

*This opinion is nonprecedential except as provided by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
A24-0531**

State of Minnesota,
Respondent,

vs.

Nick Adam Schouviller,
Appellant.

**Filed August 4, 2025
Affirmed
Slieter, Judge**

Crow Wing County District Court
File No. 18-CR-22-2296

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

Donald F. Ryan, Crow Wing County Attorney, Brainerd, Minnesota; and

Travis J. Smith, Special Assistant County Attorney, Slayton, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Sean Michael McGuire, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Ede, Presiding Judge; Frisch, Chief Judge; and Slieter,
Judge.

NONPRECEDENTIAL OPINION

SLIETER, Judge

In this direct appeal from a conviction of stalking, and following a stay for
postconviction proceedings, appellant argues that the district court improperly required that

he register as a predatory offender because a dismissed kidnapping charge, which triggered the registration requirement, was not supported by probable cause. Because appellant's valid guilty plea waived his probable-cause challenge, and because probable cause supported the kidnapping charge, we affirm.¹

FACTS

Appellant Nick Adam Schouviller was in a romantic relationship with V.M., who reported experiencing multiple acts of domestic abuse. The underlying charges primarily involve two events that occurred on consecutive days. We take the facts of these events from the amended criminal complaint and transcripts of the pretrial proceedings.

On June 17, 2022, Schouviller went to V.M.'s workplace and told her to get on his motorcycle. He then took her to a park and looked at her phone, suspecting that she was cheating on him. Schouviller then brought her to Crosslake, where they entered a business. He reportedly looked at V.M. with tears in his eyes and told her, "I'm scared I'm going to kill you someday."

On June 18, 2022, Schouviller went to V.M.'s apartment and allegedly saw a message on V.M.'s phone from another man. Schouviller became upset, pushed V.M., and choked her. V.M. went to another room and Schouviller "grabbed V.M.'s hot curling iron, stood in front of V.M.'s door and threatened to burn her with it. [Schouviller] . . . prevent[ed] V.M. from leaving her room and told V.M. he was going to

¹ The state argues, as an alternative basis for affirmance, that a petition for postconviction relief is not the appropriate method for challenging a predatory-offender registration requirement. Based upon our decision to affirm on other grounds, we need not address this argument.

burn her face to ‘make her outward appearance match her inner appearance.’” He then approached V.M., held her down by her arms, and pushed “her head into the bed so that she couldn’t breathe.”

Respondent State of Minnesota charged Schouviller by amended complaint with stalking, in violation of Minn. Stat. § 609.749, subd. 5(a) (2020), and kidnapping, in violation of Minn. Stat. § 609.25, subd. 1(2) (2020).

At separate pretrial hearings, the district court inquired with Schouviller’s counsel whether Schouviller wished to contest probable cause for the charges. Each time the district court so inquired, counsel stated that Schouviller did not wish to contest probable cause.

In January 2024, Schouviller entered an *Alford* guilty plea² to the stalking charge in exchange for the dismissal of the kidnapping charge. Counsel for Schouviller informed the district court that it was “contemplated [by the parties] and with the Court’s approval that [Schouviller] would be sentenced to a fifty-seven-month executed [prison]” sentence and that “upon a completion of that sentence he would have to register as a predatory offender.”³ At that same hearing, the district court accepted Schouviller’s guilty plea, adjudicated him guilty of the stalking charge, dismissed the kidnapping charge, and

² An *Alford* plea allows a district court to accept a guilty plea from a defendant even if the defendant asserts innocence provided that there is a “strong factual basis” for the plea. *State v. Theis*, 742 N.W.2d 643, 649 (Minn. 2007); *see also North Carolina v. Alford*, 400 U.S. 25, 38 (1970).

³ Our review of the record does not reveal the presence of a written plea petition.

imposed an executed 57-month prison sentence. Additionally, the district court required that Schouviller register as a predatory offender.

Schouviller filed a notice of appeal and, while his appeal was pending, filed a motion to stay the appeal to pursue postconviction relief in district court, which this court granted. Schouviller subsequently filed a postconviction petition in which he argued that he should not have to register as a predatory offender because there was insufficient probable cause to support the kidnapping charge. The district court denied his petition without a hearing.

Schouviller then moved to dissolve the stay of his appeal, and this court granted the motion.

DECISION

Before addressing Schouviller's argument, we provide a summary of the relevant law. Individuals charged with certain offenses, including the kidnapping offense with which Schouviller was charged, must register as a predatory offender if "convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances." Minn. Stat. § 243.166, subd. 1b(a)(1)(ii) (2020). Put differently, a person charged with a crime, but not convicted of that crime, must still register as a predatory offender if that offense arose out of the "same set of circumstances" as the crime of which the person was convicted.⁴ *Id.*, subd. 1b(a)(1) (2020). However, this requirement does not apply when probable cause does not support the charge that triggers the registration requirement. *See State v. Lopez*, 778 N.W.2d 700, 703 (Minn. 2010) (explaining that a

⁴ Schouviller does not claim that the facts underlying both charges arose out of separate sets of circumstances. We therefore do not address this requirement.

person cannot be charged with a crime absent probable cause). Therefore, despite the district court dismissing the kidnapping charge, Schouviller would remain required to register provided that probable cause supported the kidnapping charge and the kidnapping charge arose out of the same set of circumstances as the stalking charge.

In response, the state argues that Schouviller waived his probable-cause challenge because (1) he failed to raise this challenge in a pretrial motion brought prior to an omnibus hearing pursuant to Minn. R. Crim. P. 10, and (2) his valid guilty plea operated as a waiver to any defects associated with probable cause. We focus our analysis on the effect of Schouviller's guilty plea. Because we conclude his guilty plea resulted in a waiver of the probable-cause issue, we need not address the state's rule 10 argument.

“[A] valid guilty plea waives all non-jurisdictional defects arising prior to the entry of the plea.” *Dikken v. State*, 896 N.W.2d 873, 878 (Minn. 2017) (quotation omitted).⁵ Schouviller's valid guilty plea, as indicated by the plea-hearing transcript, indicates that he knowingly waived all defenses, meaning that he also waived any probable-cause challenge to the kidnapping charge. At the plea hearing, Schouviller confirmed his understanding that, by pleading guilty and foregoing a pretrial contested-omnibus hearing, he “may be limiting or narrowing what an appellate court can review.” He also acknowledged that this plea agreement was favorable in terms of potential incarceration.

Notably, the district court confirmed that Schouviller knew that the kidnapping charge “triggers the likelihood of predatory offender registration.” The district court also

⁵ Schouviller does not challenge the validity of his *Alford* plea.

confirmed that Schouviller knew that the basis for the registration requirement was that “it was included in [the] complaint even though [he] didn’t plead to it.” And at no point during this hearing did Schouviller challenge the probable-cause basis for the kidnapping charge. Because Schouviller validly pleaded guilty to the stalking charge, we conclude that he waived his probable-cause challenge to the kidnapping charge. *See id.*

Moreover, even if Schouviller had not waived the probable-cause issue by his guilty plea, we conclude that probable cause, as described in the amended complaint, supports the kidnapping charge. A conviction of kidnapping under Minn. Stat. § 609.25, subd. 1(2), requires proof that a person “confine[d] or remove[d] from one place to another, any person without the person’s consent . . . (2) to facilitate commission of any felony or flight thereafter.” “The confinement or removal must be criminally significant in the sense of being more than merely incidental to the underlying crime.” *State v. Earl*, 702 N.W.2d 711, 722 (Minn. 2005) (quotation omitted).

Primarily relying on the June 17 motorcycle incident, Schouviller contends that there is no indication in the amended complaint that he confined or removed V.M. without her consent. Schouviller additionally references the June 18 curling-iron incident in his reply brief, contending that the amended complaint failed to show how he confined V.M. other than by committing the alleged assault. The state argues that both events provide probable cause for the kidnapping charge.

“[P]robable cause requires that there are sufficient facts such that under the circumstances a person of ordinary care and prudence would entertain an honest and strong suspicion that a crime has been committed.” *State v. Sherbrooke*, 633 N.W.2d 856, 860

(Minn. App. 2001) (quotation omitted). The probable-cause standard is “more than mere suspicion” but “less than the evidence necessary for conviction.” *Id.*; *see also State v. Harris*, 589 N.W.2d 782, 790-91 (Minn. 1999) (quoting *Illinois v. Gates*, 462 U.S. 213, 244 n.13 (1983)) (explaining that this showing “is significantly less than that required to support a conviction” and that “probable cause requires only a probability or substantial chance of criminal activity, not an actual showing of such activity”).

Because Schouviller did not challenge probable cause until after his conviction, we focus solely on the allegations in the amended complaint. *See State v. Haukos*, 847 N.W.2d 270, 274 n.4 (Minn. App. 2014) (explaining that, because the defendant failed to challenge probable cause until the second sentencing hearing, he waived his opportunity to supplement the information in the complaint for purposes of a probable-cause challenge). Given that the amended complaint refers to the kidnapping as occurring on June 18, we focus on the probable cause described in the amended complaint for that incident.

As described above, the June 18 incident involved Schouviller becoming upset, pushing V.M., and choking her. After V.M. went to another room, Schouviller “grabbed V.M.’s hot curling iron, stood in front of V.M.’s door and threatened to burn her with it. [Schouviller] . . . prevent[ed] V.M. from leaving her room and told V.M. he was going to burn her face to ‘make her outward appearance match her inner appearance.’” He then approached V.M., held her down by her arms, and pushed “her head into the bed so that she couldn’t breathe.”

Because the amended complaint alleges that Schouviller stood in a doorway with V.M.’s hot curling iron and threatened to burn her, a fact-finder could have an “honest and

strong suspicion” that Schouviller confined V.M. by doing so. Although the alleged confinement was brief in duration, even “limited confinement and restraint” can suffice to establish kidnapping. *Neal v. State*, 658 N.W.2d 536, 547 (Minn. 2003). And because there is at least sufficient evidence from which a fact-finder could form an “honest and strong suspicion” that Schouviller’s confinement of V.M. facilitated his ability to physically assault her by restraining her from leaving the room, there is probable cause to find that the confinement facilitated the commission of a felony.

We are not persuaded otherwise by Schouviller’s reliance on *State v. Smith*, 669 N.W.2d 19, 32 (Minn. 2003), *rev’d in part on other grounds by State v. Leake*, 699 N.W.2d 312 (Minn. 2005). Although the supreme court concluded that the defendant’s confinement of the victim by blocking the doorway was incidental because the confinement was momentary and occurred after the attack that caused the victim’s death was underway, *Smith* is distinguishable because it addressed whether sufficient evidence supported the conviction. *Smith*, 699 N.W.2d at 30-33. The probable-cause standard at issue in the present appeal requires significantly less evidence than what is required to support a conviction. *See Harris*, 589 N.W.2d at 790-91. Thus, as an additional basis for affirming the registration requirement, we therefore conclude that probable cause supported the kidnapping charge and also affirm the district court on this ground.⁶

Affirmed.

⁶ Because the June 18 incident provides a probable-cause basis to support the kidnapping charge, we need not address the June 17 incident.