

*This opinion is nonprecedential except as provided by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
A24-0594**

Chad Loran Siegel,
Appellant,

vs.

Drew Evans,
Respondent.

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

Ramsey County District Court
File No. 62-CV-23-423

Bradford Colbert, Legal Assistance to Minnesota Prisoners, Timothy Stowell (certified supervised practitioner), St. Paul, Minnesota (for appellant)

Keith Ellison, Attorney General, Angela Helseth Kiese, Assistant Attorney General, St. Paul, Minnesota (for respondent)

Considered and decided by Larson, Presiding Judge; Worke, Judge; and Bjorkman, Judge.

NONPRECEDENTIAL OPINION

LARSON, Judge

Appellant Chad L. Siegel filed a civil action pursuant to 42 U.S.C. § 1983 asserting that respondent Drew Evans, the Superintendent of the Bureau of Criminal Apprehension (BCA), violated his constitutional and statutory rights when the BCA required him to register as a predatory offender under Minn. Stat. § 243.166 (2022). On appeal, Siegel

challenges the district court's decision to grant Evans's motion for summary judgment on the ground that a six-year statute of limitations barred Siegel's claims. Evans argues, as an alternative basis for affirmance,¹ that the law requires Siegel to register. Because we agree with Evans that Siegel is required to register, we affirm.

FACTS

The following facts are undisputed. On April 21, 2013, Siegel was charged with one-count of attempted second-degree murder under Minn. Stat. § 609.19 (2012), one-count of first-degree assault under Minn. Stat. § 609.221 (2012), and two-counts of kidnapping under Minn. Stat. § 609.25 (2012). To support the charges, the state alleged that the victim entered or was pushed into Siegel's car, Siegel drove the victim to another location, and Siegel and other men pulled the victim from the car and assaulted him. Based on these facts, the district court "determined that probable cause exist[ed]" to support the charges.

Siegel waived a reading of the complaint and an omnibus hearing. *See* Minn. R. Crim. P. 11.02. The matter was tried before a jury. At the trial's conclusion, Siegel moved for judgments of acquittal on, as relevant here, the kidnapping charges pursuant to Minn. R. Crim. P. 26.03, subd. 18(1)(a). The district court granted the motion, determining that

¹ Siegel filed a motion to strike the portion of Evans's brief arguing that Siegel is required to register. We denied Siegel's motion, concluding that this argument asserts an alternative basis for affirmance that did not require Evans to file a notice of related appeal. *See Hunt ex rel. Hunt v. Sherman*, 345 N.W.2d 750, 753 n.3 (Minn. 1984) ("[A] respondent may, without taking a cross-appeal, urge in support of a decree any matter appearing in the record, even though the argument may involve an attack upon the reasoning of the lower court or an insistence upon matters overlooked or ignored by it.").

the state presented insufficient evidence for any reasonable trier of fact to find Siegel guilty of kidnapping. The jury thereafter found Siegel not guilty of second-degree attempted murder and guilty of first-degree assault.

The district court sentenced Siegel to 172 months in prison. At the sentencing hearing, the district court informed Siegel that he would need to register as a predatory offender and included this instruction in the sentencing order. On direct appeal, Siegel challenged his conviction and sentence, but did not challenge whether he was required to register as a predatory offender. *See State v. Siegel*, No. A14-0669, 2015 WL 1608762 (Minn. App. Apr. 13, 2015), *rev. denied* (Minn. June 26, 2015). Siegel first registered as a predatory offender on March 14, 2014, and his registration term is set to expire on November 8, 2032—ten years after his most recent release from incarceration.

In August 2022, Siegel sued Evans in his official capacity, alleging, as relevant here, that requiring Siegel to register as a predatory offender violates Minn. Stat. § 243.166. The parties filed cross motions for summary judgment. The district court granted Evans’s motion for summary judgment, concluding Siegel’s claim was barred by a six-year statute of limitations. *See* Minn. Stat. § 541.05, subd. 1(5) (2022).

Siegel appeals.

DECISION

Siegel challenges the district court’s decision that a six-year statute of limitations bars his claims. Evans argues, as an alternative basis for affirmance, that Siegel’s claim

fails on its merits because he is required to register as a predatory offender under Minn. Stat. § 243.166.

“We review the grant of summary judgment de novo to determine ‘whether there are genuine issues of material fact and whether the district court erred in its application of the law.’” *Montemayor v. Sebright Prods., Inc.*, 898 N.W.2d 623, 628 (Minn. 2017) (quoting *Stringer v. Minn. Vikings Football Club, LLC*, 705 N.W.2d 746, 754 (Minn. 2005)). In doing so, “[w]e view the evidence in the light most favorable to the party against whom summary judgment was granted.” *STAR Ctrs., Inc. v. Faegre & Benson, L.L.P.*, 644 N.W.2d 72, 76-77 (Minn. 2002).

For the reasons set forth below, we conclude that Siegel is required to register as a predatory offender and decline to reach Siegel’s argument regarding the statute of limitations. *See State v. Williams*, 862 N.W.2d 701, 702 n.4 (Minn. 2015) (declining to decide a statute-of-limitations issue where appellant’s claims failed on the merits). To explain our decision, we briefly describe Minnesota law related to predatory-offender registration before addressing Siegel’s claim on its merits.

A.

Under Minn. Stat. § 243.166, subd. 1b(a)(1), an individual must register as a predatory offender if:

the person was *charged with* . . . a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit, any of the following, and *convicted of* . . . that offense *or another offense arising out of the same set of circumstances*:

...

(ii) kidnapping under section 609.25

(Emphasis added.) This statute is unique to Minnesota: “Minnesota appears to be the only state in the nation . . . that requires registration . . . if an offender is merely *charged* with a predatory offense and then convicted of *any* other offense—no matter how minor—that arises from the same set of circumstances” *State v. Berry*, 959 N.W.2d 184, 187 n.3 (Minn. 2021) (quotations omitted).

To require registration, the charge implicating registration must be supported by probable cause. *State v. Haukos*, 847 N.W.2d 270, 274 (Minn. App. 2014). “Probable cause exists where the facts would lead a person of ordinary care and prudence to entertain an honest and strong suspicion that the person under consideration is guilty of a crime.” *State v. Carlson*, 267 N.W.2d 170, 173 (Minn. 1978). “The evidence necessary to support a finding of probable cause is significantly less than that required to support a conviction.” *State v. Harris*, 589 N.W.2d 782, 790 (Minn. 1999). “Unlike proof beyond a reasonable doubt or preponderance of the evidence, probable cause requires only a probability or substantial chance of criminal activity, not an actual showing of such activity.” *Id.* at 790-91 (quotation omitted); *cf. Illinois v. Gates*, 462 U.S. 213, 245 n.13 (1983) (“[I]nnocent behavior frequently will provide the basis for a showing of probable cause.”). And it is the judiciary’s determination that a charge is supported by probable cause, not the prosecutor’s decision to bring the charge, that triggers registration. *Haukos*, 847 N.W.2d at 273.

Here, Siegel would be required to register as a predatory offender if probable cause existed to support the kidnapping charges.² Minnesota's appellate courts have issued a series of decisions analyzing when probable cause exists to require registration.

The Minnesota Supreme Court first addressed this question in *State v. Lopez*. 778 N.W.2d 700, 703-04 (Minn. 2010). There, the defendant moved to dismiss the charges that required registration for lack of probable cause. *Id.* at 703. The district court determined the charges were supported by probable cause and denied the defendant's motion, but the state ultimately dismissed the charges that required registration before trial. *Id.* On appeal, the defendant challenged the district court's probable-cause determination. *Id.* at 703-04. The supreme court held that a district court should deny a motion to dismiss for lack of probable cause "where 'the facts appearing in the record, including reliable hearsay, would preclude the granting of a motion for a [judgment] of acquittal if proved at trial.'" *Id.* (quoting *State v. Florence*, 239 N.W.2d 892, 903 (Minn. 1976)). The supreme court then applied that standard and determined that the state had presented sufficient evidence to support the district court's probable-cause determination. *Id.* at 704. Because the charge was supported by probable-cause at the time the district court made its decision,³ the defendant was required to register even though the state later dismissed the charge. *Id.*

² Siegel does not contest that the kidnapping charges arose out of the same set of circumstances as the assault offense for which he was convicted.

³ The supreme court explicitly refused to consider an exculpatory statement that was made after the district court made the probable-cause determination. *Lopez*, 778 N.W.2d at 704 ("We therefore conclude that although J.S. later gave an exculpatory statement and the charge of aiding and abetting kidnapping was eventually dismissed, the district court did not err in concluding that the charge was supported by probable cause.").

We then addressed this question in *Haukos*. 847 N.W.2d at 273-75. There, the defendant did not file a motion to dismiss the complaint for lack of probable cause, but the district court acquitted the defendant of the registrable offense after a bench trial. *Id.* at 272. On appeal, the defendant challenged whether the registrable offense was supported by probable cause. *Id.* at 274-75. We evaluated the claim based on the face of the complaint. *Id.* at 274-75, 274 n.4 (noting that defendant “waived his opportunity to provide an evidentiary basis to supplement the information found in the complaint for purposes of a probable-cause challenge” when he failed to challenge probable cause before trial). The defendant argued the charge lacked probable cause because the state did not address all the elements in the complaint and the defendant’s “ultimate acquittal of that charge [must] compel the finding that the charge was not supported by probable cause.” *Id.* at 274. We disagreed, reiterating that “the evidence necessary to support a finding of probable cause is significantly less than that required to support a conviction.” *Id.* (quoting *Harris*, 589 N.W.2d at 790). And, after reviewing the complaint, we concluded that the allegations were “sufficient to lead a person of ordinary care and prudence to entertain an honest and strong suspicion that [the defendant] was guilty.” *Id.* at 275.

Most recently, in *State v. Munger*, we addressed the defendant’s argument that he should not be required to register as a predatory offender when a jury acquitted him of the charge that required registration. 858 N.W.2d 814, 822-23 (Minn. App. 2015), *rev. denied* (Minn. Mar. 25, 2015). We disagreed, concluding that such a decision would be inconsistent with *Haukos*, where the defendant was required to register even after the factfinder acquitted the defendant of the charge. *Id.* In doing so, we directly rejected the

defendant’s argument that we should apply the beyond-a-reasonable-doubt standard, rather than the probable-cause standard, to determine whether the defendant must register. *Id.*

From this line of cases, we discern two principles important to this case: (1) we apply the probable-cause standard to evaluate whether the charged offense requires registration irrespective of the final disposition of that charge, *see id.*, and (2) when the defendant fails to file a motion to dismiss for lack of probable cause, we review the complaint—not the evidence presented at trial—to evaluate whether the charge was supported by probable cause, *see Haukos*, 847 N.W.2d at 274-75, 274 n.4. With these principles in mind, we turn to Siegel’s argument that he is not required to register.

B.

On appeal, Siegel argues that he is not required to register as a predatory offender because the district court entered judgments of acquittal on both kidnapping charges—the offenses requiring registration. *See* Minn. Stat. § 243.166, subd. 1b(a)(1)(ii) (listing “kidnapping under section 609.25” as an offense that requires registration). According to Siegel, entering a judgment of acquittal is akin to a finding that the complaint was not supported by probable cause and he is, therefore, not required to register.

Under Minn. R. Crim. P. 26.03, subd. 18(1)(a), “[a]t the close of evidence for either party, the defendant may move for . . . a judgment of acquittal on one or more of the charges if the evidence is insufficient to sustain a conviction.” To grant this motion, the district court must determine whether “the evidence is sufficient to present a fact question for the jury’s determination.” *Allwine v. State*, 994 N.W.2d 528, 537 (Minn. 2023) (quoting *State v. Slaughter*, 691 N.W.2d 70, 74-75 (Minn. 2005)). Because a motion for a judgment of

acquittal challenges the sufficiency of the evidence, the district court must assess “whether the facts in the record and the legitimate inferences drawn from them would permit the jury to reasonably conclude that the defendant *was guilty beyond a reasonable doubt . . .*” See *State v. Al-Naseer*, 788 N.W.2d 469, 473 (Minn. 2010) (emphasis added) (quotation omitted); see also *State v. Sam*, 859 N.W.2d 825, 830 (Minn. App. 2015) (concluding the *Al-Naseer* standard applies to a motion for a judgment of acquittal).

To support his argument that a judgment of acquittal equates to a determination that the complaint lacked probable cause, Siegel relies on the language in *Lopez* that probable cause exists “where ‘the facts appearing in the record, including reliable hearsay, would preclude the granting of a motion for a [judgment] of acquittal if proved at trial.’” 778 N.W.2d at 703-04 (quoting *Florence*, 239 N.W.2d at 903). According to Siegel, because the supreme court equated the probable-cause determination with the standard for granting a motion for a judgment of acquittal, it follows that when a district court grants a motion for a judgment of acquittal it means the complaint lacked probable cause. We are not persuaded for three reasons.

First, Siegel’s argument misconstrues *Lopez*. In *Lopez*, the supreme court indicated that when a defendant files a motion to dismiss for lack probable cause, the district court must evaluate whether the state supported the complaint with enough facts to “preclude the granting of a motion for a [judgment] of acquittal if proved at trial” *at the time* the district court decides the motion to dismiss. *Id.* (quotation omitted). The supreme court did *not* say that if, after a trial on the merits, the state ultimately fails to prove the crime beyond a reasonable doubt, the complaint necessarily lacked probable cause. In fact, when

evaluating the probable-cause determination, the supreme court explicitly refused to consider exculpatory statements that were made after the probable-cause determination. *See id.* at 704.

Second, we are bound by our decision in *Haukos* that when a defendant does not file a motion to dismiss for lack of probable cause, he “waive[s] his opportunity to provide an evidentiary basis to supplement the information found in the complaint for purposes of a probable-cause challenge.” 847 N.W.2d at 274 n.4. And consequently, even when a defendant is ultimately acquitted of the charge that requires registration, we evaluate whether probable cause existed on “the face of the complaint.” *Id.* at 274. Therefore, because the district court necessarily considered the evidence presented at trial to decide the motion for a judgment of acquittal, *see* Minn. R. Crim. P. 26.03, subd. 18(1)(a), equating the district court’s decision on such a motion with a probable-cause determination contravenes our prior precedent that we do not look beyond the four corners of the complaint when a defendant does not separately challenge probable cause, *see Haukos*, 847 N.W.2d at 274-75.

Last, Siegel’s argument equating a probable-cause determination and a decision to enter a judgment of acquittal is in direct conflict with our decision in *Munger* that—even when a defendant is acquitted of the charge that requires registration—we apply the probable-cause standard to evaluate whether a defendant must register. 858 N.W.2d at 822-23. As set forth above, to decide a motion for a judgment of acquittal under rule 26.03, subdivision 18(1)(a), the district court must evaluate “whether the facts in the record and the legitimate inferences drawn from them would permit the jury to reasonably conclude

that the defendant *was guilty beyond a reasonable doubt . . .*” See *Al-Naseer*, 788 N.W.2d at 473 (emphasis added) (quotation omitted). Because the district court applies the beyond-a-reasonable-doubt standard in this context, equating its decision to enter a judgment of acquittal with a probable-cause determination directly contradicts *Munger*. See 858 N.W.2d at 822-23; see also *Haukos*, 847 N.W.2d at 274 (concluding that we evaluate whether probable cause supports an offense by asking whether evidence shows “a probability or substantial chance of criminal activity,” a significantly lower standard than “beyond a reasonable doubt” (quotation omitted)).

Here, at the time the state filed the complaint, the district court determined the kidnapping charges were supported by probable cause. And Siegel did not challenge that determination or make any factual record for us to review apart from the four corners of the complaint. To support the kidnapping charges, the state alleged that the victim entered or was pushed into Siegel’s car, Siegel drove the victim to another location, and Siegel and other men pulled the victim from the car and assaulted him. We conclude that these facts would lead a person of ordinary care and prudence to entertain an honest and strong suspicion that Siegel was guilty of kidnapping. For this reason, we affirm the district court’s decision to grant summary judgment.

Affirmed.