

*This opinion is nonprecedential except as provided by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
A24-1369**

State of Minnesota,
Respondent,

vs.

Bruce Archie Turner,
Appellant.

**Filed August 11, 2025
Affirmed
Bond, Judge**

McLeod County District Court
File Nos. 43-CR-23-749, 43-CR-23-751,
43-CR-23-822, 43-CR-23-823

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

Kenneth G. Janssen, Brownton City Attorney, Gavin, Janssen & Stabenow, Ltd., Glencoe,
Minnesota (for respondent)

Bruce John Archiebald Turner, Brownton, Minnesota (self-represented appellant)

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

NONPRECEDENTIAL OPINION

BOND, Judge

After a consolidated court trial, appellant was found guilty of violating a municipal blight ordinance in four separate cases. On direct appeal, appellant argues that (1) the state failed to provide sufficient notice of the blight violations, (2) the state violated its discovery

obligations, (3) the district court abused its discretion by admitting photographs of his properties into evidence, and (4) the evidence was insufficient to sustain the guilty verdicts. We affirm.

FACTS

Appellant Bruce Archie Turner owns three vacant properties in the City of Brownton that are the subject of this appeal. Turner never resided at any of the vacant properties.

A Brownton ordinance prohibits keeping certain causes of blight on a person's property. *See* Brownton, Minn., Code of Ordinances (BCO) § 54 (2018). As relevant here, the blight ordinance prohibits a person from maintaining or permitting to be maintained "the storage or accumulation of junk, trash, rubbish or refuse of any kind" for more than 30 days. BCO § 54.1.1.B "[J]unk" is defined as "parts of machinery or motor vehicles, unused stoves or other appliances stored in the open; remnants of wood; decayed, weathered or broken metal or other material or cast off material of any kind, whether or not the same could be put to any reasonable use." *Id.* In addition, the blight ordinance prohibits "weeds, grass over 6 inches tall, brush or plants, which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood." *Id.* § 54.1.1.E. Upon receiving a notice from the city of blight conditions, a property owner must remove

or eliminate the blight within three days if the blight is grass over six inches, and within ten days for any other condition. *Id.* § 54.II.1.¹

After a court trial, the district court found Turner guilty of petty misdemeanor violations of the blight ordinance in four separate cases involving Turner's three properties. The following facts are drawn from the district court's findings and from other relevant parts of the district court record.

43-CR-23-749

In May 2023, Officer Warzecha of the Brownston Police Department observed grass and weeds over 12 inches high at a vacant residential property owned by Turner on 7th Avenue (the 7th Avenue property). On May 9, 2023, the city mailed Turner a notice of the blight conditions at the 7th Avenue property. The city sent the notice to Turner's address in Rockford, Minnesota. The notice advised Turner that he was in violation of BCO § 54 and that, pursuant to the ordinance, he was required to remove or eliminate the cause of blight within three days for grass and within ten days for the other conditions.

On May 24, 2023, Officer Warzecha returned to the 7th Avenue property and observed the grass and weeds were still over 12 inches high. Officer Warzecha issued Turner a citation for violating BCO § 54.1.1.E.

¹ The first section of BCO § 54, entitled "Causes of Blight or Blighting Factors," is designated by the Arabic numeral "1." The second section of the ordinance, entitled "Enforcement and Penalties," is designated by the Roman numeral "II."

43-CR-23-751 and 43-CR-23-823

In May 2023, Officer Warzecha observed junk piles on a vacant residential property owned by Turner on 5th Street (the 5th Street property). The junk piles included wood, building materials, and branches.

On May 9, 2023, the city mailed Turner a notice of the blight conditions at the 5th Street property. As it did for the 7th Avenue property, the city sent the notice to Turner's address in Rockford. The notice advised Turner that he was in violation of BCO § 54 and that he was required to remove or eliminate the cause of blight within the applicable time frame.

On May 24, 2023, Officer Warzecha returned to the 5th Street property and observed the same conditions. Officer Warzecha issued Turner a citation for violating BCO § 54.1.1.B. Officer Warzecha returned to the 5th Street property on June 7, 2023, observed that the blight conditions were still present, and issued Turner a second citation for the blight conditions at the 5th Street property.

43-CR-23-822

In May 2023, Officer Warzecha observed weeds and grass over six inches high on a vacant lot owned by Turner on 4th Avenue (the 4th Avenue property). On May 22, 2023, the city mailed Turner a notice of the blight conditions at the 4th Avenue property. The city again sent the notice to Turner's Rockford address. The notice advised Turner that he was in violation of BCO § 54 and that he was required to remove or eliminate the cause of blight within the applicable time frame.

On June 7, 2023, Officer Warzecha returned to the 4th Avenue property and observed the same tall weeds and grass. Officer Warzecha issued Turner a citation for violating BCO § 54.1.1.E.

Evidence at the Consolidated Court Trial

The state certified the charges as petty misdemeanors and the parties agreed to consolidate the four cases for trial. The cases were tried to the court in April 2024.

At trial, the court heard testimony from Officer Warzecha about the investigation of blight conditions at Turner's properties. The court received into evidence the notices that the city sent to Turner and photographs of the conditions at the properties that were taken at the request of Officer Warzecha by his administrative assistant, who was deceased by the time of trial. The court also heard testimony from the city clerk treasurer about the blight conditions on Turner's properties, the notices the city sent to Turner about the conditions on his properties, and the clerk's past conversations with Turner regarding city mail. The city clerk testified that ordinance violation notices are sent to the address that the city has on file for the property and that the Rockford address was the address the city had on file for Turner. The clerk explained that she had worked at the city for five years and, during that entire time, the Rockford address was the only address Turner used. The city had sent utility bills and other items to Turner at the Rockford address. The city clerk testified that she had discussed city mail with Turner and Turner had never provided any address where mail should be sent other than the Rockford address.

Turner represented himself and, in his opening statement, explained that he intended to restore the properties.

The district court determined that the state proved beyond a reasonable doubt that Turner had violated BCO §§ 54.1.1.B, E, and it found Turner guilty in all four cases.

Turner appeals.

DECISION

I. The district court did not err in determining that the city provided Turner with sufficient notice of the blight violations.

Turner first argues that the city failed to provide proper notice of the blight violations. He asserts that the Rockford address utilized by the city is not his legal residence and that the city should have undertaken additional measures to confirm his legal address before sending the notices to that address. In a bench trial, the district court's findings of fact must be supported by the evidence. *See State v. Colvin*, 645 N.W.2d 449, 453 (Minn. 2002). On appeal, we accept the district court's findings of fact unless those findings are clearly erroneous. *Id.* "The interpretation and application of a city ordinance is a question of law, which we review de novo." *Staeheli v. City of St. Paul*, 732 N.W.2d 298, 307 (Minn. App. 2007).

The Brownton blight ordinance provides that the owner and occupant of the property where blight is found to exist "shall be notified, by writing, by the City Clerk to remove or eliminate such causes of blight or blighting factors from such property within ten (10) days after service of the notice upon him." BCO § 54.II.1. The written notice "may be served personally or by mail, to the last known address of the owner, and if the premises are occupied, to the premises." *Id.*

In its findings of fact and verdict in each of the four cases, the district court found that the city's notifications of the blight conditions complied with the ordinance because the notice was sent to the address that the city had for Turner, which was where Turner received his utility bills for the properties and other city mail. We discern no clear error in this finding. The record evidence establishes that, because Turner's properties were unoccupied, the city sent the blight notices to Turner's Rockford address. The Rockford address was Turner's last known address, the address that the city had on file for him, and the address where the city had sent Turner's mail for the last five years. *See id.* (providing that blight notice may be served by mail at "the last known address of the owner").

Turner also appears to contend that the city should have personally served the blight notices on him at his legal address. As noted, the blight ordinance provides that, if the premises are unoccupied, the blight notices "may be served personally or by mail, to the last known address of the owner." *Id.* The word "may" is permissive. Minn. Stat. § 645.44, subd. 15 (2024). Because the ordinance plainly states that the notice "may" be served personally, the city was not required to personally serve Turner. BCO § 54.II.1. And because the ordinance provides that the notice, whether made personally or by mail, be made "to the last known address of the owner," the city was not obligated to serve Turner at his legal residence. *Id.* Finally, neither the plain language of the ordinance, nor any other authority, supports Turner's assertion that the city should have undertaken additional efforts to determine his legal address in order to comply with the ordinance's notice provision. We therefore conclude that the district court did not err in determining

that the city provided Turner with sufficient notice of the blight conditions on his Brownton properties.

II. The district court did not err in determining that the state did not commit a discovery violation.

Turner asserts that the state failed to disclose a witness before trial in violation of the district court's discovery order and its obligations under *Brady v. Maryland*, 373 U.S. 83, 87 (1963). Turner appears to argue that the state failed to disclose the name of the administrative assistant who accompanied Officer Warzecha during his investigation into the blight conditions at Turner's properties and, at Officer Warzecha's direction, took photographs of the properties that were later admitted at trial.

Under *Brady*, the state must disclose "material evidence favorable to the defendant." *Walen v. State*, 777 N.W.2d 213, 216 (Minn. 2010) (citing *Brady*, 373 U.S. at 87). To establish a *Brady* violation, a defendant must show (1) the evidence is favorable to him because it would have been either exculpatory or impeaching; (2) the evidence was suppressed by the prosecution, intentionally or otherwise; and (3) the evidence is material, "in other words, the absence of the evidence must have caused prejudice to the defendant." *Zornes v. State*, 903 N.W.2d 411, 417 (Minn. 2017) (quotation omitted). 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." *Id.* at 418 (quotations omitted). Whether a discovery violation under the rules of criminal procedure or *Brady* occurred presents a mixed question of law and fact that appellate courts review de novo. *Id.*; *State v. Palubicki*, 700 N.W.2d 476, 489 (Minn. 2005).

On February 22, 2024, the district court issued a discovery order requiring that the state “shall provide to the Defendant all documents or recordings” that the state intended to offer at trial or that were relevant or exculpatory. Before trial, the state confirmed that it had disclosed all relevant and exculpatory documents and recordings, including Officer Warzecha’s police report.

During his testimony at trial, Officer Warzecha testified that an administrative assistant had accompanied him on his visits to Turner’s properties and, at his direction, had taken photographs of the blight conditions. Turner moved to compel disclosure of evidence and to dismiss the case because, he argued, the state failed to disclose the identity or involvement of the administrative assistant, in violation of the district court’s discovery order and *Brady*. The state objected to Turner’s motion, arguing that the administrative assistant’s name was mentioned in Officer Warzecha’s police report and that the state first learned that the assistant had taken the photos when Officer Warzecha testified to that fact at trial. The district court denied Turner’s motion. The district court determined that the assistant’s name was disclosed on the police report and that disclosure of the administrative assistant’s name was not required by the discovery order and was not exculpatory.

Applying de novo review, we discern no error in the district court’s determination that the state did not violate the pretrial discovery order or *Brady*. The record establishes that the state, in compliance with the district court’s discovery order, provided Turner with all relevant or exculpatory documents or recordings. The administrative assistant’s name was listed in Officer Warzecha’s report that was disclosed to Turner. In addition, the assistant was deceased at the time of Turner’s trial. Turner does not explain how the result

of the trial would have been different if the assistant's involvement in Officer Warzecha's investigation had been disclosed to him. Accordingly, the evidence of the assistant's role in Officer Warzecha's investigation of the blight conditions on Turner's properties was not material. *Zornes*, 903 N.W.2d at 418 (explaining that evidence is material for *Brady* purposes "if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different"). Therefore, Turner has failed to establish that the state violated the discovery order or its *Brady* obligations.

III. The district court did not abuse its discretion by admitting photographs of Turner's properties.

Turner argues that the district court abused its discretion by admitting photographs of the blight conditions at the three properties, asserting that the photographs are "false evidence." At trial, Turner objected to admission of the photographs of his properties, arguing that the photographs lacked a time and date stamp and were taken by the administrative assistant, who did not testify at trial. The district court determined that the photos were sufficiently authenticated and overruled Turner's objection.

"The admission of photographs is a matter left to the discretion of the [district court]." *State v. Sullivan*, 502 N.W.2d 200, 202 (Minn. 1993). "Photographs are admissible if they accurately portray anything that a witness may describe in words, or the photographs are helpful as an aid to an oral description of objects and conditions, provided they are relevant to some material issue." *State v. Morton*, 701 N.W.2d 225, 237 (Minn. 2005). Evidence is relevant when it has "any tendency to make the existence of any fact that is of consequence" to the defendant's guilt "more probable or less probable than it

would be without the evidence.” Minn. R. Evid. 401. We review a district court’s evidentiary rulings for an abuse of discretion. *State v. Ali*, 855 N.W.2d 235, 249 (Minn. 2014). The defendant bears the burden of demonstrating that a new trial is required because the erroneously admitted evidence substantially influenced the verdict. *State v. Sanders*, 775 N.W.2d 883, 887 (Minn. 2009).

“The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.” Minn. R. Evid. 901(a). A photograph can be authenticated through testimony of a witness with knowledge “that a matter is what it is claimed to be.” Minn. R. Evid. 901(b)(1).

Here, the photographs of the blight conditions on Turner’s properties were authenticated by Officer Warzecha’s testimony that he was present when the photographs of the 5th Street and 7th Avenue properties were taken on May 24 and when the photographs of the 4th Avenue property were taken on June 7. Officer Warzecha further testified that the photographs were fair and accurate depictions of the conditions of Turner’s properties he personally observed on those dates. Because Officer Warzecha had knowledge about the blight conditions at Turner’s properties when the photographs were taken and testified that the matters in the photographs were what they were claimed to be, Officer Warzecha’s testimony provided sufficient authentication for the photographs. *See* Minn. R. Evid. 901(b)(1). We conclude that the district court did not abuse its discretion by admitting the photographs of Turner’s properties.

IV. There was sufficient evidence to find Turner guilty of violating the blight ordinance.

Finally, Turner asserts that the state issued “false citations” and failed to allege facts that constitute a crime. We construe Turner’s argument to be a challenge to the sufficiency of the evidence.

Due process requires the state to prove every element of a charged crime beyond a reasonable doubt. *In re Winship*, 397 U.S. 358, 364 (1970); *State v. Merrill*, 428 N.W.2d 361, 366 (Minn. 1988); *see* U.S. Const. amend. XIV; Minn. Const. art. I, § 7. When reviewing the sufficiency of the evidence, appellate courts “carefully examine the record to determine whether the facts and the legitimate inferences drawn from them would permit the jury to reasonably conclude that the defendant was guilty beyond a reasonable doubt of the offense of which he was convicted.” *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016) (quotation omitted). We view the evidence in the light most favorable to the verdict and assume the fact-finder believed the state’s witnesses and disbelieved contrary evidence. *State v. Moore*, 846 N.W.2d 83, 88 (Minn. 2014). Appellate courts “use the same standard of review in bench trials and in jury trials in evaluating the sufficiency of the evidence.” *State v. Palmer*, 803 N.W.2d 727, 733 (Minn. 2011).

In cases 43-CR-23-749 and 43-CR-23-822, the district court found Turner guilty of violating BCO § 54.1.1.E for blight conditions at the 7th Avenue property and at the 4th Avenue property. This section of the blight ordinance prohibits a property owner from maintaining or permitting to be maintained “weeds, grass over 6 inches tall, brush or plants, which are a fire hazard or otherwise detrimental to the health or appearance of the

neighborhood.” BCO § 54.1.1.E. At trial, Officer Warzecha testified that he observed weeds and grass over six inches high at the 7th Avenue and 4th Avenue properties on the charged dates, the court received into evidence photographs of the properties taken on the charged dates that show grass and weeds “well over 6 inches high,” the city clerk testified that the city provided written notice to Turner instructing him to remove or eliminate the blight and that Turner failed to remove or eliminate the blight within the time period specified in the ordinance. This evidence is sufficient to prove beyond a reasonable doubt that Turner violated BCO § 54.1.1.E by failing remove or eliminate the blight conditions at the 7th Avenue and 4th Avenue properties. *See State v. Ellis*, 441 N.W.2d 134, 136 (Minn. App. 1989) (concluding there was sufficient evidence for the district court to find defendant guilty of violating municipal ordinance based on evidence that (1) a violation had occurred, (2) the landlord was responsible, (3) the city had provided the landlord with notice of the violation and (4) the landlord failed to correct the violation in the time required by the ordinance), *rev. denied* (Minn. July 12, 1989).

Turner argues that Officer Warzecha did not physically measure the grass and that estimates of the grass’s height do not constitute sufficient evidence to prove a blight ordinance violation. However, this court defers to credibility determinations made by the district court and will not reweigh witness testimony. *State v. Watkins*, 650 N.W.2d 738, 741 (Minn. App. 2002). Here, the district court credited the officer’s testimony that the grass appeared well over six inches tall. In addition, the district court received photographs of the grass, which it determined depicted grass that was “well over 6 inches high.” We therefore reject Turner’s argument.

In cases 43-CR-23-751 and 43-CR-23-823, Turner was found guilty of violating BCO § 54.1.1.B for blight conditions at the 5th Street property. Section 54.1.1.B prohibits a person from maintaining or permitting to be maintained “the storage or accumulation of junk” for more than 30 days. “[J]unk” is defined as “parts of machinery or motor vehicles, unused stoves or other appliances stored in the open; remnants of wood; decayed, weathered or broken metal or other material or cast off material of any kind, whether or not the same could be put to any reasonable use.” BCO § 54.1.1.B.

Officer Warzecha testified that he observed piles of junk, including wood from building materials, branches, and other items, on the 5th Street property on May 24. When Officer Warzecha returned to the property on June 7, he observed the conditions had not changed. The district court found that the photographs of the 5th Street property showed

several areas in which junk was piled on the property. There was a large pile of building materials, which appears to include siding, plywood and potentially other materials as well, stacked haphazardly lying in the grass with leaves, twigs and other detritus built up around the pile; the pile also looked to be warped. Those conditions indicate it has been in place for an extensive period of time. There was a ladder laying in the grass, which has been there long enough for grass and weeds to grow up through the slats. There were concrete blocks of some type [lying] about in the grass. There was a large (clearly several feet high by several feet across) box of some type, with scrap wood pieces on top as well as some type of wood or flexible material dangling off the side, along with some type of outdoor chair sitting upside down on top of the box. There was also a large pile of branches and twigs, again which had been there long enough for green vegetation to grow through/up it.

Finally, the evidence also established that the city had mailed written notice to remove or eliminate the blight to the address it had on file for Turner, and that Turner failed

to remove or eliminate the blight at his 5th Street property within the time period specified in the ordinance. This evidence is sufficient to prove beyond a reasonable doubt that Turner violated BCO § 54.1.1.B. *See Ellis*, 441 N.W.2d at 136.

Turner argues that he had building permits for the 5th Street property, and that the “junk” was extra siding for an active construction project. But, on appeal, we view the evidence in the light most favorable to the verdict and assume the fact-finder believed the state’s witnesses and disbelieved contrary evidence. *Moore*, 846 N.W.2d at 88. Viewing the evidence in the light most favorable to the verdict, we conclude that the state presented sufficient evidence for the district court to find Turner guilty of violating Brownton’s blight ordinance.

Affirmed.