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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1286**

State of Minnesota,
Respondent,

vs.

Danielle Marie Paschal,
Appellant.

**Filed October 20, 2025
Affirmed in part, reversed in part, and remanded
Schmidt, Judge**

Hennepin County District Court
File No. 27-CR-23-12815

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respondent)

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Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Harris, Presiding Judge; Connolly, Judge; and Schmidt,
Judge.

NONPRECEDENTIAL OPINION

SCHMIDT, Judge

Appellant Danielle Marie Paschal appeals from her convictions for gross-
misdemeanor obstruction of legal process, fifth-degree assault, disorderly conduct, and

trespass arising out of an altercation at a bar. Paschal argues that the district court erred by (1) denying her motion for the judge to recuse herself from the case; (2) denying her *Batson* challenge to the state's peremptory strike of a prospective juror on the panel; and (3) convicting and sentencing her for gross-misdemeanor obstruction of legal process without the jury finding that her underlying act was accompanied by force or violence or a threat thereof. We affirm in part, reverse in part, and remand for resentencing.

FACTS

Law enforcement received a report of an altercation at a bar in Hopkins involving Paschal, three bartenders, and a security guard. The altercation began as a disagreement between Paschal and a bartender, which escalated in volume and intensity. Another bartender and a security guard joined the conversation and asked Paschal to leave numerous times. The altercation turned physical when Paschal tried to knee a bartender in the groin. A struggle ensued, ending with several bar employees and patrons restraining Paschal on the ground until police arrived. When police attempted to remove Paschal's purse during her arrest, Paschal elbowed an officer in the chest. As law enforcement was placing Paschal into the back of a squad car, she kicked a different officer in the chest.

The state charged Paschal with eight crimes: fourth-degree assault of a peace officer (Minn. Stat. § 609.2231, subd. 1(b) (2022)) (count I); obstruction of legal process—interference with a peace officer (Minn. Stat. § 609.50, subd. 1(2) (2022)) (count II); three counts of fifth-degree assault (Minn. Stat. § 609.224, subd. 1(2) (2022)) (counts III-V); two counts of disorderly conduct (Minn. Stat. § 609.72, subd. 1(1), (3) (2022)) (counts VI and VII); and trespass (Minn. Stat. § 609.605, subd. 1(b)(3) (2022)) (count VIII).

Before the start of Paschal’s jury trial, the court reporter asked the judge to be excused from the case because, as the judge recalled on the record, “[they] had a prior interaction with the defendant that made them uncomfortable and . . . they were scared.” The judge disclosed the content of the conversation to the parties, instructed the court reporter to provide no further details about the interaction, and replaced the original court reporter with a new one. Paschal moved the judge to recuse herself, arguing that the court reporter’s disclosure prejudiced the judge. The district court denied the motion.

During jury selection, the state exercised a peremptory strike against juror 9, the last remaining African American prospective juror. Paschal raised a *Batson*¹ challenge, alleging gender and race discrimination. The district court asked the state to respond. The prosecutor asserted that juror 9 expressed a look of “[d]istaste or dislike” when defense counsel asked a series of questions about law enforcement and “made some comments . . . to the effect of police versus civilians[.]” The prosecutor explained that she struck juror 9 because the state planned to call responding law enforcement officers as witnesses during trial. The prosecutor also noted that Paschal peremptorily struck a different African American prospective juror. The district court allowed Paschal to respond, and she explained why she struck the other African American prospective juror. She did not argue that the state’s explanation was pretextual. The district court denied the *Batson* challenge.

¹ *Batson v. Kentucky*, 476 U.S. 79, 96-98 (1986) (announcing a three-step test for determining whether a peremptory strike violated the Equal Protection Clause of the Fourteenth Amendment).

During trial, the jury heard testimony from bar employees and responding officers and viewed videos of the altercation and Paschal's arrest. The jury found Paschal not guilty of fourth-degree assault on a peace officer (count I) and guilty of the seven remaining counts. On the fifth-degree assault charges (counts III-V), the district court entered misdemeanor convictions and sentenced Paschal to 90 days in custody with a one-year stay of execution. On the obstruction of legal process charge (count II), the district court entered a gross-misdemeanor conviction and sentenced Paschal to 364 days in custody with a two-year stay of execution. The court also entered convictions on counts VI through VIII.

Paschal appeals.

DECISION

Paschal raises three arguments on appeal. First, she contends that the district court erred by denying her motion for the judge to recuse from the case. Second, she argues that the district court erred by denying her *Batson* challenge. Finally, Paschal argues that the district court erred in convicting and sentencing her for gross-misdemeanor obstruction of legal process without the jury finding that her underlying act was accompanied by force or violence or a threat thereof. We address each argument in turn.

I. The district court did not err by denying Paschal's motion for recusal.

Paschal argues that the district court erred when it denied her motion for the judge to recuse herself. Paschal contends that she is entitled to a new trial because the circumstances surrounding the judge's substitution of the court reporter would cause a reasonable examiner to question the judge's impartiality.

“A judge may not preside over any criminal proceeding if she is disqualified from doing so under the Code of Judicial Conduct.” *State v. Mouelle*, 922 N.W.2d 706, 712-13 (Minn. 2019). Rule of Judicial Conduct 1.2 requires that judges “act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary” and “avoid impropriety and the appearance of impropriety.” A judge must disqualify themselves “in any proceeding in which the judge’s impartiality might reasonably be questioned.” Minn. Code Jud. Conduct Rule 2.11(A). We review de novo whether a judge violated the Code of Judicial Conduct. *Mouelle*, 922 N.W.2d at 713.

“Whether a judge’s impartiality may reasonably be questioned is an objective consideration that evaluates whether a reasonable examiner, with full knowledge of the facts and circumstances, would question the judge’s impartiality.” *State v. Malone*, 963 N.W.2d 453, 464 (Minn. 2021) (quotation omitted). When a party “rais[es] a reasonable question about [a] judge’s impartiality,” *Mouelle*, 922 N.W.2d at 713, we balance the three factors articulated by the Minnesota Supreme Court in *Powell v. Anderson* to determine whether reversal is required to correct any error: “(1) the risk of injustice to the parties in the particular case, (2) the risk that denial of relief will produce injustice in other cases, and (3) the risk of undermining the public’s confidence in the judicial process.” *State v. Lopez*, 988 N.W.2d 107, 120 (Minn. 2023) (citing *Powell v. Anderson*, 660 N.W.2d 107, 121 (Minn. 2003)).

Paschal argues that the first *Powell* factor—the risk of injustice to the parties—weighs in favor of reversal because the original court reporter’s fear of the defendant influenced the judge’s decision to deny Paschal’s request for a self-defense jury

instruction.² But the judge had no knowledge or context about the original court reporter's prior interaction with Paschal because the judge instructed the court reporter to not share any details about the interaction. And, on appeal, we "presum[e] that a judge has discharged . . . her judicial duties properly." *McKenzie v. State*, 583 N.W.2d 744, 747 (Minn. 1998). The risk of injustice to Paschal based upon the court reporter's disclosure was minimal. This factor weighs against reversal.

Under the second *Powell* factor—the risk that denial of relief will produce injustices in other cases—Paschal argues that a ruling that endorses the judge's decision would increase the likelihood that other judges will choose to preside over trials in which they learn prejudicial information. But, again, we presume that judges discharge their judicial duties properly, including their duty to disqualify themselves from presiding over matters in which their impartiality may reasonably be questioned. *Id.*; Minn. Code Jud. Conduct Rule 1.2. We also note that Paschal's circumstances present an unusual set of facts that is unlikely to reoccur. The second *Powell* factor does not favor Paschal's position.

As to the third *Powell* factor—the risk of undermining public confidence in the judicial process—Paschal argues that affirming the judge's decision would cast doubt on the public's confidence in the integrity of the judicial process. But our system relies upon a presumption that judges "make decisions solely on the merits of the cases before them"

² Paschal did not raise the lack of a self-defense jury instruction as an independent basis on which she seeks reversal in this appeal. We note, however, that the record contains considerable evidence suggesting that a self-defense theory was not available to Paschal, which weighs against Paschal's appellate arguments that the judge's decision to deny Paschal a self-defense jury instruction was motivated by bias.

and “set[] aside collateral knowledge they possess.” *State v. Dorsey*, 701 N.W.2d 238, 247 (Minn. 2005). The judge’s collateral knowledge in this case was extremely limited—she did not know any details about the prior interaction between Paschal and the original court reporter beyond that it made the original court reporter uncomfortable and scared. And there is nothing in the record suggesting that the judge and the original court reporter had a longstanding or close personal relationship. This factor weighs against Paschal.

All three *Powell* factors weigh against reversal. The record demonstrates that the district court judge properly removed the original court reporter, informed the parties of the content of the conversation, set aside the collateral issue, and proceeded with trial.

II. The district court did not err by denying Paschal’s *Batson* challenge.³

Paschal next argues that the district court erred when it overruled her *Batson* objection to the state’s peremptory strike of juror 9, the last remaining African American prospective juror on the jury panel. Paschal contends that she established a prima facie showing of racial discrimination, that the state’s proffered reasons for the peremptory strike were not race neutral, and that the district court should have analyzed whether the state’s reasons were pretext for purposeful discrimination.

A party may use a peremptory challenge “to strike a prospective juror that the party believes will be less fair . . . [and] to select as final jurors the persons they believe will be

³ The Minnesota Rules of Criminal Procedure were recently amended to provide a new framework for these challenges. *Order Promulgating Amendments to the Minnesota Rules of Criminal Procedure*, No. ADM10-8049 (Minn. Dec. 20, 2024). But those rules were not in effect at the time of Paschal’s motion, so we analyze this appellate argument under the *Batson* framework and caselaw.

most fair.” *State v. Martin*, 773 N.W.2d 89, 100 (Minn. 2009) (quotation omitted). But under the Equal Protection Clause of the Fourteenth Amendment, a party may not use a peremptory challenge to strike a prospective juror because of their race. *Id.* at 100-01; U.S. Const. amend. XIV, § 1; *see also Batson*, 476 U.S. at 85-86. If an appellate court determines that a peremptory strike was racially motivated, the defendant is automatically entitled to a new trial. *State v. Carridine*, 812 N.W.2d 130, 136-37 (Minn. 2012).

A. Since the district court’s ruling did not follow the *Batson* procedure, we apply a de novo standard of review.

Ordinarily, we afford a district court’s *Batson* ruling “great deference” and “will not reverse the ruling unless it is clearly erroneous.” *State v. Wilson*, 900 N.W.2d 373, 378 (Minn. 2017) (quotation omitted). But if the district court applies the wrong legal standard, we give no deference to its ruling. *State v. Harvey*, 932 N.W.2d 792, 811 (Minn. 2019). The supreme court has stated that it is “optimal procedure” for a district court to “make its rulings sequentially at the conclusion of its consideration of each prong[.]” *State v. Onyelobi*, 879 N.W.2d 334, 347 n.11 (Minn. 2016) (citing *State v. Pendleton*, 725 N.W.2d 717, 725 (Minn. 2007)).

The district court here did not follow that “optimal procedure.” Instead of immediately ruling on whether Paschal established a prima facie showing of racial discrimination, the district court asked the state to respond to Paschal’s challenge. After the state responded, the court allowed Paschal to rebut the state’s explanation. After the parties made their entire arguments, the district court then overruled Paschal’s *Batson* objection on the basis that she failed to make a prima facie showing.

In similar circumstances, the supreme court has determined that a failure to follow the “optimal procedure” in a *Batson* analysis means the district court’s decision is entitled to no deference. In *Pendleton*, the district court heard the defendant’s prima facie argument, allowed the state to respond, and—without any substantive discussion—ruled that the defendant failed to establish a prima facie showing of racial discrimination. 725 N.W.2d at 724-25. The supreme court concluded that the district court’s *Batson* analysis was improper and conducted a de novo *Batson* analysis. *Id.* at 725.

Like in *Pendleton*, instead of immediately ruling on whether Paschal established a prima facie showing, the district court turned to the state for a response, allowed Paschal a rebuttal argument, and then ruled—without any substantive discussion—that Paschal failed to establish a prima facie showing. Accordingly, we review the district court’s denial of Paschal’s *Batson* challenge de novo. *Id.* at 811.

B. Paschal is not entitled to a new trial under our de novo *Batson* analysis.

The *Batson* analysis first requires Paschal to establish a prima facie case of discrimination by showing “(1) that a member of a protected racial group has been peremptorily excluded from the jury and (2) that circumstances of the case raise an inference that the exclusion was based on race.” *State v. Blanche*, 696 N.W.2d 351, 365 (Minn. 2005). If Paschal establishes a prima facie case of racial discrimination, the second step of the *Batson* analysis shifts the burden to the state to proffer a race-neutral explanation. *Id.* at 364. “If a race-neutral explanation is tendered,” the third step requires consideration of whether Paschal has proved purposeful discrimination. *Id.* at 364-65 (quotation omitted). We address each step in turn.

1. Step 1: Paschal met her burden to make a prima facie showing of racial discrimination.

Under step one of the *Batson* analysis, “the defendant must make a prima facie showing that the prosecutor executed a peremptory challenge on the basis of race[.]” *Martin*, 773 N.W.2d at 101. The burden to establish a prima facie showing is low. *State v. Black*, 919 N.W.2d 704, 711 (Minn. App. 2018). “[A] defendant need only produc[e] evidence sufficient to permit the trial judge to draw an inference that discrimination has occurred.” *Id.* (alteration in original) (quotation omitted).

After objecting to the state’s peremptory strike of juror 9, Paschal argued that the strike was discriminatory. She stated that juror 9 “did not say anything that would provide the [s]tate a reason” to use a peremptory strike “outside of the fact that she is a black woman like Ms. Paschal.” Paschal demonstrated “that a member of a protected racial group ha[d] been peremptorily excluded from the jury[.]” *Blanche*, 696 N.W.2d at 364-65.

The record does not reflect that Paschal directly connected the circumstances of the particular case to demonstrate that this case raised an “inference that the exclusion was based on race.” *Id.* But in the light most favorable to Paschal’s argument, we determine that Paschal made the inference given that she is African American and juror 9 was the last remaining African American person on the jury panel. Paschal met her low burden to make the prima facie showing that the state used a peremptory strike on the basis of race.

2. Step 2: The state proffered race-neutral reasons for the strike.

When an objecting party establishes a prima facie showing, under step two of the *Batson* analysis, “the burden then shifts to the prosecution to articulate a race-neutral explanation for striking the juror in question[.]” *Martin*, 773 N.W.2d at 101. The explanation must be “clear and reasonably specific” and “relate[d] to the particular case to be tried.” *State v. Lufkins*, 963 N.W.2d 205, 211 (Minn. 2021) (quotations omitted). “The reason offered will be deemed race-neutral unless a discriminatory intent is inherent in the prosecutor’s explanation.” *Id.* at 210 (quotation omitted).

The state’s proffered reason for the strike was that the prosecutor saw the juror make a look of “[d]istaste or dislike” when defense counsel asked questions related to law enforcement. Under supreme court precedent, juror 9’s “demeanor can be [a] valid, race-neutral explanation[] for a peremptory strike.” *Id.* The state also offered the reason that juror 9 “made some comments . . . to the effect of police versus civilians.”

The state connected the proffered reasons to Paschal’s case by noting its intention to call several police officers—some of whom were allegedly assaulted by Paschal—as witnesses during trial. The state’s proffered reasons were specific and related to Paschal’s case. We, therefore, conclude that the state articulated a valid race-neutral explanation.

3. Step 3: Paschal did not carry her burden of proving purposeful discrimination.

In considering step three of the *Batson* analysis, Paschal must prove that the strike was motivated by “racial discrimination” and that the reasons proffered by the state were “merely a pretext for the discriminatory motive.” *State v. Diggins*, 836 N.W.2d 349, 355

(Minn. 2013) (quotation omitted). The record reflects that the district court gave Paschal the opportunity to respond to the state’s explanation for its peremptory strike. Paschal did not argue that the state’s explanation was pretextual. Since Paschal did not present a pretext argument to the district court, Paschal cannot prevail on her *Batson* challenge “unless the record on appeal clearly establishes as a matter of law that the prosecutor’s neutral explanation was pretextual and that the striking of the juror was racially motivated.” *State v. Scott*, 493 N.W.2d 546, 549 (Minn. 1992).

On appeal, Paschal asserts that the state’s proffered explanation was pretextual on its face and that juror 9’s verbal responses to questions demonstrated that she could be fair and neutral. But the state explained the concern with juror 9’s verbal responses related to “police versus civilians.” The state’s intention to call law enforcement officers—including some who were alleged victims of assault—adds support to the prosecutor’s race-neutral reason for the strike. The state also noted the juror’s demeanor as a reason for the strike, which is a valid, race-neutral explanation for exercising the strike. *Lufkins*, 963 N.W.2d at 210. Paschal has not clearly established, as a matter of law, that the state’s explanation was pretextual and that its peremptory strike of juror 9 was racially motivated. The district court did not err by denying Paschal’s *Batson* challenge.

III. The district court exceeded its authority when it sentenced Paschal for gross-misdemeanor obstruction of legal process.

Paschal argues that the district court erred when it sentenced her for gross-misdemeanor obstruction of legal process without submitting to the jury a special verdict question about whether Paschal's underlying act was accompanied by force or violence or a threat of force or violence. We agree.

A criminal defendant has a right to a jury trial under the Sixth Amendment. *Apprendi v. New Jersey*, 530 U.S. 466, 476-77 (2000); *State v. Her*, 862 N.W.2d 692, 695 (Minn. 2015) (explaining that the Sixth Amendment right to a jury trial is incorporated by the Due Process Clause of the Fourteenth Amendment). This right “entitle[s] a criminal defendant to a jury determination that [he] is guilty of every element of the crime with which he is charged, beyond a reasonable doubt.” *Apprendi*, 530 U.S. at 477 (second alteration in original) (quotation omitted).

The authority of a district court to sentence a defendant “derives wholly from the jury’s verdict.” *Blakely v. Washington*, 542 U.S. 296, 306 (2004). “[A]ny fact,” other than the fact of a prior conviction, “that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt.” *Apprendi*, 530 U.S. at 490.

The state charged Paschal with violating Minnesota Statutes section 609.50, subdivision 1(2), which criminalizes “obstruct[ing], resist[ing], or interfer[ing] with a peace officer while the officer is engaged in the performance of official duties.” This offense is classified as a misdemeanor. *See* Minn. Stat. § 609.50, subd. 2(3) (2022). When

the defendant's underlying act of obstruction, resistance, or interference is "accompanied by force or violence or the threat thereof," the offense may be sentenced as a gross misdemeanor. Minn. Stat. § 609.50, subd. 2(2) (2022).

In this case, the jury was never asked whether Paschal's act of obstruction, resistance, or interference was accompanied by force, violence, or a threat of force or violence. There is nothing in the record to suggest that the state requested a jury instruction or special verdict form on the question of force, violence, or a threat of force or violence. The record reveals that the district court neither gave the jury such an instruction, nor submitted the question to the jury on a special verdict form. As such, the jury only found Paschal guilty of a misdemeanor obstruction of legal process. The district court exceeded its authority by imposing a gross-misdemeanor sentence without any finding that Paschal's act was accompanied by force, violence, or a threat of force or violence. We, therefore, reverse Paschal's gross-misdemeanor obstruction-of-legal-process sentence and remand for resentencing on that count for imposition of a misdemeanor sentence.

Affirmed in part, reversed in part, and remanded.