

*This opinion is nonprecedential except as provided by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
A24-1493**

State of Minnesota,
Respondent,

vs.

Anthony James Iron Thunder, Sr.,
Appellant.

**Filed September 15, 2025
Affirmed in part, reversed in part, and remanded
Schmidt, Judge**

Ramsey County District Court
File No. 62-CR-22-4281

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

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

Cathryn Middlebrook, Chief Appellate Public Defender, John Donovan, Assistant Public
Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Schmidt, Presiding Judge; Connolly, Judge; and Segal,
Judge.*

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

NONPRECEDENTIAL OPINION

SCHMIDT, Judge

Appellant Anthony James Iron Thunder, Sr., argues that there was insufficient evidence to convict him of multiple acts of criminal sexual conduct and that the district court abused its discretion in admitting relationship evidence. Because the district court did not abuse its discretion in admitting the relationship evidence, we affirm in part; but because there was insufficient evidence to convict Iron Thunder of multiple acts, we reverse in part and remand.

FACTS

In an interview with a nurse at Midwest Children's Resource Center (MCRC), victim explained that her mother's partner, Iron Thunder, had sexually abused her within the date range of December 2020 to February 2021. Iron Thunder moved out of the family home for an indeterminate amount of time after the interview. Victim's mother eventually invited Iron Thunder to move back into the family home because she believed Iron Thunder when he said it was "just hearsay." Victim stayed with her aunt after Iron Thunder returned but eventually moved back in with her mother around March 2022.

Respondent State of Minnesota charged Iron Thunder with first- and second-degree criminal sexual conduct based upon victim's interview with MCRC. In a second interview with MCRC, victim disclosed that Iron Thunder had continued sexually assaulting her between March 1 and May 31, 2022.

The state filed a second complaint charging Iron Thunder with two counts of first-degree criminal sexual conduct based on victim's second interview. The state charged Iron

Thunder of (Count I) penetration or contact with a victim under the age of 14 while the actor is at least 36 months older in violation of Minnesota Statutes section 609.342, subdivision 1a(e) (2022). The state also charged Iron Thunder of (Count II) sexual contact with a victim under the age of 16 with multiple acts over an extended period of time in violation of Minnesota Statutes section 609.342, subdivision 1a(h)(iii) (2022).

The state filed a motion to admit the allegations from the first complaint as relationship evidence for the second complaint's trial and vice versa. The district court granted the state's motions over Iron Thunder's objection. In July 2023, the state dismissed the first complaint after the victim and her mother could not be located.

At the jury trial for the second complaint, the victim testified about what occurred between March 1 and May 31, 2022. The victim testified that one night Iron Thunder rubbed the victim's leg while she was sleeping, tried to pull the victim's shorts down, left and came back with a fork, pushed the fork into the victim's back, successfully pulled the victim's shorts down, and touched Iron Thunder's penis to the inside of her vagina. The victim also testified, but without a specific timeframe, that Iron Thunder would come into the victim's room at night and touch her vagina.

Before the victim testified to the relationship evidence of events that occurred from December 2020 to February 2021, the district court provided the jury with a cautionary instruction that the following testimony could not be used to convict Iron Thunder. The victim then testified about two specific events, one where Iron Thunder put his finger in the victim's vagina and another where Iron Thunder put his tongue on her vagina.

The jury heard testimony from the nurse who interviewed the victim at MCRC the second time. The jury also heard a recording of the victim's second MCRC interview. In the recording, the victim recounted the incident with the fork. When asked if anything else had happened since then, the victim responded: "I don't remember."

The jury found Iron Thunder guilty of both counts. The district court adjudicated Iron Thunder guilty of both crimes. The district court sentenced Iron Thunder to 144 months on Count I and imposed no sentence on Count II.

Iron Thunder appeals.

DECISION

I. The evidence was insufficient to convict on Count II.

Iron Thunder argues that the state did not produce sufficient evidence to prove Count II because the state failed to establish multiple acts of sexual abuse. The standard of review for evaluating the sufficiency of the evidence depends on whether direct or circumstantial evidence supports the conviction. *See State v. Horst*, 880 N.W.2d 24, 39 (Minn. 2016). Direct evidence "is based on personal knowledge or observation and . . . if true, proves a fact without inference or presumption." *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (quotation omitted). When an element of an offense is supported by direct evidence, "we limit our review to a painstaking analysis of the record to determine whether the evidence, when viewed in a light most favorable to the conviction, was sufficient to permit the jurors to reach the verdict which they did." *Horst*, 880 N.W.2d at 40 (quotation omitted). Circumstantial evidence is "evidence from which the factfinder can infer whether the facts in dispute existed or did not exist[,]" and "requires an inferential

step to prove a fact that is not required with direct evidence.” *Harris*, 895 N.W.2d at 599 (quotation omitted). When a conviction is supported by circumstantial evidence, “the reasonable inferences that can be drawn from the circumstances proved as a whole must be consistent with the hypothesis that the accused is guilty and inconsistent with any rational hypothesis except that of guilt.” *Id.* at 598.

Iron Thunder and the state agree that Count II required proof of multiple acts of sexual abuse between March 1 and May 31, 2022. The parties also agree that the two incidents—occurring between December 2020 and February 2021—that the district court admitted as relationship evidence cannot be considered as evidence that supports the conviction on Count II.

Iron Thunder argues that the victim testified about only one act—the fork incident—that occurred within the March 1 to May 31, 2022, time frame. Iron Thunder asserts that the victim’s testimony about another incident when Iron Thunder allegedly came into the victim’s room and touched her vagina did not include a specific date, and that the victim’s MCRC interview suggested that the alleged incident occurred before the relevant timeframe. The state concedes that the victim “did not specifically state that the multiple incidents occurred during the time period from March 1 to May 31, 2022.” Thus, there was no direct evidence that proved a fact without “inference or presumption.” *Id.* at 599. As such, we must analyze the Count II conviction under the circumstantial evidence standard of review.

The state argues that evidence of additional incidents of sexual abuse comes from the victim’s trial testimony, the victim’s MCRC interview, and “surrounding

circumstances.” The state asserts that when the victim moved into a friend’s home after the fork incident, it was because Iron Thunder would unlock the door to the victim’s room and come in and “touch her vagina with his hands and penis.” But, even when viewed in the light most favorable to the verdict, the victim’s testimony about these incidents and the evidence from her MCRC interview did not provide a timeframe for when Iron Thunder would unlock her bedroom door and sexually assault her. Count II required the state to prove that more than one incident occurred in a specific timeframe. Under these conditions, we cannot conclude that the circumstantial evidence sufficiently proves that more than one incident of sexual abuse occurred precisely between March 1 and May 31, 2022. It follows that the circumstances proved are not inconsistent with a rational hypothesis that Iron Thunder is not guilty of Count II.

Victim’s response in the MCRC interview that the assaults occurred “more than once” also did not include a timeframe. A rational hypothesis inconsistent with guilt is that the victim’s interview response referenced the relationship-evidence incidents, which cannot be the basis of a guilty verdict. And circumstantial evidence cannot be consistent “with any rational hypothesis except that of guilt.” *Id.* at 598. Although the evidence shows that the other instances of sexual abuse could have reasonably occurred within Count II’s time frame, the incidents also could have occurred before Count II’s time frame. We must, therefore, reverse the adjudication of guilt for Count II for insufficient evidence and remand to vacate the conviction of that count and amend the warrant of commitment.

II. The district court did not abuse its discretion in admitting the relationship evidence.

Iron Thunder challenges the district court's admission of the relationship evidence. The district court's decision to admit relationship evidence is reviewed for an abuse of discretion. *State v. McCoy*, 682 N.W.2d 153, 161 (Minn. 2004). An appellant must establish that a district court's evidentiary ruling was both "erroneous and prejudicial." *State v. Loving*, 775 N.W.2d 872, 879 (Minn. 2009).

Under Minnesota Statute section 634.20 (2022), certain relationship evidence may be admitted to "illuminate[] the history of the relationship between an accused and a victim" and thus contextualize the charged crime. *McCoy*, 682 N.W.2d at 161. The relationship evidence "may also help prove motive or assist the jury in assessing witness credibility." *State v. Matthews*, 779 N.W.2d 543, 549 (Minn. 2010). Section 634.20 relationship evidence is presumptively admissible. *State v. Andersen*, 900 N.W.2d 438, 442 (Minn. App. 2017).

In admitting the evidence, the district court found that it provided context for the relationship between Iron Thunder and victim:

It shows that [Iron Thunder] would seek out [the victim] when her mother was either asleep or not at home. He used his superior size and strength to get [the victim] to comply with his demands. He also threatened her. The proffered evidence exemplifies the power and control [Iron Thunder] had over [the victim].

The district court also ruled that the evidence would assist the jury with assessing witness credibility as it corroborated victim's statements.

Iron Thunder raises two challenges on appeal to the district court’s admission of the relationship evidence: (A) “it was improper propensity evidence,” and (B) “the danger of unfair prejudice and confusion of the issues substantially outweighed any of its probative value.” We address each challenge in turn.

A. Propensity Evidence

Iron Thunder argues that the district court abused its discretion in admitting the relationship evidence because it constituted propensity evidence. We disagree.

The district court, within its discretion, determined that the evidence provided context for victim’s relationship with Iron Thunder and for the victim’s own actions. For example, the evidence explained why the victim kept running away from home and rebutted Iron Thunder’s arguments that she lied for self-preservation.

Iron Thunder points to the state’s closing arguments at trial to demonstrate that the “propensity” evidence should not have been admitted. But neither of the prosecutor’s statements referenced by Iron Thunder¹ convey propensity. Instead, the prosecutor’s statements provided a contextual timeline as follows: the alleged sexual abuse began, Iron Thunder left the home, Iron Thunder returned to the home, and the sexual abuse resumed. The relationship evidence placed “the incident for which [Iron Thunder] was charged into proper context.” *Loving*, 775 N.W.2d at 880. And appellate courts have recognized there

¹ Iron Thunder references two statements that the state made in its closing argument: (1) “There was an investigation that started in 2021. He was supposed to leave the house. He comes back into the house. [Victim’s] mom lets him back in the house, and he sexually assaults her again.” (2) “And for somebody who’s going to sexually assault her in 2021 and come back and keep sexually assaulting her in 2022, he’s treating her like she doesn’t matter, and she does.”

is “inherent value [in] evidence of past acts of violence committed by the same defendant against the same victim.” *State v. Bell*, 719 N.W.2d 635, 641 (Minn. 2006) (quotation omitted). The prosecutor also properly stressed that the jury could not use the relationship evidence to convict Iron Thunder. The prosecutor appropriately noted that evidence could be used by the jury only to evaluate credibility and to understand the relationship between Iron Thunder and the victim.

Iron Thunder argues there was no need to use the relationship evidence for credibility because the victim was consistent throughout her disclosures, and the state presented a prior consistent statement from the victim’s MCRC interview to bolster her credibility. But, as the state argues, the victim’s “credibility was the central issue in the case.” Iron Thunder’s closing argument described portions of the victim’s testimony as changing, not making sense, and lacking credibility. Iron Thunder’s opening statement also included that the victim was in trouble, panicked, and made up the story “to deflect blame from herself and get herself out of trouble.” Relationship evidence may be used to “assist the jury in assessing witness credibility” and the evidence here did just that. *Matthews*, 779 N.W.2d at 549.

B. Unfair Prejudice

Iron Thunder argues that the unfair prejudice created by admitting the relationship evidence substantially outweighed its probative value. We disagree.

Part of Iron Thunder’s argument is premised on characterizing the evidence as propensity evidence. But, as we noted, the district court acted within its discretion in finding that the evidence provided context for the relationship between Iron Thunder and

the victim and provided for witness credibility. And, once admitted, the state did not use the relationship evidence to persuade the jury by illegitimate means. *State v. Schulz*, 691 N.W.2d 474, 478-79 (Minn. 2005) (“Evidence that is probative, though it may arouse the passions of the jury, will still be admitted unless the tendency of the evidence to persuade by illegitimate means overwhelms its legitimate probative force.”). The prosecutor’s closing argument even reminded the jury that they cannot convict on the basis of the relationship evidence.

Further, the district court gave the jury cautionary instructions about the appropriate use of relationship evidence—including that the jury cannot use the evidence to convict—at the time the evidence was admitted and again during the court’s final instructions.

As I told you at the time this evidence was offered, it was admitted for the limited purpose of assisting you in determining whether the defendant committed those acts with which the defendant is charged in the complaint. This evidence is not to be used as proof of the character of the defendant or that the defendant . . . acted in conformity with such character. The defendant is not being tried for, and may not be convicted of, any offense other than the charged offenses.

The district court gave the proper instruction for how the jury should use the relationship evidence in their deliberations. “[W]e presume that jurors follow the court’s instructions.” *State v. Budreau*, 641 N.W.2d 919, 926 (Minn. 2002).

Iron Thunder cites *State v. Meldrum* to argue there was a significant danger of the jury misusing the evidence because the jury convicted him of multiple acts. 724 N.W.2d 15 (Minn. App. 2006), *rev. denied* (Jan. 24, 2007). But in that case the appellant argued that the absence of a cautionary jury instruction is what led the jury to

misuse the evidence. *Id.* at 21. Here, the district court provided multiple cautionary instructions to the jury.

Evidence that is prejudicial to a defendant's case is admissible. *Schulz*, 691 N.W.2d at 478. If evidence offered was not prejudicial to a defendant's case, it is likely that the evidence would be excluded as not relevant. But "evidence that persuades by illegitimate means, giving one party an unfair advantage" is unduly prejudicial and must be excluded. *Id.* Here, the district court appropriately exercised its discretion and determined that the risk of prejudice did not "substantially" outweigh the probative value of the relationship evidence.

Affirmed in part, reversed in part, and remanded.