

*This opinion is nonprecedential except as provided by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
A24-0449**

State of Minnesota,
Respondent,

vs.

James Harold Black,
Appellant.

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

Beltrami County District Court
File No. 04-CR-23-2323

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

David L. Hanson, Beltrami County Attorney, Michael V. Mahlen, Assistant County Attorney, Bemidji, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Max B. Kittel, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Slieter, Presiding Judge; Larson, Judge; and Bentley, Judge.

NONPRECEDENTIAL OPINION

SLIETER, Judge

Appellant argues on direct appeal that the evidence is insufficient to support his conviction of violating a harassment restraining order. Because the evidence supports a

finding that appellant violated the harassment restraining order by indirectly contacting the protected party, we affirm.

FACTS

In August 2023, respondent State of Minnesota charged appellant James Harold Black with violating a harassment restraining order (HRO) pursuant to Minn. Stat. § 609.748, subd. 6(b) (2022). The trial evidence proved the following facts.

In May 2023, N.J. was granted an HRO that prohibited Black, the father of their son, J.B. age 4, from indirect contact with her. At the time of the events relevant to this appeal, J.B. lived with N.J. In June and July that same year, N.J. saw hand-made signs that she believed Black had created and placed in a ditch near the only entrance to her home. The signs said, “I MISS YOU [J.B.],” “HA [sic] NEEDS YOU” and “I MISS YOU [J.B.]”

Black admitted that he had placed the signs. Black explained that he wanted his son to know that he was “thinking about him,” although he acknowledged that his son cannot read. According to Black, he placed the signs because N.J. “quit allowing [him] to see [their] son” and the signs were not “in any way” directed toward N.J. In its findings of fact after the bench trial the district court found that Black and N.J. were disputing custody and parenting time when the HRO was issued. The district court also found that the HRO was served on Black and that he understood the terms of the order, including that he is prohibited from indirectly contacting N.J.

The district court determined that Black’s placement of the signs constituted indirect contact with N.J. and, therefore, found Black guilty, convicted him of violating an HRO, and stayed a 90-day sentence with two years of probation.

Black appeals.

DECISION

When the appellant challenges the sufficiency of the evidence, our review “is limited to a painstaking analysis of the record to determine whether the evidence . . . was sufficient” to support the jury’s verdict. *State v. Kremmin*, 889 N.W.2d 318, 320 (Minn. App. 2017) (citing *State v. Webb*, 440 N.W.2d 426, 430 (Minn. 1989)), *rev. denied* (Minn. Mar. 28, 2017). With respect to determinations of guilt based on direct evidence, as compared to circumstantial evidence, appellate courts “view[] the evidence and any reasonable inferences that could be drawn therefrom in a light most favorable to the state” and determine whether “the jury could reasonably find the defendant guilty beyond a reasonable doubt.” *State v. Buchanan*, 431 N.W.2d 542, 547 (Minn. 1988). In that analysis, we “assume[] the jury believed the state’s witnesses and disbelieved evidence to the contrary.” *Id.* We defer to the fact-finder’s credibility determinations and will not reweigh the evidence on appeal. *State v. Franks*, 765 N.W.2d 68, 73 (Minn. 2009); *State v. Watkins*, 650 N.W.2d 738, 741 (Minn. App. 2002). In contrast, we apply the two-step analysis when a sufficiency-of-the-evidence challenge relates to circumstantial evidence. *State v. Harris*, 895 N.W.2d 592, 598-601 (Minn. 2017).

Black argues, and the state agrees, that the state relied on circumstantial evidence to prove the elements of the offense. Circumstantial evidence is “evidence from which the [fact-finder] can infer whether the facts in dispute existed or did not exist.” *Id.* at 599 (quotation omitted). “In contrast, direct evidence is evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption.”

Id. (quotations omitted). Because we have a responsibility to apply the law, and we believe the state relied upon direct evidence to prove the elements of the offense, we apply the direct-evidence standard. *See State v. Hannuksela*, 452 N.W.2d 668, 673 n.7 (Minn. 1990) (citation omitted) (holding that the duty of the appellate court is to decide cases according to the law).

We apply the direct-evidence standard here because the district court, acting as the fact-finder, was not required to make an inference of the necessary facts to find guilt because Black admitted to the facts which support a finding that he violated the HRO.

Minnesota Statutes section 609.748, subdivision 6(b), states that, when “a restraining order is granted under this section and the respondent knows of the order, violation of the order is a misdemeanor.” Black testified that he had been served with the HRO and that he knew it prohibited him from having indirect contact with N.J. He further testified that he placed the signs in the ditch near N.J.’s home which read “I MISS YOU [J.B.],” “HA [sic] NEEDS YOU” and “I MISS YOU [J.B.].” And although he testified that the signs were directed to his son, whom Black agreed could not yet read, and not N.J., we defer to the fact-finder’s credibility findings. *Franks*, 765 N.W.2d 68, 73.

Relying on *State v. Andersen*, 946 N.W.2d. 627 (Minn. App. 2020), Black claims that because the HRO did not specifically prohibit signage directed at his son, the conviction must be reversed. We are not persuaded. In *Andersen*, the HRO prohibited Andersen from being within 100 feet of the protected party’s residence. 946 N.W.2d.at 628. However, the HRO did not describe the address of the home from which he was prohibited. *Id.* We concluded that for the state to prove a violation of the HRO it must

prove that Andersen knew that his presence in a particular location would subject him to criminal liability for violating the HRO. *Id.* at 636. And because the address of the home from which he was prohibited was not included in the HRO and the state did not otherwise prove he knew of the location of the residence from which he was prohibited, he could not be convicted of violating that provision of the HRO.

Unlike Andersen, Black was properly notified of the terms of the HRO. Black knew that the HRO prohibited indirect contact with N.J., and he admitted to placing signs near her home. We conclude that the evidence is sufficient to sustain the verdict, and we affirm Black's conviction for violating an HRO.

Affirmed.