

*This opinion is nonprecedential except as provided by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
A25-0030**

State of Minnesota,
Respondent,

vs.

Guillermo Lenin Huaman,
Appellant.

**Filed August 11, 2025
Affirmed
Larkin, Judge**

Hennepin County District Court
File No. 27-CR-23-8054

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

Mary F. Moriarty, Hennepin County Attorney, Robert I. Yount Assistant County Attorney,
Evan Coakley (certified law student practitioner), Minneapolis, Minnesota (for respondent)

Stephen M. Foertsch, Margaret G. Samec, Bruno Law, PLLC, Golden Valley, Minnesota
(for appellant)

Considered and decided by Larkin, Presiding Judge; Larson, Judge; and Bentley,
Judge.

NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellant challenges his conviction of fifth-degree criminal sexual conduct, arguing
that the evidence was insufficient to sustain the district court’s finding of guilt. We affirm.

FACTS

On April 17, 2023, respondent State of Minnesota charged appellant Guillermo Lenin Huaman with one count of second-degree criminal sexual conduct. The parties agreed to a stipulated-evidence court trial on an amended charge of fifth-degree criminal sexual conduct. The parties submitted approximately 33 exhibits for the district court's consideration.

The stipulated record indicates that on December 14, 2022, then-sixteen-year-old MM told her mother that her former Spanish Language Arts teacher, Huaman, had touched her inappropriately at school approximately five years earlier. Her mother reported the abuse to law enforcement, and MM participated in a forensic interview.

In her forensic interview, MM explained that Huaman began teaching at her Spanish immersion school when she was in fifth grade. Starting around November of that school year, MM was in Huaman's class from 2:00 p.m. to 3:00 p.m. MM said that after the first month of MM's attendance in his class, Huaman began to be "weird" around her. He called her "beautiful" and "angel" in Spanish, and he had MM sit in the back of the classroom so they could have "private conversations."

MM said that when Huaman was done with a lesson, he would pass out worksheets to students. Because MM sat in the back of the room, she was the last one to receive a worksheet. Huaman always had the "exact amount" of papers for the number of students in the class and would not need to return to his desk to put the rest of the papers down. When the student who sat next to MM was not in class, Huaman would sit in that seat.

MM said that Huaman would stay next to her at her desk. He would pet MM's hair, rub her back, and praise her work. If she got a question wrong, Huaman "put more force into the back rubbing and hair petting." Around the third month of MM's attendance in Huaman's class, he gradually began to touch her chest and would "grab . . . her breasts" over her clothes. In her forensic interview, MM demonstrated how Huaman would touch her breasts by squeezing her forearm with her hand. MM said that if she tried to "shake him off," Huaman would sometimes "get mad and he'd just like try to do it more" and would "stroke harder" over her clothes. MM said that she tried to get a friend's attention so that Huaman would stop.

MM said that one time, Huaman touched MM's back and side and another student gave MM "a worried look." MM explained Huaman did not touch her chest "that day." MM claimed that she had told her father and her friend AW about the touching.

Based on MM's forensic interview, police contacted AW's family. Although AW told her mother that she did not recall what MM had told her about Huaman, she recalled that another student, SD, had said that Huaman touched her hair and called her pretty.

SD participated in a forensic interview. SD stated that when she was in fifth grade, Huaman touched her in a "weird" way. Huaman would ask SD and other students to come to his desk to discuss grades or what they were doing in class. When SD was behind Huaman's desk, he would start to touch her knees with his hand and then his hand went up to her thighs. Huaman also would ask SD if she wanted a massage when she was sitting at her desk. If she declined, Huaman would become "really weird and upset." He would say, "I'm just tryna be nice. God," and "you don't have to act like this." His hands would touch

SD's shoulders, move down her back, and end up at her stomach. When Huaman reached SD's stomach, he would put his hand under SD's shirt. SD named other students who also thought Huaman was "weird," but SD did not name MM.

The stipulated-evidence record included submissions from Huaman. He submitted several affidavits, including his own. In his affidavit, Huaman stated that he "never touched [MM] in a sexually inappropriate manner" and that he "never touched her breasts or the area surrounding her breasts." He stated that the "only time [he] touch[es] students in class is for support and encouragement, and it is never in an inappropriate or sexual manner." He "would not touch a student anywhere except on the shoulder or hand, or, perhaps to reference a part of the body that corresponds to a Spanish word."

Huaman also submitted an affidavit from his teaching assistant during the 2017-2018 school year. That teaching assistant remembered that MM rotated to Huaman's classroom beginning mid-year. He "never saw Mr. Huaman do anything sexually inappropriate to [MM] or touch [MM] in a sexually inappropriate manner." The "only time [the teaching assistant] saw Mr. Huaman touch a student was in a supportive, professional manner, such as an encouraging touch on the shoulder or hand, as if to say 'you can do it,' or to illustrate the meaning of a Spanish word, such as hand or arm."

In addition to affidavits, Huaman submitted MM's mental health and school records. MM's mental-health-treatment progress notes from October 2022 indicated that MM reported a "history of impulsivity," including lying, and that MM denied experiencing any sexual abuse in the past. In March 2018, MM qualified for special-education services due to health and learning disabilities.

Based on the stipulated evidence, the district court found Huaman guilty. The district court found MM's and SD's statements credible. The district court also found the affidavits of Huaman's witnesses credible, but it explained that its credibility determination regarding those affidavits was not dispositive.

The Court accepts the affidavits of Mr. Huaman's colleagues at the school as true. The Court did not have the benefit of observing their manner, but these individuals would have no motive to lie. However, the fact that they never saw Mr. Huaman touch [MM] or another student in a sexually inappropriate manner does not foreclose the possibility that it happened. The other two 5th grade teachers were not in the classroom when Mr. Huaman was teaching. His teaching assistant, while likely present much of the time, certainly was not tasked with watching Mr. Huaman's every move in the classroom. [The teaching assistant's] affidavit does not explain what his job was during class, where he was seated, or what he was doing while Mr. Huaman was interacting with students. While the Court finds the affidavit of [the teaching assistant] credible, it does not contradict [MM's] detailed and credible statement.

Finally, the district court found that Huaman's affidavit was not credible: "In light of the other evidence in this case, specifically the video and audio recorded Cornerhouse interviews of [MM] and [SD], the court finds [Huaman's] affidavit to be not credible to the extent he denied ever having touched [MM] or [SD] in a sexually inappropriate manner."

Huaman appeals his resulting conviction of fifth-degree criminal sexual conduct.

DECISION

Huaman contends that the stipulated evidence was insufficient to support the district court's finding of guilt.

We have adopted two tests for evaluating a sufficiency-of-the-evidence claim. When a disputed element of the offense

is proven by direct evidence, the traditional standard of review applies. But when a disputed element of the offense is proven by circumstantial evidence, a heightened two-step analysis standard of review applies.

State v. Jones, 4 N.W.3d 495, 500 (Minn. 2024).

Direct evidence relies on personal knowledge or observation and “proves a fact without inference or presumption.” *State v. Olson*, 982 N.W.2d 491, 495 (Minn. App. 2022) (quotation omitted). Circumstantial evidence is “evidence from which the fact-finder can infer whether the facts in dispute existed or did not exist.” *Id.* (quotation omitted); see also *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (stating that “circumstantial evidence always requires an inferential step to prove a fact that is not required with direct evidence”).

Under the traditional standard, “an appellate court carefully analyzes the record to determine whether the evidence, viewed in the light most favorable to the conviction, was sufficient to permit the fact-finder to reach its verdict.” *Olson*, 982 N.W.2d at 495. “The appellate court assumes that the fact-finder believed the state’s witnesses and disbelieved any contrary evidence.” *Id.* “The appellate court defers to the fact-finder’s credibility determinations and will not reweigh the evidence on appeal.” *Id.* “An appellate court will not disturb a guilty verdict if the fact-finder, acting with due regard for the presumption of innocence and the requirement of proof beyond a reasonable doubt, could have reasonably concluded that the state proved the defendant’s guilt.” *Id.*

“Under the circumstantial-evidence standard of review, an appellate court first determines the circumstances proved, disregarding evidence inconsistent with the verdict.”

Id. at 496. “Next, the appellate court determines whether the circumstances proved are consistent with guilt and inconsistent with any rational hypothesis other than guilt.” *Id.* (quotation omitted). “The appellate court does not defer to the fact-finder’s choice between reasonable inferences.” *Id.* “But an appellate court will not reverse a conviction based on circumstantial evidence unless there is a reasonable inference other than guilt.” *Id.*

“An appellate court uses the same standard of review in bench trials and in jury trials in evaluating the sufficiency of the evidence.” *Id.* (quotation omitted). “The appellate court does so even if a guilty verdict was based on circumstantial evidence.” *Id.*

Huaman was found guilty of fifth-degree criminal sexual conduct under Minn. Stat. § 609.3451, subd. 1(1) (2016), which makes it a crime for a person to engage “in nonconsensual sexual contact.” That offense has three elements: (1) sexual contact, (2) without consent, and (3) venue. *See* Minn. Stat. § 609.3451, subd. 1(1).

For the purposes of Minn. Stat. § 609.3451, subd. 1(1), “sexual contact” includes the “intentional touching by the actor of the complainant’s intimate parts” or the “touching of the clothing covering the immediate area of the intimate parts,” committed “with sexual or aggressive intent.” Minn. Stat. §§ 609.3451, subd. 1, .341, subd. 11(a)(i), (iv) (2016). “Intimate parts” include “the breast of a human being.” Minn. Stat. 609.341, subd. 5 (2016).

A criminal-sexual-conduct victim’s testimony constitutes direct evidence. *See State v. Huss*, 506 N.W.2d 290, 291-92 (Minn. 1993) (“At trial, the state’s only direct evidence that the child was abused came from the child herself.”); *see also State v. Coley*, 468 N.W.2d 552, 555 (Minn. App. 1991) (“The victim’s uncontradicted testimony constituted

direct evidence of his crimes.”). In her forensic interview, MM reported that Huaman would touch her “around [her] chest and [her] waist,” “grab [her] chest sometimes,” “grab . . . [her] breasts,” and “move his hand around [her] chest.” Thus, in determining that Huaman touched MM’s breast, the district court relied on direct evidence.

Huaman argues that the evidence was insufficient to support the district court’s guilty verdict because MM was not credible. He summarizes his argument as follows:

Given [MM’s] parents’ concern in October 2022 of her increased lying, the non-corroboration of three purported witnesses proffered by [MM], the five-year delay before the December 2022 report of sexual abuse, [MM’s] denial in October 2022 of prior sexual abuse, the 2023 concern of attention seeking behaviors and [MM] not feeling liked or loved enough, it is just as plausible that [MM] embellished an allegation she heard as a fifth grader to distract from the trouble she was in, receive attention, and rally parental love and attention.

“Assessing the credibility of a witness and the weight to be given a witness’s testimony is exclusively the province of the [fact-finder].” *State v. Mems*, 708 N.W.2d 526, 531 (Minn. 2006). We do not consider a witness’s credibility on appeal. *State v. Garrett*, 479 N.W.2d 745, 747 (Minn. App. 1992), *rev. denied* (Minn. Mar. 19, 1992). A fact-finder is in “the best position to evaluate the credibility of the evidence.” *State v. Silvernail*, 831 N.W.2d 594, 599 (Minn. 2013). “When the testimony of the defendant and the victim differ sharply, the [fact-finder] is entitled to believe the victim’s account.” *State v. Folley*, 378 N.W.2d 21, 26 (Minn. App. 1985).

The district court found MM credible, and it provided extensive reasons for doing so:

As noted above the Court finds [MM] credible. This finding is based in part on [MM's] recollection of details and her descriptions of events that are not likely to be fabricated by a teenager. [MM's] recollection that she began rotating into Sr. Huaman's class mid-year between 2-3 in the afternoon is consistent with Defendant's statement and those of the other 5th grade teachers. [MM's] description of how Sr. Huaman would hand out the worksheets to the rest of the class before ending with her is specific. Her impression that he did this so that he could linger at her desk was detailed and nuanced, including her specific observation that he always had the "exact" amount of papers so that he could stay at her desk and did not have to go back to his desk to drop off any extras. This recollection and impression are particularly compelling because it contains a subtle observation that a teenager would be unlikely to concoct. [MM's] description of the touching was detailed, but more importantly it is not a colorful or egregious description that one would expect from a story that is designed to garner attention.

The district court's reasoning is supported by the record. In her forensic interview, MM stated that "we would go to his class at . . . 2:00 to like 3:00," that she started "going to his class around . . . November," that Huaman would touch her when he was done with the lesson and would pass out worksheets, that "he always had the exact amount of papers for the class, so he didn't need to go back to his desk . . . so he would just kinda stay at my desk instead of going back to his desk." We will not re-evaluate MM's credibility; we defer to the district court's determination. *See Garrett*, 479 N.W.2d at 747.

"It is well-settled that a conviction can rest on the uncorroborated testimony of a single credible witness." *State v. Hill*, 172 N.W.2d 406, 407 (Minn. 1969); *see also State v. Myers*, 359 N.W.2d 604, 608 (Minn. 1984) (stating that "in a prosecution for criminal sexual conduct the complainant's testimony need not be corroborated"). "Corroboration . . . of sexual abuse of a child is required only if the evidence otherwise

adduced is insufficient to sustain conviction.” *Myers*, 359 N.W.2d at 608. Testimony, which is positive and relatively consistent, even if not particularly detailed, is sufficient to sustain a conviction. *Marshall v. State*, 395 N.W.2d 362, 365-66 (Minn. App. 1986), *rev. denied* (Minn. Dec. 17, 1986).

Huaman argues that MM’s testimony “must still be credible if it is to be the sole basis for a conviction” and that “the lack of corroboration, particularly where corroboration would be expected, may very well constitute reasonable doubt.” But the caselaw on which Huaman relies is readily distinguishable and, therefore, not persuasive here.¹

Moreover, although corroboration was not required, MM’s statements were corroborated by SD’s statements, which the district court found credible. The district court concluded that SD’s report regarding her experience with Huaman corroborated MM’s report, explaining:

[SD’s] account of her experiences with [Huaman] corroborates [MM’s] statement. [SD’s] report is eerily similar to [MM’s] in key respects. It describes a similar kind of in-the-open touching that occurred in a classroom full of other students. [SD] and [MM] [b]oth describe Sr. Huaman as reacting in a “mad,” pouty manner when they tried to avoid his attention. Although similar, the two girls’ stories were not

¹ See *Huss*, 506 N.W.2d at 290-92 (reversing conviction for sexual abuse of a three-year-old child because the only direct evidence came from the child and the child had been repeatedly exposed to “a highly suggestive book on sexual abuse” with “the express intention of encouraging the child to state that [the defendant] had abused her”); *State v. Langteau*, 268 N.W.2d 76, 77 (Minn. 1978) (reversing in the interests of justice and stating, “[t]he reason why defendant would have held up [the victim], with whom he was well acquainted, is left a mystery”); *State v. Gluff*, 172 N.W.2d 63, 64-65 (Minn. 1969) (reversing because an armed robbery victim observed defendant for fewer than two minutes, during which time her eyes were “riveted on the gun,” and “there was no evidence whatever to corroborate defendant’s implication in the crime other than [the victim’s] selection of [his] photograph from a police file”).

identical and neither girl told a story that was colorful or dramatic. When asked by the interviewer to identify other girls who might have had the same experience or witnessed anything, [MM] and [SD] did not name each other. Given their age and maturity levels, the [c]ourt rejects the suggestion that they conspired with each other to tell a story about their teacher or that [MM] attempted to mimic [SD's] account of her interactions with him. Their stories are not similar enough, the nuanced and subtle conduct they describe is unique and not indicative of a “story,” and neither girl led police to the other. Furthermore, [SD] never reported the conduct until asked and she was reluctant to share her story at Cornerhouse. [SD] had no motive to fabricate a story and appeared uninterested—or even averse to—any attention regarding this matter.

Huaman complains that the district court erred by relying on SD's statement too heavily in its credibility determinations. But we do not reweigh the evidence on appeal, and we will not reverse a credibility determination stemming from a district court's choice regarding how to weigh the evidence. *See Olson*, 982 N.W.2d at 495 (“The appellate court defers to the fact-finder's credibility determinations and will not reweigh the evidence on appeal.”).

Huaman also complains that:

There was no testimony taken in the stipulated evidence trial. MM did not testify about her account, and she was not subject to cross examination. There were no eyewitnesses to the alleged conduct despite a roomful of students, teaching assistant, and volunteer parents in the class. There was no physical evidence to support MM's allegation. There was no recorded recollection such as a journal by MM. There were no contemporaneous or later allegations made to the school or to medical or mental health professionals.

But as Huaman acknowledges, he agreed to a stipulated evidence trial, and he explicitly waived his rights to “have the prosecution witnesses testify in open court in [his]

presence” and to “question those prosecution witnesses.” He does not challenge that waiver on appeal. Thus, his argument that we should reject the district court’s credibility determination based on his inability to cross examine MM is unavailing. The remainder of his argument invites us to reweigh the evidence, which we cannot do. *See id.*

In sum, direct evidence sufficiently establishes that Huaman touched MM’s breast. Huaman argues that the evidence fails to establish that the touching was “intentional” and committed with “sexual or aggressive intent.” *See* Minn. Stat. 609.341, subd. 11(a)(i). Huaman correctly notes that intent is normally proved circumstantially, as it was in this case. *See State v. Davis*, 656 N.W.2d 900, 905 (Minn. App. 2003) (“The intent element of a crime, because it involves a state of mind, is generally proved circumstantially . . .”). Huaman’s briefing on this issue is minimal. It instead focuses on the argument that MM was not credible, and it does not apply the two-step process used to review an element proved with circumstantial evidence. Huaman’s argument regarding the sufficiency of the circumstantial evidence of sexual intent was first articulated at oral argument to this court as follows: “if there was any touch by [Huaman] . . . it was inadvertent.” He argued that the record supports that hypothesis of innocence because although SD described similar touching, she did not say that Huaman touched her breast.

We are not persuaded that Huaman’s hypothesis of innocence is reasonable for the following reasons. During her forensic interview, MM reported that Huaman “grab[bed]” her breast and demonstrated that touching by squeezing her forearm with her hand. That conduct is inconsistent with inadvertent touching. Indeed, “[t]he intent of the defendant is usually readily inferable from the doing of the act—once one is convinced that the act took

place.” *State v. Wermerskirchen*, 497 N.W.2d 235, 240 n.2 (Minn. 1993) (quoting 22 Charles Alan Wright & Kenneth W. Graham, Jr., *Federal Practice & Procedure—Evidence* § 5239 at 461–62 (1978)).

We do not reverse a conviction based on circumstantial evidence for mere conjecture. *State v. Lahue*, 585 N.W.2d 785, 789 (Minn. 1998). “[P]ossibilities of innocence” do not justify relief. *State v. Ostrem*, 535 N.W.2d 916, 923 (Minn. 1995). Because direct evidence sufficiently establishes that Huaman “grabbed” MM’s breast, because the circumstances of that touching reasonably support an inference that he did so with sexual intent, and because Huaman has not shown a reasonable hypothesis of innocence regarding his intent, we do not disturb the verdict.

Affirmed.