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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1840**

State of Minnesota,
Respondent,

vs.

Tra'shun Lacameron Haywood,
Appellant.

**Filed December 8, 2025
Affirmed in part, reversed in part, and remanded
Bratvold, Judge**

Olmsted County District Court
File No. 55-CR-21-7426

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

Michael T. Walters, Olmsted County Attorney, James E. Haase, Senior Assistant County Attorney, Rochester, Minnesota (for respondent)

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

Considered and decided by Slieter, Presiding Judge; Worke, Judge; and Bratvold, Judge.

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

In this appeal from final judgments of conviction for first- and second-degree assault, appellant Tra'shun Lacameron Haywood argues that the district court abused its discretion in two ways: (1) denying appellant's motion to present expert testimony about

“the general characteristics of false confessions” and (2) denying appellant’s motion to reopen the omnibus hearing after respondent State of Minnesota’s late disclosure of a body-camera video of appellant talking to law enforcement just before he gave a recorded statement confessing to the assault. We conclude, first, that the district court did not abuse its discretion in excluding the proposed expert testimony. Second, even if we assume the district court abused its discretion in denying appellant’s motion to reopen the omnibus hearing, we conclude that a new trial is not warranted. Third, we conclude sua sponte that the district court erred in convicting appellant of both first- and second-degree assault based on Minn. Stat. § 609.04, subd. 1 (2020), which prohibits convictions for included offenses for the same criminal act. Thus, we affirm in part, reverse in part, and remand to vacate the conviction for second-degree assault.

FACTS

The following summarizes the evidence received at trial along with the procedural history relevant to the issues on appeal.

The Party and Fight in the Apartment

On December 23, 2021, Haywood went out with T.J. and three others to a restaurant in Rochester to celebrate Haywood’s cousin’s birthday. Afterward, the group went to T.J.’s sister’s apartment to socialize and drink.

In the early morning hours of December 24, T.J. was in the kitchen and began to disparage Haywood’s sister. Haywood confronted T.J., and T.J. hit Haywood. The two men fought, and others in the group broke it up. T.J.’s sister—who was Haywood’s girlfriend at the time—asked T.J. to leave, and the two argued in the bathroom. The argument

escalated into hitting and pushing between T.J. and his sister. Haywood entered the bathroom and fought T.J. The two men continued to fight as they moved into the bedroom and ended up on the floor.

Suddenly, someone from the group began screaming at T.J. that he was bleeding—blood was “gushing” from T.J.’s arms, chest, and neck. T.J. testified that his sister stabbed him in the back of his right arm and the back of his neck, but he added that his sister could not have caused the wounds on his front because she was behind him during the fight. T.J. also testified that he did not see Haywood stab him and that he did not see Haywood with a knife. The other witnesses testified that they did not see a knife or other weapon in Haywood’s hands.

Haywood’s cousin drove T.J. to the hospital, where he received treatment for five “penetrating” injuries, which, medical testimony explained, involved something sharp entering T.J.’s body. Law enforcement responded to the apartment just after 3:00 a.m.; law-enforcement officers testified to finding blood in the kitchen, the bathroom, and the bedroom as well as a broken mirror in the bedroom.

Haywood left the apartment on foot. A driver testified that he noticed Haywood on the sidewalk and that Haywood was “mumbling.” Haywood told the driver that “he needed a ride.” The driver said Haywood could get in the car. The driver “noticed the blood” on Haywood, testifying that he “could smell it, and then [he] turned [his] dome light on and then [he saw] it.” The driver described Haywood as “frantic” and testified that Haywood “said he just killed somebody over and over again.” Haywood told the driver that he had “had enough,” “kind of lost it and stabbed him.”

The driver dropped Haywood off at Haywood's sister's apartment and called 911 at around 4:00 a.m. The driver told the 911 dispatcher, "I just picked up a guy who needed a ride and he was covered in blood and he kept telling me that he just killed a guy." The 911 call was introduced as evidence and played for the jury.

Haywood's sister testified that, when she got home, she found Haywood passed out in a bedroom. Haywood's sister and her boyfriend took Haywood into the bathroom and started to clean him up. Haywood had a seizure. Haywood's sister testified that "he has had a couple [of seizures] before"; she called 911, and an ambulance took Haywood to the hospital.

Haywood's Statements at the Hospital

Haywood arrived at the hospital at about 7:20 a.m. After Haywood received some treatment, the first law-enforcement officer spoke with Haywood around 7:30 a.m. and told him that he was under arrest for assault. The first officer also asked Haywood if he would be willing to speak with an investigator. Haywood nodded. This exchange was recorded on the first officer's body-worn camera (first officer's video).

At 8:47 a.m., a law-enforcement investigator entered Haywood's treatment room to speak with him; their conversation was recorded on the investigator's body-worn camera (investigator's video).¹ The investigator read a *Miranda* warning and asked Haywood if he understood his rights and whether he would answer his questions. Haywood nodded and, when prompted by the investigator to "verbalize," Haywood responded, "Yes."

¹ The record has two video recordings of the investigator's interview of Haywood; we reference the longer, more complete version (omnibus exhibit 2) in this opinion.

Haywood described the fight with T.J., stating that it started in the kitchen when T.J. insulted Haywood's sister and that Haywood confronted T.J., who hit Haywood. Haywood then stated, "[T.J.] came from behind me and just like hit me and I felt it and so I turned around and I had my pocket knife and I grabbed it, and I started stabbin' him." Haywood explained that T.J. hit him with his fist; he repeated, "I grabbed my knife up . . . and then [Haywood's cousin] got out of the way and I started stabbin' him." When asked how many times he stabbed T.J., Haywood replied, "Three, maybe?" The investigator asked Haywood about his "intentions" when he pulled out his knife, and Haywood responded, "It was just self-defense 'cause when he hit me it was like I went blank." More than once, Haywood stated that he "blanked" out or did not remember what had happened. Later in the interview, Haywood described when he and T.J. "fell to the floor" before Haywood grabbed his knife and "started swingin'."

The investigator asked Haywood if he knew where the knife was, and Haywood responded, "In my pants." A second law-enforcement officer found a pocketknife in Haywood's pocket with "trace amounts of blood" on the blade. No DNA analysis was offered as evidence.

Legal Proceedings

On December 27, 2021, the state charged Haywood with first-degree assault under Minn. Stat. § 609.221, subd. 1 (2020), and second-degree assault under Minn. Stat. § 609.222, subd. 1 (2020). On March 10, 2022, Haywood conditionally waived the omnibus hearing to set a trial date but requested to keep omnibus open to review discovery. Later, the district court set a pretrial date in May 2024, with the trial scheduled to follow.

About two months before the pretrial, Haywood filed notices of his defenses—self-defense and alternative perpetrator.

Just before trial commenced, the two issues raised in this appeal were repeatedly raised and discussed in motions and letter briefs and during hearings. Before the May 9 pretrial, Haywood moved to reopen the omnibus hearing and to suppress his recorded statements to the investigator, arguing that his *Miranda* waiver was invalid. Haywood's written motion also sought a continuance so he could present expert testimony about "false confessions." The state opposed both motions. After hearing arguments at the scheduled pretrial hearing, the district court granted Haywood's motion to reopen the omnibus hearing, but "at [that] time" denied the continuance to allow Haywood to call an expert on false confessions. The district court added that it would "look at" the expert issue "a little bit closer" before making a final ruling.

On May 10, 2024, the district court held a contested omnibus hearing. The investigator testified for the state, which submitted the investigator's video. Haywood testified on his own behalf that he remembered the birthday party, getting a ride to his sister's apartment, and falling after he arrived. But his next memory was getting into the ambulance. He did not remember why the ambulance was there; he remembered being in a hospital room. Haywood did not remember being told that he was under arrest or being read a *Miranda* warning. He testified that he thought the two men who talked to him in the hospital were lawyers because they were wearing "normal clothes." The district court also received into evidence a longer version of the investigator's video of Haywood's statement

along with Haywood’s medical records, some of which showed that he had a history of seizures, with a prior incident at age eight.

After evidence was received, the district court made a preliminary ruling that Haywood made a “knowing and voluntary waiver of [his] *Miranda* rights” and found that Haywood was alert, oriented, and not confused. The district court also determined Haywood’s testimony was not credible, “cherry picked,” and “conveniently vague on particular issues.” Acknowledging that it was Friday, the district court explained it would review all the exhibits and give a “more specific” ruling on Monday so the parties could continue preparing for trial over the weekend.

Also at the omnibus hearing, Haywood renewed his motion to continue the trial and call an expert about false confessions. Haywood’s attorneys added that they had secured an expert who was available to testify by video conference.² The district court denied the continuance request but reserved ruling on the expert appearing by video conference. At the end of the omnibus hearing, Haywood asked the state to provide the first officer’s video, noting that the state had just added the first officer to its witness list.

During a hearing on Monday, May 13, the district court denied Haywood’s motion to suppress his statements to the investigator, stating that the court had watched the investigator’s video—both the longer and shorter versions—and had reviewed the medical records. The district court also denied Haywood’s motion for an expert to testify about

² Following the hearing, Haywood’s attorneys submitted a letter brief describing the testimony they sought to offer as “internalized false confessions” and the “phenomenon of confabulation.”

internalized false confessions, finding that the evidence would not be helpful to the jury. As to Haywood’s argument about his mental status at the time of the recorded statement, the district court reasoned that the jury could “view” and “evaluate that” from the video. The district court also commented on its review of the recorded statement, stating, “There aren’t coercive techniques occurring during that particular statement.” Haywood’s attorney explained that the defense theory was not based on “interrogation tactics,” but that an internalized false confession is “when someone believes they did something, but they’re wrong.” The district court commented that it was concerned that the proposed expert evidence was “straight speculation.”

In a letter brief filed after the hearing, Haywood argued that the recently produced first officer’s video—which captured Haywood 80 minutes before his recorded statement to the investigator—showed Haywood was “disoriented as to time and place.” Based on this evidence, Haywood sought to reopen the omnibus hearing on the validity of the *Miranda* waiver.

At a hearing the next day, May 14, the district court denied Haywood’s motion to reopen the omnibus hearing but continued the trial date to June 10 because of the late disclosure of the first officer’s video as well as other videos recently produced by the state.

A jury trial began on June 10, 2023. The state offered evidence from T.J., others in the group who witnessed the fight, the driver, and the investigator, among other witnesses, as well as medical testimony about T.J.’s injuries and the investigator’s video of Haywood’s statement.

The jury found Haywood guilty of both counts. The district court entered judgments of conviction for both counts. On the first-degree assault conviction, the district court sentenced Haywood to 86 months' imprisonment stayed for five years and placed Haywood on probation—a downward dispositional departure. The district court did not impose a sentence for second-degree assault.

DECISION

I. The district court did not abuse its discretion by excluding expert testimony on false confessions.

Haywood argues that the district court abused its discretion by denying his request to call an expert witness on internalized false confessions and “the phenomenon of confabulation, which involves [a witness] speculating as to what happened.” Haywood contends that the proposed expert testimony differs from evidence of false confessions “based on police coercion.” An appellate court will reverse a decision to exclude expert testimony if the district court “clearly abused its discretion.” *State v. Ritt*, 599 N.W.2d 802, 810 (Minn. 1999). “A district court abuses its discretion when it has exercised its discretion in an arbitrary or capricious manner, based its ruling on an erroneous view of the law, or made clearly erroneous factual findings.” *Fox v. State*, 938 N.W.2d 252, 256 (Minn. 2020) (quotation omitted).

“The Sixth and Fourteenth Amendments of the United States Constitution and Article I, section 7 of the Minnesota Constitution guarantee criminal defendants the right to present a meaningful defense.” *Bixler v. State*, 582 N.W.2d 252, 255 (Minn. 1998); *see* U.S. Const. amends. VI, XIV; Minn. Const. art. I, § 7. This right, however, “is shaped by

the rules of evidence, which are “designed to assure both fairness and reliability in assessing guilt or innocence.” *State v. Anderson*, 789 N.W.2d 227, 235 (Minn. 2010) (quoting *State v. Reese*, 692 N.W.2d 736, 740 (Minn. 2005)).

“While [a defendant] has a right to introduce evidence that helps explain his conduct to the jury, that right is not unlimited.” *Id.* The district court may exclude expert testimony without violating a defendant’s constitutional rights where, for example, the court concludes that the evidence does not help the jury under Minnesota Rule of Evidence 702 or where the probative value of such evidence is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury under Minnesota Rule of Evidence 403. *Id.* (citing Minn. R. Evid. 403, 702). “If the subject of the testimony is within the knowledge or experience of a lay jury and the expert would not be able to deepen the jury’s understanding, then the testimony does not meet the helpfulness requirement and is not admissible.” *Reese*, 692 N.W.2d at 740.

The Minnesota Supreme Court has recognized that “assessment of credibility is ordinarily within the understanding of a lay jury.” *Ritt*, 599 N.W.2d at 811. “[E]ven though an expert’s testimony may arguably provide the jury with potentially useful information, the possibility that the jury may be unduly influenced by an expert’s opinion mitigates against admission. Nor should the credibility of witnesses in criminal trials turn on the outcome of a battle among experts.” *State v. Myers*, 359 N.W.2d 604, 610 (Minn. 1984). For these reasons, the supreme court has held that experts may not testify about a defendant’s credibility when the defendant confesses to a crime. *See Ritt*, 599 N.W.2d at 812 (“This court has been very reluctant to allow experts to testify about matters that are

generally for the jury’s determination [T]he jury had ample opportunity to evaluate the veracity of Ritt’s statements We conclude that the trial court was within its discretion in excluding the expert testimony”); *Bixler*, 582 N.W.2d at 253 (“[T]he trial court refused to allow psychological expert testimony relating to the credibility of [Bixler’s] confession. We hold that the trial court did not abuse its discretion in excluding the expert testimony”).

Haywood’s case is similar to that in *Bixler*. There, the district court denied Bixler’s request to offer expert testimony on “the credibility of [Bixler’s] confession.” *Bixler*, 582 N.W.2d at 253. Bixler’s expert would have testified that Bixler was “susceptible to coercion” “because of his low intelligence” and because he had “a tendency to say what authority figures want to hear in order to bring an end to the pressure he feels from persons in authority.” *Id.* at 254. After a hearing, the district court found that Bixler “responded appropriately throughout the proceedings” and “added explanation when he thought it was necessary.” *Id.* The district court also found that Bixler “had a very good memory for detail . . . [and] agreed to be interviewed.” *Id.*

On appeal, this court reversed the district court’s decision to exclude the expert’s testimony. *Id.* at 255. The supreme court granted review and reversed, reasoning that, while a defendant has the right to present evidence of “the physical and psychological environment that yielded [a] confession,” district courts have “wide latitude” to exclude evidence. *Id.* (quoting *Crane v. Kentucky*, 476 U.S. 683, 689-90 (1986)). The supreme court described the proposed expert testimony as “nothing more than a composite of personal characteristics that might render an individual more susceptible to wanting to please an

authority figure.” *Id.* at 256. The supreme court concluded that the district court acted “well within its discretion” in determining that the jury, without expert testimony, “was fully capable of observing and understanding” Bixler’s “propensity to please authority figures” and therefore could evaluate Bixler’s confession. *Id.*

On appeal, Haywood distinguishes *Bixler*, in part, because the testimony Haywood proposed was “more general” and would “inform the jury of the general characteristics of false confessions and allow them to determine whether they are applicable.” Haywood also argues that the district court erred because it “continually referred to false confessions as something which only occurs from coercive interrogation techniques” and the district court failed to “grasp the nature of non-persuaded, internalized false confessions.”

We disagree with Haywood’s view of the district court’s reasoning. But even if we assume the district court incorrectly concluded that expert testimony on false confessions requires proof of coercive techniques, we reject Haywood’s conclusion. The district court did not abuse its discretion because it based its decision on other grounds—unrelated to coercive techniques—many of which are analogous to the reasoning in *Bixler*.

The district court acknowledged that Haywood sought to offer evidence about his “mental status” at the time he gave a statement to the investigator. This is similar to Bixler’s request to offer expert testimony about his “tendency to say what authority figures want to hear.” *Bixler*, 582 N.W.2d at 254. In denying Haywood’s motion, the district court emphasized that Haywood’s statement was recorded and concluded that the jury was “certainly free to evaluate” Haywood’s mental state and that “the jury can view that from

the video.” *See also Crane*, 476 U.S. at 687-88 (observing that it is “the province or capacity of juries” to assess the truthfulness, accuracy, and weight of confessions).

The supreme court’s decision in *Ritt* also guides our analysis; in *Ritt*, the confession also was captured on video. 599 N.W.2d at 812. The supreme court noted that Ritt’s interview was “videotaped and the jury could observe the surrounding physical environment and circumstances.” *Id.* The supreme court determined that the jury “had sufficient information to evaluate Ritt’s claim” that the interrogation was “coercive enough to make an ordinary innocent person confess.” *Id.* The supreme court decided that the district court did not abuse its discretion by excluding the proposed expert testimony because it “was unlikely to add either precision or depth to [the jury’s] evaluation.” *Id.*

Haywood contends that his proposed expert testimony on false confessions is “more like the testimony routinely allowed in Minnesota courts . . . to explain counterintuitive behavior of a defendant,” such as behavior associated with the battered-woman defense. In *Ritt*, the supreme court considered and rejected an argument that the jury could evaluate the reliability of a confession “only if the underlying interrogation technique was explained” by an expert witness. *Id.* at 810. The supreme court noted that expert testimony “is helpful and admissible if it explains a behavioral phenomenon not within the understanding of an ordinary lay jury, such as battered woman syndrome or the behavior of sexually abused children.” *Id.* at 811.

Following *Ritt*, neither the supreme court nor this court has determined that “internalized false confession” is a “behavioral phenomenon.”³ Indeed, this court in two nonprecedential opinions has upheld a district court’s decision to exclude expert testimony on “the psychology of false confessions” and “how to tell the difference between true and false confessions.” *State v. Jenkins*, No. A21-0336, 2022 WL 1073561, at *6 (Minn. App. Apr. 11, 2022); *State v. Kirk*, No. A14-1951, 2015 WL 7356576, at *7 (Minn. App. Nov. 23, 2015), *rev. denied* (Minn. Feb. 16, 2016).⁴

³ Haywood cites caselaw from other jurisdictions that is not binding; he does so to show that courts have allowed experts to testify about false confessions. *See, e.g., State v. Perea*, 322 P.3d 624, 640-41 (Utah 2013) (determining that a district court erred when it excluded expert testimony on false confessions because the evidence would have “assisted the jury in evaluating the reliability of [the] confession” and because “[t]he science underlying [the expert’s] proffered testimony is sufficiently developed to satisfy rule 702”); *People v. Kowalski*, 821 N.W.2d 14, 29 (Mich. 2012) (“[B]ecause the claim of a false confession is beyond the common knowledge of the ordinary person, expert testimony about this phenomenon is admissible . . .”). Because our supreme court has ruled on the admissibility of expert testimony similar to that offered by Haywood, we do not find these authorities persuasive.

Also, other jurisdictions have upheld the exclusion of expert testimony on false confessions. *See United States v. Deuman*, 892 F. Supp. 2d 881, 886 (W.D. Mich. 2012) (granting the government’s motion to exclude expert testimony on false confessions because any probative value the expert’s testimony may have “is substantially outweighed by the potential dangers of undue prejudice and misleading the jury”); *State v. Tellier*, 526 A.2d 941, 944 (Me. 1987) (“[The proffered expert] testimony, however, amounted to nothing more than an assertion that false confessions do occur. His testimony was so abstract, vague and speculative that its relevance and probative value was virtually nil. The court acted within sound judicial discretion in excluding [the expert] testimony.”).

⁴ Nonprecedential opinions are not binding on this court, but they may be cited as persuasive authority. Minn. R. Civ. App. P. 136.01, subd. 1(c). Both *Jenkins* and *Kirk* are persuasive because they rely on *Ritt* and *Bixler*. And as is the case here, the confession in *Jenkins* was videotaped and admitted for the jury’s review. 2022 WL 1073561, at *6. And this court in *Kirk* rejected the same argument Haywood makes here to distinguish his expert from the expert in *Bixler*; specifically, we rejected the claim that this type of proposed

We conclude that the district court did not abuse its discretion in excluding Haywood's proposed expert testimony on false confessions.

II. The district court's decision to deny Haywood's motion to reopen the omnibus hearing does not warrant a new trial.

Haywood argues that the district court abused its discretion in denying his request to reopen the omnibus hearing and consider the first officer's video, which was disclosed after the omnibus hearing. Haywood maintains that the first officer's video was relevant to the motion to suppress his confession because the *Miranda* waiver was not voluntary. According to Haywood, by failing to reopen the omnibus hearing after disclosure of the first officer's video, the district court "effectively denied Haywood of his due process [right] to raise constitutional issues regarding admissibility prior to trial."

Although the rules of criminal procedure do not specifically authorize motions to reconsider omnibus rulings or reopen omnibus proceedings, the district court has the inherent authority to do so. *See State v. Papadakis*, 643 N.W.2d 349, 356-57 (Minn. App. 2002). This court reviews a district court's decision not to reopen an omnibus hearing for an abuse of discretion. *Id.*

As discussed above, the investigator and Haywood testified at the omnibus hearing. The district court determined that Haywood's waiver of *Miranda* rights was knowing, intelligent, and voluntary, and it affirmed this preliminary ruling after reviewing the investigator's video and Haywood's medical records. The omnibus record includes the

expert testimony is "more general" and therefore "[m]ore like the testimony routinely allowed in Minnesota courts." 2015 WL 7356576, at *7.

investigator's video of the *Miranda* warning and Haywood's statements. During the omnibus proceedings, Haywood's attorneys learned of the first officer's video and asked the state to produce it. After viewing the first officer's video, Haywood asked the district court to reopen the omnibus hearing to reconsider the suppression of Haywood's confession in light of the new evidence. The district court denied the request without viewing the first officer's video.⁵

We first consider what is depicted in the first officer's video, which is two clips. The first clip lasts about 18 minutes and shows the first officer speaking to Haywood at around 7:33 a.m., one hour and fifteen minutes before the investigator's recorded interview of Haywood began. At the beginning of that clip, Haywood is sitting upright and appears alert. The first officer tells Haywood he is under arrest. The second clip starts around 8:30 a.m. and lasts about one minute. In that clip, Haywood is lying down in the same position he is in when the investigator arrives at around 8:47 a.m.

We need not determine whether the district court abused its discretion in denying Haywood's motion to reopen the omnibus hearing. Even if we assume that the district court abused its discretion by ruling on Haywood's motion without viewing the first officer's video, we conclude that the first officer's video would not have changed the outcome of the omnibus hearing. *C.f. State v. Jackson*, 770 N.W.2d 470, 480-81 (Minn. 2009) (holding that Jackson was not entitled to a new trial where he failed to prove the state's discovery violation prejudiced him). Haywood argues that the first officer's video "shows Haywood

⁵ Even though the district court did not reopen the omnibus hearing, it granted Haywood's request for a trial continuance.

in a state of tired confusion where he repeatedly inquires about what is going on and does not seem to understand his surroundings.” We are not persuaded. The first officer’s video shows that, at 7:30 a.m., Haywood’s condition was similar to his condition when he was interviewed by the investigator. The district court viewed the investigator’s video of Haywood actually hearing and responding to the *Miranda* warning and waiving his rights. Because Haywood’s mental state is consistent in both videos, any error in not considering evidence of Haywood’s condition over an hour *before* he heard and responded to the *Miranda* warning is harmless at best.

Even if we assume that the district court would have suppressed Haywood’s recorded statement and confession to the investigator after a reopened omnibus hearing, we conclude that the absence of that evidence would not have affected the verdict because of other strong evidence of Haywood’s guilt—including his admission to the driver—and because the prosecuting attorney did not emphasize the confession in closing arguments. “[O]verwhelming evidence of guilt” is a “very important” factor in determining whether an error has an “impact on the verdict.” *State v. Bigbear*, 10 N.W.3d 48, 59 (Minn. 2024) (quotation omitted). Here, witness testimony established that Haywood was fighting with T.J., who started “gushing” blood during the fight. Medical testimony established that T.J.’s wounds were caused by something sharp entering his body. Haywood fled the apartment after T.J. was injured and got a ride to his sister’s apartment. The driver testified that Haywood was frantic and bloody and that Haywood admitted that he had just stabbed someone. The hospital treated T.J. for five penetrating wounds. And when Haywood was

arrested at the hospital, police found a knife with “trace amounts of blood on it” in Haywood’s pocket.

We therefore conclude that, even if the district court abused its discretion in denying Haywood’s request to reopen the omnibus hearing based on the late disclosure of the first officer’s video, any error was harmless beyond a reasonable doubt and a new trial is not warranted.

III. The district court erred in convicting Haywood of both first- and second-degree assault.

While the district court sentenced Haywood for only first-degree assault, the warrant of commitment shows that Haywood was also convicted of second-degree assault.⁶ Apart from the issues discussed above, Haywood does not otherwise challenge his conviction for second-degree assault on appeal.

Minnesota Statutes section 609.04 (2020) “forbids two convictions of the same offense or one offense and a lesser-included offense on the basis of the same criminal act.” *State v. Hackler*, 532 N.W.2d 559, 559 (Minn. 1995). Section 609.04, subdivision 1(2), provides that “a lesser degree of the same crime” is an “included offense.” *Id.*

Whether a conviction violates section 609.04 is a legal question that this court reviews de novo. *State v. Bonkowske*, 957 N.W.2d 437, 443 (Minn. App. 2021). Appellate courts may address this issue sua sponte. *See State v. Cruz*, 997 N.W.2d 537, 556 (Minn. 2023) (“In addition to the claims asserted by Cruz, we consider an issue not raised on

⁶ The sentencing-hearing transcript does not include discussion of the multiple-convictions issue.

appeal. The district court entered convictions for both first-degree felony murder and second-degree intentional murder after the jury returned the guilty verdicts. The district court erred in doing so.”).

In *Hackler*, the supreme court affirmed Hackler’s conviction for first-degree assault but vacated his conviction for second-degree assault because it was a lesser-included offense and both convictions were based on a single criminal act. 532 N.W.2d at 559-60. Because Haywood was also convicted of first- and second-degree assault and Haywood’s convictions also arose from the same criminal act, the district court erred in convicting Haywood of both first- and second-degree assault.

When a district court erroneously enters judgments of conviction for both an offense and a lesser-included offense, the proper disposition on appeal is to reverse and remand to the district court with instructions to vacate the conviction on the lesser-included offense while leaving the determination of guilt intact. *State v. Bellazan*, 18 N.W.3d 385, 401 (Minn. App. 2025), *rev. denied* (Minn. May 28, 2025).

Therefore, for the reasons discussed, we affirm Haywood’s conviction for first-degree assault. We reverse in part and remand to the district court with instructions to vacate Haywood’s conviction for second-degree assault while leaving the guilty verdict intact.

Affirmed in part, reversed in part, and remanded.