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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1201**

State of Minnesota,
Respondent,

vs.

Morries Lester Hall,
Appellant.

**Filed September 15, 2025
Affirmed in part, reversed in part, and remanded
Slieter, Judge**

Redwood County District Court
File No. 64-CR-21-99

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Shannon Ness, Redwood County Attorney, Redwood Falls, Minnesota; and

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

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Considered and decided by Bond, Presiding Judge; Slieter, Judge; and Ede, Judge.

NONPRECEDENTIAL OPINION

SLIETER, Judge

This is a direct appeal from the final judgment of convictions of second-degree solicitation of prostitution, second-degree promotion of prostitution, second-degree sex trafficking, three counts of fifth-degree controlled-substance possession, and possession of

drug paraphernalia. Appellant Morris Lester Hall argues that the district court erred by (1) not permitting him to introduce evidence of his good character, (2) allowing the state to impeach him with five prior felony convictions and by admitting the warrants of commitment for those convictions, and (3) entering convictions for six of the seven counts for which he was found guilty, though not sentenced. We affirm the district court's decision to exclude Hall's good-character evidence and to allow the state to impeach him with his prior offenses. However, because the warrant of commitment improperly indicates convictions for counts related to prostitution that arose from the same act, we reverse in part and remand to vacate those convictions.

FACTS

Respondent State of Minnesota charged Hall in February 2021 with the following offenses: second-degree solicitation of prostitution in violation of Minn. Stat. § 609.322, subd.1a(1) (2018); second-degree sex trafficking in violation of Minn. Stat. § 609.322, subd.1a(4) (2018); second-degree promotion of prostitution in violation of Minn. Stat. § 609.322, subd.1a(2) (2018); three counts of fifth-degree controlled-substance possession in violation of Minn. Stat. § 152.025, subd. 2(1) (2018); and one count of possession of drug paraphernalia in violation of Minn. Stat. § 152.092(a) (2018). These charges followed an October 2019 incident in the parking lot of a casino. The following facts are based upon evidence presented during the jury trial.

A tribal police officer, acting on information received earlier that day, approached a car parked in the casino parking lot to investigate whether they were in possession of controlled substances. The front-seat passenger was identified as Hall; the driver as D.O.,

who the state alleged to have been sex trafficked; and the back-seat passenger as E.R., who was a friend and landlord of Hall.

Hall consented to the search of the vehicle, which he owned. During the search, the officer found hypodermic needles on D.O.'s person or in her bag, a glass pipe used to smoke controlled substances in the pocket of a pair of pants in the back seat, and a small container within a cigarette box that contained substances later confirmed to be controlled substances. Specifically, the officer found methamphetamine, heroin, and cocaine among other mixtures of controlled substances. In his statement to police following arrest, Hall confessed that the controlled substances were his and that he had arranged for D.O., who he knew was a prostitute, to provide sexual services for E.R. In his subsequent trial testimony, Hall stated that he lied to police regarding these confessions because he was “chemically unbalanced,” afraid, and “was not under oath, so [he] would say anything if [he] felt [he] [could] get out of jail.”

Following a contested pretrial hearing, the district court issued an evidentiary ruling granting the state's motion to impeach Hall with five prior felony convictions and denying Hall's motion to provide the testimony of his former employer and friend as a character witness. In that same pretrial order, the district court granted the state's request to admit as *Spreigl* evidence¹ the same third-degree controlled-substance conviction it had also allowed the state to admit as impeachment evidence.

¹ We refer to evidence of a defendant's prior crime, wrong, or bad act as *Spreigl* evidence. See *State v. Spreigl*, 139 N.W.2d 167 (Minn. 1965); see also Minn. R. Evid. 404(b).

Hall testified at trial. During direct examination by his trial counsel, Hall admitted to the following prior convictions: (1) second-degree burglary in Hennepin County in 2014; (2) domestic assault—strangulation—in Hennepin County in 2019; (3) aiding and abetting first-degree burglary in Ramsey County in 2013; (4) third-degree controlled-substance crime in Hennepin County in 2022; and (5) unlawful possession of a firearm in Hennepin County in 2022. During its cross-examination of Hall, the state sought, over Hall’s objection, to introduce as exhibits the warrants of commitment for those convictions. The district court allowed their admission but directed the state to redact “any charges that have been dismissed.” The state then introduced into evidence the warrants of commitment for Hall’s prior felony convictions but failed to redact them as instructed by the district court. The inadequately redacted documents included the length of the prison sentences imposed for those convictions as well as the dismissed charges.

The jury found Hall guilty of all seven counts. The district court sentenced Hall to the presumptive guidelines sentence of 180 months’ imprisonment for count two, second-degree sex trafficking. The warrant of commitment identifies convictions for all seven counts.

Hall appeals.

DECISION

I. The district court acted within its discretion by preventing Hall from presenting character evidence.

Hall argues that the district court abused its discretion when it prevented him from presenting character evidence of his character trait for truthfulness through the testimony

of his friend and former employer. The district court determined that, because Hall's character trait for truthfulness was not pertinent to the charged offenses, it was not admissible under Minn. R. Evid. 404(a)(1). "Evidentiary rulings are within the discretion of the district court and will not be overturned absent an abuse of that discretion." *State v. Pak*, 787 N.W.2d 623, 628 (Minn. App. 2010) (quotation omitted).

"The general rule is that evidence of a person's character or a trait of character is not admissible to prove action in conformity therewith. Minn. R. Evid. 404(a). But an exception exists for criminal defendants: 'Evidence of a pertinent trait of character offered by an accused' is admissible. Minn. R. Evid. 404(a)(1)." *Id.* Pertinent traits refer only to those traits "involved in the offense charged." *State v. Miller*, 396 N.W.2d 903, 906 (Minn. App. 1986) (quotation omitted). We agree with the district court that truthfulness is not a trait pertinent to the offenses of solicitation of prostitution, sex trafficking, promotion of prostitution, possession of controlled substances, or possession of drug paraphernalia. *See* Minn. Stat. § 609.322, subd. 1a(1), (2), (4); Minn. Stat. § 152.025, subd. 2(1); Minn. Stat. § 152.092(a).

Hall argues that his character trait for truthfulness is necessary to support his explanation to the jury that he lied to police when he confessed that the controlled substances found were his and that he had hired D.O. to provide sexual services for E.R. Such reasoning is not supported by the rule. Rule 404(a)(1) allows for evidence of "a pertinent trait" which is "involved in *the offense* charged." *Miller*, 396 N.W.2d at 906 (emphasis added) (quotation omitted). As we have noted, truthfulness is not a pertinent trait of any of Hall's charged offenses.

Hall argues alternatively that Minn. R. Evid. 608(a)(2) allows him to submit evidence of his truthful character. However, neither before, nor during trial, did Hall seek to offer evidence of his truthfulness under rule 608(a)(2). Therefore, the district court made no such ruling as to the admissibility under rule 608. We need not address issues not presented or decided by the district court. *State v. Roby*, 463 N.W.2d 506, 508 (Minn. 1990).

The district court acted within its discretion by denying Hall’s request to present character evidence under rule 404(a)(1).

II. The district court acted within its discretion to allow the state to present the five prior convictions as impeachment evidence, and any error by allowing inadequately redacted documents of the convictions is harmless.

Hall argues that the district court erred when it allowed the state to impeach him with five prior felony convictions and allowed the admission into evidence of prejudicially harmful and inadequately redacted documents regarding those convictions. We consider each argument in turn.

Minnesota Rule of Evidence 609(a)(1) articulates two requirements for the admissibility of prior convictions as impeachment evidence. *State v. Williams*, 771 N.W.2d 514, 518 (Minn. 2009). The first requirement is that “the earlier crime must be punishable by more than one year of incarceration.” *Id.* (citing Minn. R. Evid. 609(a)(1)). The second requirement is that “the prejudicial effect of the prior conviction evidence must not outweigh its probative value.” *Id.* (citing Minn. R. Evid. 609(a)(1)).

In determining whether the probative value of impeachment evidence outweighs its prejudicial effect, appellate courts apply the five factors pursuant to the Minnesota Supreme Court's decision in *State v. Jones*, 271 N.W.2d 534, 537-38 (Minn. 1978):

(1) the impeachment value of the prior crime, (2) the date of the conviction and the defendant's subsequent history, (3) the similarity of the past crime with the charged crime (the greater the similarity, the greater the reason for not permitting use of the prior crime to impeach), (4) the importance of defendant's testimony, and (5) the centrality of the credibility issue.

See also Williams, 771 N.W.2d at 518-20 (applying *Jones* factors to determine the prejudicial effect of evidence).

Each of Hall's prior convictions was punishable by more than one year of incarceration. Thus, we consider whether the probative value of the convictions outweighed their prejudicial effect. Following our consideration of the *Jones* factors, we consider the admission of the potentially prejudicial documentation regarding the prior convictions.

Analysis of the Jones Factors

Impeachment Value of the Prior Convictions

The supreme court has determined that impeachment of a witness with his or her prior crimes "assists the jury to see the 'whole person' and therefore to better judge the truth of the witness's testimony." *State v. Reek*, 942 N.W.2d 148, 162-63 (Minn. 2020) (quoting *State v. Brouillette*, 286 N.W.2d 702, 707 (Minn. 1979)). Hall does not dispute that this factor supports the district court's admission of these convictions as impeachment but urges this court to "carefully analyze the impeachment value of his prior convictions"

by questioning the propriety of the “whole person” rationale. We decline to reexamine the “whole person” rationale because we are bound by precedent. *State v. Curtis*, 921 N.W.2d 342, 346 (Minn. 2018).

The district court acted within its discretion in determining that this factor favored admission of Hall’s prior convictions.

Date of the Convictions and Subsequent History

Hall’s prior convictions occurred within ten years of the charged offense. *See* Minn. R. Evid. 609(b) (prohibiting, in general, convictions from being introduced for impeachment if “a period of more than ten years has elapsed since the date of the conviction”). Both Hall and the state agree that this factor favors admission of the prior convictions. As do we.

Similarity of the Past Crime and the Charged Crimes

Hall does not dispute that four of the five prior convictions are not similar to his current charged crimes. However, Hall claims that this factor weighs against admission of his prior conviction of third-degree controlled-substance crime because of its similarity to the three counts of fifth-degree controlled-substance crime he faced at trial in this case.

We agree with Hall that the prior controlled-substance conviction is similar to the charged controlled-substance offenses. *See State v. Bettin*, 295 N.W.2d 542, 546 (Minn. 1980) (“The danger when the past crime is similar to the charged crime is that the likelihood is increased that the jury will use the evidence substantively rather than merely for impeachment purposes.”).

It is undisputed that the other four prior convictions have no similarity to the remaining charges and therefore this *Jones* factor favors their admission. But because the prior controlled-substance conviction was similar to three of the charged crimes, and even though this same offense was separately admitted by the state as *Spreigl* evidence, which Hall does not appeal, this *Jones* factor weighs slightly in favor of its exclusion.

Importance of the Defendant's Testimony and the Centrality of Credibility

The supreme court has held that “[i]f credibility is a central issue in the case, the fourth and fifth *Jones* factors weigh in favor of admission of the prior convictions.” *State v. Swanson*, 707 N.W.2d 645, 655 (Minn. 2006). Hall argues that, though his testimony was “certainly important to his defense,” “it [is] not central because his credibility was not pitted against that of one other person.” Hall therefore argues that this factor weighs against admission of the prior convictions. The record convinces us otherwise.

In *Swanson*, the defendant “gave notice that he intended to present an alibi defense, a defense for which his testimony was the only evidence.” *Id.* Thus, the jury had to decide whether to believe the defendant or to believe two other witnesses. *Id.* at 655-56. The defendant’s testimony was important, and credibility was a central issue. The supreme court concluded that “the fourth and fifth *Jones* factors weigh in favor of admission of the prior convictions.” *Id.* at 656.

Similarly, Hall admits he needed to testify because only he could explain to the jury why he gave a purportedly false statement to police after his arrest. Because his testimony was important to his defense and credibility was therefore a central issue, the district court correctly determined that the fourth and fifth factors weighed in favor of admissibility.

In sum, as to the prior controlled-substance conviction, four of the five *Jones* factors favor its admission. And as to the other four prior felony convictions, all five *Jones* factors favor their admission. Therefore, the district court acted within its discretion to admit the prior five felony convictions as impeachment evidence. However, we next consider Hall’s claim that the admission of the warrants of commitment, which accompanied the prior convictions, was prejudicial error.

Admission of Potentially Prejudicial Documentation

Hall maintains that the district court committed prejudicial error by admitting the inadequately redacted warrants of commitment, which described the sentences imposed for the prior felony convictions, the nature of those offenses, and identified charges that had been dismissed or that had not been admitted for impeachment.² Assuming without deciding that this was an abuse of discretion, we nevertheless conclude that any assumed error was harmless.

We “generally will not reverse a verdict even when improper evidence is presented to the jury unless there is a reasonable possibility that the wrongfully admitted evidence significantly affected the verdict.” *State v. Bigbear*, 10 N.W.3d 48, 54 (Minn. 2024) (quotations omitted). The defendant bears the burden of making that showing. *Id.* When

² In his brief to our court, Hall did not make a separate argument that it was prosecutorial misconduct for the state to fail to adequately redact the warrants of commitment as ordered by the court. Hall merely noted in a footnote that “[i]t is long settled that a prosecutor commits misconduct by violating a court order.” We have held that if a brief fails to make or develop any argument, the issue asserted is considered forfeited. *State v. Butcher*, 563 N.W.2d 776, 780 (Minn. App. 1997), *rev. denied* (Minn. Aug. 5, 1997). Because Hall presents no argument alleging prosecutorial misconduct, this issue is forfeited on appeal.

conducting a harmless-error review, appellate courts “examine the entire record,” *State v. Jaros*, 932 N.W.2d 466, 474 (Minn. 2019), and “cannot focus only on evidence of guilt.” *Townsend v. State*, 646 N.W.2d 218, 224 (Minn. 2002). In conducting a harmless-error review, we consider the nonexclusive factors the Minnesota Supreme Court most recently applied in *Bigbear*: “the manner in which the evidence was presented, its persuasive value, its use in closing argument, [Hall’s] counter of the evidence,” and whether the evidence of guilt was strong. *See Bigbear*, 10 N.W.3d at 55-56, 59.

Manner Presented

We first consider “the manner in which the party presented the evidence” to determine whether it significantly affected the jury’s verdict. *State v. Smith*, 940 N.W.2d 497, 505 (Minn. 2020). In analyzing the prominence of erroneously admitted evidence, the supreme court has previously considered, among other things, the relative number of transcript pages that the evidence occupies. *See id.* at 506 (concluding that inadmissible evidence was only a “small part of the State’s presentation” because the testimony of the witness who introduced this evidence spanned only 35 pages of a 1,380-page trial transcript). In addition, the supreme court has contemplated whether the evidence was used throughout the state’s case. *See, e.g., State v. Al-Naseer*, 690 N.W.2d 744, 749-50 (Minn. 2005) (concluding that a video recording of the defendant’s interview with police was prominent because the prosecutor mentioned it in the state’s opening statement, closing argument, and on direct and cross-examination of witnesses to point out inconsistencies in the defendant’s statements).

Our review of this record reveals that the prosecutor made no significant reference to the unredacted items from the documentation about Hall's prior convictions in presenting that evidence to the jury. As to the evidence of the prior convictions presented by the state, the presentation of this evidence occurred in seven transcript pages of a total trial transcript of several hundred pages. This factor therefore favors a conclusion that the error was harmless.

Persuasive Value

When conducting a harmless-error review, appellate courts also consider "whether the evidence was highly persuasive." *Bigbear*, 10 N.W.3d 48 at 54 (quotation omitted). Hall argues that the admission of the unredacted documents, which included a description of the sentences imposed for his prior felony convictions and the felonies that were dismissed, were highly prejudicial. As noted, the state's presentation of the prior convictions to the jury as that evidence was admitted, and during closing argument, did not include significant references to the unredacted information.

Additionally, the district court provided a limiting instruction to the jury before the admission of the impeachment evidence, once again after testimony was presented regarding this evidence, and again during its closing instructions to the jury.³ Reviewing

³ The district court's instruction to the jury included, in part, the following: "[these documents] [are] admitted only for your consideration in deciding whether the Defendant is telling the truth in this case. You must not consider these convictions as evidence of character of the Defendant, or of conduct of the Defendant, except, as you may think, it reflects on the issue of credibility."

courts “assume that the jury followed the [district] court’s instructions and properly considered the evidence.” *State v. Vang*, 774 N.W.2d 566, 578 (Minn. 2009).

This factor favors a conclusion that any assumed error in the admission of this evidence was harmless.

Use in Closing Argument

We also consider whether the offering party used the erroneously admitted evidence in closing argument. *Smith*, 940 N.W.2d at 505. The state made no reference to the prior convictions, excluding the *Spreigl* incident, nor the documents involving those convictions during its closing or rebuttal arguments. This factor favors a conclusion that any assumed error in the admission of this evidence was harmless.

Effectively Countered

We may also consider whether the defendant “effectively countered the evidence.” *Id.* As we previously noted, during Hall’s direct examination he admitted to all five prior felony convictions. We presume that he would not have testified about these prior offenses had the district court denied the state’s request to admit them. Therefore, Hall had no ability to counter this evidence, and this factor favors a conclusion that any assumed error in the admission of this evidence was not harmless.

Strong Evidence of Guilt

Finally, “overwhelming evidence of guilt is a factor, often a very important one, in determining whether, beyond a reasonable doubt, the error has no impact on the verdict.” *State v. Juarez*, 572 N.W.2d 286, 291 (Minn. 1997). “Strong evidence of guilt undermines the persuasive value of wrongly admitted evidence.” *Smith*, 940 N.W.2d at 505. The state

presented the testimony of seven witnesses and 49 exhibits. Additionally, Hall confessed to police that he made the arrangement for a prostitute and that the drugs were his. Hall's defense was that he had lied to police when he admitted to these acts and that he is now telling the truth in claiming his innocence. Because the evidence was overwhelming against Hall, this factor weighs heavily in favor of concluding that any error was harmless.

In sum, any assumed error in admitting the unredacted documentation of Hall's five prior felony convictions was harmless, as no reasonable possibility exists that the erroneously admitted evidence significantly affected the jury's verdict.⁴

III. The warrant of commitment reflects improper convictions.

The district court entered a conviction and sentenced Hall on count two, second-degree sex trafficking. However, the warrant of commitment identifies all seven counts to which the jury found Hall guilty and states that the district court entered convictions on those counts. Hall argues, and the state agrees, that this is error and that Hall's convictions of all counts should be vacated, except as to count two. Although the parties agree there was error, we must decide for ourselves whether, as a matter of law, there was error and to what extent. *See State v. Hannuksela*, 452 N.W.2d 668, 673 n.7 (Minn. 1990) (“[I]t is the responsibility of appellate courts to decide cases in accordance with law . . .”). Although we agree that the district court erred in the number of

⁴ Hall also argues that the cumulative-error doctrine applies such that we should reverse his convictions. *See State v. Fraga*, 898 N.W.2d 263, 278 (Minn. 2017) (“[E]rrors, when taken cumulatively, have the effect of denying [the] appellant a fair trial.”) (quoting *State v. Yang*, 774 N.W.2d 539, 560 (Minn. 2009)). However, because we have assumed that the district court committed only a single error in admitting the warrants of commitment, this doctrine is not applicable.

convictions it entered, we conclude that this error only applies to counts one and three, which are the two counts relating to promotion of prostitution.

Minnesota law recognizes “a distinction between sentencing on multiple convictions that arose from a single behavioral incident and convictions of more than one offense arising from the same act.” *State v. Papadakis*, 643 N.W.2d 349, 357 (Minn. App. 2002). A criminal defendant “may be convicted of either the crime charged or an included offense, but not both.” Minn. Stat. 609.04, subd. 1 (2018). We review *de novo* whether a conviction violates section 609.04. *State v. Bonkowske*, 957 N.W.2d 437, 443 (Minn. App. 2021). Appellate courts have interpreted section 609.04 as prohibiting district courts from entering multiple convictions for a single act. *See, e.g., State v. LaTourelle*, 343 N.W.2d 277, 284 (Minn. 1984) (explaining that section 609.04 prohibits “multiple convictions under different sections of the statute for a single criminal act”). And we agree with the parties that the two prostitution counts for which a sentence was not imposed—counts one and three—are part of the same act as and are included offenses of count two, such that convictions for these two counts ought not have been entered. *See State v. Bradley*, 4 N.W.3d 105, 112 (Minn. 2024) (“[I]f the lesser offense is a lesser degree of the same crime or a lesser degree of a multi-tier statutory scheme dealing with a particular subject, then it is an included offense under section 609.04.” (quotations omitted)).

However, because the other controlled-substance crimes involve the possession of different drugs, those convictions do not arise from the same act. *Papadakis*, 643 N.W.2d at 358 (concluding that “appellant’s possession of different controlled substances at the

same time and place was not a single criminal act.”). Therefore, entry of conviction was proper as to each of those counts.

In sum, we reverse and remand for the district court to vacate Hall’s convictions of counts one and three. Those two counts shall remain as unadjudicated findings of guilt. *See LaTourelle*, 343 N.W.2d at 284 (holding “that the proper procedure to be followed by the [district] court when the defendant is convicted on more than one charge for the same act is for the court to adjudicate formally and impose sentence on one count only,” leaving the remaining counts without formal adjudication). The other convictions remain as properly entered.

Affirmed in part, reversed in part, and remanded.