

*This opinion is nonprecedential except as provided by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
A25-0011**

State of Minnesota,
Respondent,

vs.

Anthony James Cox,
Appellant.

**Filed December 15, 2025
Affirmed
Smith, John, Judge ***

Washington County District Court
File No. 82-CR-23-483

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

Kevin M. Magnuson, Washington County Attorney, Andrew T. Jackola, Assistant County Attorney, Stillwater, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Rebecca Ireland, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bratvold, Presiding Judge; Schmidt, Judge; and Smith, John, Judge.

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

NONPRECEDENTIAL OPINION

SMITH, JOHN, Judge

We affirm the district court’s evidentiary decision to admit a letter purportedly sent by appellant Anthony James Cox because it was properly authenticated under Minnesota Rule of Evidence 901. We also conclude that Cox’s due-process rights were not violated by the destruction of non-material video footage, and that the district court did not plainly err by admitting surveillance footage offered by the state at trial.

FACTS

In May 2022, corrections officers at a Minnesota correctional facility reported that appellant and inmate Anthony James Cox threw a plastic container filled with a hot, black liquid at another inmate, H.H. In the moments leading up to the alleged assault, Cox was making “coffee bombs”—a mixture of coffee, syrup, and water that is heated up in the microwave for several minutes. Video surveillance of the facility showed Cox standing by a microwave for over four minutes until a small group of inmates entered the area. Cox then removed the container from the microwave, walked toward the group, and threw the liquid at H.H. The heat from the liquid severely burned H.H.’s torso and right eye, resulting in an extended hospital stay and permanent injuries. Cox was charged by respondent State of Minnesota with third-degree assault under Minnesota Statutes section 609.223, subdivision 1 (2022).

After the attack, a corrections officer found Cox in his cell and escorted him to the Administrative Control Unit (ACU), a form of solitary confinement. The officer stated that Cox told him he threw the coffee bomb at H.H. “because [H.H.] beat him up in his room.”

This incident occurred after a period of escalating conflict between Cox and H.H. Cox worked as a “swamper” within his unit, meaning he performed janitorial work. On the side, Cox and H.H. participated in poker games among the inmates. According to Cox’s testimony, one particular game of poker resulted in H.H. owing Cox \$60 that he could not afford to pay. Cox offered to let him pay \$20, but H.H. refused to pay back anything, saying that if Cox wanted the money, he could “come get it like Tyson.” Cox also testified that the two got into a physical fight in his cell several days before the coffee-bomb incident after Cox continued, unsuccessfully, to seek payment from H.H.

After he was charged, Cox requested the state to disclose all relevant video in its possession. Cox claimed that he knew the kitchen area where the incident occurred was equipped with multiple cameras, and that officers recorded a statement from him on a handheld camera shortly after the incident, but he had received only one angle of overhead surveillance footage from the state. He filed a motion asking the court to find that the video evidence was improperly destroyed in violation of his due-process rights. The district court found that the footage was destroyed per the Department of Corrections’ standard data-retention policies and denied Cox’s motion.

The case went to a jury trial in August 2024. The state presented several corrections officers as witnesses, including an officer who witnessed Cox throw the coffee bomb, the officer to whom Cox allegedly confessed, and the special investigator at the correctional facility who gathered all footage and evidence related to the incident. The state offered overhead surveillance footage of the incident as an exhibit through the special investigator’s testimony.

The state also offered an unsigned letter as an exhibit through the testimony of V.K., an investigator of correctional intelligence. His duties included mail monitoring between inmates. At the time, V.K. was monitoring the mail of the inmate to whom the letter was addressed, but not Cox. V.K. explained that he “perused” the contents of the letter, which was unsigned. The letter’s opening lines stated, “This is Scantless—Anthony.”¹ The author also included several details specific to Cox, such as identifying themselves as a “swamper” and discussing the coffee-bomb incident. V.K. quoted the following portion at trial:

Well, I saw a large canteen purchased microwave bowl hit that man in his face with hot fluid. From what I heard, it was an accident. \$10, 10 syrups. \$10, ten steps from the microwave. \$10, ten servings of Columbian coffee. \$10, ten minutes in the microwave.

Poetic justice. One in a million chances, but people slip and spill hot liquid every day. Hazards of the kitchen.

V.K. stated that he believed the letter “indicat[ed] why some things had happened within the correctional facility,” prompting him to copy the letter and alert the special investigator. Cox objected to the letter for lack of foundation, which the district court overruled.

Cox was found guilty. He appeals.

DECISION

Cox argues that the letter presented by the state was admitted without proper authentication, resulting in prejudicial error warranting a new trial. In a pro se brief, Cox argues for reversal or a new trial because the state destroyed material evidence improperly

¹ Scantless is Cox’s nickname at the correctional facility.

and the district court admitted surveillance footage without proper authentication. We address each argument in turn.

I. The district court did not abuse its discretion by admitting the letter purportedly written by Cox.

We review evidentiary rulings, including with respect to the adequacy of foundation, for abuse of discretion. *Turnage v. State*, 708 N.W.2d 535, 542 (Minn. 2006). A district court abuses its discretion when its ruling is “based on an erroneous view of the law or is against logic and the facts in the record.” *State v. Guzman*, 892 N.W.2d 801, 810 (Minn. 2017). Cox bears the burden of showing that the district court abused its discretion, and that prejudice resulted. *State v. Peltier*, 874 N.W.2d 792, 802 (Minn. 2016).

Exhibits may be properly authenticated by “evidence sufficient to support a finding that the matter in question is what its proponent claims.” Minn. R. Evid. 901(a). The Minnesota Rules of Evidence provide several methods of authentication, including testimony by a “witness with knowledge” or the exhibit’s “distinctive characteristics” such as its “[a]pppearance, contents, substance, [or] internal patterns . . . taken in conjunction with circumstances.” Minn. R. Evid. 901(b)(1), (4).

The district court admitted the letter at issue over Cox’s objection under rule 901 “based upon the contents of the letter and in combination with Mr. Cox’s testimony.” Cox argues that his conviction must be reversed and remanded for a new trial because V.K. lacked sufficient personal knowledge about the letter or Cox, and he was therefore unable to authenticate the exhibit properly. The state responds that V.K. not only had sufficient personal knowledge to testify that the letter is what its proponent claimed, but also the

exhibit could be authenticated through its distinctive characteristics—notably, the author’s reference to themselves as a “swamper,” the description of the conflicts between Cox and H.H., and references in the letter to the debt H.H. owed Cox.

We find the state’s argument more persuasive, particularly in light of *Moore v. State*, 945 N.W.2d 421 (Minn. App. 2020). In *Moore*, the state offered an unsigned letter purportedly by Moore as an exhibit at trial through the testimony of an investigating police sergeant. *Id.* at 431-32. The sergeant received the letter directly from Moore’s cellmate, who in turn stated it was written by Moore. *Id.* at 428, 431. The officer testified that he received the letter from the cellmate, he recognized it to be written in Moore’s handwriting, and it contained fingerprints from Moore. *Id.* at 432.

Relevant here, *Moore* highlights an important distinction when authenticating an unsigned letter. The district court found, and we affirmed, that the letter was authenticated “when the sergeant testified that he received it from [the cellmate] and properly placed it into evidence.” *Id.* The fingerprint and handwriting evidence, meanwhile, was relevant to whether the “jury could reasonably infer that the author of the letter was [the defendant].” *Id.* In other words, the sergeant in *Moore* explained the chain of custody that resulted in his possession of the letter, as well as the distinctive characteristics of the letter that could lead the jury to infer that the defendant wrote it.

As in *Moore*, V.K. testified that he received “a letter between two inmates” while monitoring mail, and the contents of the letter “indicat[ed] why some things had happened within the correctional facility,” causing him to copy the letter and alert the special investigator. He did not testify that Cox wrote the letter. Instead, V.K. was asked who the

“sender” of the letter was “filled out as,” and he responded that it was Cox. All inferences as to whether Cox actually wrote the letter were left to the jury to decide. Because the district court’s ruling is in accordance with *Moore*, we are satisfied that it did not abuse its discretion.

We also agree with the state that the distinctive characteristics in the letter’s contents support the district court’s ruling. V.K. testified that he “perused” the letter and knew its contents. The information in the letter described the events surrounding the coffee-bomb incident sufficient to infer that the letter was relevant to the ongoing investigation, or that the letter was potentially written by Cox. Given that V.K. had personal knowledge of these distinctive characteristics, this information would also aid in the authentication of the unsigned letter.

We conclude that the letter was properly authenticated through V.K.’s personal knowledge of receiving the letter and knowledge of the letter’s distinctive characteristics. Accordingly, we conclude that the district court did not abuse its discretion by admitting the letter under rule 901.

II. Cox’s additional challenges in his pro se supplementary brief do not warrant reversal.

We next consider Cox’s arguments from his pro se brief. First, he argues that the state destroyed exculpatory video evidence in violation of his due-process rights. Second, he challenges the authentication of the surveillance footage admitted at trial. We consider both arguments in turn.

A. Cox’s due-process rights were not violated by the destruction of surveillance footage because he has not shown that the footage was material, nor that the destruction was in bad faith.

Destruction of evidence by the state may violate due process when “the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.” *Brady v. Maryland*, 373 U.S. 83, 87 (1963). Whether a due-process violation occurred is a question of law, which we review de novo. *State v. Beecroft*, 813 N.W.2d 814, 836 (Minn. 2012).

We perform a two-pronged analysis to determine whether the destruction of evidence violated a defendant’s due-process rights. *State v. Hawkinson*, 829 N.W.2d 367, 372 (Minn. 2013). First, in accordance with *Brady*, we determine whether “the destroyed evidence had apparent and material exculpatory value.” *Id.* Evidence is material if there is a “reasonable probability” that a different outcome would have resulted had the evidence been disclosed. *Ezeka v. State*, 16 N.W.3d 768, 779 (Minn. 2025) (quotation omitted). The defendant must offer “something beyond mere hope” that the evidence is exculpatory to warrant protection under *Brady*. *Hawkinson*, 829 N.W.2d at 373 (quoting *Illinois v. Fisher*, 540 U.S. 544, 548 (2004)).

Second, if the evidence does not have apparent and material exculpatory value, we will conclude that a due-process violation occurred only if the evidence was potentially useful and it was destroyed in bad faith. *Id.* Two factors potentially showing bad faith include (1) “whether the State purposefully destroyed evidence favorable to a defendant so as to hide it” and (2) “whether the State failed to follow standard procedures when it

destroyed the evidence.” *Id.* at 373 (citations omitted). The defendant bears the burden of showing bad faith by the state. *Id.*

Cox first argues that his due-process rights were violated because the Department of Corrections destroyed all footage of the incident except the overhead footage admitted at trial. He also challenges the destruction of footage of a statement he gave to corrections officers directly after the incident in which the state alleged Cox confessed to throwing the coffee bomb at H.H.

We are not persuaded that Cox experienced a *Brady* violation under either argument. Regarding the surveillance footage, Cox contends that closer footage of the incident or different angles may have shown that the “alleged crime was instead an accident.” As support, he asserts that the plastic bowl holding the coffee bomb melted and spilled onto him, causing him to react by throwing the bowl. But “mere hope” of what the footage might show is not enough to prove a *Brady* violation occurred. *Id.* at 373 (quotation omitted). Without support in the record of this theory, the exculpatory value of this footage is not apparent.

At any rate, the record shows that the destroyed surveillance footage would not have been material. At trial, the special investigator stated that the overhead footage was chosen as an exhibit specifically because other cameras showed only “short little stints” of the incident whereas this footage offered “full documentation of the whole incident from the start until after.” This testimony suggests that the destroyed footage was less helpful than the footage offered at trial. Based on the lack of evidence showing that the destroyed

footage was material, we cannot determine that it offered a “reasonable probability” of changing the outcome of the case. *Ezeka*, 16 N.W.3d at 779 (quotation omitted).

As for the footage of the alleged confession, we also do not see the material or exculpatory value of the evidence. Cox argues that the footage, had it been available, would show that he did not confess and therefore impeach contrary witness testimony. *Brady* protections apply to evidence that may impeach “a witness whose reliability may well be determinative of guilt or innocence.” *Id.* at 780 (quotation omitted). The officer who testified about the confession stated, “Once we got to ACU, [Cox] did make a statement that—he said that the reason he did it is because [H.H.] beat him up in his room on the Friday night or whatever.” The confession was not referenced at any other point during trial. Additionally, there was strong evidence of Cox’s guilt unrelated to that confession, such as eyewitness testimony of the incident by other officers, the surveillance footage, and evidence showing potential motive. Even if this footage were available and could have impeached the witness’s testimony, that testimony does not appear determinative of guilt or innocence. *See id.* We therefore conclude that there was no *Brady* violation.

Turning to the second prong—potential usefulness and bad faith—we agree that the footage was potentially useful, but we are not persuaded that it was destroyed in bad faith. The special investigator testified that all the requested footage was deleted because of the Department of Corrections’ retention policy. Destruction of evidence as part of standard procedure weighs against a finding of bad faith. *Hawkinson*, 829 N.W.2d at 373-74. Cox argues that the footage was destroyed despite his multiple requests for it, but such requests alone are not demonstrative of bad faith. *Id.* at 375. Cox also argues that the footage may

have been deleted in retaliation by the prison's corrections staff. But as in prong one, he again points to no evidence in the record supporting this claim. We therefore conclude that Cox failed to meet his burden of showing bad faith.

Accordingly, having determined that the evidence at issue was not material or exculpatory, and it also was not destroyed in bad faith, we conclude that Cox's due-process rights were not violated.

B. The district court did not plainly err by admitting the surveillance footage offered by the state.

As a final point, Cox argues that the overhead surveillance footage offered at trial was not properly authenticated, and because no other footage was available, this error was highly prejudicial to his case.

Because there was no objection to this evidence at trial, this court reviews for plain error. *State v. Myhre*, 875 N.W.2d 799, 804 (Minn. 2016). An error is plain if it “contravenes case law, a rule, or a standard of conduct.” *State v. Webster*, 894 N.W.2d 782, 787 (Minn. 2017). To meet the plain-error standard, a defendant must show: “(1) there was an error, (2) the error was plain, and (3) the error affected the defendant's substantial rights.” *Myhre*, 875 N.W.2d at 804. If the standard is met, courts also consider whether the error must be addressed to “ensure fairness and the integrity of the judicial proceedings.” *Id.* at 804-05 (quotation omitted).

Recall that Minnesota Rule of Evidence 901 permits authentication in several ways. Relevant here, exhibits may be authenticated by “describing a process or system used to produce a result and showing that the process or system produces an accurate result.” Minn.

R. Evid. 901(b)(9). We have applied this rule to video evidence, holding that videos “may be authenticated by testimony describing the reliability of the process or system that created the tape” or by “testimony from an observer that the videotape is an accurate portrayal of the event, if the evidence sufficiently demonstrates that the videotape is what its proponent claims.” *In re Welfare of S.A.M.*, 570 N.W.2d 162, 166 (Minn. App. 1997).

Cox argues that the special investigator who provided the foundation for the overhead footage at trial was not a qualified video technician and unable to identify the chain of custody of the video prior to obtaining it. The record does not support this conclusion.

The special investigator testified about the process through which he obtained the footage and affirmed the accuracy of the clip presented at trial. He stated that he obtained the footage as part of his investigation into the incident, and he reviewed the footage directly from the camera on the day of the incident or the day after. He also described the general process for gathering evidence in special investigations, stating that the corrections staff gathers the evidence, the special investigator reviews it, and he then transmits it to the county attorney. And although he stated that he was not the only person who had possession of this particular video, he testified that the clip offered at trial accurately reflected the original video he viewed in his investigation.

Cox argues that this authentication was improper based on our nonprecedential case, *State v. Pehl*, but his reliance is misguided under a plain error standard of review. No. A11-1651, 2012 WL 3101271 (Minn. App. July 30, 2012). Recall that an error is plain if it “contravenes case law, a rule, or a standard of conduct.” *Webster*, 894 N.W.2d at 787.

Nonprecedential opinions are not binding caselaw. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c). A district court failing to follow a nonprecedential case would therefore not be a plain error.

Based on the investigator's testimony, we cannot say that the district court erred by admitting the surveillance footage, let alone plainly erred. We therefore conclude that there was no plain error in the district court's ruling, and we decline to reach the remaining prongs of the plain-error analysis. *See Montanaro v. State*, 802 N.W.2d 726, 732 (Minn. 2011) ("[I]f we find that any one of the [plain-error] requirements is not satisfied, we need not address any of the others.").

Affirmed.