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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1894**

State of Minnesota,
Respondent,

vs.

Shane Allen Saarela,
Appellant.

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

Hennepin County District Court
File No. 27-CR-23-10059

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

Mary F. Moriarty, Hennepin County Attorney, N. Nate Summers, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Eva F. Wailes, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Ede, Presiding Judge; Smith, Tracy M., Judge; and Cochran, Judge.

NONPRECEDENTIAL OPINION

EDE, Judge

This is a direct appeal from final judgments of conviction for second-degree assault, domestic assault, threats of violence, and violating a no-contact order. Appellant contends (1) that the district court plainly erred by granting the state's request to amend the

complaint during trial, (2) that his trial counsel rendered ineffective assistance because counsel did not object to the amended charge, (3) that the evidence was insufficient to support his domestic-assault conviction, and (4) that the district court abused its discretion by ordering him to pay restitution relating to a separate district court file that was dismissed. In a self-represented brief, appellant (5) seeks reversal of his convictions based on additional arguments. We affirm appellant's convictions but conclude that the district court abused its discretion by ordering appellant to pay restitution. Thus, we affirm in part, reverse in part, and remand for resentencing with instructions for the district court to vacate the restitution order and to amend the warrant of commitment.

FACTS

Charges and Amended Complaints

In May 2023, respondent State of Minnesota charged appellant Shane Allen Saarela with felony domestic assault, in violation of Minnesota Statutes section 609.2242, subdivision 4 (2022), and threats of violence, in violation of Minnesota Statutes section 609.713, subdivision 1 (2022). The complaint alleged that the victim of Saarela's act of felony domestic assault was N.T., that the victim of Saarela's act of threatening violence was C.J., and that the offense date for both charges was on or about February 21, 2023. According to the probable-cause statement of the complaint, Saarela hit and shattered the right-side mirror of a tow truck that N.T. occupied, drove another vehicle into the tow truck while N.T. was inside, and verbally and physically threatened C.J. with a BB gun. The probable-cause statement also alleged that, at the time of the incident, an active

domestic-abuse no-contact order (DANCO) prohibited Saarela from having contact with N.T.

In December 2023, the state filed an amended complaint that added a third count, felony violation of a DANCO, in violation of Minnesota Statutes section 629.75, subdivision 2(d)(1) (2022). The alleged facts underlying the charges, as set forth in the probable-cause statement, remained the same.

On April 3, 2024, the state filed a second amended complaint that added a fourth count, second-degree assault with a dangerous weapon, in violation of Minnesota Statutes section 609.222, subdivision 1 (2022). The complaint alleged that the victim of Saarela's act of second-degree assault was N.T. and that the dangerous weapon that Saarela used to commit the assault was a vehicle. The probable-cause statement alleged the same facts about the charged offenses.

The matter proceeded to a one-day jury trial that began on April 23, 2024. On the first day of trial, before the jury was sworn, the state filed a third amended complaint. The underlying facts set forth in the probable-cause statement were once again unchanged, but the description of the second-degree assault charge was modified to allege that the victim of Saarela's act of second-degree assault was C.J. instead of N.T.

During trial, the state presented testimony from C.J. and a police officer who responded to the scene of the incident. The district court also received six exhibits: the DANCO; audio from C.J.'s 911 call; a photo of the tow truck mirror; two photos of the tow truck bumper; a photo of the vehicle Saarela drove; and a photo of broken plastic. The

factual summary below stems from the trial record and is presented in a manner consistent with the jury's verdicts.

Trial Evidence

At around 3:00 a.m. on February 21, 2023, N.T. and her business partner, C.J., went to Saarela's house to retrieve a tow truck. At the time, Saarela and N.T. "were in the process of getting a divorce." N.T. was the registered owner of the tow truck and had the key. C.J. and N.T. believed that Saarela would be sleeping and planned to quickly retrieve the tow truck without incident. When N.T. and C.J. arrived, C.J. saw Saarela walk from the barn area toward the house.

N.T. and C.J. struggled to start the tow truck because, as they later discovered, there was an issue with the fuel pump. C.J. observed N.T. and Saarela shout and argue with each other. At some point, Saarela went into his house and returned with what C.J. believed was a BB gun. While Saarela pointed the weapon at C.J., C.J. heard Saarela mumble something like, "Do you want holes in your head?" C.J. did not feel that his life was threatened. C.J. also heard Saarela say, "She isn't taking the truck, is that clear?"

Saarela went back into the house and returned without the BB gun. C.J. saw N.T. in the tow truck, trying to stay warm and to start the truck. From his vehicle, C.J. witnessed Saarela and N.T. arguing and then observed Saarela in a separate vehicle, which blocked in the tow truck. The distance between the two vehicles was about 15 to 20 feet. C.J. told N.T. to lock herself in the tow truck to prevent the situation from escalating, which she did. Saarela approached the tow truck on the passenger side, where N.T. was sitting. Although he could not get into the tow truck because it was locked, Saarela hit the passenger side

mirror with his hand and shattered it. Saarela also got into his vehicle, put it into gear, and “slammed” into the tow truck at about five miles per hour. The collision caused “a little damage” to the tow truck. N.T. was scared, screamed, and told C.J. to call the police. C.J. called 911 and reported a “domestic situation” that was “becoming increasingly more violent.” Saarela drove away while C.J. was on the phone with 911.

A police officer arrived at the house and took photographs of the scene. The officer spoke with N.T. and observed that she was fidgety, nervous, and scared. Saarela later returned to his home and talked to the officer. According to the officer, she wanted to “dig further” because, while N.T. and C.J. were “upset” and “scared,” Saarela had “a completely different demeanor”—he was “calm,” as though “nothing happened.”

Motion for Judgment of Acquittal and Mid-Trial Amendment of Second-Degree Assault Charge

After the state rested, Saarela waived his right to testify and moved for judgments of acquittal on all counts. During defense counsel’s argument, the district court asked the prosecutor: “Is [the second-degree assault charge] supposed to be [C.J.] or is it supposed to be [N.T.]? Because I remember we had a discussion about changing the names.” The prosecutor responded to the district court’s question as follows:

We did, Your Honor.

And if I may back up a few steps to provide context, the state’s understanding of the evidence is that both were in the vehicle. But because the state was proceeding on domestic abuse as a felony with regard to [N.T.], in an effort to capture the behavior or the crime committed against [C.J.], [the second-degree assault charge] was intended to be charged with regard to [C.J.]

Now, given the state of the evidence, the state agrees with [defense] counsel that [the second-degree assault charge]

as to [C.J.] is not supported by the evidence. However, it is supported as to [N.T.] And . . . the State would be moving to amend [the second-degree assault charge] to reflect her, given that the testimony was clear that she was in the vehicle when he rammed the car.

Saarela did not object to the state's request. The district court allowed the amendment to the second-degree assault charge and denied the defense's motion for judgments of acquittal. Saarela presented no evidence, and the matter was submitted to the jury for determination.

Jury Instructions, Verdicts, Posttrial Motion, Sentencing, and Restitution

While discussing jury instructions with the parties before closing arguments, the district court clerk asked the judge: "For [the second-degree assault charge], are we going back and changing that from [C.J.] back to [N.T.]?" The district court judge responded: "Yes. And you can have that prepared for the jury. I don't need [you] to print another copy for me. I made a written modification." Contrary to this conversation, however, the written instructions in the record—which were filed the same day—reference C.J., not N.T.

The district court judge orally instructed the jury that, to find Saarela guilty of second-degree assault, the jury had to determine that "the defendant either committed an act with intent to cause [N.T.] fear of immediate bodily harm or death or intentionally attempted to inflict bodily harm upon [N.T.]." The jury deliberated for around two hours, did not ask any questions, and found Saarela guilty of all charges.

In May 2024, Saarela filed a self-represented posttrial motion arguing, among other things, that his trial counsel was ineffective. In September 2024, the district court filed an order denying Saarela's motion, reasoning that Saarela's "claims of ineffective assistance

of counsel do not pass muster under the law,” “defer[ring] to [Saarela’s trial] counsel’s strategic decisions at trial,” and “find[ing] no ineffective assistance of counsel.”

On that same date, the district court held a sentencing hearing at which Saarela represented himself; advisory counsel was also present. The district court entered convictions on all four counts and imposed concurrent sentences on the second-degree assault and domestic assault convictions. At the end of the sentencing hearing, the district court sua sponte ordered \$1,420.60 in restitution. The state did not request the restitution that the district court ordered, and neither Saarela nor the state objected. The district court filed a written restitution order that refers to a different district court file and provides that Saarela “must pay restitution” to M.K., a person who does not appear to have been part of the incident underlying the charges here. The written restitution order also states that the district court “grant[ed] the state’s request to make the contact information of victims confidential,” that the court had “considered [Saarela’s] ability to pay [by] reviewing [Saarela’s] income, resources, and obligations,” that the court found Saarela had “the ability to pay,” that the “order [was] final,” and that Saarela had “waive[d] the right to object.”

This appeal follows.

DECISION

Saarela asserts (1) that the district court plainly erred by granting the state’s request to amend the complaint during trial, (2) that his trial counsel rendered ineffective assistance because he did not object to the amended charge, (3) that the evidence was insufficient to support his domestic-assault conviction, and (4) that the district court abused its discretion

by ordering him to pay restitution relating to a separate district court file that was dismissed. In a self-represented brief, Saarela (5) challenges his convictions based on additional claims that the evidence is insufficient, that the district court made evidentiary errors, and that the prosecutor committed misconduct.

We address each argument in turn.

I. The district court did not plainly err by granting the state’s request to amend the second-degree assault charge during trial.

Saarela maintains that the district court plainly erred by granting the state’s request to amend the second-degree assault charge during trial.

Because Saarela did not object to the amendment, we review the district court’s decision to grant the state’s request for plain error. Minn. R. Crim. P. 31.02; *see also State v. Lilienthal*, 889 N.W.2d 780, 784–85 (Minn. 2017). “Under the plain error doctrine, the appellant must show (1) error; (2) that was plain; and (3) that affected substantial rights.” *Lilienthal*, 889 N.W.2d at 785. “An error is plain if it is clear or obvious, which is typically established if the error contravenes case law, a rule, or a standard of conduct.” *State v. Webster*, 894 N.W.2d 782, 787 (Minn. 2017) (quotations omitted). “When the defendant satisfies these requirements, an appellate court may correct the error *only* when it seriously affects the fairness, integrity, or public reputation of judicial proceedings.” *Pulczynski v. State*, 972 N.W.2d 347, 356 (Minn. 2022). If any prong of the plain-error standard is not satisfied, an appellate court need not address the remaining prongs. *Lilienthal*, 889 N.W.2d at 785.

Under Minnesota Rule of Criminal Procedure 17.05, the district court may allow the state to amend a complaint “at any time before verdict or finding if no additional or different offense is charged and if the defendant’s substantial rights are not prejudiced.” Minn. R. Crim. P. 17.05; *see also State v. Guerra*, 562 N.W.2d 10, 11 (Minn. App. 1997) (“A midtrial reinterpretation of a criminal complaint that constructively amends the charge must comply with the requirements of Minn. R. Crim. P. 17.05 and may be allowed only if it does not charge a different offense and does not prejudice the substantial rights of the defendant.”).

Relying on *Guerra*, Saarela contends that the district court plainly erred based on his claim that the amendment satisfied neither prong of rule 17.05. 562 N.W.2d at 13–14. In particular, Saarela asserts that, by changing the alleged victim of the second-degree assault, the amendment charged a different offense and prejudiced his substantial rights. Given the specific circumstances of this case, Saarela’s argument is unavailing because the district court’s decision to allow the amendment did not clearly or obviously contravene rule 17.05 by (A) charging a different offense or (B) prejudicing Saarela’s substantial rights. *See Webster*, 894 N.W.2d at 787.

A. Different Offense

Saarela maintains that the amendment caused him to be charged with a different offense because it altered an essential element of second-degree assault by changing the alleged victim.

An amendment charges a different offense if it affects an essential element of the charged offense. *See Guerra*, 562 N.W.2d at 11. In *Guerra*, we concluded that the district

court’s decision to allow the state to re-open its case to present more evidence and to change the date of the alleged crime in the jury instruction charged a different offense. *Id.* We reasoned that, although “[t]he amended offense facing Guerra was the same category of offense as that originally charged—possession of a stolen firearm”—“the object of the offense, the date, and the alleged facts underlying each offense were all different.” *Id.* *Guerra* is distinguishable from the facts before us. Here, the amendment to the second-degree assault charge only changed the victim’s name. Because the underlying facts set forth in the probable-cause statement were not changed by the amendment, the object of the offense—including the date, location, conduct, and parties involved in the alleged incident—remained the same.

The state argues that the plain language of Minnesota Statutes section 609.222, subdivision 1, required that it prove only that Saarela “assault[ed] *another* with a dangerous weapon,” not that he assaulted a specific victim. (Emphasis added.) Citing the model jury instruction guide for second-degree assault, Saarela counters that the state “effectively asks this court to override the standard jury instructions, which require the victim of an assault to be identified.” As Saarela points out, the model jury instruction guide for second-degree assault describes the first element of the offense in relevant part as follows: “First, the defendant committed an act with intent to cause (INSERT name of alleged victim) to fear immediate bodily harm or death.” 10 *Minnesota Practice*, CRIMJIG 8.05 (2023).

“But the model instruction is designed only to assist the district court in following the law and does not itself establish the law.” *State v. Garza*, 3 N.W.3d 18, 21 (Minn. App. 2024) (citing *State v. Peterson*, 673 N.W.2d 482, 484 (Minn. 2004)). Even so, we observe

that the wording of the model jury instruction—i.e., the parenthetical, “(INSERT name of alleged victim)” —does not compel the conclusion that an alleged victim’s name is an essential element of second-degree assault. 10 *Minnesota Practice*, CRIMJIG 8.05. The preliminary materials to the model jury instructions provide that, “[w]here a criminal offense can be proved in different ways, the model jury instructions use parentheses to denote a choice among various options.” 10 *Minnesota Practice*, Criminal Preliminary Materials (2023). And “the jury need not always decide unanimously which of several possible means [a] defendant used to commit [an] offense in order to conclude that an element has been proved beyond a reasonable doubt.” *State v. Ihle*, 640 N.W.2d 910, 918 (Minn. 2002).

There may be some merit to the state’s contention that, to satisfy the elements of second-degree assault under subdivision 1 of section 609.222, it did not need to prove that Saarela assaulted a specific victim but rather only had to prove that he “assault[ed] another.” Minn. Stat. § 609.222, subd. 1; *cf. State v. Bakdash*, 830 N.W.2d 906, 915 (Minn. App. 2013) (explaining that, to prove attempted murder, “it is not necessary for the state to specifically establish an intended victim so long as there is proof of a defendant’s intent to cause the death of a person”), *rev. denied* (Minn. Aug. 6, 2013). At bottom, however, we need not and do not reach that conclusion because it is sufficient for purposes of our analysis that any assumed error by the district court was not plain. This is because the district court’s decision to allow the state to amend the second-degree assault charge did not “contravene[] case law, a rule, or a standard of conduct.” *Webster*, 894 N.W.2d at 787 (quotation omitted) (holding that a jury instruction did “not contravene existing case law”

because the Minnesota Supreme Court had “never held that a district court [was] required” to instruct the jury with certain language); *see also State v. Ayala-Leyva*, 848 N.W.2d 546, 555 (Minn. App. 2014) (stating that the district court’s jury instruction was not plain error when the law was “cloudy” or “unsettled”), *rev. denied* (Minn. Aug. 11, 2015).

We therefore conclude that the district court’s decision to permit the amendment to the second-degree assault charge was not plainly erroneous by charging a different offense.

B. Substantial Rights

Saarela asserts that the decision by the district court to allow the amendment prejudiced his substantial rights, claiming that it risked confusing the jury and that it undermined his trial tactics and his opportunity to prepare a defense. He points to the state’s concession during his motion for judgments of acquittal that the evidence did not support the second-degree assault charge as to C.J. From that premise, Saarela maintains that his trial strategy—including his cross-examination of C.J. and the police officer—was based on his understanding that the alleged victim of the second-degree assault charge was C.J.

“[T]he policies behind [Minnesota Rule of Criminal Procedure] 17.05 appear to be to protect against confusing the jury, violating due process notions of timely notice, and adversely affecting the trial tactics of the defense.” *State v. Alexander*, 290 N.W.2d 745, 748 (Minn. 1980). In light of Saarela’s arguments on appeal, we focus our analysis on whether the amendment prejudiced Saarela’s substantial rights by (1) risking jury confusion or (2) adversely affecting his trial tactics.

1. Risk of Jury Confusion

Our decision in *Guerra* is instructive as to Saarela's jury-confusion claim. In *Guerra*, the defendant was charged by complaint with possession of stolen firearms. 562 N.W.2d at 11. Although the probable-cause section of the complaint mentioned thefts of handguns in December 1995, those allegations did not relate to the defendant. *Id.* Instead, the allegations in the complaint about the possession-of-stolen-firearms charge appeared to relate only to law enforcement's seizure of shotguns from the defendant's apartment during the execution of a search warrant in January 1996. The matter proceeded to a jury trial, at which the district court "allowed the state to re-open its case and present testimony and evidence of [the defendant's] possession of the handguns that had been stolen in December 1995" and "allowed an amendment to the jury instructions to include events that took place on or about December 1995." *Id.* at 11–12. On appeal, we noted that the jury had "asked the [district] court whether [the defendant] had been charged with possession of the handguns or the shotguns or both," reasoned that "[t]he jury was obviously confused by the change," and concluded that "[t]he constructive amendment . . . violated Rule 17.05's independent proscription against amendments that prejudice a defendant's substantial rights." *Id.* at 13.

Unlike *Guerra*, the jury here did not ask any questions during deliberations. And although the jury was instructed at the outset of trial that the victim was C.J., both parties' closing arguments referenced N.T. as the alleged victim of the second-degree assault, and the evidence consistently showed that N.T. was the only person in the tow truck that Saarela struck with his vehicle. The district court also orally instructed the jury that the victim was

N.T., and appellate courts “presume that juries follow the instructions given by the district court.” *State v. Segura*, 2 N.W.3d 142, 167 (Minn. 2024).

Saarela contends that, because the written jury instructions in the record name C.J. as the alleged victim of the second-degree assault instead of N.T., the jury may have been confused. But despite those written instructions, the transcript reflects: that the district court judge had directed the clerk to prepare the amended instruction for the jury as to the second-degree assault charge by changing the alleged victim from C.J. to N.T.; that the judge did not require the clerk to print an extra copy of the amended instructions for the judge; and that the judge stated on the record that he had made a written modification of the instructions to reflect the amendment of the alleged victim from C.J. to N.T. Moreover, the Minnesota Supreme Court has held that, while written instructions may be taken to the jury room, “such instructions are not intended to replace the oral delivery of instructions on all matters of law which are necessary for the jury’s information in rendering a verdict.” *Peterson*, 673 N.W.2d at 486 (footnote, citation, and quotation omitted). More fundamentally, we are not persuaded that any discrepancy between the district court’s oral and written jury instructions demonstrates that the court’s decision to permit the amendment risked confusing the jury, particularly given that the jury asked no questions during its deliberations. *See Guerra*, 562 N.W.2d at 13.

Thus, we conclude that Saarela has not shown that the district court’s decision to allow the amendment was plainly erroneous by prejudicing his substantial rights through the risk of jury confusion. *See Alexander*, 290 N.W.2d at 748; *Guerra*, 562 N.W.2d at 11; *Lilienthal*, 889 N.W.2d at 785.

2. Adverse Effect on Trial Tactics

We similarly conclude that Saarela has not shown that the district court's decision to allow the amendment was plainly erroneous by prejudicing his substantial rights through an adverse effect on his trial tactics.

In his opening statement, Saarela's trial counsel did not specifically address the pre-amendment allegation that C.J. was the victim of the second-degree assault charge. Instead, he told the jury that the evidence would show how Saarela reacted to two people trying to take the tow truck.

As to cross-examination, Saarela argues that, if his trial counsel had "thought that N.T. was the victim in count one, he might have asked questions related to N.T.'s position or pursued how [Saarela's vehicle] was moving and whether it qualified as a 'dangerous weapon'—a different trial tactic." But the record reflects that Saarela's trial counsel did ask these questions when cross-examining C.J. For instance, Saarela's trial counsel asked C.J. how far Saarela's vehicle was from the tow truck, the layout of the vehicles, how fast Saarela's vehicle was moving, about the tow truck's damage, and about the lack of injuries. And Saarela's trial counsel questioned the police officer about the damage to the vehicles, the layout of Saarela's driveway, the weather conditions on the day of the incident, and N.T.'s location during the events.

Saarela maintains that he did not have an opportunity to present a defense against the charge that he assaulted N.T. But over the course of this case, the probable-cause statement of every complaint remained the same in alleging that Saarela purposely drove his vehicle into the tow truck while N.T. was inside. Accordingly, despite the mid-trial

amendment changing the alleged victim of the second-degree assault from C.J. (as alleged in the third amended complaint) back to N.T. (as alleged in the second amended complaint), Saarela had notice of the allegations underlying the second-degree assault charge that ultimately went to the jury. And while we are mindful that Saarela waived his right to testify before the district court amended the second-degree assault charge, Saarela was aware of the consistent allegations underlying the amended charge long before he had to decide whether to put on a defense case at trial. He also had the opportunity to ask for a continuance and to present evidence—including by recalling witnesses—but did not do so.

Saarela’s closing argument challenged the state’s case as to the second-degree assault charge by asserting that the vehicle Saarela allegedly drove into the tow truck was not a dangerous weapon and that neither person nor property was injured by the low-speed collision. There is no indication that the mid-trial amendment adversely affected Saarela’s advancement of these defenses.

In other words, Saarela has not meaningfully identified “any specific way in which his case would have been presented differently” absent the mid-trial amendment. *State v. DeVerney*, 592 N.W.2d 837, 846–47 (Minn. 1999) (concluding that a defendant’s substantial rights were not prejudiced by a mid-trial constructive amendment of a first-degree murder charge instructing the jury on a theory of vicarious liability because the state gave notice of the requested amendment to the defense at the close of the state’s case in response to the defense’s motion for judgment of acquittal, because the defendant fully developed his defense at trial and it was rejected by the jury, and because the amendment affected neither the charge that went to the jury nor the state’s overall theory of the case).

We therefore conclude that the district court’s decision to permit the amendment to the second-degree assault charge was not plainly erroneous by prejudicing Saarela’s substantial rights through an adverse effect on his trial tactics.

In short, the district court did not clearly or obviously contravene rule 17.05 by charging a different offense or prejudicing Saarela’s substantial rights.¹ *See Webster*, 894 N.W.2d at 787; *Guerra*, 562 N.W.2d at 11.

II. The district court correctly determined that Saarela did not meet his burden of demonstrating that he received ineffective assistance of trial counsel.

Saarela also challenges his second-degree assault conviction by arguing that his trial counsel rendered ineffective assistance because he did not object to the state’s mid-trial motion to amend the complaint. More specifically, Saarela maintains that he was prejudiced by his trial counsel’s failure to object to the state’s amendment request because he claims that he would have been acquitted of the second-degree assault charge and that his prison sentence would therefore have been shorter. This contention lacks merit.

“The United States and Minnesota Constitutions guarantee a criminal defendant the right to effective assistance of counsel.” *Crow v. State*, 923 N.W.2d 2, 14 (Minn. 2019); *see also* U.S. Const. amend. VI; Minn. Const. art. I, § 6. To demonstrate ineffective assistance of counsel, a defendant must satisfy the two-pronged test outlined in *Strickland*

¹ As noted above, we need not address the remaining prongs of the plain-error doctrine based on our conclusion that the district court did not plainly err. *See Lilienthal*, 889 N.W.2d at 785. But even if we were to conclude that the district court’s decision to allow the state to amend the second-degree assault charge was plainly erroneous by charging a different offense, we would still affirm for the same reason just discussed: the amendment did not prejudice Saarela’s substantial rights. *See id.*

v. Washington, 466 U.S. 668, 688 (1984). *See Andersen v. State*, 830 N.W.2d 1, 10 (Minn. 2013). Under the *Strickland* test, the defendant must “demonstrate that (1) his counsel’s performance fell below an objective standard of reasonableness, and (2) that a reasonable probability exists that the outcome would have been different but for counsel’s errors.” *Id.* To establish prejudice for purposes of the second *Strickland* prong, “the defendant must show that counsel’s errors ‘actually’ had an adverse effect in that but for the errors the result of the proceeding probably would have been different.” *Gates v. State*, 398 N.W.2d 558, 562 (Minn. 1987) (quoting *Strickland*, 466 U.S. at 693–94).

Appellate courts “review a district court’s application of the *Strickland* test de novo because it involves a mixed question of law and fact. If a claim fails to satisfy one of the *Strickland* requirements, [an appellate court] need not consider the other requirement.” *State v. Mosley*, 895 N.W.2d 585, 591 (Minn. 2017).

On this record, we conclude that the district court did not err in rejecting Saarela’s ineffective-assistance-of-counsel claim. Whether Saarela would have been acquitted or have received a shorter sentence if his trial counsel had objected to the state’s amendment request is purely speculative. In other words, Saarela has not shown that, but for any assumed error by his trial counsel in failing to object to the amendment, the district court would have sustained the objection and the result of his jury trial and sentencing would have been different. *See Gates*, 398 N.W.2d at 562; *see also State v. Rhodes*, 657 N.W.2d 823, 844–45 (Minn. 2003) (concluding that a defendant “failed to demonstrate the kind of prejudice necessary to satisfy the prejudice prong of *Strickland*” when the defendant offered only “mere speculation that objecting . . . would have helped the defense”).

Moreover, because he has not established that his substantial rights were prejudiced for purposes of our plain-error analysis, Saarela has also failed to show prejudice under the *Strickland* test. *Cf. Rhodes*, 657 N.W.2d at 839 n.7 (“Because both the plain error and ineffective assistance of counsel tests require a showing of prejudice, it is redundant to address this claim under plain error.”).

Thus, we conclude that the district court correctly determined that Saarela did not meet his burden of demonstrating that he received ineffective assistance of trial counsel.

III. There is sufficient circumstantial evidence to support Saarela’s domestic-assault conviction.

Saarela challenges the sufficiency of the evidence supporting his domestic-assault conviction, particularly as to his intent. We conclude that the circumstantial evidence is sufficient.

The state must prove every element of an offense beyond a reasonable doubt. *State v. Culver*, 941 N.W.2d 134, 142 (Minn. 2020). As charged here, domestic assault required the state to prove that Saarela “commit[ted] an act with the intent to cause fear in another of immediate bodily harm or death.” Minn. Stat. § 609.2242, subd. 1(1) (2022); *see also State v. Fleck*, 810 N.W.2d 303, 312 (Minn. 2012) (stating that assault-fear is a specific-intent crime).

“Intent is an inference drawn by the jury from the totality of circumstances, and the fact-finder may infer that a person intends the natural and probable consequences of that person’s actions.” *State v. Colgrove*, 996 N.W.2d 145, 152 (Minn. 2023) (quotation and citation omitted). Indeed, “intent may be inferred from events occurring before and after

the crime.” *Davis v. State*, 595 N.W.2d 520, 526 (Minn. 1999). And “the effect of [an] assault on the victim is frequently introduced at trial as evidence of the defendant’s intent.” *State v. Hough*, 585 N.W.2d 393, 396 (Minn. 1998).

Because intent is a state of mind, it is generally proved circumstantially by considering a defendant’s act in context. *State v. Thompson*, 544 N.W.2d 8, 11 (Minn. 1996). The parties do not dispute that the circumstantial-evidence standard of review applies, and we agree. *See State v. Griffin*, 887 N.W.2d 257, 264 (Minn. 2016) (“It is rare for the State to establish a defendant’s state of mind through direct evidence.”).

When a conviction rests on circumstantial evidence, appellate courts “apply a heightened two-step standard” to determine whether the evidence is sufficient. *Loving v. State*, 891 N.W.2d 638, 643 (Minn. 2017). First, an appellate court identifies the circumstances proved by “winnow[ing] down the evidence presented at trial to a subset of facts that is consistent with the jury’s verdict and [by] disregard[ing] evidence that is inconsistent with the jury’s verdict.” *State v. Gilleylen*, 993 N.W.2d 266, 275 (Minn. 2023) (quotations omitted). Appellate courts “resolv[e] all questions of fact in favor of the jury’s verdict.” *State v. Harris*, 895 N.W.2d 592, 600 (Minn. 2017).

Second, appellate courts “determine whether the circumstances proved are consistent with guilt and inconsistent with any rational hypothesis other than guilt.” *Loving*, 891 N.W.2d at 643 (quotation omitted). Appellate courts “consider whether the reasonable inferences that can be drawn from the circumstances proved, when viewed as a whole and not as discrete, isolated facts, are consistent with the hypothesis that the accused is guilty and inconsistent with any rational hypothesis other than guilt.” *State v. Smith*, 9 N.W.3d

543, 565 (Minn. 2024) (quotation omitted). A conviction is supported by sufficient evidence if the circumstances proved “form[] a complete chain that, in view of the evidence as a whole, leads so directly to the guilt of the defendant as to exclude beyond a reasonable doubt any reasonable inference other than guilt.” *State v. Petersen*, 910 N.W.2d 1, 7 (Minn. 2018) (quotation omitted). If the circumstances proved are consistent with a reasonable hypothesis other than guilt, an appellate court will reverse the conviction. *Id.*

At the first step, viewing the record in the light most favorable to the domestic-assault guilty verdict, we identify the following circumstances proved:

- At about 3:00 a.m. on February 21, 2023, N.T and C.J. went to Saarela’s house to get a tow truck registered to N.T., for which N.T. had the key;
- C.J. and N.T. thought Saarela would be asleep, and they intended to take the tow truck quickly and uneventfully;
- Saarela and N.T. were going through marital dissolution proceedings and Saarela was prohibited from having contact with N.T. at the time of the incident because of a DANCO;
- After N.T. and C.J. got to Saarela’s residence, C.J. observed Saarela walk from the barn area toward his house;
- N.T. and C.J. could not get the tow truck started and C.J. saw N.T. and Saarela shout and argue with each other;
- Saarela went into his house and came back with what C.J. believed was a BB gun, which Saarela pointed at C.J. while asking if C.J. wanted holes in his head and stating that N.T. would not be taking the tow truck;
- While N.T. was in the tow truck trying to start it, Saarela and N.T. continued arguing and Saarela blocked the tow truck with another vehicle, from a distance of about 15 to 20 feet;
- At C.J.’s instruction, N.T. locked herself in the tow truck to prevent the situation from escalating, but Saarela approached the passenger side of the

tow truck—where N.T. was sitting—and hit the passenger side mirror with his hand, shattering it;

- Saarela put his vehicle into gear and “slammed” into the tow truck at around five miles per hour, causing “a little damage” to the tow truck;
- N.T. was scared, screamed, and told C.J. to call the police, which C.J. did, reporting a “domestic situation” that was “becoming increasingly more violent”;
- Saarela drove away while C.J. was on the phone with 911, but later returned while the responding police officer was on the scene; and
- The police officer saw that N.T. was fidgety, nervous, and afraid, and she observed that both N.T. and C.J. were upset and scared, but Saarela was calm, as though nothing had happened.

At the second step, Saarela does not dispute that the circumstances proved are consistent with guilt. Instead, he argues that the circumstances proved are also consistent with a reasonable hypothesis other than guilt: that Saarela merely wanted to prevent N.T. from taking the tow truck. Saarela acknowledges that “[h]e was presumably angry at the situation that [N.T.] might move the tow truck in the middle of the night,” but he maintains that he was “motivated to keep the truck on the property, not harm her.” The record defeats this claim.

Based on the totality of the circumstances—including the natural and probable consequences of Saarela’s actions, the events occurring before and after the incident, and their effect on N.T.—the only rational hypothesis consistent with the circumstances proved is that Saarela intended to cause N.T. to fear immediate bodily harm or death. *See Colgrove*, 996 N.W.2d at 152; *Davis*, 595 N.W.2d at 526; *Hough*, 585 N.W.2d at 396. These circumstances include: Saarela’s argument with N.T.; his statement that she was not taking

the truck; his shattering of the passenger-side mirror of the tow truck near where N.T. was sitting after locking herself in to prevent further escalation; his act of driving his vehicle into the tow truck while N.T. was inside; N.T.'s resulting and apparent fear; Saarela's decision to leave the scene as C.J. called 911; Saarela's calm demeanor in speaking with the police officer; and the existence of the DANCO, which prohibited Saarela from having contact with N.T. at the time of the incident.

Under the specific circumstances of this case, any intent that Saarela may have had to prevent N.T. from leaving with the tow truck² is not mutually exclusive with an intent to cause her to fear immediate bodily harm or death. Accordingly, "the reasonable inferences that can be drawn from the circumstances proved, when viewed as a whole and not as discrete, isolated facts, are consistent with the hypothesis that . . . [Saarela] is guilty and inconsistent with any rational hypothesis other than guilt." *Smith*, 9 N.W.3d at 565 (quotation omitted).

We therefore conclude that there is sufficient circumstantial evidence to support Saarela's domestic-assault conviction.

² Because N.T. was the registered owner of the tow truck, Saarela was not authorized to use force to prevent her from taking it. *See* Minn. Stat. § 609.06, subd. 1(4) (2022) (providing that "any person in lawful possession of . . . personal property" may use "reasonable force . . . upon or toward the person of another without the other's consent . . . in resisting a trespass upon or other unlawful interference with such property," or when the "the actor reasonably believes [such circumstances] to exist").

IV. The district court abused its discretion in ordering Saarela to pay restitution.

The parties concur that we should reverse the district court’s restitution order for lack of legal authority, given that the restitution relates to a separate district court file that was dismissed. We agree.

Even if the parties agree on an issue, “[w]e have an obligation to decide cases in accordance with the law.” *State v. Baker*, 20 N.W.3d 897, 900 (Minn. App. 2025) (quotation omitted). Appellate courts review a district court’s restitution order for an abuse of discretion. *State v. Allison*, 999 N.W.2d 835, 841–42 (Minn. 2024). “A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and facts in the record.” *Id.* at 842 (quotation omitted).

“A victim of a crime has the right to receive restitution as part of the disposition of a criminal charge . . . against the offender if the offender is convicted.” Minn. Stat. § 611A.04, subd. 1(a) (2022). Unless the record shows that the defendant agreed to pay for losses as part of a plea agreement, “a district court may order restitution only for losses that are directly caused by, or follow naturally as a consequence of, the defendant’s crime.” *State v. Boettcher*, 931 N.W.2d 376, 381 n.5 (Minn. 2019); *see also State v. Wallace*, 545 N.W.2d 674, 675–78 (Minn. App. 1996) (affirming a district court’s order denying a defendant’s motion to vacate restitution to the “buy fund” of a police drug task force, which was imposed pursuant to a plea agreement), *rev. denied* (Minn. May 21, 1996).

“The record must provide the [district] court with a factual basis to award restitution.” *State v. Johnson*, 851 N.W.2d 60, 65 (Minn. 2014). “The court . . . shall request information from the victim to determine the amount of restitution owed.” Minn. Stat.

§ 611A.04, subd. 1(a); *see also State v. Gaiovnik*, 794 N.W.2d 643, 652 (Minn. 2011) (holding that a district court’s authority to award restitution is not limited only to circumstances in which the victim requests restitution, and affirming a restitution award because the record established the loss). And before awarding restitution, the “district court must consider the defendant’s ability to pay and the loss sustained by the victim of the crime.” *Boettcher*, 931 N.W.2d at 380 (citing Minn. Stat. § 611A.045, subd. 1(a) (2018)); *see also State v. Wigham*, 967 N.W.2d 657, 666 (Minn. 2021) (remanding for reconsideration of the appellant’s ability to pay restitution in light of a more-developed record); *State v. Fader*, 358 N.W.2d 42, 47–48 (Minn. 1984) (remanding for reconsideration of a restitution award because the record did not provide a sufficient factual basis for the award, although it did establish a basis for the appellant’s ability to pay).

Here, aside from the district court’s brief and sua sponte statement at sentencing, there is no basis in the record for the restitution award. The district court’s written order states that it “considered [Saarela’s] ability to pay by reviewing the defendant’s income, resources, and obligations,” and found that Saarela had the ability to pay restitution. But there is no evidence of Saarela’s ability to pay in the record. And the district court’s written order refers to a district court case number and victim (M.K.) that are unrelated to the matter before us. According to the written restitution order, the district court granted a request by the state to make victim contact information of confidential. Moreover, the order states that it is final and that Saarela had waived the right to object. But there is no evidence in the record about M.K.’s identity or losses, and the record likewise fails to demonstrate

that the state requested to make the victim contact information confidential or that Saarela waived his right to challenge the restitution order.

Because the restitution order lacks support in the record, we conclude that the district court abused its discretion and reverse that aspect of Saarela's sentence. *See Allison*, 999 N.W.2d at 842. We remand for the district court to vacate the restitution order and to amend the warrant of commitment.

V. The arguments raised in Saarela's self-represented supplemental brief do not merit reversal.

Saarela also seeks reversal based on several contentions presented in a self-represented supplemental brief. After carefully reviewing the record, we conclude that these arguments lack merit and provide a brief explanation of our reasoning, below. *See State v. Waiters*, 929 N.W.2d. 895, 902 (Minn. 2019) (stating that an appellate court need not provide a detailed discussion of self-represented claims that lack merit).

First, Saarela challenges the sufficiency of the evidence, asserting: that there is insufficient evidence to support his second-degree assault conviction because the prosecutor admitted that there was reasonable doubt as to that charge before moving to amend the complaint and because the state did not prove that N.T. was inside the tow truck; that there is insufficient evidence to support his threats-of-violence conviction because C.J. testified that he did not feel threatened; and that his conviction of violating the DANCO must be reversed because, as a matter of law, the offense could not have occurred at his own home.

We conclude that these arguments are either unsupported by the record, unconvincing, or both. For similar reasons to those set forth above as to the sufficiency of the evidence supporting Saarela’s domestic-assault conviction, there is also sufficient evidence in the record to support his conviction of second-degree assault, especially given the district court’s decision to permit the amendment and the record evidence establishing that C.J. saw N.T. inside the tow truck. Saarela’s threats-of-violence conviction did not require the state to prove that C.J. felt threatened. *See* Minn. Stat. § 609.713, subd. 1; *see also State v. Schweppe*, 237 N.W.2d 609, 614 (Minn. 1975) (“The effect of a terroristic threat on the victim is not an essential element of the statutory offense proscribed by [Minn. Stat.] § 609.713, subd. 1.”). And Minnesota law does not preclude a defendant from being convicted of violating a DANCO when the offense occurs at their home. *State v. Phipps*, 820 N.W.2d 282, 286 (Minn. App. 2012).

Second, Saarela argues that the prosecutor committed misconduct during closing argument by referring to a “double-pump BB gun,” which Saarela maintains is not a fact in evidence. While Saarela is correct that there is no evidence of a “double-pump BB gun” in the record and that the prosecutor referred to a “pump-action BB gun” during closing arguments, we reject Saarela’s prosecutorial-misconduct claim because the prosecutor’s reference was reasonable based on the police officer’s testimony. *See Allwine v. State*, 994 N.W.2d 528, 543–44 (Minn. 2023) (rejecting a prosecutorial-misconduct claim because the prosecutor’s statements during closing argument were reasonable inferences from the record). The police officer stated that, based on her investigation, she understood C.J. had seen Saarela possess “what was believed to be a pump-action BB gun.”

Last, Saarela argues that several other trial errors prejudiced his substantial rights, claiming: that he was not given a chance to present the defense that he was protecting his property from two trespassers in the middle of the night; that his convictions are based on hearsay, assumptions, and opinions; that the state compelled and subpoenaed C.J. to testify, improperly influencing his testimony; that the 911 call was inadmissible as an excited utterance; that his constitutional rights to confront and cross-examine witnesses were violated because the state did not call N.T. to testify; that the prosecutor committed misconduct by introducing evidence without meeting certain procedural requirements, such as providing adequate notice; and that the jury instructions were erroneous. Saarela does not support these assertions with arguments or citations to legal authority. “Claims in a [self-represented] supplemental brief that are unsupported by either arguments or citation to legal authority are forfeited. Such arguments will not [be] considered unless prejudicial error is obvious on mere inspection.” *State v. Montano*, 956 N.W.2d 643, 650–51 (Minn. 2021) (quotation and citation omitted). Thus, we conclude that Saarela has forfeited these claims and do not consider them because we discern no obvious prejudicial error in the record. *Id.*

Affirmed in part, reversed in part, and remanded.