

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-2018**

State of Minnesota,
Respondent,

vs.

Juan Jose Sanchez Andrade,
Appellant.

**Filed January 12, 2026
Affirmed
Worke, Judge**

Hennepin County District Court
File No. 27-CR-23-12654

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

Mary F. Moriarty, Hennepin County Attorney, Nicole Cornale, Assistant County Attorney,
Minneapolis, Minnesota (for respondent)

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

Considered and decided by Frisch, Chief Judge; Worke, Judge; and Cochran, Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant challenges his first-degree criminal-sexual-conduct conviction, arguing that the district court abused its discretion by admitting expert testimony and denying him

an opportunity for surrebuttal. Appellant also argues that the evidence was insufficient to support his conviction, the prosecutor committed misconduct, and the district court erred in sentencing. We affirm.

FACTS

In August 2021, J.B. notified law enforcement that, when he was around six years old, his then 15-year-old cousin, appellant Juan Jose Sanchez Andrade, sexually assaulted him multiple times within a period of six months. Respondent State of Minnesota charged Andrade with first-degree criminal sexual conduct.

At trial, J.B. testified that he started having flashbacks of the sexual assaults after he started working with children. These flashbacks would sometimes cause panic attacks. J.B. testified about his recollection of the sexual assaults.

Over objection, a CornerHouse forensic interviewer testified as an expert in interviewing sexually abused children. The interviewer explained script and episodic memories:

A script memory would be driving home from work every single day and getting to your driveway and not remembering how you got there. Your brain allowed you to perform that action, but you do it with such regularity that it doesn't necessarily retain the data of every single trip home you make.

. . . .

An episodic memory refers to a single incident, something that has context So, on that way home, if you hit a deer, the chances are pretty high that you're going to remember that drive home that day.

The interviewer testified about “narrative practice,” a technique employed at the beginning of an interview in which the interviewer asks the child to recall a “neutral event”—such as going to a park—to assess how well the child can “organically pull forward” specific and detailed information from their script memory. This assessment helps the interviewer structure subsequent questions to isolate details of the multiple incidents of abuse. The interviewer further testified that individuals who suppress traumatic memories may recall only “pieces of . . . of that event,” and that it is common for sexual-abuse victims to disclose different information to different people.

In closing arguments, Andrade asserted that the allegations were not believable because no family member noticed any physical signs of sexual abuse or heard J.B. yell in pain when he was being abused, and there was no evidence that J.B. “pulled away” from Andrade when Andrade led J.B. to the bathroom where he assaulted him. The prosecutor stated in rebuttal that Andrade’s assertion that there should have been noticeable injuries and actions should be ignored as speculation leading to “fanciful or capricious doubt” and “victim blaming.” The prosecutor asserted that, instead, the jury should rely on the evidence. The district court overruled Andrade’s objection that the prosecutor’s statement was inappropriate and belittling. The district court denied Andrade’s request for surrebuttal to respond to the prosecutor’s statements.

The jury found Andrade guilty of first-degree criminal sexual conduct. The district court sentenced Andrade to 86 months in prison. This appeal followed.

DECISION

Expert Testimony

Andrade argues that the district court abused its discretion by allowing the interviewer to testify about script and episodic memories because she was not qualified to testify about such and the testimony was not helpful to the jury. Appellate courts review admission of expert testimony for an abuse of discretion. *State v. Ritt*, 599 N.W.2d 802, 810 (Minn. 1999). “A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record.” *State v. Garland*, 942 N.W.2d 732, 742 (Minn. 2020) (quotation omitted). District courts should be cautious when admitting expert testimony, especially in criminal cases, because expert testimony may unduly influence the jury. *State v. Grecinger*, 569 N.W.2d 189, 193 (Minn. 1997).

Expert Qualification

Andrade argues that the interviewer was not qualified to testify about script and episodic memories. For expert testimony to be admissible at trial, the witness must be “qualified as an expert by knowledge, skill, experience, training, or education.” Minn. R. Evid. 702.

Here, the district court determined that the interviewer was qualified to testify about script and episodic memories “based on her formal education, work experience, review of the research, [and] training that she has both given and received.” In reviewing the record, nothing in the interviewer’s education, experience, or training¹ conflicts—logically,

¹ The interviewer has associate’s and bachelor’s degrees in law enforcement and a master’s degree in criminal justice, has conducted approximately 500 forensic interviews, and her

factually, or legally—with her qualification to testify. The district court did not abuse its discretion by determining that the interviewer was qualified to testify about script and episodic memories.

Helpful to the Jury

Andrade argues that, even if the interviewer was qualified to testify about script and episodic memories, the district court abused its discretion by allowing her to testify about such because her testimony did not help the jury. Andrade claims that, rather than being helpful, the interviewer’s testimony about script and episodic memories was confusing and misled the jury regarding the reliability of J.B.’s memory.

For expert testimony to be admissible, it must “assist the trier of fact to understand the evidence or to determine a fact in issue.” Minn. R. Evid. 702. “An expert witness may not testify as to the credibility of a specific witness, [but they] may be able to testify generally as to certain psychological or physiological conditions that may affect credibility, if such testimony is beyond the knowledge and experience of an average jury.” *State v. Reese*, 692 N.W.2d 736, 741 (Minn. 2005). In *State v. Myers*, 359 N.W.2d 604, 610 (Minn. 1984), the supreme court identified the importance of expert testimony in child sexual-abuse cases:

The nature . . . of the sexual abuse of children places lay jurors at a disadvantage. . . . [T]he common experience of the jury may represent a less than adequate foundation for assessing the credibility of a young child who complains of sexual abuse. . . .

job requires her to keep abreast of literature and research in the area of child abuse and attend meetings to “discuss th[e] [peer-reviewed research], [and] determine whether . . . [to] incorporate it into any of [the] trainings to make sure that [the field is] staying within the limits of best practice.”

By explaining the emotional antecedents of the victim's conduct . . . an expert can assist the jury in evaluating the credibility of the complainant.

The interviewer's testimony falls squarely within the principle stated in *Myers*. She stated that children subjected to repeated sexual abuse often recall the abuse through script memory—that is, the typical sequence of events that occurred when being abused—and the forensic interviewer will utilize techniques to isolate individual experiences of those incidents. Contrary to Andrade's assertion, the interviewer did not testify as to J.B.'s credibility; instead, she provided context to J.B.'s disclosure. *See Myers*, 359 N.W.2d at 610 (“Background data providing a relevant insight into the puzzling aspects of the child's conduct and demeanor which the jury could not otherwise bring to its evaluation of [the child's] credibility is helpful and appropriate in cases of sexual abuse of children . . .”). And the interviewer testified that forensic interviewing does not determine whether the interviewee is lying. The district court did not abuse its discretion by admitting the interviewer's expert testimony on script and episodic memories.

Surrebuttal

Andrade argues that the district court abused its discretion by denying him surrebuttal during closing arguments. Appellate courts review limitations on closing arguments for an abuse of discretion. *State v. Morrow*, 834 N.W.2d 715, 729 (Minn. 2013).

A district court may allow surrebuttal if it finds that “the prosecution has made a misstatement of law or fact or an inflammatory or prejudicial statement in rebuttal.” Minn. R. Crim. P. 26.03, subd. 12(k). A prosecutor “has a right to vigorously argue its case,” with colorful arguments, including “that the evidence does not support particular

defenses”; however, they may not belittle the defendant, or their attorney, abstractly or by suggesting that the defense raised was the only one that may be successful. *State v. Graham*, 764 N.W.2d 340, 356 (Minn. 2009). Reviewing courts look at “the closing argument as a whole, rather than to selected phrases and remarks.” *Id.* Whether a prosecutor’s statements were belittling or inflammatory rests on whether the closing argument was “couched in arguments about the evidence, including evidence about the witnesses and forensics.” *Id.*; *see also State v. Davis*, 982 N.W.2d 716, 727 (Minn. 2022) (concluding prosecutor’s statement that defendant’s “only hope” was for jury to ignore the “facts” was proper within “context of an argument about the evidence”).

Andrade argues that he and his attorney were belittled, and the jury’s passions were inflamed, when the prosecutor stated that Andrade’s arguments were “speculation” and “victim blaming.” We disagree. The prosecutor’s statement that the jury should disregard the speculations asserted by Andrade, within context, was addressing the evidence and merits of his defense. *See Davis*, 982 N.W.2d at 727 (“Calling the defense’s possible theory a ‘fantasy’ was a reference to the evidence.”). Similarly, the prosecutor’s statement that “the suggestions that [J.B.] should have done something else, would have done something else, . . . is victim blaming” was a response to the evidence and merits of the defense asserted. *See Graham*, 764 N.W.2d at 356-57 (recognizing that prosecutor asking for “justice” for victims was not to “inflame the jury’s passions and prejudices against the defendant” but was “based on the evidence and did not pursue an improper purpose”). Moreover, the district court found that these arguments were proper, “and this conclusion

is entitled to deference.” *See Nunn v. State*, 753 N.W.2d 657, 662 (Minn. 2008). The district court did not abuse its discretion by denying surrebuttal.

Pro se Supplemental Brief

In his pro se supplemental brief, Andrade argues that the evidence was insufficient to support his conviction, the prosecutor committed misconduct,² and the district court erred in sentencing. However, Andrade fails to provide legal support, argument, or authority for these claims; thus, these claims are forfeited. *See State v. Reek*, 942 N.W.2d 148, 165-66 (Minn. 2020).

Affirmed.

² Andrade’s prosecutorial-misconduct argument also overlaps with his surrebuttal argument. Because the prosecutor’s challenged statements were appropriate, this claim fails.