

*This opinion is nonprecedential except as provided by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
A24-1151**

State of Minnesota,
Respondent,

vs.

Raoul Elias Johnson,
Appellant.

**Filed July 7, 2025
Affirmed
Connolly, Judge**

Hennepin County District Court
File No. 27-CR-23-10386

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

Mary F. Moriarty, Hennepin County Attorney, Linda M. Freyer, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Leah C. Graf, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

Appellant challenges his conviction for kidnapping and felony domestic assault, arguing that the district court erred in admitting evidence of his relationship with the victim.

We affirm.

FACTS

Appellant Raoul Johnson and V.B. began a romantic relationship in the summer of 2022. Appellant began to live in V.B.'s apartment much of the time, but he moved out in February or March of 2023, and their relationship was intermittent until May 2023.

On May 17, 2023, appellant forced V.B. into the back seat of his car, punched her in the head, drove close to other cars at high speed on the freeway, and refused to let V.B. leave the car. She called 911 and the police came. Appellant was charged with felony domestic assault of V.B.

The prosecutor did not have an address or phone number for V.B. and was unable to contact her until shortly before trial in March 2024, when she made phone contact. V.B. said she was willing to testify; the prosecutor scheduled a meeting to prepare V.B. for trial and ask her about the relationship evidence.

On the first day of trial, the district court granted the state's motion to amend the complaint to add a kidnapping charge. On the second day, appellant stipulated to prior qualifying domestic-violence-related offenses. On that same day, the state disclosed evidence of prior domestic conduct between appellant and V.B., and the district court decided that some of the relationship evidence was admissible over appellant's objection.

V.B. testified about: (1) an October 22 event in which appellant threw her into a bed and dresser, causing a large bruise; (2) a December 2022 event in which appellant slammed V.B. into the ground, bruising her rib; and (3) three events in which appellant drove very fast on the freeway, saying he was going to kill them both. Appellant chose not to testify.

The jury found appellant guilty on both counts, and he was sentenced to 33 months in prison for the felony-domestic-assault charge and a concurrent 52 months in prison for the kidnapping charge. On appeal, he challenges the admission of the relationship evidence.

DECISION

A district court's decision to admit relationship evidence under Minn. Stat. § 634.20 (2024) in a domestic-abuse prosecution is reviewed for an abuse of discretion. *State v. McCoy*, 682 N.W.2d 153, 161 (Minn. 2004); *State v. Andersen*, 900 N.W.2d 438, 441 (Minn. App. 2017). Relationship evidence is admissible if: “(1) it demonstrates similar conduct by the accused; (2) the conduct is perpetrated against the victim of the domestic abuse or against another family or household member; and (3) the probative value of the evidence is not substantially outweighed by the danger of unfair prejudice.” *State v. Barnslater*, 786 N.W.2d 646, 651 (Minn. App. 2010).

Appellant concedes that notice is not required for admissibility of relationship evidence.

“*Spriegl* notice” is not required as a condition for the admissibility of evidence bearing directly on the history of the relationship existing between the defendant and the victim. The rationale for this difference is that the purpose of the notice requirement is to prevent a defendant from being taken by surprise by the introduction of evidence of collateral bad acts. A defendant is aware that his prior relationship with the victim, particularly in so far as it involves ill will or quarrels, may be presented against him.

McCoy, 682 N.W.2d at 159-60 (quotation and citations omitted). Thus, the state had no obligation to notify appellant about evidence of his prior domestic relationship with or his

prior abuse of V.B. because appellant, who had been in the relationship and inflicted the abuse, could not have been surprised by that evidence. Appellant argues that the relationship evidence should have been excluded like any other late-disclosed evidence. But, when no notice is required, the timeliness of any notice that was given is moot.

Appellant's "late disclosure" argument also ignores the fact that V.B. was not located until a week before trial. Appellant relies on Minn. R. Crim P. 9.01, subd. 1(1)(a), requiring a prosecutor to disclose the names and addresses of trial witnesses. But that rule begins: "The prosecutor must, at the defense's request and before the Rule 11 Omnibus Hearing, allow access at any reasonable time to *all matters within the prosecutor's possession or control* that relate to the case." (Emphasis added.) Until V.B. could be located, she could not be identified as a trial witness, and appellant does not suggest that her location was known to the prosecutor but denied to the defense.

Appellant goes on to challenge the district court's conclusion that the probative value of the relationship evidence was not substantially outweighed by the danger of its unfair prejudice to appellant. He relies on *McCoy* to argue that the probative value was minimal because the assault and kidnapping of V.B. did not occur in the home, did not show escalating conduct on the part of appellant, and was reported by V.B. 682 N.W.2d at 161. But while *McCoy* lists these factors as those typical of relationship evidence, it does not claim they are either essential or exclusive of other factors, and appellant cites no case law indicating that they are. *See id.* "Relationship evidence is relevant because it illuminates the history of the relationship between the victim and defendant and may also help prove motive or assist the jury in assessing witness credibility." *State v. Matthews*,

779 N.W.2d 543, 549 (Minn. 2010) (quotation omitted). Regardless of whether a defendant's conduct occurred in someone's home, showed escalation, or was reported by the victim, evidence of the relationship can show the history of the defendant's relationship with the victim, indicate the defendant's motive, or assist with determinations of the defendant's and the victim's credibility.

Appellant also argues that the probative value of the relationship evidence was diminished because the state's evidence, particularly V.B.'s testimony that her relationship with appellant was breaking up at the time of the assault, made relationship evidence unnecessary. A similar argument was rejected in *State v. Bell*, when the supreme court declined to "require that trial courts consider the state's need for the evidence before admitting evidence under section 634.20." 719 N.W.2d 635, 639 (Minn. 2006).

As to unfair prejudice, *Bell* points out that "unfair prejudice is evidence that persuades by illegitimate means, giving one party an unfair advantage." *Bell*, 719 N.W.2d at 641 (quotation omitted); *see also Andersen*, 900 N.W.2d at 442 ("[T]he evidence becomes inadmissible only if its danger for unfair prejudice *substantially* outweighs its probative value."). Appellant argues that "evidence that included details of V.B.'s past injuries . . . carried with it a significant risk that the jury would be persuaded by illegitimate means" and "would see [appellant] as a bad person who was deserving of punishment, regardless of whether the state proved his guilt beyond a reasonable doubt in this particular case." But before the relationship evidence was introduced, the jury was instructed:

[Y]ou're about to hear evidence of conduct by [appellant] on one or more occasions. This evidence is being offered for the limited purpose of demonstrating the nature and the extent of

the relationship between [appellant and V.B.] in order to assist you in determining whether [appellant] committed those acts with which [appellant] is charged in the complaint. . . . This evidence is not to be used to prove the character of [appellant] or that [appellant] acted in conformity with such character. [Appellant] is not being tried for and may not be convicted of any behavior other than the charged offenses. You are not to convict [appellant] on the basis of conduct on a separate occasion.

This instruction has been held to decrease the probability that the jury will improperly rely on relationship evidence. *See, e.g., State v. Loving*, 775 N.W.2d 872, 880 (Minn. 2009); *Andersen*, 900 N.W.2d at 441-42; *State v. Lindsey*, 755 N.W.2d 752, 757 (Minn. 2008), *rev. denied* (Minn. Oct. 29, 2008); *State v. Kennedy*, 585 N.W.2d 385, 392 (Minn. 1998). And jurors are presumed to follow the district court's instructions. *State v. Hill*, 764 N.W.2d 837, 845 (Minn 2009).

In any event, even if the evidence were wrongfully admitted, appellant would need to show “a reasonable possibility that the wrongfully admitted evidence significantly affected the verdict.” *State v. Peltier*, 874 N.W.2d 792, 802 (Minn. 2016) (quotation omitted). Whether a cautionary instruction was given is one factor in assessing the impact of the evidence, *State v. Benton*, 858 N.W.2d 535, 541 (Minn. 2015), and the evidence of the defendant's guilt is another factor. *State v. Courtney*, 696 N.W.2d 73, 80 (Minn. 2005) (quotation omitted). Here, the instruction was given, and V.B.'s testimony provided very strong evidence of appellant's guilt.

Other factors in assessing the impact of relationship evidence are how it was presented, whether it was highly persuasive, whether the prosecutor used it in closing argument, and whether the defense effectively countered it. *Peltier*, 874 N.W.2d at 802.

V.B.'s testimony about the incidents was brief and included statements that she did not think appellant was trying to hurt her and that she did not remember all the details. The prosecutor did not mention the relationship evidence except to distinguish appellant's driving during the kidnapping from his driving during "past instances that [the jury had] heard of." Appellant's counsel did not attempt to counter the relationship evidence. Thus, the danger of unfair prejudice from the relationship was not likely to have *substantially* outweighed its probative value. *See Andersen*, 900 N.W.2d at 441. Even if there had been error in the admission of the relationship evidence, any error was harmless.

Affirmed.