

*This opinion is nonprecedential except as provided by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
A24-0860**

State of Minnesota,
Respondent,

vs.

Bryan Bruce Hanson,
Appellant.

**Filed September 2, 2025
Affirmed
Connolly, Judge**

Hennepin County District Court
File No. 27-CR-21-4761

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

Mary F. Moriarty, Hennepin County Attorney, Elizabeth Scoggin, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Alexander H. De Marco, St. Paul, Minnesota (for appellant)

Considered and decided by Wheelock, Presiding Judge; Ross, Judge; and Connolly, Judge.

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

Appellant challenges his convictions for possession of pornographic works involving a minor with a prior conviction for possessing child pornography. He argues

there was insufficient evidence to support the convictions and challenges the admission of cyber tip evidence. We affirm.

FACTS

Appellant Bryan Bruce Hanson was charged with six counts of possession of pornographic works involving a minor with a prior conviction for possessing child pornography pursuant to Minn. Stat. § 617.247, subd. 4(b)(1) (Supp. 2019).¹ According to the complaint, in February 2019 law enforcement received tips from the National Center for Missing and Exploited Children (NCMEC) that Internal Protocol (IP) addresses in Minnesota accessed images of child pornography. The resulting investigation determined that the IP addresses belonged to appellant and appellant's mother. Law enforcement then applied for and executed a search warrant on appellant's residence and recovered electronic devices, including a USB memory card with 801 images of child pornography.

Appellant then filed a motion to dismiss for lack of probable cause and for a *Florence* hearing, arguing that no evidence showed that he knew he possessed the pornography and that his deceased father had actually possessed it.² Appellant based his argument on his retained expert who reported that (1) the "only evidence of the contraband" was a thumb drive; (2) files on the thumb drive were last accessed in 2015; (3) no files

¹ Appellant had previously been convicted of possession of child pornography in 2010.

² At a *Florence* hearing, a defendant may move for dismissal of a complaint for lack of probable cause that the defendant committed the offense charged. *State v. Koenig*, 666 N.W.2d 366, 370 n.2 (Minn. 2003) (citing *State v. Florence*, 239 N.W.2d 892 (Minn. 1976)).

were attributable to appellant; and (4) no evidence indicated that the thumb drive had been connected to appellant's computer. The district court denied the motions.

At the jury trial, appellant was found guilty of all six counts. The district court sentenced him to 59 months in prison on Count IV, imposed lesser concurrent sentences on Counts I to III, and did not sentence the remaining counts.

DECISION³

I. Sufficient evidence supports appellant's convictions.

When evaluating the sufficiency of the evidence, appellate courts carefully examine the record to determine whether the facts and the legitimate inferences drawn from them would permit the jury to reasonably conclude that the defendant was guilty beyond a reasonable doubt of the offense of which he was convicted. The evidence must be viewed in the light most favorable to the verdict, and it must be assumed that the fact-finder disbelieved any evidence that conflicted with the verdict. The verdict will not be overturned if the fact-finder, upon application of the presumption of innocence and the State's burden of proving an offense beyond a reasonable doubt, could reasonably have found the defendant guilty of the charged offense.

State v. Griffin, 887 N.W.2d 257, 263 (Minn. 2016) (quotation and citations omitted).

Because the case hinges on appellant's knowledge or lack thereof as to the contents of the thumb drive, the evidence is circumstantial, or "evidence from which the factfinder can

³ In this appeal, appellant also challenges the denial of his pretrial motions to dismiss for lack of probable cause and for a *Florence* hearing. However, these issues are subsumed into his sufficiency-of-the-evidence challenge. See *State v. Holmberg*, 527 N.W.2d 100, 103 (Minn. App. 1995) (holding that, because the probable cause evidentiary standard is much lower than the evidentiary standard for a conviction, a probable cause argument is irrelevant on appeal of a conviction), *rev. denied* (Minn. Mar. 23, 1995). Because we conclude that the evidence is sufficient to support the conviction, it is unnecessary to consider appellant's challenge to the denial of his pretrial motions.

infer whether the facts in dispute existed or did not exist.” *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (quotation omitted). This involves a two-step analysis: first, we identify the circumstances proved at trial and disregard any evidence not consistent with the jury’s verdict; second, we consider the inferences that can be drawn from those circumstances. *Id.* at 601.

The jury concluded that appellant (1) possessed an electronic storage system containing a pornographic work and (2) knew or had reason to know the content and character of the work was a pornographic work involving minors. See Minn. Stat. § 617.247, subd. 4(a) (Supp. 2019). Appellant challenges only the jury’s finding that he had knew or had reason to know the contents of the drive. Although appellant repeatedly states throughout his brief that the evidence does not show that anyone accessed the child pornography on the thumb drive after 2015, that is not relevant because the issue is whether the evidence shows that appellant possessed the flash drive in 2019 and knew or had reason to know the contents of the thumb drive.

Respondent presented at least three evidentiary bases to support the conclusion that appellant knew the flash drive contained pornographic work involving minors, and we view the evidence “in the light most favorable to the verdict.” *Griffin*, 887 N.W.2d at 263. First, the flash drive was located in appellant’s bedroom. Presence of an item in a bedroom has been found to equate to knowledge of the contents of that item in the context of gun possession. In *State v. Salyers*, we concluded:

[A] jury had ample ground to infer that [the defendant] knew that the cabinet contained guns; . . . it was in [the defendant’s] bedroom The jury believed that [the defendant] knew the

cabinet contained the shotgun and, although a different inference is possible, none is reasonable. We hold that the jury had sufficient evidence on which to find that [the defendant] knowingly possessed the shotgun.

842 N.W.2d 28, 35 (2014), *aff'd*, 858 N.W.2d 156 (Minn. 2015); *see also State v. Henze*, No. A18-1109, 2019 WL 2079360, at *3 (Minn. App. May 13, 2019) (holding that, when “police found a significant amount of ammunition, including a magazine, in dresser drawers in [the defendant’s] bedroom, . . . [his] testimony that he did not know about the . . . ammunition is inconsistent with the jury’s verdict and must therefore be disregarded”), *rev. denied* (Minn. Aug. 6, 2019).

Second, the jury heard from two Bureau of Criminal Apprehension (BCA) agents, Agent M. and Agent C. Agent M. testified that the fact that the last access date on the thumb drive was in 2015 did not mean that the images were last viewed then because “if you’re just previewing [the images] and not actually clicking on the image[s], it won’t change that last access time period,” and if “you plug a thumb drive in, it gives you the thumbnails of all . . . the little pictures . . . a preview into what the image is,” so “you can fully view what’s actually [in] the image.” He also testified that “this type of material is . . . people’s deepest, darkest secrets,” “[t]hey don’t want family, friends, acquaintances to stumble on these things,” and “they’re going to have it in pretty difficult hiding spots to locate.” Agent M. was not surprised that the thumb drive was not labeled because viewers of child pornography “are not going to want identifying things on the drive or the electronic storage device to associate back to them.”

The jury also heard from BCA Agent C., a specialist in digital forensics, who examined appellant's computer. He testified that several factors could explain why there was no indication that the thumb drive was connected to appellant's computer, including that appellant's computer had a "clean" window operating system installed on it on July 31, 2019, which would have resulted in "all the history or any footprint left behind . . . [being] gone" because, if users "completely clean up the hard drive first . . . meaning all the material[s] are being erased, completely erased, and then do the installation, . . . we won't be able to recover a lot of materials at all."

Third, the jury heard testimony from Agent M. that appellant had told Agent M. "everything in [appellant's] residence should be his." However, before and during trial, appellant advanced an alternative-perpetrator theory that the flash drive belonged to his father and that his mother gave it to him after his father's death in 2017, without appellant knowing what was on it. Appellant was questioned about this on cross-examination as follows:

Q. So on March 25, 2020, when the officers asked you if everything in the house should be yours, you said yes, but you did mention that some of the things might be your sister's, correct?

A. Correct.

Q. Okay. And it's today for the first time that we're hearing, from your testimony anyway, that some of the things might be your father's?

A. No, sir. This has been my story from the get-go.

. . . .

Q. And—but you didn't tell that to officers on March 25, 2020, did you?

A. I don't remember exactly what I said, but I don't believe I did, no.

....

Q. And Agent [S.] didn't find that jump drive in your father's metal bin, correct?

A. Correct.

Q. And Agent [S.] also didn't testify that he found it under the clothing, which you've testified is both your and your father's, correct?

A. Correct.

Q. He testified that he found it next to your dresser in plain view, correct?

A. Roughly an inch from the metal bin, yes.

Q. But it was ultimately next to your dresser, not in that metal bin, correct?

....

A. I believe so.

....

Q. And you mentioned the things that were given to you by your mom, you know, she gave them to you in tote bags or backpacks or boxes, is that correct?

A. That is correct.

Q. And here, the thumb drive, specifically Exhibit 5 containing [child pornography] material, was not found in a bag or a tote or a box; is that correct?

A. That is correct.

Q. And it's your testimony that the things on the ground not only include your father's things but also yours, correct?

A. All that I brought back from mom's house, yes.

....

Q. So when Agent [M.] explained the reason for the investigation, you did not [any] longer wish to speak with him-

A. Uh, no.

Q. --is that your testimony?

A. That is correct.

....

Q. [Y]ou still had an hour[-long] conversation with Agent [M.], correct?

A. It's not like I had a choice.

Q. At that point, were you under arrest?

A. Was I? No.

Q. Okay. So you did, in fact, have a choice whether or not to . . . have a discussion with Agent [M]. And during that hour conversation, you never told him that you had anything in your home that ever belonged to your dad, correct?

A. Correct.

Although appellant argues that his testimony shows “he is very credible and authentic in his descriptions, his assertions, and his demeanor and interaction,” the jury’s verdict itself refutes appellant’s testimony. When testimony “conflicts with the [s]tate’s evidence that supports the verdict . . . we do not consider [that] testimony when identifying the circumstances proved.” *State v. Hawes*, 801 N.W.2d 659, 670-71 (Minn. 2011).

The evidence provided by respondent’s witnesses and by appellant’s own testimony that he had not told the officers who searched his house and found the drive that the drive belonged to his father, especially when “viewed in the light most favorable to the verdict,” was sufficient to support appellant’s conviction. *See Griffin*, 887 N.W.2d 263. As such, we conclude that any of the three evidentiary bases presented by respondent sufficiently supports that appellant knew the flash drive contained pornographic work involving minors.

2. Appellant is not entitled to relief for the district court's admission of cyber tip evidence.

Evidentiary rulings are within the sound discretion of the district court, and this court will not reverse an evidentiary ruling absent a clear abuse of that discretion. *State v. Ali*, 855 N.W.2d 235, 249 (Minn. 2014).

Appellant moved to limit specific evidence of the cyber tips that NCMEC sent to the BCA but agreed that basic evidence of the cyber tips could be admitted. His attorney said at a hearing on appellant's pretrial motions:

I think it would be fair enough to have Agent [M.]'s testimony limited to the fact that they received seven cyber tips for particular images that were suspected child pornography or suspected [ill]icit material. But beyond that, I don't think it would be fair because . . . we don't have anyone from those agencies coming in to verify any of this.

The district court concluded that:

The information that they [the BCA] received the tip, that they investigated the tip, the photograph, and found it connected to an IP address at defendant's home and defendant's mother's home is simply relevant evidence as to the issues in this case, which is possession, and who possessed it, and did they know what was on it. It is relevant. It also is important . . . that it explains why the police, first and foremost, even came to do a search warrant on his home.

Appellant now challenges the admission of information relating to the cyber tip on appeal. But trial counsel specifically agreed that this evidence could be admitted. This court reviews invited error under the plain-error standard. *See State v. Carridine*, 812 N.W.2d 130, 142 (Minn. 2012). Here, appellant fails to show that he is entitled to relief

under the plain-error standard because, even if there was error that was plain, any error did not affect his substantial rights. *See id.*

Affirmed.