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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1986**

State of Minnesota,
Respondent,

vs.

Jamison Franklin Wells,
Appellant.

**Filed December 22, 2025
Affirmed
Smith, Tracy M., Judge**

Hennepin County District Court
File No. 27-CR-24-1166

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

Mary F. Moriarty, Hennepin County Attorney, Britta Nicholson, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Sara L. Martin, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

Appellant Jamison Franklin Wells challenges his conviction for first-degree criminal sexual conduct and, in the alternative, his sentence. As to his conviction, Wells argues that the district court erred by allowing respondent State of Minnesota to introduce

certain relationship evidence; he further argues that, if that ruling was not error, the district court erred by not allowing Wells to offer additional relationship evidence in response to the state's evidence. As to his sentence, Wells argues that the district court erred by denying his motion for a downward dispositional departure; he further argues that, if the denial was not error, a new sentencing hearing is required because the district court may have erred by relying on an improper factor when imposing a sentence near the top of the sentencing guidelines range. Because we find that the district court did not err, we affirm.

FACTS

In January 2024, the state charged Wells with one count of first-degree criminal sexual conduct and two counts of second-degree criminal sexual conduct, alleging that he sexually abused his stepson, J.S., on multiple dates between 2017 and 2020, in violation of Minnesota Statutes sections 609.342, subdivision 1(a), 609.343, subdivision 1(h)(iii), and 609.343, subdivision 1(a) (2017). The matter proceeded to a six-day jury trial.

At trial, the state presented eight witnesses: J.S.; his mother, M.W.; his sister; two friends of J.S.; a police detective; a forensic interviewer; and a doctor who examined J.S. J.S. testified that Wells repeatedly sexually abused him over a period of time when J.S. was 9 to 11 years old. J.S. said that the abuse stopped when he was in sixth grade because he had become mature enough to understand it and he started refusing to go into Wells's bedroom with him. J.S. explained that he did not disclose the abuse at that time because Wells told him that they would both face legal consequences since J.S. was below the age of consent. In 2023, when he was 15 years old, J.S. disclosed the abuse to two friends. And in January 2024, when Wells and M.W. were separating, J.S. disclosed the abuse to M.W.

M.W. reported the abuse to law enforcement the following day. A forensic interview followed, in which J.S. described the abuse, including Wells's use of a sex toy, and explained that the incidents often began with alcohol, marijuana, and exposure to pornography. In a later search of the family home, law enforcement discovered a marijuana pipe and a sex toy consistent with J.S.'s statements in his interview.

At the start of trial, the district court addressed motions in limine regarding the admission of relationship evidence under Minnesota Statutes section 634.20 (2024). The state sought to admit testimony regarding Wells's physical and verbal discipline of J.S. and his sister, as well as testimony about recordings of arguments between Wells and M.W. Over Wells's objection, the district court permitted the state to introduce the children's testimony about Wells's interactions with J.S. and other family members and nine video recordings, made by M.W., of arguments and interactions between Wells and M.W. from 2019 through 2021. J.S., his sister, and M.W. all testified about Wells's treatment of the children and the heated arguments that the children overheard between Wells and M.W. At the trial, the district court cautioned the jury about the limited purpose of relationship evidence several times: during each witness's testimony about the relationship evidence, before the jury viewed the video of the forensic interview, and within the written jury instructions.

In response to the state's relationship evidence, Wells sought to introduce an audio recording of a 2018 argument between Wells and M.W. in which Wells accuses M.W. of trying to choke him. He argued that the evidence would provide further context regarding the relationship and what was happening in the household. The district court excluded the

evidence, ruling that section 634.20 permitted evidence of the defendant's conduct toward household members, not the conduct of household members toward the defendant.

Wells testified in his own defense. He stated that he was a stepfather to J.S. and his sister and that he loved them. He acknowledged using physical discipline for a time and that, looking back, he might have been too harsh with the children. He described the mental-health conditions he suffered as a result of his military service and deployments and said that his medications caused erectile dysfunction. Wells felt that the video clips of his interactions with M.W. inaccurately portrayed their relationship. And he denied ever sexually abusing J.S.

The jury found Wells guilty of three counts of criminal sexual conduct. At sentencing, Wells moved for a downward dispositional departure, citing his particular amenability to probation and treatment. The district court denied the motion and sentenced Wells to an executed term of 168 months, which was within the presumptive range of 144 to 172 months.

Wells appeals.

DECISION

Wells challenges the district court's evidentiary rulings admitting the state's relationship evidence and excluding the evidence that Wells sought to introduce in response. In the alternative, Wells challenges the denial of his motion for a dispositional departure and the imposition of a sentence near the top of the presumptive range. We address both issues in turn.

I. The district court did not abuse its discretion in its evidentiary rulings.

A. The district court did not abuse its discretion by admitting the state's relationship evidence under Minnesota Statutes section 634.20.

Wells argues that the district court abused its discretion by admitting the relationship evidence offered by the state, which included testimony about Wells's treatment of the children and video clips of Wells's behavior when he was engaged in heated arguments with M.W. Wells argues that the probative value of the evidence was "minimal to nonexistent" because the domestic conduct was not "similar" to the charged conduct and did not serve a proper purpose under section 634.20, and he argues that any probative value was outweighed by the risk of unfair prejudice.

Evidence admitted under section 634.20 is often referred to as "relationship evidence." *State v. Zinski*, 927 N.W.2d 272, 273 (Minn. 2019). Appellate courts review a district court's decision to admit relationship evidence under the statute for an abuse of discretion. *State v. Andersen*, 900 N.W.2d 438, 440-41 (Minn. App. 2017). Even if an evidentiary ruling was an abuse of discretion, an appellate court generally will not reverse a conviction unless there is a reasonable possibility that the error significantly affected the verdict. *State v. Bigbear*, 10 N.W.3d 48, 54 (Minn. 2024).

Section 634.20 provides:

Evidence of domestic conduct by the accused against the victim of domestic conduct, or against other family or household members, is admissible unless the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issue, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

Relationship evidence may be admissible under the statute because it may “illuminate the history of the relationship” so as “to put the crime charged in the context of the relationship” and may assist the jury in assessing witness credibility. *State v. McCoy*, 682 N.W.2d 153, 159, 161 (Minn. 2004).

Wells first challenges the probative value of the evidence. He contends that the evidence offered by the state was not probative because it did not involve “similar conduct” compared to the conduct for which he was charged. In making this argument, Wells relies on cases that were decided before the language of section 634.20 was amended in 2013 to omit the word “similar” when referencing “domestic conduct.”¹ Because section 634.20 no longer contains the word “similar,” Wells’s suggestion that evidence lacks probative value under the statute unless it is evidence of domestic conduct that is “similar” to the crime charged is unpersuasive.

Second, Wells argues that admitting the relationship evidence was not necessary to support J.S.’s credibility because J.S.’s credibility was bolstered through other nonrelationship evidence. Relatedly, Wells argues that the relationship evidence did not provide necessary context or illuminate the parties’ relationship because the state did not directly argue that Wells “exerted control” over J.S. to prevent prosecution.

The relationship evidence introduced by the state included evidence that Wells physically disciplined and yelled at J.S. and his sister, and video evidence of intense verbal

¹ Before the amendment in 2013, the statute applied to “[e]vidence of similar conduct by the accused.” Minn. Stat. § 634.20 (2012). In 2013, the legislature amended that phrase to “[e]vidence of domestic conduct by the accused.” 2013 Minn. Laws ch. 47, § 7, at 208. This language has not changed since 2013. *See* Minn. Stat. § 634.20 (2024).

arguments between Wells and M.W. that J.S. overheard. In moving to admit the evidence before trial, the state explained that it was offering the evidence to illuminate the relationship between Wells and the family, to show “how [Wells] manipulated, used emotions in order to control the family and to get what he wanted,” explain why J.S. did not immediately disclose the sexual abuse, and assist the jury in assessing J.S.’s credibility.

The district court agreed that the evidence had probative value. It explained:

[Wells’s] prior interactions with [J.S.’s mother] and with [J.S.] are probative of material facts; specifically, they are probative of the history between [Wells] and [J.S.] and the family dynamics at play in this case. There is probative value in placing the allegations in context and showing the type of relationship they had and showing why [J.S.] was fearful to report the allegations. . . . There is probative value in [Wells’s] prior interactions not only with [J.S.], but also other household members as it relates to [J.S.]’s credibility.

We discern no abuse of discretion in that reasoning. The evidence was relevant to show why J.S. did not report the abuse earlier and why he submitted to Wells’s pressure to drink alcohol and smoke marijuana. It was also relevant to rebut a suggestion by Wells that J.S. made up the sexual abuse allegations as a “trump card” for use at an opportune time, providing an alternative explanation for the timing of J.S.’s report. The evidence served to illuminate the family dynamics, place the allegations in context, show why J.S. delayed reporting, and assist in evaluating J.S.’s credibility, and thus had probative value. *See McCoy*, 682 N.W.2d at 159, 161.

Wells argues, however, that any probative value of the relationship evidence was outweighed by the potential for unfair prejudice. He asserts that, in light of what he characterizes as “little legitimate probative value,” the jury was likely to misuse the

evidence as character and propensity evidence. *See State v. Hormann*, 805 N.W.2d 883, 891 (Minn. App. 2011).

The district court recognized that the relationship evidence was prejudicial but explained why it was not unfairly prejudicial:

Yes, the evidence is prejudicial. In fact, most inculpatory evidence is prejudicial, if not all. The question is one of unfair prejudice and whether it is -- substantially outweighs the probative value. I find that it does not. The prejudicial value of the evidence has lessened here for two reasons. First, it will be limited to the discrete incidents we discussed and similar conduct. Second, the prejudicial value is lessened because the Court is providing . . . cautionary instructions.

Again, we discern no abuse of discretion in that reasoning. For the reasons described above, contrary to Wells's argument, the relationship evidence had significant probative value. And the district court gave multiple cautionary instructions to the jury that reiterated the permissible uses of the relationship evidence, which minimized the risk of improper use by the jury. The district court, therefore, did not abuse its discretion by determining that the probative value of the evidence was not substantially outweighed by the danger of unfair prejudice. Admission of the evidence was thus not an abuse of discretion.

B. The district court did not abuse its discretion by excluding Wells's proffered evidence in response to the state's relationship evidence.

Wells argues, in the alternative, that the district court abused its discretion by prohibiting Wells from introducing a recording of an argument between M.W. and him that occurred approximately a year prior to the recordings offered by the state. Wells asserts that this recording "would have provided a full, and more accurate picture of the

relationship.” He contends that the district court’s exclusion of the evidence infringed on his constitutional right to present a complete defense.

A criminal defendant has the “right to a meaningful opportunity to present a complete defense,” including the right to present evidence. *Loving v. State*, 891 N.W.2d 638, 646 (Minn. 2017) (quotation omitted). But this right is subject to the rules of evidence, which are “designed to assure fairness and reliability in the determination of guilt.” *State v. Hannon*, 703 N.W.2d 498, 506 (Minn. 2005). When an appellant argues that a district court’s evidentiary ruling deprived them of their right to present a complete defense, an appellate court reviews that ruling for an abuse of discretion. *State v. Zumberge*, 888 N.W.2d 688, 694 (Minn. 2017).

In ruling that the recording offered by Wells was inadmissible, the district court reasoned that section 634.20 “goes one way”—specifically, that it authorizes the admission of evidence of conduct *by the accused* against the victim of domestic abuse or other family or household members, not evidence of conduct *by other family members*. The district court therefore excluded evidence of the one instance of M.W.’s conduct.

We see no error in the district court’s reading of the statute. Section 634.20 plainly states that domestic-conduct evidence under the statute is “[e]vidence of domestic conduct *by the accused* against the victim of domestic conduct, or against other family or household members.” (Emphasis added).

Wells argues, though, that the evidence was relevant to counter the impression from the state’s evidence that Wells had an “explosive temper” and a “tendency to physically assault and threaten household members” and that he was “the consistent aggressor in the

relationship” while M.W. was “consistently calm and patient” in the face of his outbursts. The argument is unpersuasive.

Relevant evidence is generally admissible. Minn. R. Evid. 402. Evidence is relevant if it has “any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Minn. R. Evid. 401. Evidence that suggests that M.W. was also abusive toward Wells does not tend to prove that Wells did not sexually abuse J.S. Nor does that evidence make it more or less likely that J.S. would fabricate sex-abuse allegations against Wells. We therefore discern no abuse of discretion in the district court’s exclusion of the recording of a dispute between Wells and M.W.

II. The district court did not abuse its discretion in sentencing.

Wells argues that the district court abused its discretion in denying Wells’s motion for a dispositional departure and, in the alternative, that a new sentencing hearing is required because the district court relied on an improper factor in determining the term of his sentence within the guidelines range.

A. The district court did not abuse its discretion by denying Wells a downward dispositional departure

Wells argues that the fact that he checked himself into a treatment program after being charged, combined with his lack of criminal record, his cooperation throughout the case, and low risk to reoffend as determined by his psychosexual evaluation, all support a conclusion that the district court abused its discretion in determining that he is not particularly amenable to probation.

Appellate courts review a district court's decision of whether to grant a sentencing departure for abuse of discretion. *State v. Musse*, 981 N.W.2d 216, 220 (Minn. App. 2022) (quotation omitted), *rev. denied* (Minn. Dec. 28, 2022). "A reviewing court may not interfere with the sentencing court's exercise of discretion, as long as the record shows the sentencing court carefully evaluated all the testimony and information presented before making a determination." *State v. Pegel*, 795 N.W.2d 251, 255 (Minn. App. 2011) (quotation omitted). The sentences provided in the sentencing guidelines "are presumed to be appropriate for the crimes to which they apply." Minn. Sent'g Guidelines 2.D.1. Reasons to depart from the presumptive range must be "substantial, and compelling." *Id.*, cmt. 2.D.103. Departures from sentencing guidelines "are discouraged and are intended to apply to a small number of cases." *State v. Solberg*, 882 N.W.2d 618, 623 (Minn. 2016).

The sentencing guidelines include a "nonexclusive list of factors that may be used as reasons for departure," including whether "[t]he offender is particularly amenable to probation." Minn. Sent'g Guidelines 3. In *State v. Trog*, the supreme court set out factors to determine whether an individual is particularly amenable to probation. 323 N.W.2d 28, 31 (Minn. 1982). The *Trog* factors include age, prior record, remorse, cooperation, attitude in court, and support of friends and/or family. *Id.* Even if there is evidence that a defendant is particularly amenable to probation, a district court is not required to grant a dispositional departure. *State v. Olson*, 765 N.W.2d 662, 664-54 (Minn. App. 2009).

Here, the district court contemplated the *Trog* factors, explicitly considering Wells's lack of criminal history, military service, health history, family history, mental-health struggles and steps to sobriety, as well as his low score for risk of reoffending in the

psychosexual evaluation. The district court balanced these mitigating factors against the fact that the criminal sexual conduct was consistent and persistent and was committed by a parental figure, and the fact that Wells encouraged secrecy by telling J.S. that they would both get in trouble if J.S. reported the abuse. The district court also considered Wells's lack of remorse, as reflected in his complete disavowal of the assault. Based on these factors, the district court decided not to depart dispositionally.

Wells contends that the fact that he denied sexually abusing J.S. does not rule out amenability to probation, citing *State v. Hickman*, 666 N.W.2d 729 (Minn. App. 2003). In *Hickman*, we upheld a downward dispositional departure despite the fact that the appellant “was less than fully remorseful” for his tax-evasion offenses, noting that “remorse is only one of the *Trog* factors.” 666 N.W.2d at 732. Wells is correct that denial of the offense does not automatically rule out amenability to probation; however, it does not follow that a court is barred from considering lack of remorse in deciding not to depart.

Moreover, the record does not demonstrate that the district court ruled out Wells's motion for downward departure solely because he lacked remorse. Instead, the record shows that the district court carefully evaluated Wells's amenability to probation using the *Trog* factors and exercised its considerable discretion not to depart dispositionally. We see no abuse of discretion in that decision.

B. The district court did not abuse its discretion by sentencing Wells within the presumptive range.

Wells argues that the district court abused its discretion by sentencing him near the top of the presumptive range. He contends that the district court may have considered an

improper factor in arriving at the term that it imposed and that a new sentencing hearing is necessary.

A district court's sentencing decision within the presumptive range is reviewed for an abuse of discretion. *State v. Soto*, 855 N.W.2d 303, 307-08 (Minn. 2014). "[A]ny sentence within the presumptive range for the convicted offense constitutes a presumptive sentence." *State v. Delk*, 781 N.W.2d 426, 428 (Minn. App. 2010). Absent compelling circumstances, appellate courts generally do not exercise their authority to modify a sentence within the presumptive range. *State v. Freyer*, 328 N.W.2d 140, 142 (Minn. 1982).

The presumptive sentence in this case was 144 months, with a discretionary range of 144 to 172 months. Minn. Sent'g Guidelines 4.B, Sex Offender Grid. The district court sentenced Wells to 168 months. At the sentencing hearing, the district court pointed to two reasons why the offense was "not the usual charge that would merit the 144-month presumptive" sentence. First, the court discussed the fact that the abuse was persistent, by a parental figure in the home, and "shrouded in guilt and shame." Second, the district court discussed Wells's lack of remorse:

There is also here not only a lack of remorse, but a complete disavowal, which essentially amounts to blaming the victim and claiming he made this all up. That, then, becomes a double assault. The jury's verdicts established that they credited entirely J.S. and so by trying to discredit him, that was an additional aggravating factor.

At the close of the sentencing hearing, Wells's attorney addressed the district court's statement about an "aggravating factor," stating, "I don't think Counsel's strategy at trial

is an aggravating factor, nor do I think the length of the deliberation is an aggravating factor.” The district court responded,

Certainly, and that was not to say that the length of the verdict was aggravating. It was simply to say that they clearly believed and credited J.S.’s testimony immediately, and just that [Wells] taking the stand and saying that J.S. made it all up was, therefore, an additional infliction of harm to J.S.

Wells’s attorney responded, “Correct. However, I don’t think trying to discredit the victim is an aggravating factor. I’m not aware of any case law that permits for that.” The district court replied, “Certainly. And this is within the guidelines. This is the guideline sentence.”

Wells argues that the district court’s statements suggest that it might have improperly considered as an aggravating factor Wells’s exercise of his trial rights when imposing the 168-month term. He maintains that reversal and remand is necessary because the record does not reveal whether the district court would have imposed the same sentence absent reliance on the improper factor. *Cf. State v. Chauvin*, 989 N.W.2d 1, 37 (Minn. 2023) (affirming a defendant’s sentence without considering one aggravating factor because it was beyond a reasonable doubt that the district court would impose the same sentence without that factor).

The state responds that Wells “misconstrues the district court’s words and takes them out of context,” contending that the district court’s discussion of an “aggravating factor” was simply an explanation of why the record did not support a finding of remorse as part of the *Trog* factor analysis. The state also asserts that the district court expressly based its sentence on the facts of this case—namely, Wells’s repeated and persistent sexual abuse; his abuse of trust; his use of guilt, fear, and shame to compel J.S. to hide the abuse;

the deep emotional scars on J.S. from the abuse; and Wells's lack of remorse. Moreover, the state asserts, the district court responded to defense counsel's stated concern by explaining that it was not using Wells's exercise of his trial rights to enhance his punishment.

Upon our review of the record, we agree with the state that the district court did not improperly consider Wells's exercise of trial rights as a basis for imposing a sentence toward the top of the presumptive range. We acknowledge that the district court's discussion of remorse at the sentencing hearing seems to merge consideration of the *Trog* factors for departure with the discussion of the district court's determination of the sentencing term. But we also note that, when defense counsel questioned the district court's explanation for its sentence, the district court agreed with defense counsel that the exercise of Wells's trial rights was not a proper aggravating factor. Even if a district court's comments "reflect a poor choice of words," so long as the district court based its decision on the underlying facts in the record, the district court acted within its discretion. *State v. Eller*, 780 N.W.2d 375, 384 (Minn. App. 2010). Here, as the state asserts, the district court outlined the underlying facts that warranted a sentence at near the top of the range. We see no abuse of discretion or reason to remand for resentencing.

Affirmed.