

*This opinion is nonprecedential except as provided by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
A24-0510**

State of Minnesota,
Respondent,

vs.

Antonio Harris,
Appellant.

**Filed March 17, 2025
Affirmed
Schmidt, Judge**

Ramsey County District Court
File No. 62-CR-22-877

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

John J. Choi, Ramsey County Attorney, Alexandra Meyer, Assistant County Attorney,
St. Paul, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Benjamin J. Butler, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Larkin, Presiding Judge; Frisch, Chief Judge; and
Schmidt, Judge.

NONPRECEDENTIAL OPINION

SCHMIDT, Judge

Appellant Antonio Harris challenges the sufficiency of the evidence for his conviction of threats of violence because respondent State of Minnesota “did not eliminate the rational hypothesis that Harris’ comments were made out of transitory anger.” Because

we conclude there was sufficient evidence to prove that Harris had at least a reckless disregard that his words or actions would cause terror, and because it is not reasonable that his comments were made out of transitory anger, we affirm.

FACTS

Harris was charged by the state with four counts: unlawful possession of a firearm, unlawful possession of ammunition, possessing a firearm without a serial number, and threats of violence.¹ According to testimony presented at the jury trial, A.M. called 911 to report that Harris was threatening her. An officer went to A.M.'s house and took photos of A.M.'s phone, which included screenshots of a video call and text messages between her and Harris, as well as two voicemails Harris left for A.M. The jury saw the text messages and video call photos and listened to the voicemails.

The video call photos depict A.M. in the upper left corner while Harris is pointing a gun at the camera. The texts Harris sent to A.M. included: (1) "Good Day to Die you better have your people there to protect you"; (2) "Either they can suffer or you going to suffer"; (3) "I am the worst of the demons in the depths of hell your God means nothing to me b****² when it comes to what I love you have committed and evil and I want your blood"; and (4) "Suck his d--k and tell him to sit his p**** a-s down before I come and shoot you and him in the face you r----d."

¹ The initial complaint only charged Harris with the three firearm offenses. The state later amended the complaint to include the threats of violence charge.

² The asterisks are present in the original texts; the dashes were added in the opinion.

The voicemails included Harris stating: “When I catch you, b---h, Imma break your nose. . . . b---h Imma f--k you up when I see you. Whenever I see you, b---h, Imma try to break your whole mother f-----g dental bridge[,]” and “If I go against a mother f----r, for you, or they go against me for you then, I’m killing your mama. B---h, imma kill yo mama. . . . You gonna get somebody hurt b---h and Imma strike the people if I have to . . . Imma strike you. . . . You and yours will die. . . .”

The jury also heard testimony that a Lyft driver picked up Harris in St. Paul to drive him to A.M.’s house in Wyoming, Minnesota. Harris texted A.M. an image of the booked Lyft ride. Harris told the driver to go back to St. Paul, and the driver did so.

In his testimony, Harris contended that his relationship with A.M. was dysfunctional, that they argue, and that they try to hurt each other. Harris introduced photos of a contentious conversation between himself and A.M.

The jury found Harris not guilty of the three firearm charges and guilty of the threats of violence charge. The district court sentenced Harris to 21 months stayed for a period of one day with credit for 626 days already served. Harris appeals.

DECISION

Harris argues that “the state failed to prove that Harris acted with criminal intent.” Harris contends that his conviction should be reversed because “[t]he circumstances proved are consistent with a rational hypothesis of innocence.” The state argues the evidence cannot support any rational hypothesis except that Harris sent messages to A.M. in reckless disregard of causing her terror.

A person may be convicted of threats of violence if he “threatens, directly or indirectly, to commit any crime of violence with purpose to terrorize another . . . or in a reckless disregard of the risk of causing such terror[.]” Minn. Stat. § 609.713, subd. 1 (2022). “A threat is a declaration of an intention to injure another or his property by some unlawful act.” *State v. Schweppe*, 237 N.W.2d 609, 613 (Minn. 1975). “With purpose” means “aim, objective, or intention.” *Id.* at 614. “Terrorize means to cause extreme fear by use of violence or threats.” *Id.* “Reckless disregard” is “when the defendant makes the violent threat while consciously disregarding a substantial and unjustifiable risk that the defendant’s words or actions will cause terror.” *State v. Mrozinski*, 971 N.W.2d 233, 236 (Minn. 2022). Whether a statement constitutes a threat is based on whether it “would have a reasonable tendency to create apprehension that its originator will act according to its tenor.” *Schweppe*, 237 N.W.2d at 613 (quotation omitted).

Harris challenges the sufficiency of the evidence as to his intent to commit a crime. “Intent is a state of mind that is generally proved using circumstantial evidence by drawing inferences from the defendant’s words and actions in light of the totality of the circumstances.” *State v. Smith*, 825 N.W.2d 131, 136 (Minn. App. 2012) (quotation omitted), *rev. denied* (Minn. Mar. 19, 2013). When a defendant is convicted on circumstantial evidence we apply a two-step analysis: (1) “identify[] the circumstances proved” in the light most favorable to the jury’s verdict; and (2) determine “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. Gilleylen*, 993 N.W.2d 266, 275 (Minn. 2023) (quotations omitted).

The parties do not appear to dispute the circumstances proved. Those circumstances include the text messages that Harris sent to A.M., the screen shot of the video call, the photo of the Lyft ride to A.M.’s house, and A.M.’s call to the police to report the threats.

Harris argues that these circumstances do not eliminate the rational hypothesis that he acted out of anger or frustration and without criminal intent. *See State v. Bjergum*, 771 N.W.2d 53, 56 (Minn. App. 2009) (explaining the context of a statement “may indicate anger, or frustration without an intent to kill”), *rev. denied* (Minn. Nov. 17, 2009); *State v. Jones*, 451 N.W.2d 55, 63 (Minn. App. 1990) (noting that transitory anger “lacks the intent to terrorize”), *rev denied* (Minn. Feb. 21, 1990). We disagree.

Harris’ conduct over the span of 12 hours cuts against his transitory-anger theory. The messages, the voicemails, and Lyft message sent to A.M. allow for no other possibility except that Harris sent messages to A.M.—at a minimum—in reckless disregard of the risk of causing A.M. terror. Minn. Stat. § 609.713, subd. 1.

But Harris argues that his text messages must be viewed in the context of “part of a long, angry back-and-forth communication with his ex-significant other, during [which] both parties said hurtful things to each other.” Harris cites to texts from A.M. calling him slow, a failure, saying no one will ever love him, and A.M.’s response that “[y]ou will be” when Harris texted that he was sorry. But A.M.’s prior texts—even if they included hurtful messages—do not establish some affirmative defense for his conduct.

Harris compares his situation with the case of *State v. Larson*, where this court reversed the defendant’s conviction of terroristic threats. No. A08-1444, 2009 WL 2925658, at *1 (Minn. App. Sept. 15, 2009). In *Larson*, this court concluded that a single

letter that the defendant sent with a confusing reference did not establish a threat, and we reversed because there was a reasonable hypothesis that the defendant acted with transitory anger. *Id.* at *3-4. But unlike *Larson*, Harris sent multiple communications to A.M. that explicitly said he would harm or kill her. His conduct also took multiple forms, including hiring a car to take him to A.M.’s house and texting her proof that he was on his way. Harris threatened A.M. over a long period of time, having sent a voicemail the night before he continued texting her and ordered a Lyft ride to her house. A.M. responded to all the contacts by calling 911 and telling the operator, “I have, uh, been receiving death threats, for, uh, quite a while, uh, from my ex. And he currently says he’s on his way to my house.”

Harris also argues that A.M.’s calm demeanor in the 911 audio supports his argument that he did not act with the requisite intent. *See Jones*, 451 N.W.2d at 63 (determining a victim’s reaction is circumstantial evidence relevant to intent). However, individuals react to trauma differently. *See* Int’l Ass’n of Chiefs of Police, *Domestic Violence* 14 (Apr. 2019) (“People react differently to trauma. Lack of or the presence of emotion is not an indicator of the legitimacy of the incident that occurred.”), *available at* <https://www.theiacp.org/sites/default/files/2021-07/Domestic%20Violence%20FULL%20-%2006292020.pdf> [<https://perma.cc/8V2C-44XY>].³ In addition, A.M.’s reaction is not just her tone on the 911 call or comments to the officer at her house, but also the fact that she made the call to emergency services. And, although A.M.’s tone was relatively even,

³ *See also State v. Tapper*, 993 N.W.2d 432, 448 (Minn. 2019) (“When courts fail to evaluate the circumstances as a whole, as the incident was playing out in real time, victims face an unreasonable burden of saying *exactly* the right thing, with *exactly* the right amount of emotion, at *exactly* the right time.”) (Chutich, J., dissenting).

her voice broke when she said: “I live with my sister and her four kids. Which he knows, um, that he’s also made threats to kill. To kill them.”

Harris’ threats to A.M. continued for over 12 hours, escalated into explicit threats to kill A.M., and culminated in Harris sending A.M. images of his Lyft to show he was on his way to her home. It is not a rational hypothesis that Harris’ conduct was merely transitory anger. There was sufficient evidence to prove Harris recklessly disregarded the substantial and unjustifiable risk that his “words or actions will cause terror.” *Mrozinski*, 971 N.W.2d at 236.

Affirmed.