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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1674**

State of Minnesota,
Respondent,

vs.

Jarrold James Pohl,
Appellant.

**Filed August 18, 2025
Affirmed
Ross, Judge**

St. Louis County District Court
File No. 69DU-CR-24-795

Keith Ellison, Attorney General, Lydia Villalva Lijó, Assistant Attorney General, St. Paul, Minnesota; and

Kimberly Maki, St. Louis County Attorney, Duluth, Minnesota (for respondent)

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

Considered and decided by Wheelock, Presiding Judge; Ross, Judge; and Halbrooks, Judge.*

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

NONPRECEDENTIAL OPINION

ROSS, Judge

Jarrold Pohl telephoned his estranged wife on a recorded prison line to scold her for reporting him for breaking into her home, asking her, “Do you seriously think I’m going to let that shit go and let it go unpunished?” and promising, “[Y]ou’re going to get smacked around a bit for that shit,” and, “I will fucking put something through your goddamn throat.” The state charged Pohl with aggravated first-degree witness tampering and making threats of violence, and a jury found him guilty. He appeals from his conviction, arguing that the district court erroneously instructed the jury, improperly admitted relationship evidence, and inaccurately calculated his sentence. He adds other arguments in a supplemental brief. Because his primary and supplemental arguments all fail, we affirm.

FACTS

Jarrold Pohl’s relationship with his wife was turbulent in January 2024 when the events giving rise to this dispute occurred. We will refer to Pohl’s wife as June, a name we have randomly chosen to protect her privacy. Pohl had allegedly assaulted June multiple times and the couple had reduced to living together only intermittently. June changed the lock to her apartment door, concerned that Pohl had entered when she wasn’t there. The day after June changed the lock, she discovered that Pohl too had changed the lock, resulting in her and her son being locked out. Pohl was at the time on supervised release after having served part of a 2022 prison sentence for domestic assault. June called 9-1-1 and spoke to Pohl’s supervised-release agents, who retrieved a key from Pohl so that June could re-enter the apartment.

The lock-changing incident led to changes in Pohl's supervised-release conditions. Pohl was told not to live at June's apartment and not to have contact with her or her son, but he could retrieve his belongings by calling for a police escort. One of Pohl's supervised-release agents informed June about the no-contact directive, and June installed motion-activated, remotely monitorable security cameras inside her apartment due to her concern about not "know[ing] what [Pohl] was going to do to [her] or [her] son or house or dogs." June also placed a chair and tension bar against her door to prevent Pohl from breaking in.

Five days after the lock-changing incident, June was at work when she received a cellphone notification from her security-camera system indicating motion in the apartment. She opened a live feed and could hear what sounded like kicks or strikes against the door. She could see that a wall was shaking. The video depicts the chair and tension bar giving way and Pohl breaking into the home. June spoke to Pohl over the security system's speaker, and the video recording depicts Pohl seeming to cover or remove one of the security cameras. One of June's coworkers learned what had happened. The coworker telephoned police on June's behalf while June left work to meet police at the apartment. June spoke to Pohl by phone while he was still inside the apartment, and he complained about being "lock[ed] out" and about the police being called. He was gone by the time police and his supervised-release agents arrived.

June told the agents what happened and showed them the video footage. The incident led the district court to revoke Pohl's supervised release and return him to prison to complete his 2022 sentence.

Pohl and June continued communicating while he was incarcerated. He called or emailed her daily, and an investigator found recordings of about 400 calls. Pohl berated June in some of the calls, threatening to harm her for having caused him to be reported for breaking into the apartment. For example, one of the calls captured a conversation in which Pohl emphatically threatened to cut June's throat:

POHL: . . . Do you think I'm -- do you -- do you seriously think that I'm not going to fucking punish you for the shit you've been saying and doing to me since I've been locked up? Do you seriously think that I'm --

JUNE: What shit? It's all true.

POHL: Do you seriously think that's going to go unpunished?

JUNE: What shit have I done to you?

POHL: You called the cops on me. You had your homegirl fucking send in a video of me. Do you seriously think I'm going to let that shit go and let it go unpunished?

JUNE: So --

POHL: Do you want to be like this, like I said?

JUNE: Like what?

POHL: What I told you to do today. I will --

JUNE: What am I doing?

POHL: I will fucking put something through your goddamn throat.

JUNE: What am I fucking doing, Jarrod?

POHL: What do you mean, what are you doing? Do you want to keep arguing, keep fucking hanging up? Do you want to call the cops on me?

Another recording captures Pohl threatening to punish June:

POHL: I told you to quit hanging the fucking phone up on me.

JUNE: You're not going to fucking tell me you're going to kill me and stick something in my neck and --

POHL: Stop this shit. Like I said, you're going to fucking -- do you -- do you seriously think this shit that you did too is going to go unpunished? You're crazy.

JUNE: What shit?

POHL: Kicking me out of the fucking --

JUNE: What did I do?

POHL: Calling the fucking cops on me. Having your fucking bitch-ass friend call the cops on me.

And another recording captures Pohl promising to beat June:

POHL: I'm not playing this fucking game. If you wanna fucking call the cops and have me fucking sent to prison for violating some stupid shit, like, then --

JUNE: You did it.

POHL: Shut the fuck up.

JUNE: It is your fault. Not mine.

POHL: Shut the fuck up. No, you're the one who fucking want me kicked out, you're the one who wanted to call the fucking cops, and you're the one who wanted to send parole the shit. So yeah, you're going to fucking -- you're going to get smacked around a bit for that shit.

June eventually reported Pohl's threats to police. She told an investigator during a recorded interview that the threats were scary and that she believed Pohl could act on them.

The state charged Pohl with aggravated first-degree witness tampering and threats of violence.

Before trial on the charges, the state moved to admit as relationship evidence several domestic incidents between Pohl and June that happened in the fall and early winter of 2023. The district court granted the motion over Pohl's objection, and June testified about some of the incidents at trial. The state also produced recordings of at least 12 threatening phone calls between Pohl and June. June testified about a call during which Pohl said that he would "put a piece of metal in [her] neck and [her] son's neck" and that he would do it to her first so her son had to watch and would remember her face. June testified that she believed Pohl and was afraid, later explaining, "[H]e has hurt me for years" and "is . . . very capable of doing this."

After the state rested its case, Pohl moved the district court to acquit him of both charges. He argued, among other things, that a parole violation is not a crime, suggesting that June had not provided information to police "concerning a crime," an element of the charged witness-tampering crime. Minn. Stat. § 609.498, subd. 1b(a)(6) (2022). The district court denied Pohl's motion.

After the defense rested, the district court addressed disputes over how to instruct the jury. It decided, over Pohl's objection, not to include the statutory definition of "crime" in the instructions. It instead instructed the jury to "apply the common, ordinary meaning" of undefined words or phrases. Pohl argued in closing that violating a term of parole is not a crime. Pohl relatedly moved for a mistrial based on the district court's decision not to define "crime" for the jury and on the prosecutor's rebuttal argument, which had

characterized the break-in as a crime. The district court denied the motion, and the jury found Pohl guilty of both charged offenses. The district court sentenced Pohl to 192 months in prison for the witness-tampering conviction, but it did not enter a conviction on the threats-of-violence guilty verdict.

Pohl appeals.

DECISION

Pohl makes three principal arguments on appeal. He argues that the district court erred by omitting the statutory definition of “crime” from the jury instructions, that it erred by admitting June’s testimony about his past assaults as relationship evidence, and that it erroneously calculated his sentence. He makes additional arguments in a supplemental brief. None of his arguments is convincing.

I

We first address Pohl’s challenge to the district court’s decision not to instruct the jury using the statutory definition of “crime.” We review a district court’s jury instructions for an abuse of discretion. *State v. Wiggins*, 4 N.W.3d 138, 151 (Minn. 2024). Whether the instructions correctly state the law is a question of statutory interpretation that we review *de novo*. *State v. Davis*, 864 N.W.2d 171, 178 (Minn. 2015). Our review of the law and the record reveals no error in the district court’s instructions.

Pohl argues that omitting the statutory definition of “crime” misled and confused the jury. Jury instructions must define the charged crime and should explain its elements, *State v. Ihle*, 640 N.W.2d 910, 916 (Minn. 2002), but the district court need not provide detailed definitions of the elements if the instructions “do not mislead the jury or allow it

to speculate over the meaning of the elements,” *Davis*, 864 N.W.2d at 177 (quotation omitted). The district court here based its instructions on the witness-tampering statute, which criminalizes retaliation against someone who has provided information to law enforcement “concerning a crime”:

(a) A person is guilty of aggravated first-degree witness tampering if the person causes or, by means of an implicit or explicit credible threat, threatens to cause great bodily harm or death to another in the course of committing any of the following acts intentionally:

. . . (6) retaliating against any person who has provided information to law enforcement authorities concerning a crime within a year of that person providing the information or within a year of the actor’s release from incarceration, whichever is later.

Minn. Stat. § 609.498, subd. 1b(a)(6). A different statute defines “crime” as “conduct which is prohibited by statute and for which the actor may be sentenced to imprisonment, with or without a fine.” Minn. Stat. § 609.02, subd. 1 (2022). We have held that “crime[s]” include misdemeanors. *State v. Olson*, 382 N.W.2d 279, 282 (Minn. App. 1986) (addressing the identical 1984 version of section 609.02, subdivision 1). The district court here allowed the jury to rely on its common understanding of the term, which we conclude is adequately captured in dictionaries that define “crime” consistent with the statutory definition. Here is one of many common examples:

1. An act committed in violation of law where the consequence of conviction by a court is punishment, especially where the punishment is a serious one such as imprisonment.

The American Heritage Dictionary of the English Language 430 (5th ed. 2018). Because the common definition of “crime” tracks the statutory definition, we reject Pohl’s claim of error.

We are not persuaded otherwise by Pohl’s observation that the dictionary also adds definitions of “crime” that do not match the statutory definition requiring unlawful conduct. Pohl’s observation is accurate, as reflected in the alternate definitions of “crime” in the source we have already quoted:

2. Unlawful activity: statistics related to violent crime. 3. A serious offense, especially one in *violation of morality*. 4. *An unjust, senseless, or disgraceful act or condition: It’s a crime to waste all that paper.*

Id. (emphasis altered). Although we can easily accept the possibility that, for example, one juror might quip to another, “Your hairstyle is a crime,” or, “I’m reporting you to the fashion police,” we are quite certain that no reasonable juror would ever find a defendant guilty of aggravated first-degree witness tampering by incorporating a colloquial meaning of “crime” into the concerning-a-crime element of the offense.

We also reject Pohl’s contention that the district court was bound to provide the statutory definition of “crime” because the legislature defined it specifically. We recognize that one of the legislature’s preferences in our construction of statutes is that “technical words and phrases and such others as have acquired a special meaning, or are defined in this chapter, are construed according to such special meaning or their definition.” Minn. Stat. § 645.08(1) (2024). But “crime” is defined in chapter 609—not in chapter 645. Although it is true, as Pohl points out, that when a statutory phrase is undefined, a court

generally may “turn to the plain, ordinary meaning of [the] statutory phrase,” *State v. Leathers*, 799 N.W.2d 606, 609 (Minn. 2011), this principle does not state or imply anything about what a district court must provide to a jury when a term *is* defined. And as we have discussed, the statutory definition of “crime” matches the common meaning of the term, with no acquired or special meaning.

Pohl’s reliance on caselaw to support a different result is unavailing. In *State v. Moore*, we held that the district court’s failure to provide the jury with the statutory definition of “force” on a criminal-sexual-conduct charge was erroneous because the statutory definition required the defendant to attempt, threaten, or actually inflict bodily harm while “the most-common lay definition” required only the use of strength, energy, or power. 863 N.W.2d 111, 120–22 (Minn. App. 2015), *rev. denied* (Minn. July 21, 2015). The circumstance today is different. Unlike in *Moore*, the context here eliminated the possibility that jurors understood their instructions to invite a guilty verdict based on anything other than a report concerning a crime as described by statute. The jury could not have reasonably found Pohl guilty based on immoral or unjust—but not illegal—conduct. The instruction itself indicated that the “crime” referenced in the witness-tampering statute had to be illegal conduct. It required proof that June provided information about a crime specifically “to law enforcement authorities.” Minn. Stat. § 609.498, subd. 1b(a)(6). No reasonable juror would suppose that immoral or unjust conduct would be the subject of a report to police. This is especially true given that the instruction came at the end of a criminal trial where the jury heard and saw evidence depicting conduct that is unquestionably prohibited by statute and could result in imprisonment, including Pohl’s

bashing against June's locked apartment door to force his way inside after having been ordered not to enter. *See* Minn. Stat. § 609.595 (2022 & Supp. 2023) (criminalizing intentionally causing damage to the physical property of another without consent). Leaving the jury to apply the common meaning of "crime" was not misleading. For the same reason, Pohl's contention that the prosecutor capitalized on the allegedly misleading instructions by arguing in closing that a break-in is a crime is unpersuasive.

Pohl relatedly contends that his entering June's home was not a crime but was instead merely a supervised-release violation, meaning that the jury instructions erroneously invited the jury to convict him based only on noncriminal conduct. But conduct that violates a supervised-release condition can *also* violate a criminal statute. The witness-tampering statute does not require the reported conduct to have been charged as a crime, *see* Minn. Stat. § 609.498 (2022), and, as discussed, Pohl's entering June's home could have been charged as a crime. In sum, the district court's jury instructions were not erroneous.

Pohl suggests that the district court also erred by not instructing the jury on the elements of the underlying crime being reported when he entered June's home. We question whether he properly raised this argument in the district court, but in any event we see no error. Pohl cites no authority, and we have found none, that requires a district court to instruct the jury on the elements of the underlying crime that was reported to law enforcement as the basis of a witness-tampering charge. Pohl has not shown an error in not instructing the jury on the elements of the reported crime.

II

We turn to Pohl's argument that the district court improperly admitted as relationship evidence June's testimony about past assaults. Before trial, the court allowed the state to enter relationship evidence over Pohl's objection, reasoning that the evidence showed an "escalating pattern of conduct" and that some of it was probative on the "seriousness" of Pohl's threats. At trial, June testified about three domestic incidents. She testified that on one occasion Pohl held a knife to her neck and told her he could kill her. On another occasion she suggested that he choked her, which he did "a lot." And on the third occasion he hit her mouth while trying to grab her neck. The district court gave cautionary instructions before June's testimony and during jury instructions. We review the district court's decision to admit relationship evidence for an abuse of discretion. *See State v. Lindsey*, 755 N.W.2d 752, 755 (Minn. App. 2008), *rev. denied* (Minn. Oct. 29, 2008). Pohl's argument does not prevail under this standard.

Pohl argues that the relationship evidence amounted to improper propensity evidence and that its unfair prejudicial effect substantially outweighed its probative value. Minnesota Statutes section 634.20 (2024) provides that "[e]vidence of domestic conduct by the accused against the victim of domestic conduct . . . is admissible unless the probative value is substantially outweighed by the danger of unfair prejudice." The underlying rationale for admitting relationship evidence "is to illuminate the relationship between the defendant and the alleged victim and to put the alleged crime in the context of that relationship." *State v. Valentine*, 787 N.W.2d 630, 637 (Minn. App. 2010), *rev. denied* (Minn. Nov. 16, 2010). Relationship evidence may also help the jury assess witness

credibility. *State v. Matthews*, 779 N.W.2d 543, 549 (Minn. 2010). We conclude for the following reasons that the district court properly admitted the relationship evidence.

Pohl argues that *State v. Hormann* should lead us to conclude that June's testimony about Pohl's prior assaults constituted improper propensity evidence. 805 N.W.2d 883, 891 (Minn. App. 2011), *rev. denied* (Minn. Jan. 17, 2012). In *Hormann* we concluded that the district court erred by admitting some of the defendant's former wife's testimony about their marriage because the testimony was "devoid of detail as to time, place, circumstance, or context" and therefore appeared to function as improper propensity evidence. *Id.* By contrast, June's testimony was focused and brief. She succinctly answered the prosecutor's questions about the relevant details of each of the three assaults. The entire exchange occupies only about two pages of transcript and never veered into the propensity-type testimony we addressed in *Hormann*. And contrary to Pohl's concern that the relationship-evidence conduct differed from the witness-tampering conduct, the incidents that June testified about (Pohl's holding a knife to her neck and threatening to kill her, choking her, and hitting her in the mouth) track the charged conduct (threatening to cut her throat, kill her, or hurt her). The relationship evidence put Pohl and June's relationship into context for the jury.

And contrary to Pohl's argument, June's testimony had substantial probative value. The witness-tampering charge required the state to prove that Pohl's over-the-phone threats were "credible." Minn. Stat. § 609.498, subd. 1b(a)(6). June's testimony about Pohl's prior in-person threats—which involved the detail of him holding a knife to her throat—helped establish that Pohl's threats were credible. June's testimony about the past assaults also

helped the jury determine her credibility by showing why she maintained contact with him out of fear. June's testimony was probative.

Pohl last argues that the risk of unfair prejudice substantially outweighed any probative value. Unfair prejudice exists when evidence is not merely damaging but instead "persuades by illegitimate means, giving one party an unfair advantage." *State v. Bell*, 719 N.W.2d 635, 641 (Minn. 2006) (quotation omitted). Pohl does not show that the evidence persuaded illegitimately or unfairly. The district court did not abuse its discretion by admitting June's testimony.

III

We next address Pohl's argument that the district court erroneously calculated his sentence. A probation agent had prepared a sentencing worksheet giving Pohl a 12-month enhancement based on his prior first-degree-assault conviction, making him a repeat severe violent offender and increasing both his presumptive fixed sentence and his presumptive-sentence range. *See* Minn. Sent'g Guidelines 2.G.13.b, 8 (Supp. 2023). Pohl contends that the district court erroneously applied the 12-month enhancement. We review sentencing challenges for an abuse of discretion, *State v. Ford*, 539 N.W.2d 214, 229 (Minn. 1995), and we interpret the sentencing guidelines *de novo*, *State v. Scovel*, 916 N.W.2d 550, 554 (Minn. 2018). Our review under this standard leads us to affirm.

Pohl argues specifically that his sentence was miscalculated because the sentencing guidelines instruct a court to add the 12-month repeat-offender enhancement only to a presumptive fixed sentence and not to the presumptive-sentence range. It is true that the guidelines provision Pohl relies on states that the repeat-offender enhancement should

increase an offender’s “presumptive fixed sentence” and is silent as to what should happen to the offender’s presumptive range. Minn. Sent’g Guidelines 2.G.13 (Supp. 2023). But the first provision in the same guidelines section clarifies what happens to the range. The provision states that “[a]ny change to the presumptive fixed sentence under this section must also be applied to the upper and lower ends of the range found in the appropriate cell on the applicable Grid” Minn. Sent’g Guidelines 2.G.1 (Supp. 2023). The district court properly added the repeat-offender enhancement to Pohl’s presumptive range and acted within its discretion by imposing a sentence consistent with that calculation.

IV

Pohl adds other arguments in his supplemental brief, none of which merits reversal. He moves to vacate the judgment of conviction, citing rule 60.02 of the Minnesota Rules of Civil Procedure. He seems to contend that he was convicted of a burglary or break-in without having been so charged. The premise is incorrect, as he was instead charged with and found guilty of witness tampering and threats of violence. He suggests a prosecutorial-misconduct challenge, seemingly arguing that the prosecutor improperly referred to an uncharged crime during closing argument. But he does not identify the allegedly improper statements, and we will not develop his argument for him. *See State v. Butcher*, 563 N.W.2d 776, 780 (Minn. App. 1997), *rev. denied* (Minn. Aug. 5, 1997). He concludes by arguing both that the district court erred by “essentially” directing a guilty verdict by *sua sponte* finding the elements of burglary and that his attorney was ineffective for failing to object.

The record does not support his premise that the district court improperly directed a guilty verdict. His supplemental arguments fail.

Affirmed.