

*This opinion is nonprecedential except as provided by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
A24-1330**

Stephen Eric Baldwin,
Respondent,

vs.

James D. Connors,
Appellant.

**Filed June 2, 2025
Affirmed
Bond, Judge**

Hennepin County District Court
File No. 27-CV-24-6850

Stephen Eric Baldwin, Minneapolis, Minnesota (pro se respondent)

Michael D. Schwartz, Brandon M. Schwartz, Schwartz Law Firm, Oakdale, Minnesota (for appellant)

Considered and decided by Bond, Presiding Judge; Bjorkman, Judge; and Halbrooks, Judge.*

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

NONPRECEDENTIAL OPINION

BOND, Judge

Appellant challenges the district court's issuance of a harassment restraining order, arguing that the district court made factual findings unsupported by the evidence and misapplied the law. We affirm.¹

FACTS

Appellant James D. Connors was respondent Stephen Eric Baldwin's father-in-law. Baldwin and Connors's daughter were married and share three children. Baldwin and Connors had a close friendship, but their relationship deteriorated when Baldwin and Connors's daughter began an acrimonious divorce proceeding.

On April 26, 2024, Baldwin filed a petition for a harassment restraining order (HRO) against Connors.² Baldwin's petition alleged that Connors engaged in harassment by physically assaulting Baldwin on April 12, 2024. The district court granted an ex parte HRO. Connors requested a hearing.

At the hearing, Baldwin and Connors testified about the events of April 12. On that day, Connors and his wife drove to Baldwin's apartment to drop off items belonging to

¹ Respondent did not file a brief, and we issued an order stating that this appeal would be submitted for consideration on the merits. *See* Minn. R. Civ. App. P. 142.03 ("If the respondent fails or neglects to serve and file its brief, the case shall be determined on the merits."). On the day of the scheduled oral argument, respondent moved this court to accept his late written argument. By separate order, we deny respondent's motion.

² The record indicates that Connors had previously obtained a harassment restraining order against Baldwin, based on repeated text messages that Baldwin sent Connors.

Baldwin, including a paddleboard and two paddles. Connors and Baldwin unloaded the paddleboard from Connors's car, and then Connors returned to the car to retrieve the paddles. Carrying the paddles, Connors walked toward Baldwin.

The parties dispute what happened next. Baldwin testified that Connors was creating conflict that interfered with his ability to parent his children. Baldwin was discussing his concerns with Connors as they were unloading the items from Connors's vehicle, causing Connors to become angry. Connors walked toward Baldwin, carrying the paddles horizontally in front of himself. Baldwin testified that as he reached out to take the paddles, Connors, instead of handing him the paddles, pushed the paddles toward him in an aggressive movement. Baldwin was not injured, and the parties continued unloading the car. Baldwin testified that he believed that, in pushing him with the paddles, Connors intended to cause bodily harm, and that Connors might escalate his behavior in the future. For his part, Connors testified that he did not recall making aggressive movements and he did not intend to cause Baldwin any physical harm.

The district court received surveillance video footage from a security camera on Baldwin's apartment building that depicted the April 12 altercation. The court found that the surveillance video "[was] a powerful exhibit" that "[spoke] for itself." In its written order, the court made the following factual findings regarding the events depicted on the footage:

Exhibit 1 is a surveillance video offered by [Baldwin] which shows [Connors] abruptly pushing paddles toward [Baldwin]. The Court finds that [Connors] intended to intimidate [Baldwin] with the push. It was observably abrupt and [Baldwin]'s reaction to it—he raises both of his arms and immediately backs

away—demonstrates to the Court [Baldwin]’s reasonable belief that [Connors] intended to intimidate him with the behavior. [Connors] testified and he generally denied trying to intimidate [Baldwin]. [Connors]’s counsel cross-examined [Baldwin] about the parties’ relative size and weight which only makes [Baldwin]’s reaction to the shoving of the paddles more demonstrative of his surprise at [Connors]’s abrupt shove.

The district court also heard testimony from Chad Thompson, a private investigator retained by Connors to review the surveillance video and testify to his impressions of its contents. Thompson testified that there appeared to be tension or high emotions between Baldwin and Connors during the April 12 incident. Thompson testified that Connors took the paddles from the car, both men put their hands on them during the exchange, and ultimately Connors set the paddles down. Based on his observations of the footage, Thompson believed that Baldwin did not suffer any bodily harm, and that Connors did not attempt to inflict any bodily harm.

As to Thompson’s testimony, the district court found:

Further, [Connors] called Chad Thompson, a private investigator, as a witness. Thompson was not present on April 12, 2024, when [Connors] pushed [Baldwin]. Thompson testified that he observed “tension and high emotion” between the parties from viewing Exhibit A. Thompson narrated the video but neglected to describe, in his entire description, the shove where [Connors] abruptly pushed the paddles toward [Baldwin]. In fact, Thompson admitted on cross-examination that pushing paddles toward [Baldwin] “could be” an act of aggression.

The district court determined that there were reasonable grounds to believe that Connors engaged in harassment of Baldwin on April 12 and granted the HRO.

Connors appeals.

DECISION

Connors first argues that the record does not support the district court’s finding that his actions constituted harassment. He contends that, because Baldwin initiated contact and there was no injury, there is insufficient evidence of a physical assault.

We review a district court’s decision to issue an HRO for an abuse of discretion. *Borth v. Borth*, 970 N.W.2d 699, 701 (Minn. App. 2022). “A district court abuses its discretion if it makes findings of fact that are not supported by the record, misapplies the law, or resolves the matter in a manner that is contrary to logic and the facts on record.” *Id.* (quotation omitted). We will set aside a district court’s factual findings pertaining to an HRO only if they are clearly erroneous after giving due regard to the district court’s credibility determinations. *Kush v. Mathison*, 683 N.W.2d 841, 843-844 (Minn. App. 2004), *rev. denied* (Minn. Sept. 29, 2004).

A district court may issue an HRO if it finds there are “reasonable grounds to believe that the respondent has engaged in harassment.” Minn. Stat. § 609.748, subd. 5(b)(3) (2024). Harassment includes “a single incident of physical or sexual assault.” *Id.*, subd. 1(a)(1) (2024). In *Peterson v. Johnson*, we examined the scope of the phrase “physical . . . assault” as used in the HRO statute. 755 N.W.2d 758, 762-63 (Minn. App. 2008). We held that to prove physical assault within the meaning of the statute, “a petitioner must prove the physical aspects of the statutory definition of assault in chapter 609, *i.e.*, the intentional infliction of or attempt to inflict bodily harm upon another.” *Id.* at 763 (quoting Minn. Stat. § 609.02, subd. 10(2)(2006)). Thus, the phrase “physical . . . assault” for the purpose of Minn. Stat. § 609.748, subd. 1(a)(1), includes not just the

intentional infliction of bodily harm but also an “attempt to inflict bodily harm.” *Id.* (quotation omitted).

Here, the record supports the conclusion that Connors engaged in harassment by attempting to inflict bodily harm on Baldwin. Baldwin testified that Connors aggressively pushed him with the paddles and that he believed that Connors intended to cause bodily harm. The district court found that the surveillance footage “shows [Connors] abruptly pushing paddles toward [Baldwin]” and then Baldwin’s reaction, in which he “raises both of his arms and immediately backs away.” Whether Connors actually inflicted bodily injury is not determinative because, as we explained, an attempt to inflict bodily harm may constitute a physical assault for the purposes of an HRO. *Id.*

The district court considered Connors’s testimony in which he denied any intent to cause physical harm. But it is clear from the district court’s order that the court found Baldwin’s testimony, as corroborated by the “powerful” video evidence, more credible. The district court is in a superior position to assess witness credibility, and we must defer to the district court’s credibility determinations. *In re Welfare of Child. of S.R.K.*, 911 N.W.2d 821, 831 (Minn. 2018); *see also Peterson*, 755 N.W.2d at 763. In light of the evidence in the record and the district court’s credibility determinations, we conclude that the district court did not clearly err when it found a reasonable basis to believe that Connors engaged in harassment of Baldwin.

Connors also argues that because the HRO statute requires a “physical assault,” which as relevant here is defined as “an attempt to inflict bodily harm,” the district court misapplied the law by finding that Connors acted with the “intent to intimidate.” Whether

the facts found by the district court satisfy the elements of harassment is a question that we review de novo. *See Peterson*, 755 N.W.2d at 761. A district court’s findings of fact must be specific enough to allow for meaningful appellate review such that we can determine the basis on which the district court made its decision. Minn. R. Civ. P. 52.01. We are not required to reverse a decision for more adequate findings when the decision is supported by a clear record and facts that are not seriously disputed. *See Crowley Co. v. Metro. Airports Comm’n*, 394 N.W.2d 542, 545 (Minn. App. 1986).

We agree with Connors that the district court’s finding that Connors “intended to intimidate” Baldwin is not, in and of itself, sufficient to constitute harassment under the HRO statute. *See Dunham v. Roer*, 708 N.W.2d 552, 567 (Minn. App. 2006) (noting that the HRO statute requires “objectively unreasonable conduct or intent on the part of the harasser,” and “an objectively reasonable belief on the part of the person subject to harassing conduct”), *rev. denied* (Minn. Mar. 28, 2006); *Peterson*, 755 N.W.2d at 764 (citing this aspect of *Dunham*). But the HRO statute creates no precise requirement regarding the specificity of a district court’s findings. *See* Minn. Stat. § 609.748, subd. 5 (2024). Here, the district court found that Baldwin initially filed an HRO petition that “alleged assault.” The district court’s order accurately recited the HRO statute, including that harassment is defined as “a single incident of physical . . . assault.” *Id.*, subd. 1(a)(1).

And the district court found:

There are reasonable grounds to believe that [Connors] has engaged in harassment of [Baldwin] by committing the following acts: On April 12, 2024, outside of [Baldwin]’s apartment, the parties were unloading a vehicle. Specifically, a paddle board and a paddle. Earlier and continuously, the

parties were arguing about the dissolution action involving [Baldwin] and [Connors]’s adult daughter. . . . In his Petition for an HRO, [Baldwin] alleges assault and his Petition alleges: “I have a video from security cameras pushing me and me putting my hands up so he would stop. He was using abusive language and do not know how he will act in the future and that makes me concerned for myself and my kids.” Exhibit 1 is a surveillance video offered by [Baldwin] which shows [Connors] abruptly pushing paddles toward [Baldwin].

We conclude that the district court’s factual findings and legal conclusions are sufficient to permit meaningful appellate review and that the court’s reference to Connors’s “intent to intimidate” does not require reversal. The district court was presented with the HRO petition, testimony from the parties, and the surveillance footage. Crediting Baldwin’s testimony and the surveillance video, the court found that, as the parties were arguing about the dissolution proceeding, Connors abruptly “pushed” or “shoved” Baldwin with the paddles. Based on our independent review of the record, we discern no clear error in the district court’s determination that Connors engaged in harassment within the meaning of the HRO statute by attempting to inflict bodily harm on Baldwin when he abruptly pushed Baldwin with the paddles. Accordingly, we conclude that the district court did not abuse its discretion in issuing the HRO.

Affirmed.