

*This opinion is nonprecedential except as provided by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
A24-1597**

State of Minnesota,
Respondent,

vs.

Terrance Deon Anderson,
Appellant.

**Filed July 14, 2025
Affirmed
Schmidt, Judge**

Hennepin County District Court
File No. 27-CR-22-13695

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

Mary F. Moriarty, Hennepin County Attorney, Robert I. Yount, Assistant County Attorney,
Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jennifer Workman Jesness,
Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Cochran, Presiding Judge; Reyes, Judge; and Schmidt,
Judge.

NONPRECEDENTIAL OPINION

SCHMIDT, Judge

Appellant Terrance Deon Anderson appeals from his conviction for unlawful possession of a firearm, arguing: (1) the district court abused its discretion in responding

to the jury’s note that they were at an impasse and in denying appellant’s motion for a mistrial; and (2) the evidence was insufficient to sustain his conviction. We affirm.

FACTS

In 2006, Anderson was adjudicated delinquent for a crime of violence—terroristic threats. In 2022, law enforcement ran the license plate of a vehicle and learned the owner of the car had a felony warrant. The police officer stopped the car and detained the driver, Anderson. The officer found a gun in Anderson’s pocket. The officer reviewed Anderson’s criminal history and discovered he was ineligible to possess a firearm.

The state charged Anderson with one count of unlawful possession of a firearm. At a two-day trial, respondent State of Minnesota presented four witnesses. On the first day of jury deliberations, the jury sent three questions to the district court:

[1] The instructions say that the jury MAY find that the element of possession is present if the jury finds [beyond a reasonable doubt] that Defendant had [a]ctual possession. Does this mean that the jury can find that the element of possession is not met even if there is actual possession? Why use of “may” rather than “must”?

. . . .

[2] Does the defendant[’s] adjudication as delinquent as a juvenile have any temporal limitations?

. . . .

[3] Are we allowed to add comment to a verdict[?]

The district court responded in the negative for questions two and three. For the first question, the district court explained that “[t]he ‘may’ refers to actual *or* constructive possession, that is, you may find possession based on either one.”

On the second day of deliberations the jury sent two more questions: “[4] Is it legal for an individual to carry a gun without any priors or record, if that individual does not have a permit?” and “[5] Is it lawful to search an unidentified individual when they are physically separated from a vehicle for which a felony warrant exists?” The district court responded to both questions four and five with: “The attorneys and I have agreed that you have all the law that you need to decide the issues in this case. You have my instructions, you have the evidence, you have everything you need.”

The jury then informed the district court that they had reached an impasse. The court informed the parties that it planned to reread the “duties of jurors” instructions along with a directive. Anderson objected to the jury continuing deliberations and moved for a mistrial. Anderson argued that the jury had deliberated for over five hours, which was disproportionate to the length of the trial that only took half of a day. The district court denied the motion for mistrial, stating the time the jury has taken is not extreme.

The district court then instructed the jury:

To return a verdict, whether guilty or not guilty, each juror must agree with that verdict. Your verdict must be unanimous. You should discuss the case with one another and deliberate with a view toward reaching agreement, if you can do so without violating your individual judgment. You should decide the case for yourself, but only after you’ve discussed the case with your fellow jurors and have carefully considered their views. You should not hesitate to reexamine your views and change your opinion, if you become convinced they are erroneous; but you should not surrender your honest opinion simply because another juror disagrees or merely to reach a verdict. Your duty is to both the State and the Defendant. The State and the Defendant both have the right to expect that you will see that justice is done according to your true conclusions. The responsibility that rests upon you should be borne

courageously and without fear or favor. Be fair. Act honestly. Deliberate without prejudice, bias, or sympathy, without regard to your personal likes or dislikes.

The jury returned to deliberations and, about an hour later, returned a verdict of guilty. The district court polled the jury and each confirmed the verdict was their own.

Anderson renewed his motion for a mistrial, noting that several jurors looked like they were on the verge of tears and took a while to answer when polled. The district court denied the motion because the jury took under 24 hours to deliberate, the jury was not shy about asking questions, and the court did not see any tears or hear any long pauses.

The district court sentenced Anderson to 60 months, stayed for three years, a downward dispositional departure. Anderson appeals.

DECISION

I. The district court did not abuse its discretion in responding to the jury's note that they were at an impasse or in denying Anderson's motion for a mistrial.

Anderson argues that the district court abused its discretion (1) by further instructing the jury after the jurors had indicated that they were at an impasse and (2) by denying Anderson's motion for a mistrial. We address each argument in turn.

A. The district court did not abuse its discretion when it reread the jury instruction after the jury indicated that it was at an impasse.

Anderson argues the district court abused its discretion by failing "to instruct the deadlocked jury that a hung jury was a permissible outcome." We review "a district court's charge to a jury to continue deliberating after the jury has indicated it was deadlocked" for an abuse of discretion. *State v. Cox*, 820 N.W.2d 540, 550 (Minn. 2012).

A “jury may be discharged without a verdict if the court finds there is no reasonable probability of agreement.” Minn. R. Crim. P. 26.03, subd. 20(4). A district court cannot instruct a jury that a case must be decided or let a jury “believe that a ‘deadlock’ is not an available option.” *State v. Jones*, 556 N.W.2d 903, 912 (Minn. 1996) (citation omitted).

The Minnesota Supreme Court adopted the American Bar Association’s (ABA) procedure for district courts to use when faced with a jury indicating they are at an impasse. *State v. Martin*, 211 N.W.2d 765, 772 (Minn. 1973). The procedure articulates language that admonishes the jury “only to consult and deliberate with a view to reaching an agreement consistent with their individual judgments.” *Id.* at 773. The instruction is meant to be given before the jury deliberates and can be given again if the jury indicates it is deadlocked. *Id.* at 372-73. The supreme court stated that “[t]he potential for coercion is minimized if the charge is simply reread at a time when the jury appears to be deadlocked.” *Id.* at 373. The ABA standards “are now reflected in CRIMJIG [3.02],” *Cox*, 820 N.W.2d at 551, under “Duties of Jurors.” *10 Minnesota Practice*, CRIMJIG 3.02 (2024).

Anderson asserts that the instruction given failed to inform the jurors that a hung jury is an acceptable outcome and thus coerced them into reaching a verdict. We disagree.

Anderson cites two cases in support of his argument. He first cites *State v. Young*, in which the jury asked the district court if unanimity on two counts and a hung jury on the third count was a valid verdict. 610 N.W.2d 361, 362 (Minn. App. 2000), *rev. denied* (Minn. July 25, 2000). The district court replied: “No, please continue deliberating.” *Id.* We reversed because the district court’s instruction requiring deliberations to continue told the jury that deadlock was not a permissible outcome. *Id.* at 363.

Anderson argues the instruction the district court gave here was similarly erroneous. But the instruction given to Anderson's jury was the same language now in CRIMJIG 3.02. And, in *Young*, we referenced a case in which the same CRIMJIG 3.02 instruction was provided to a jury and noted that "[t]his instruction adequately described the jury's role and duty and, as such, was not coercive." *Id.* The jury in *Young* also specifically asked if a hung jury was a valid verdict whereas there was no such inquiry by the jury here. Thus, the instruction given in this case is distinguishable from the instruction provided in *Young*.

Anderson also cites *State v. Petrich*, in which the jury had asked the district court what would happen if it could not reach a unanimous verdict on an element. 494 N.W.2d 298, 299 (Minn. App. 1992), *rev. denied* (Minn. Feb. 23, 1993). After rereading the standard instruction, the district court responded: "the jury must reach a unanimous verdict whatever it is. That is the law and that is our system of justice." *Id.* We reversed because the statements after the standard instruction were erroneous. *Id.* at 300. We reiterated that "judges may not tell juries they must reach a verdict." *Id.* at 300.

Anderson argues his case is similar to *Petrich* because the district court failed to tell the jury a deadlock was an acceptable outcome. But in *Petrich*, we held that "Judges are not required to tell jurors that a deadlock is a permissible result of their deliberations[.]" *Id.* Thus, *Petrich* does not require reversal.

Anderson acknowledges that the district court was not *required* to instruct the jury that a deadlock is a permissible outcome but contends that the court "should have exercised its discretion to inform the jury that a deadlock is a permissible outcome." Anderson cites *State v. Kelley* to argue that the multiple jury questions required the district court to "have

exercised more caution” because the number of jury notes indicated that the jury was “having difficulty in determining whether the state had proven all of the elements.” 517 N.W.2d 905, 910 (Minn. 1994). But the jury notes in *Kelley* were about the jury being in a deadlock with no sign of breaking. *Id.* at 907-08. And in response to each note, the district court told the jury to continue their deliberations with no input from counsel. *Id.*

In contrast to *Kelley*, the jury here only had one note about an impasse. The jury’s other questions sought to clarify the law or were procedural questions about deliberations. The district court appropriately responded to all the questions without requiring the jury to continue deliberations. The court only required the jury to continue deliberations one time. The district court’s rereading of the jury instruction did not tell the jury that they must reach a verdict, nor did it state that deadlock was not an option. The district court acted well within its discretion in responding to the jury’s note and requiring the jury to deliberate further. *Cox*, 820 N.W.2d at 550.

B. The district court did not abuse its discretion when it denied Anderson’s motion for a mistrial.

Anderson argues that the district court abused its discretion when it denied his motions for a mistrial because the deliberation time was excessive given the length of the trial, the jurors sent multiple notes that suggested they were struggling, and the jurors had emotional reactions to the verdict. We review the denial of a motion for a mistrial for an abuse of discretion. *State v. Griffin*, 887 N.W.2d 257, 262 (Minn. 2016).

In arguing that a short case followed by lengthy jury deliberations warrants a mistrial, Anderson cites *State v. Soyke*, 585 N.W.2d 418 (Minn. App. 1998). In *Soyke*, we

affirmed a district court’s declaration of mistrial because of jury deadlock. *Id.* at 421. As to the amount of time the jury had deliberated, we held that “[d]eliberations of four-and-a-half to five hours are not plainly inadequate to bring a jury that has heard less than a day’s worth of testimony to a point of deadlock.” *Id.* at 421. But that was not all we considered.

Instead, our primary reason for affirming in *Soyke* was due to the jury’s note—and a foreperson’s statement—which indicated the jury was deadlocked. *Id.* The jury informed the court that “they did not believe they could ‘keep talking it over,’ and that they had ‘exhausted all of those possibilities.’” *Id.* at 419. The jury’s message here did not similarly indicate that they were completely stalled in a deadlock.

As we have previously held, “[t]here is no standard as to how long a jury must deliberate before the court may determine a deadlock and declare a mistrial. This is entirely within the court’s discretion.” *State v. Yeboah*, 691 N.W.2d 87, 92 (Minn. App. 2005), *rev. denied* (Minn. Apr. 19, 2005).

Finally, Anderson points to the emotional response of the jurors to argue that they were coerced into a decision. But in denying the motion for a mistrial, the district court observed that it did not see any jurors tearing up or hear any long pauses in the jurors’ responses when they were polled. The supreme court has held that the district court “judge is in the best position to determine whether an error is sufficiently prejudicial to require a mistrial or whether another remedy is appropriate.” *Griffin*, 887 N.W.2d at 262. The district court did not abuse its discretion.

II. A conviction of felon in possession of a firearm does not require knowledge of ineligibility.

Anderson argues that the state did not prove that he knew he was ineligible to possess a firearm under the statute. This court has rejected the argument that knowledge of being ineligible to possess a firearm is an element of the offense. *Underwood v. State*, 8 N.W.3d 655, 661 (Minn. App. 2024) (noting that Minnesota caselaw infers a requirement for “the state to show that a defendant knowingly possessed a firearm,” it does not require “that [a defendant] knowingly violated the statute”), *rev. granted* (Minn. Oct. 15, 2024). As precedential authority, *Underwood* controls our decision even though the supreme court has granted the petition for review. *See State v. Chauvin*, 955 N.W.2d 684, 695 (Minn. App. 2021) (holding that a “precedential opinion of this court is binding authority” unless and until the supreme court reverses), *rev. denied* (Minn. Mar. 10, 2021).

Affirmed.