

*This opinion is nonprecedential except as provided by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
A24-2037**

State of Minnesota,
Respondent,

vs.

Corey Devon Young,
Appellant.

**Filed December 22, 2025
Affirmed
Johnson, Judge**

St. Louis County District Court
File No. 69DU-CR-22-3527

Keith Ellison, Attorney General, Peter Magnuson, Assistant Attorney General, St. Paul, Minnesota; and

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

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

Considered and decided by Reyes, Presiding Judge; Worke, Judge; and Johnson, Judge.

NONPRECEDENTIAL OPINION

JOHNSON, Judge

A St. Louis County jury found Corey Devon Young guilty of second-degree intentional murder based on undisputed evidence that he fired a handgun at another person at close range, causing the person's death. At trial, Young's attorney urged the jury to find

Young guilty of the lesser-included offense of second-degree unintentional felony murder. On appeal, Young argues that the district court erred on the ground that the lesser-included-offense jury instruction improperly directed the jury to consider the greater offense before considering the lesser offense. We conclude that the jury instruction did not improperly direct the jury in the manner described by Young. Therefore, we affirm.

FACTS

This appeal arises from an incident involving Young, who was 17 years old at the time, and X.A.S., who also was 17 years old. Young and X.A.S. met in middle school and were close friends until they had a falling out in the tenth grade.

During the evening of July 2, 2022, X.A.S. and three other teenage boys went to a home in the city of Duluth to confront Young. One of the boys later testified at trial that X.A.S. wanted to fight Young so that the two could settle their differences and be friends again. The confrontation was captured by two surveillance videocameras—one at the front door of the home, which captured the incident clearly, and another in a city park some distance away. The videorecordings were introduced into evidence at trial and played for the jury.

After X.A.S. and the other boys arrived at the home, Young came outside and walked toward the front yard. Both Young and X.A.S. stood on the front sidewalk, less than ten feet apart, and faced each other. Young reached into a fanny-pack-style bag that was strapped across his chest and pulled out a handgun. Young pointed the handgun at X.A.S., who did not move and did not attempt to defend himself or flee. Young fired three

shots in quick succession. X.A.S. fell to the ground after the second shot. X.A.S. was taken to a hospital, where he was pronounced dead.

Young was certified for prosecution as an adult, and the state charged Young with second-degree intentional murder, in violation of Minn. Stat. § 609.19, subd. 1(1) (2020), and possession of a firearm by an ineligible person, in violation of Minn. Stat. § 624.713, subd. 1(1) (2020). The case was tried to a jury on four days in May and June 2024. The state called seven witnesses, including the friends of X.A.S. who were present and witnessed the incident. Young called two witnesses and, in addition, testified in his own defense. Young testified that he intended only to scare X.A.S. and did not intend to hit him with a bullet or to kill him.

At the instructions conference, Young objected to the district court's proposed instruction regarding the lesser-included offense of second-degree unintentional felony murder. Young argued that the district court's proposed instruction would improperly direct the jury to consider the greater offense before the lesser offense. The district court overruled Young's objection and instructed the jury as follows:

The law provides that upon the prosecution of a person for a crime, if the person is not guilty of that crime, the person may be guilty of a lesser crime. Lesser crime in this case is felony murder in the second degree.

The presumption of innocence and the requirement of proof beyond a reasonable doubt apply to this lesser crime. If you find beyond a reasonable doubt that the defendant has committed each element of the lesser crime, but you have a reasonable doubt about any different element of the greater crime, the defendant is guilty only of the lesser crime.

In closing argument, Young's attorney asked the jury to find Young guilty of the lesser-included offense on the ground that Young did not intend to kill X.A.S.

The jury returned guilty verdicts on the charges of second-degree intentional murder and possession of a firearm by an ineligible person. The jury did not return a verdict on the lesser-included offense of second-degree unintentional felony murder. The district court imposed concurrent sentences of 330 and 15 months of imprisonment. Young appeals.

DECISION

Young argues that the district court erred in its jury instruction on the lesser-included offense. Specifically, Young contends that the district court erred "by instructing the jury that they should consider the lesser-included offense if they found Young not guilty of the greater offense, which suggested the order the jury should consider the charges and deprived Young of having the jury considering his presented defense."

In general, a district court must instruct a jury in a way that "fairly and adequately explain[s] the law of the case" and does not "materially misstate[] the applicable law." *State v. Koppi*, 798 N.W.2d 358, 362 (Minn. 2011). Appellate courts review jury instructions "as a whole to determine whether the instructions accurately state the law in a manner that can be understood by the jury." *State v. Kelley*, 855 N.W.2d 269, 274 (Minn. 2014). A district court has "considerable latitude in selecting language for jury instructions." *State v. Gatson*, 801 N.W.2d 134, 147 (Minn. 2011) (quotation omitted). Accordingly, we review a district court's jury instructions under an abuse-of-discretion standard of review. *Koppi*, 798 N.W.2d at 361.

A criminal defendant may be found guilty of “either the crime charged or an included offense, but not both.” Minn. Stat. § 609.04, subd. 1(1) (2020). Accordingly, a defendant “is entitled to appropriate instructions advising the jury of its power to return a verdict of guilty of the lesser offense,” so long as “the evidence adduced at trial would permit a finding of guilty of an included crime.” *State v. Dahlin*, 695 N.W.2d 588, 593 (Minn. 2005). If a district court gives a lesser-included-offense instruction, “[c]onsideration of both the greater- and lesser-included crimes is important because it may cause the jury to evaluate the evidence differently with regard to an essential element.” *State v. Prtine*, 784 N.W.2d 303, 316 (Minn. 2010). Consequently, “it is error for a district court to suggest the order in which the jury should consider the charges.” *Id.* A district court also errs if it “instructs the jury to consider the lesser crimes only if it finds the defendant not guilty of the charged offense.” *State v. Davis*, 864 N.W.2d 171, 179 (Minn. 2015) (quotation omitted).

These principles are illustrated in three supreme court opinions. In *Prtine*, the jury asked the district court a question during deliberations: “If we agree on a higher charge, do we need to rule on the lesser charges?” 784 N.W.2d at 316. The district court answered by instructing the jury that “it should proceed ‘down the line’ until it arrived at a guilty verdict and after arriving at a guilty verdict it was not required to consider the remaining offenses.” *Id.* at 317. The supreme court concluded that the district court erred. *Id.* In *Davis*, the district court instructed the jury that it “need not consider . . . the lesser offenses that are now being submitted.” 864 N.W.2d at 179. The supreme court concluded that the district court erred because “the jury easily could have interpreted instructions that it ‘need

not consider' lesser offenses to mean that it should consider the most serious charge first" and "could have concluded . . . that if it found the defendant guilty of the most serious charge, it need not continue its deliberations." *Id.* In *State v. Woodard*, 942 N.W.2d 137 (Minn. 2020), the district court instructed the jury on the charged offense of first-degree murder and the lesser-included offense of second-degree murder. *Id.* at 141. The supreme court concluded that the district court erred by instructing the jury that it should "only consider murder in the second degree if there's a not guilty finding on murder in the first degree." *Id.* at 144.

The district court's instruction in this case is unlike the instructions in *Prtime*, *Davis*, and *Woodard*. In this case, the district court did not specify the order in which the jury should consider the greater and lesser offenses, as in *Prtime*. *See* 784 N.W.2d at 316-17. In addition, the district court did not instruct the jury that it "need not consider" the lesser offense or that it needed to consider the lesser offense "only" if it were to find Young not guilty on the greater offense. *See Woodard*, 942 N.W.2d at 141, 144; *Davis*, 864 N.W.2d at 179. The first paragraph of the challenged instruction (which is quoted above) is consistent with the relevant statute and does not specify one offense that should be considered before the other. *See* Minn. Stat. § 609.04, subd. 1(1). The second paragraph avoids the pitfalls of *Davis* and *Woodard* by referring to the lesser offense before referring to the greater offense and by avoiding mandatory or imperative language.

Furthermore, the district court also instructed the jury that "[t]he order in which these instructions are given is of no significance" and that "[y]ou are free to consider the instructions in any order that you wish." And when the district court later explained the

six verdict forms that were given to the jury (two for each submitted offense), the district court stated, “You should draw no inference from the order in which the forms are given to you.” These instructions effectively communicated that the jury should consider both the greater and the lesser murder offenses, regardless of the order in which the two offenses were presented in the instructions and the verdict forms.

Thus, the district court did not err in its jury instruction concerning the lesser-included offense because the district court did not suggest the order in which the jury should consider the greater and lesser offenses and did not instruct the jury to consider the lesser offense only if it were to find the defendant not guilty of the greater offense.

Affirmed.