

*This opinion is nonprecedential except as provided by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
A24-1245**

State of Minnesota,
Respondent,

vs.

Adam Peter Flores, Jr.,
Appellant.

**Filed December 22, 2025
Affirmed
Kirk, Judge***

Ramsey County District Court
File No. 62-CR-18-7417

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

John Choi, Ramsey County Attorney, Peter R. Marker, Assistant County Attorney, St. Paul, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Peter H. Dahlquist, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Reyes, Presiding Judge; Wheelock, Judge; and Kirk, Judge.

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

NONPRECEDENTIAL OPINION

KIRK, Judge

Appellant challenges his conviction of fourth-degree criminal sexual conduct, arguing that the district court erred by denying his motion to dismiss based on its conclusion that the destruction of a body-worn camera video did not violate his rights under the Due Process Clause. We affirm.

FACTS

In May 2018, corrections agents entered the home of appellant, Adam Peter Flores, Jr., to conduct a routine inspection. The agents discovered a woman, S.S., unconscious in a bed. When S.S. awoke, she became “hysterical” and “threatened to kill herself.” The corrections agents called police officers to check on S.S. and she was later taken to a local hospital. Shortly after this incident, S.S. entered chemical-dependency treatment. S.S. disclosed to her counselor that appellant had sexually assaulted her. S.S. explained that while she stayed with appellant, he anally or vaginally penetrated her at least twenty times while she was intoxicated or unconscious from alcohol consumption.

A St. Paul police investigator viewed body-worn-camera video from the officers who checked on S.S. the day she was discovered at appellant’s home. The investigator did not reclassify the body-worn-camera video for preservation, and it was deleted pursuant to the police department’s retention policy.

Respondent State of Minnesota initially charged appellant with one count of first-degree criminal sexual conduct, in violation of Minn. Stat. § 609.342, subd. 1(e)(ii) (2016) and one count of third-degree criminal sexual conduct, in violation of

Minn. Stat. § 609.344, subd. 1(d) (2016). On the day of trial, the state filed an amended complaint alleging an additional count of fourth-degree criminal sexual conduct. The parties then agreed to a court trial on stipulated evidence and the state dismissed the counts of first- and third-degree criminal sexual conduct. The district court found appellant guilty of fourth-degree criminal sexual conduct. This appeal follows.

DECISION

The Due Process Clause protects a criminal defendant’s right to present a complete defense. *State v. Jenkins*, 782 N.W.2d 211, 225 (Minn. 2010). In a criminal case, the state must disclose any evidence within its possession or control that “tends to negate or reduce the defendant’s guilt.” Minn. R. Crim. P. 9.01, subd. 1(6). Thus, the destruction of two categories of evidence can give rise to a due-process violation: (1) evidence that has apparent and material exculpatory value, and (2) evidence that is only potentially useful. *State v. Hawkinson*, 829 N.W.2d 367, 372 (Minn. 2013). Whether a due-process violation occurred is a question of law, which appellate courts review de novo. *State v. Beecroft*, 813 N.W.2d 814, 836 (Minn. 2012).

A. The evidence had no apparent and material exculpatory value.

Appellant argues that the body-worn-camera video had apparent and material exculpatory value because it would have impeached S.S.’s credibility with regard to her sexual-assault allegations. In a destruction-of-evidence claim, appellate courts consider whether the exculpatory value of lost or destroyed evidence was apparent and material before the evidence was destroyed. *Hawkinson*, 829 N.W.2d at 372. “Evidence is material ‘if there is a reasonable probability that, had the evidence been disclosed to the defense,

the result of the proceeding would have been different.” *State v. Hunt*, 615 N.W.2d 294, 299 (Minn. 2000) (quoting *United States v. Bagley*, 473 U.S. 667, 682 (1985)).

Appellant contends that the district court could have acquitted appellant because the video would have shown that S.S. did not report any sexual assault on the day she was discovered at appellant’s home and that she acted affectionately toward appellant. Appellant’s contention is not supported by the record. The district court reviewed the stipulated evidence and found that S.S. was credible and appellant’s “denials and minimizations of his conduct” were not credible. Even if the district court had viewed the body-worn-camera video, the court likely would not have found S.S.’s demeanor to be convincing impeachment evidence because S.S. also made credible statements that she was extremely intoxicated the entire month of May 2018. Thus, the body-worn-camera video was only potentially useful evidence, and the district court did not err when it concluded that the body-worn-camera video did not have apparent and material exculpatory value.

B. The evidence was not destroyed in bad faith.

Having concluded that the evidence was only potentially useful, we next consider whether the state destroyed the evidence in bad faith. “[B]ad faith requires an intentional act.” *Hawkinson*, 829 N.W.2d at 373. The state acts in bad faith if it either (1) purposefully destroys evidence favorable to a defendant so as to hide it, or (2) fails to follow standard procedures when it destroys the evidence. *Id.* “The defendant carries the burden of demonstrating bad faith.” *Id.*

Neither indicia of bad faith are present in this case. First, there is no evidence in the record that the state had any motive to destroy the body-worn-camera video in order to hide

beneficial evidence from appellant. Rather, the body-worn-camera video appeared to contain inculpatory evidence, which the state would likely be motivated to preserve. The investigator reported that the video shows that officers asked S.S. if she was staying at appellant's home by choice, and she replied, "No, I don't want to be here." An agent then asked S.S. if appellant was keeping her there, and S.S. replied, "I hate this life," and "Please God, just let me f---ing die." The investigator's summary of the body-worn-camera video suggests that S.S. was distressed and not at appellant's home voluntarily, so the state likely would have been motivated to preserve the video rather than destroy the video to hide evidence favorable to appellant.

Second, appellant contends that the body-worn-camera video was destroyed in bad faith because the investigator failed to properly reclassify the video to prevent its destruction. However, there is no evidence that the investigator intentionally or maliciously failed to reclassify the video. Rather, the investigator's attempt to retrieve the video to share with a paralegal indicates that she believed she had preserved the video and that her failure to reclassify the video was an inadvertent mistake. Thus, the district court did not err by determining that appellant failed to prove that the body-worn-camera video was destroyed in bad faith.

In conclusion, the district court did not err by denying appellant's motion to dismiss based on its conclusion that destruction of the body-worn-camera video did not violate appellant's rights under the Due Process Clause.

Appellant made additional arguments in a pro se supplemental brief. We conclude that these arguments are without merit. *See State v. Waiters*, 929 N.W.2d 895, 902 (Minn. 2019) (noting that an appellate court need not provide a detailed discussion of pro se claims that lack merit).

Affirmed.