at M.K., who took off running. M.K. suffered a gunshot wound to his testicles. Hart returned home and called 911.

Respondent State of Minnesota charged Hart with first-degree assault under Minnesota Statutes section 609.221, subdivision 1 (2020), and second-degree assault under Minnesota Statutes section 609.222 (2020). Hart filed a notice of self-defense and notified the state of his intent to offer testimony from an expert witness.² The summary of information contained in the experts report included the following: (1) that M.K. was undoubtedly armed with a knife that could cause serious or fatal injury; (2) an assailant with a knife can attack more quickly than a victim could react; (3) that M.K. was approximately 14 feet from Hart; and (4) when confronted by a knife-wielding assailant who is within 21 feet, “it is reasonable to defend yourself by using deadly force.” The expert also reenacted the scene using two actors, a nonfunctioning pistol, and a rubber knife. According to the reenactment, “if Hart had not acted, he could have been killed or seriously injured. There is no chance that given the distance between Hart and [M.K.] that Hart could have escaped.”

Eight months later, the state filed a motion in limine to prohibit the expert from testifying at trial, asserting that the testimony would be speculative, irrelevant, and would likely confuse the jury in understanding the evidence or determining factual issues. Because a jury trial was scheduled to begin the following Monday, Hart requested a

² The expert has cumulatively served for over 30 years in the United States Army and the Federal Bureau of Investigation (FBI) and most recently served as deputy United States Marshal for the District of Minnesota. He has experience training law enforcement in the use of firearms, defensive (unarmed) tactics, special weapons, and use of force.

continuance to adequately prepare a response to the state's motion. The state objected and the district court denied the continuance. The district court granted the state's motion to exclude the experts testimony.

The matter proceeded to a jury trial. The jury heard testimony from Hart, M.K., and T.L., whose testimony matched that of M.K.'s version of events, namely that Hart approached first. To support his theory of self-defense, Hart testified generally about the requisite training that he completed to obtain a conceal-carry permit. Referencing this training, Hart explained that a knife-wielding assailant who is within 20 feet of a victim poses a "lethal threat" because they can reach the victim in a matter of seconds.

The jury found Hart guilty of both first-degree and second-degree assault. The district court adjudicated the first-degree assault under Minnesota Statutes section 609.221, subdivision 1, and imposed a 90-month sentence.

Hart appeals.

DECISION

I. The district court abused its discretion by excluding expert-witness testimony relevant to an element of Hart's self-defense claim.

Hart argues that the district court abused its discretion by excluding expert-witness testimony relevant to an element of his self-defense claim, specifically whether he had a reasonable possibility of retreat to avoid danger. Hart asserts that excluding the expert-witness testimony infringed on his constitutional right to present a complete defense under the United States Constitution and the Minnesota Constitution. U.S. Const. amend. XIV; Minn. Const. art. 1, § VII. The state responds that the proffered testimony is inadmissible

because it would not have been helpful to the jury in understanding the evidence or determining a factual issue. We agree with Hart.

To begin, Hart asserts that excluding his expert witness deprived him of his right to present a complete defense. Criminal defendants have a constitutional right to “a meaningful opportunity to present a complete defense.” *California v. Trombetta*, 467 U.S. 479, 485 (1984); *State v. Beecroft*, 813 N.W.2d 814, 838-39 (Minn. 2012). This right includes a defendant’s ability “to call . . . expert witnesses, subject to the limitations imposed by the rules of evidence.” *State v. Mosley*, 853 N.W.2d 789, 798 (Minn. 2014). “Courts have traditionally proceeded with great caution when admitting testimony of expert witnesses, especially in criminal cases, because ‘an expert with special knowledge has the potential to influence a jury unduly.’” *State v. Nystrom*, 596 N.W.2d 256, 259-60 (Minn. 1999) (quotation omitted). “We review a district court’s evidentiary rulings for an abuse of discretion, even when, as here, the defendant claims that the exclusion of evidence deprived him of his constitutional right to a meaningful opportunity to present a complete defense.” *State v. Zumberge*, 888 N.W.2d 688, 694 (Minn. 2017).

First, to better understand the context of the parties’ arguments, we consider the relevant law on self-defense. For Hart to successfully claim self-defense, he needed to establish: (1) an absence of aggression or provocation on his end; (2) an actual and honest belief that he was in imminent danger of death or great bodily harm; (3) the existence of reasonable grounds for that belief; and (4) that there was no reasonable possibility of retreat to avoid the danger. *Nystrom*, 596 N.W.2d at 260. A self-defense claim also requires that “[t]he *degree of force* used . . . not exceed that which appears to be necessary to a

reasonable person under similar circumstances.” *State v. Baker*, 13 N.W.3d 401, 409 (Minn. 2024) (quotation omitted).

According to Hart, his expert’s proffered testimony would have shown that Hart had an actual and honest belief that he was in imminent danger of death or great bodily harm and that there was no reasonable possibility of retreat to avoid the danger. He asserts that the testimony would have explained to the jury that “[W]hen you are confronted by a person with a knife and that person is within 21 feet, it is reasonable to defend yourself by using deadly force.” Hart argues that his expert also discusses in the report that he had “never seen an officer who could draw their handgun before the attacker was able to stab them when the distance was 21 feet or less”.³

An expert may testify in the form of an opinion if their “scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact issue.” Minn. R. Evid. 702. “The ultimate question of admissibility under [r]ule 702 is whether the expert’s testimony will help the jury evaluate evidence or resolve factual issues.” *State v. Vang*, 774 N.W.2d 566, 576 (Minn. 2009) (quotation omitted). “Expert opinion testimony is not helpful if the subject of the testimony is within the knowledge and experience of a lay jury and the testimony of the expert will not add precision or depth to the jury’s ability to reach conclusions about that subject which is within their experience.”

³ Hart’s expert ultimately concludes that “Hart acted in self-defense when he shot M.K. However, Hart conceded at oral argument that this testimony goes to the legal conclusion and that he was not pursuing an argument about the legal conclusion that this was self defense. Rather Hart is arguing that the factual issues that the expert would have testified about would have been helpful to the jury.

Id. at 578-79 (quotation omitted). And under rule 704, an expert witness may provide an opinion on “an ultimate fact issue in the case if such testimony is helpful to the fact-finder.” *Id.* at 578; *see also* Minn. R. Evid. 704 (“Testimony in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an ultimate issue to be decided by the trier of fact.”).

In applying rule 702, the court must exercise its discretion to determine whether the expert is qualified to provide the testimony, and whether the testimony will be helpful to the trier of fact. *State v. Anderson*, 789 N.W.2d 227, 235 (Minn. 2010) (citing Minn. R. Evid 403, 702). We have said that an expert opinion will not assist the trier of fact when “[T]he subject of the testimony is within the knowledge and experience of a lay jury and the testimony of the expert will not add precision or depth to the jury’s ability to reach conclusions about that subject which is within [the jury’s] experience.” *State v. Helterbridle*, 301 N.W.2d 545, 547 (Minn. 1980).

Here, the district court excluded the expert’s proffered testimony because it determined that the use-of-force information would not be helpful to the jury. We conclude that this was an abuse of discretion.

Hart was charged with first-degree assault and presented a self-defense claim. Notably, the jury instruction on self-defense stated that “[t]he defendant has a duty to retreat or avoid the danger if reasonably possible.” As a part of his self-defense claim, Hart needed to establish the elements that he had an actual and honest belief that he was in imminent danger of death or great bodily harm and that there was no reasonable possibility of retreat to avoid the danger. In addition, Hart had to establish the existence of reasonable

grounds for this belief. See *Nystrom*, 596 N.W.2d. at 260. The testimony that a knife-wielding assailant can attack an individual within 21 feet and that Hart only had a second or two to react would have contributed to the jury’s ability to determine whether M.K. posed a lethal threat to Hart, and if so, whether Hart could have reasonably retreated under the circumstances of Hart’s self-defense claim. Hart’s actual and honest belief that he was in imminent danger of death or great bodily harm was based on his testimony about what he observed in his conceal and carry training about confronting a knife-wielding attacker. The expert’s testimony is relevant because it corroborates Hart’s training and also goes to the reasonableness of Hart’s belief. Additionally, the testimony of the expert is not within the common knowledge and experience of a lay jury.

Accordingly, the district court abused its discretion when it excluded the expert’s testimony.

II. The error was not harmless beyond a reasonable doubt.

We next turn to the question of whether the exclusion of Hart’s expert-witness testimony relevant to an element of his self-defense claim was harmless beyond a reasonable doubt. Even if there is an abuse of discretion, we will reverse “only if the exclusion of evidence was not harmless beyond a reasonable doubt.” *Zumberge*, 888 N.W.2d at 694. An error is not harmless beyond a reasonable doubt if there is a reasonable possibility that the erroneous exclusion of evidence contributed to the conviction. *Id.*

We conclude that the exclusion of the expert-witness testimony was not harmless beyond a reasonable doubt because the proffered testimony—had it been presented to the jury—could have led to a different result. See *id.* at 697 (“We may consider the strength

of each party's evidence when determining whether admitting excluded evidence would have led to a different result.”). Hart testified that he could not have reasonably retreated because M.K. was within 20 feet. Because the jury was required to make credibility determinations given M.K.'s and Hart's conflicting testimony, we conclude that the expert's proffered testimony could have bolstered Hart's testimony. Moreover, we do not know whether the jury found Hart guilty because he was the initial aggressor or because the jury rejected his claim of self-defense on any of the other three elements, i.e. that Hart lacked an actual and honest belief that he was in imminent danger of death or great bodily harm, that Hart did not have reasonable grounds for a belief that he was in imminent danger, or that Hart had a reasonable opportunity to retreat. The issue here is that the district court never admitted any of the expert's testimony.

Given this record, we cannot say beyond a reasonable doubt that the exclusion of Hart's expert testimony did not have a significant impact on the verdict. Because that error was not harmless beyond a reasonable doubt, we reverse and remand for a new trial.⁴

Reversed and remanded; motion denied.

⁴ Hart moved to strike the state's addendum, as well as any arguments relying on the addendum. We did not rely on the addendum or such arguments in reaching the foregoing conclusions. We therefore deny Hart's motion to strike as moot. *See Drewitz v. Motorwerks, Inc.*, 728 N.W.2d 231, 233 n.2 (Minn. 2007) (denying motion to strike as moot because the supreme court did not rely on the contested documents).