

*This opinion is nonprecedential except as provided by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
A24-1335**

State of Minnesota,
Respondent,

vs.

Douglas David Carr,
Appellant.

**Filed July 28, 2025
Affirmed
Harris, Judge**

Becker County District Court
File No. 03-CR-22-2410

Keith Ellison, Attorney General, Lisa Lodin, Assistant Attorney General, St. Paul, Minnesota; and

Brian W. McDonald, Becker County Attorney, Detroit Lakes, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jessica Merz Godes, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bratvold, Presiding Judge; Bjorkman, Judge; and Harris, Judge.

NONPRECEDENTIAL OPINION

HARRIS, Judge

Appellant challenges his first-degree criminal sexual conduct convictions, arguing that the district court abused its discretion by admitting the entirety of the victim's forensic interview at trial. Because we discern no abuse of discretion, we affirm.

FACTS

Investigation

In May 2020, victim M.C., reported to a school therapist “that there had been sexual abuse happening in the home.” As a mandated reporter, the therapist immediately reported M.C.’s disclosure to law enforcement. Later that day, M.C. met with a police officer and gave a recorded statement. M.C. disclosed the sexual abuse and “remembered certain incidents” but could not provide a timeline. After the interview, the officer referred M.C. for a forensic interview, which occurred two days later. The officer also referred the matter to the lead investigator, who later interviewed M.C., her sister K.C., their mother, and appellant Douglas David Carr.

Respondent State of Minnesota charged Carr with six counts of first-degree criminal sexual conduct for multiple acts of sexual abuse involving his two children, M.C. and K.C.¹

Pretrial Ruling

Prior to trial, the parties filed cross motions regarding the admissibility of M.C.’s forensic interview. The issue was addressed at the beginning of trial. The state moved to admit the video recording of M.C.’s forensic interview as substantive evidence under

¹ Counts 1 and 2 involved victim M.C. and were charged under Minnesota Statutes section 609.342, subdivision 1(a) (2008) (sexual penetration with a victim under 13 years of age). Count 3, also applying to M.C., was charged under Minnesota Statutes section 609.342, subdivision 1(h)(iii) (2004) (significant relationship with a victim under 16 and multiple acts committed over an extended period of time). Counts 4 and 5 involved victim K.C. and were charged under Minnesota Statutes section 609.342, subdivision 1(a) (2004) (sexual penetration with a victim under 13 years of age). Count 6, also applying to K.C., was charged under Minnesota Statutes section 609.342, subdivision 1(h)(iii) (2002) (significant relationship with a victim under 16 and multiple acts committed over time).

Minnesota Rule of Evidence 807, the residual-hearsay-exception rule. Carr’s counsel objected, arguing that the residual-hearsay exception applies for unavailable declarants, which would not be the case at trial because M.C. was available, and that the forensic interview was a “way to have additional testimony [not] []cross examined.” Counsel also argued that M.C. would likely be “highly emotional on the stand,” which the jury would see firsthand, and playing the forensic interview—which is over two hours long—after M.C. testified would generate undue sympathy.

The state argued that the length of the forensic interview was irrelevant and that the forensic interview should be admitted because it was “not realistic to expect someone who experienced seven years of sexual abuse to get on the stand and recall all those incidents.” The state argued that defense counsel could ask M.C. “anything and everything about [the] interview or anything that she said.”

The district court discussed the requirements under rule 807 and determined that the forensic video had sufficient guarantees of trustworthiness, was more probative than other admissible evidence at trial, and that admission of the video would best serve the Minnesota Rules of Evidence and the interests of justice. Regarding the admissibility of the forensic interview, the district court stated, “And so I think that the general purpose behind the Minnesota Rules of Evidence and the interests of justice are served by admitting that statement. Again, assuming the foundational elements are met. *So I’m not making a ruling now*, but that’s where I’m heading depending on how things go forward.” (Emphasis added.)

The matter proceeded to a three-day jury trial, where the jury heard testimony from M.C, K.C., M.C.'s mother, the responding police officer, the investigator, the forensic interviewer, and Carr.

Testimony of M.C.

M.C. testified at trial four years after she initially disclosed the sexual abuse to her therapist.² M.C. grew up with two siblings, her mother, and her father, Carr. They first lived in the "Glyndon" home, then moved to their Grandma K's home and then Grandma R's home before moving to Detroit Lakes. When asked about her first recollection of the abuse, M.C. testified that it started when she lived in "Glyndon when [she] was very young," as early as "two and three-years-old." She could not remember what happened but remembered "being scared and feeling disgusted and wanting to run and hide but [she] couldn't." M.C. did recall that one time, when she was in the bathroom, Carr "was trying to get [her] to put [her] mouth on [his penis]."

M.C. estimated that she was "probably six and a half" when she moved to Grandma K's home. M.C. recalled "one or two instances" of abuse but added that they were "really foggy"; she remembered "the feelings of being scared, [and] really just overwhelm[ed], a lot of memories." When M.C. was approximately 10 years old, she moved to her Grandma R's home. There were two instances of sexual abuse that stuck out to M.C. in particular. M.C. described that she was asleep one night and "remember[ed] the feeling of being lifted off [her] bed and then [she] went back to sleep, but then [she] woke up some place else."

² At the time of the initial disclosure M.C. was 17 years old and at the time of trial she was 21 years old.

M.C. “knew [Carr] had put his penis inside of [her]. And when [she] woke up, [she] was crying and [she] was telling him to stop, but he didn’t.”

The second incident of abuse occurred in a “utility area underneath the stairs.” M.C. described the utility area “like a walkway” that had “just one light.” She could not remember how it started, but she felt pain because “[Carr’s] penis was inside of [her].” M.C. testified that she was not yet a teenager at this time.

M.C. testified that after the family moved to Detroit Lakes, Carr’s behavior remained “exactly the same” except the penetration stopped. When asked if the incidents she had already testified to were “all the times [she was] abused,” M.C. answered “no.” M.C. estimated that she was sexually abused “[p]robably once a week. She added that Carr “was usually either touching [her] while he would masturbate or seeing [her] private parts.”

M.C.’s Forensic Interview

After M.C.’s testimony, the district court admitted M.C.’s forensic interview in its entirety over the objection of Carr’s counsel and based its decision on the pretrial rule 807 discussions. M.C. was 17 years old at the time of the forensic interview. The full length of the video recording was 2 hours and 23 minutes. For the first 20 minutes of the interview, M.C. discussed her pets, hobbies, and members of her family. Approximately 43 minutes into the interview, the forensic interviewer asked M.C. to describe when she was “really young in the trailer in Glyndon.” M.C. began discussing the bathroom incident and said she “was almost a toddler” at the time. From then on, M.C. resisted answering the interviewer’s questions and indicated to the interviewer that it would be easier to answer “yes or no” questions. As the interviewer tried to elicit more responses, M.C. grew

emotional, causing the interviewer to take a break from that topic for approximately six minutes.

After the break, M.C. began discussing how Carr liked “to tickle [her] back” when she was in her room and that she couldn’t “say no or else [he would] get mad, and he [would] take his anger out on [her] family.” M.C. described that Carr would “start masturbating behind [her] as he was tickling [her] back.” At this point, M.C. took a 10-minute break and talked about art, classes, and her dog.

The forensic interviewer resumed questioning and asked M.C. about the “grosser things that used to happen.” M.C. replied that Carr “used to rape [her] a lot.” M.C. explained that Carr “liked to make deals” with her so that M.C. felt like she was “consenting” to it. Carr would also tell M.C. that he didn’t want her cat or dog and would tell M.C., “you know what you have to do to get it.” M.C. also stated that Carr would sometimes “yell and scream at [her] until [she] broke down and said fine.”

M.C. proceeded to talk about the incident in the bathroom; the incident when she was taken, while asleep, from her bed; and the incident in the utility area underneath the stairs.

M.C. also discussed two incidents during the forensic interview that she did not bring up in her testimony. The first involved an incident involving both M.C. and K.C. together, and the second involved Carr taking nude photographs of M.C. when they lived in Detroit Lakes. M.C. later indicated that she was done speaking for the day.

During trial, the state fast-forwarded through a portion of the forensic interview when the interviewer left the room to consult with her team. When the state resumed the

video, M.C. did not discuss any other instances of the alleged sexual abuse. M.C. also discussed other instances where Carr yelled at M.C. and other members of the family.

The jury found Carr guilty on all six counts. The district court convicted Carr on counts 3 and 6 and imposed consecutive sentences of 144 months.

Carr appeals.

DECISION

The district court did not abuse its discretion by admitting M.C.’s forensic interview video under the residual-hearsay exception.

“We review a district court’s evidentiary ruling on hearsay for an abuse of discretion.” *State v. Vangrevenhof*, 941 N.W.2d 730, 736 (Minn. 2020). “A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record.” *Id.* (quotation omitted). “A defendant claiming error in the district court’s reception of evidence has the burden of showing both the error and the prejudice resulting from the error.” *Id.* (quotation omitted). We 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) (quotation omitted).

Hearsay “is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” Minn. R. Evid. 801(c). Hearsay is not admissible unless an exception applies. Minn. R. Evid. 802. Even when statements are not covered by a specific hearsay exception, they may

nonetheless be admitted under the residual-hearsay-exception rule. *State v. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019). The residual-hearsay exception provides that:

A statement not specifically covered by Rule 803 or 804 but having equivalent circumstantial guarantees of trustworthiness, is not excluded by the hearsay rule, if the court determines that (A) the statement is offered as evidence of a material fact; (B) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and (C) the general purposes of these rules and the interests of justice will best be served by admission of the statement into evidence.

Minn. R. Evid. 807.

There are two steps to admit hearsay statements under the residual-hearsay exception. *Hallmark*, 927 N.W.2d at 292. “First, the district court must look at the totality of the circumstances to determine whether the hearsay statement has circumstantial guarantees of trustworthiness.” *Id.* (quotation omitted). Second, it must determine whether the above three prongs of rule 807 are met. *Id.* at 293.

Carr asserts that the district court abused its discretion when it admitted the forensic interview of M.C. under the residual-hearsay exception. Carr does not contest the district court’s findings under step one. But he argues that the district court erred in step two because the second and third prongs were not met. Specifically, Carr argues that as it relates to prong two M.C.’s forensic interview was not more probative on the point for which it [was] offered than any other evidence procure[d] because M.C.’s testimony about the sexual abuse at trial was more probative. As it relates to prong three, Carr argues that admission of M.C.’s forensic interview did not best serve the purposes of the rules of evidence and the interests of justice as required under rule 807(C) because most of the

video was “irrelevant” because “81 minutes of it addressed topics wholly unrelated to the charged offenses.” We disagree that the district court abused its discretion.

Here, after concluding that the forensic interview had circumstantial guarantees of trustworthiness, the district court stated, relative to the second prong, “while I recognize that the most probative evidence is the alleged victim testifying on the stand, I think that this forensic video is also other evidence that would be admissible at this trial assuming those foundational factors are met, and it is offered as a material fact.” And in addressing the third prong, the district court determined that the general purpose behind the rules and the interests of justice would be served by admitting the forensic interview because the “only two people that . . . have information about what did or did not happen are [M.C.] and the defendant.” It reasoned that the jury needed to hear the interview to “ascertain the truth by weighing the relative credibility of the alleged victim in the record[ed] statement.” The district court admitted the forensic interview the day after M.C. testified.

The district court did not abuse its discretion by admitting the forensic interview under the residual-hearsay exception. The forensic interview was more probative than other evidence presented, such as the testimony of M.C., the officer, and the investigator, because the forensic interview occurred two days after M.C. disclosed the sexual abuse to her school therapist, whereas the trial occurred roughly four years after the disclosure. *See State v. Perez*, No. A24-0335, 2025 WL 366700, at *6 (Minn. App. Feb. 3, 2023) (concluding that statements made during forensic interviews that occurred “in the days

immediately after the complainants disclosed the abuse” was more probative than other evidence presented, including complainants’ own trial testimony of abuse).³

Moreover, the rules of evidence and the interests of justice are best served by admitting the evidence because, as the district court observed, the forensic interview “allow[ed] [the jury] to ascertain the truth by weighing the relative credibility of the alleged victim in the record[ed] statement, [and in] her sworn testimony.”

In sum, the district court did not abuse its discretion when it admitted M.C.’s forensic interview under the residual-hearsay exception. We conclude that the district court examined the totality of the circumstances to confirm that M.C.’s forensic interview had, “equivalent circumstantial guarantees of trustworthiness” and whether the three enumerated requirements of rule 807 were met. *See Hallmark*, 927 N.W.2d. at 292-93. Because the district court’s admission of M.C.’s forensic interview pursuant to rule 807 was not an abuse of discretion, we need not consider Carr’s argument that the erroneous admission was prejudicial.

Affirmed.

³ We cite this nonprecedential opinion as persuasive authority. Minn. R. Civ. App. P. 136.01, subd. 1(c).