

*This opinion is nonprecedential except as provided by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
A25-0238**

State of Minnesota,
Respondent,

vs.

Michael Lynn Bethel,
Appellant.

**Filed December 29, 2025
Affirmed
Johnson, Judge**

Sherburne County District Court
File No. 71-CR-23-790

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

Dawn R. Nyhus, Sherburne County Attorney, George R. Kennedy, Assistant County Attorney, Elk River, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jessica Merz Godes, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Ross, Presiding Judge; Johnson, Judge; and Ede, Judge.

NONPRECEDENTIAL OPINION

JOHNSON, Judge

A Sherburne County jury found Michael Lynn Bethel guilty of criminal sexual conduct based on evidence that he sexually abused a grandchild of his wife when the grandchild was between the ages of eight and sixteen. We conclude that the district court

did not err by admitting evidence that Bethel previously had engaged in similar conduct toward another girl. Therefore, we affirm.

FACTS

In September 2022, sixteen-year-old S.R. told a teacher that Bethel, who was married to her grandmother, had repeatedly sexually abused her since she was eight years old. The teacher notified S.R.'s parents, who spoke with S.R.'s grandmother and then reported the matter to law enforcement, which conducted an investigation.

In June 2023, a grand jury returned an indictment charging Bethel with five counts of criminal sexual conduct: one count of first-degree criminal sexual conduct, in violation of Minn. Stat. § 609.342, subd. 1(a) (2012); three counts of second-degree criminal sexual conduct, in violation of Minn Stat. § 609.343 subds. 1(g) (2018), 1(g) (2016), 1(h)(iii) (2012); and one count of fourth-degree criminal sexual conduct, in violation of Minn Stat. § 609.345, subd. 1a(f) (Supp. 2021). The state later amended the first-degree charge to instead allege second-degree criminal sexual conduct, in violation of Minn Stat. § 609.343, subd. 1(a) (2012).

In July 2023, the state gave notice of its intent to offer evidence that Bethel had engaged in similar conduct on other occasions in the past. Specifically, the state sought to introduce evidence that (1) in 1988, Bethel had engaged in criminal sexual conduct against his daughters, who then were six and eight years old; (2) between 1994 and 1995, Bethel had engaged in criminal sexual conduct against his then-girlfriend's two daughters, who then were six or seven years old; and (3) between 2010 and 2012, Bethel had engaged in an uncharged act of criminal sexual conduct against S.R. when she was five years old.

In April 2024, Bethel filed a motion *in limine* to exclude the state's other-acts evidence, also known as *Spreigl* evidence. *See State v. Spreigl*, 139 N.W.2d 167 (Minn. 1965). Each party filed a memorandum of law. The state's proffer was contained in its memorandum, which summarized police reports and plea-hearing transcripts related to the first and second categories of evidence described above and summarized S.R.'s anticipated testimony related to the third category. The district court held a pre-trial conference in May 2024 at which the parties presented arguments on the *Spreigl* issue, and the district court took the matter under advisement.

In June 2024, approximately ten days before trial, the district court filed an order in which it ruled that some of the state's proffered *Spreigl* evidence is admissible and some is not. Specifically, the district court ruled that the state could introduce evidence concerning Bethel's conduct toward his then-girlfriend's two daughters in 1994 and 1995 (the second category of noticed *Spreigl* evidence described above) but that the state could not introduce evidence concerning Bethel's conduct toward his daughters in 1988 or his conduct toward S.R. between 2010 and 2012 (the first and third categories of evidence described above).

The case was tried to a jury on three days. The state's first witness was S.R., who testified as follows. Bethel sexually abused her numerous times when she was between the ages of eight and sixteen when she visited the home that Bethel shared with her grandmother. Bethel often required her to accompany him on trips to the grocery store under the pretext that he needed her help bagging groceries, but he parked his vehicle and then rubbed S.R.'s vagina with his hand, under her clothing. Bethel took photographs of

her vagina with his cellphone on some of those occasions. When she was eight years old and playing videogames in the basement, Bethel placed her on his lap and rubbed her vagina with his hand, under her clothing. When she was approximately 13 years old, Bethel placed her hand on his groin area for approximately 30 seconds. When she was 14 years old, Bethel touched her buttocks over her clothing while she was playing pool. When she was 16 years old, Bethel squeezed her breasts over her clothing while she was looking at social media on her cellphone.

The state introduced its *Spreigl* evidence through the testimony of one of his former girlfriend's two daughters, A.M.V., who testified as follows. A.M.V., her siblings, and her mother previously lived with Bethel because A.M.V.'s mother and Bethel were in a relationship. In 1995, when A.M.V. was six years old, Bethel sexually touched her on multiple occasions. When her mother was away from home, Bethel often sexually touched her legs, her buttocks, and her vagina. In one particular incident that occurred in the living room, Bethel placed her on his lap and touched her vagina with his hands, under her clothes. In another incident, Bethel took her to his bedroom, kissed her, asked her to touch his penis, pushed her face against his penis, tried to force her to suck on his penis, and touched her vagina with his hands.

Bethel did not testify. He called one witness, his wife, who testified that her grandchildren, including S.R., often spent time at her house as children; that S.R. seemed happy and well-adjusted whenever she visited; that she did not recall S.R. ever appearing uncomfortable around Bethel; and that she did not recall S.R. ever being alone with Bethel for an extended period of time.

The jury found Bethel guilty of all five charges. With respect to the fourth and fifth charges, the district court imposed two sentences of imprisonment for life with the possibility of supervised release after 84 months and 150 months, respectively. The district court did not adjudicate guilt on the first, second, and third charges. Bethel appeals.

DECISION

Bethel argues that the district court erred by ruling that the state could introduce the *Spreigl* evidence that was provided by A.M.V.

“Evidence of another crime, wrong, or act is not admissible to prove the character of a person in order to show action in conformity therewith” though it may be admissible “for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.” Minn. R. Evid. 404(b)(1). In Minnesota, evidence of “prior bad acts” is known as *Spreigl* evidence. *State v. Washington*, 693 N.W.2d 195, 200 (Minn. 2005). Such evidence generally is inadmissible unless

- (a) the proffered evidence is relevant to an identified material issue other than conduct conforming with a character trait;
- (b) the other crime, wrong, or act and the participation in it by a relevant person are proven by clear and convincing evidence;
- and (c) the probative value of the evidence is not outweighed by its potential for unfair prejudice to the defendant.

Minn. R. Evid. 404(b)(2). This court applies an abuse-of-discretion standard of review to a district court’s admission of *Spreigl* evidence. *State v. Smith*, 9 N.W.3d 543, 561 (Minn. 2024).

In this case, the state offered its *Spreigl* evidence concerning A.M.V. for the purpose of establishing Bethel’s intent, motive, knowledge, and a common scheme or plan. The

district court stated in its order that the state may introduce *Spreigl* evidence concerning A.M.V. for all of the purposes identified in its motion.

Bethel challenges the admission of the state's *Spreigl* evidence in two ways. First, he contends that the *Spreigl* evidence concerning A.M.V. is not relevant to a material issue on the grounds that the purposes of intent, motive, and knowledge are inapplicable and that the common-scheme-or-plan purpose is unavailable because the incidents A.M.V. described in her testimony are not sufficiently similar to the incidents described by S.R. In its responsive brief, the state does not address intent, motive, or knowledge but, rather, seeks to uphold the district court's ruling solely on the basis of common scheme or plan. Accordingly, we confine our analysis to common scheme or plan.¹

The supreme court has recognized that *Spreigl* evidence may be relevant and material in a case concerning criminal sexual conduct against a child on the ground that such evidence may be used to “establish common scheme or plan, *i.e.*, to establish that the act occurred.” *State v. Wermerskirchen*, 497 N.W.2d 235, 241 (Minn. 1993); *see also State v. Ness*, 707 N.W.2d 676, 688 (Minn. 2006). But if *Spreigl* evidence is offered for that purpose, “the misconduct must have a *marked similarity* in modus operandi to the charged offense.” *State v. Clark*, 738 N.W.2d 316, 346 (Minn. 2007) (quotation omitted).

¹Bethel asserts that the state's “real purpose” was not to prove a common scheme or plan but to show that he was “opportunistic” because he committed multiple sexual assaults whenever he was alone with a young girl. In support of this assertion, Bethel refers to part of the prosecutor's closing argument. But the argument referenced refers only to the evidence provided by S.R. about the charged offenses in this case, not the *Spreigl* evidence concerning A.M.V.

In its written order, the district court acknowledged these legal principles and stated that the incidents involving A.M.V. are “very similar” to the allegations in this case. The district court identified several specific similarities between the proffered evidence concerning A.M.V. and the allegations in this case, as follows:

(1) Mr. Bethel having the children sit on his lap while he sexually assaults them, similar to count 1,

(2) Waiting for the adult female figure to be gone or go shopping himself to isolate the child victim away from other adult figures, similar to count 3,

(3) Digital penetration or rubbing over the vaginal area in a number of the incidents, similar to counts 1 and 3,

(4) Having the child rub their body or hand over his clothed penis in a number of the incidents, similar to count 2,

(5) Using the situation to force the child to remain in a small space such as on a chair or in a bedroom while the sexual assault occurs,

(6) Mr. Bethel begins to assault the child victims when they reach age 5 or 6,

(7) Told both A.M.V. and Child A not to tell anyone about the incidents.

Bethel challenges the district court’s reasoning by emphasizing that A.M.V.’s trial testimony about the incident in the bedroom is unlike any incident about which S.R. testified. If that were the extent of A.M.V.’s testimony, there may be a lack of marked similarity. But A.M.V. also testified about other incidents, which are more similar to the incidents about which S.R. testified. Bethel also focuses on relatively minor differences between the 1994-1995 incidents and the allegations in this case, such as the specific body

parts of the two girls that Bethel touched, the difference between the ages of six and eight, and the rooms of the homes in which Bethel engaged in sexual conduct toward the two girls. But “*Spreigl* evidence need not be identical in every way to the charged crime.” *State v. Kennedy*, 585 N.W.2d 385, 391 (Minn. 1998). The differences identified by Bethel do not undermine the district court’s determination that the incidents involving A.M.V. are markedly similar to the allegations in this case. Thus, the district court did not abuse its discretion in making that determination.

Second, Bethel contends that the probative value of the state’s *Spreigl* evidence is outweighed by its potential for unfair prejudice. In determining whether the probative value of other-acts evidence is outweighed by its potential for unfair prejudice, a district court must “balance the relevance of the other offenses, the risk of the evidence being used as propensity evidence, and the State’s need to strengthen weak or inadequate proof in the case.” *State v. Fardan*, 773 N.W.2d 303, 319 (Minn. 2009).

In this case, the district court expressly considered this issue in depth in its written order. The district court reasoned that excluding the proffered evidence from 1988 (the first category of noticed *Spreigl* evidence described above), which was similar to the evidence from the 1994-1995 time period (the second category), would alleviate the potential for unfair prejudice. Similarly, the district court excluded the proffered *Spreigl* evidence concerning S.R. (the third category) on the ground that it would increase the probability of unfair prejudice. But the district court reasoned that A.M.V.’s testimony about incidents that occurred during the 1994-1995 time period would “relate directly” to whether the charged conduct occurred, would not persuade by illegitimate means, and

would be accompanied by a cautionary instruction. Bethel asserts that the admitted *Spreigl* evidence was “extremely prejudicial,” but his reasons for that characterization do not indicate that the potential prejudice in this case is greater than typical in cases of this type. Thus, the district court did not abuse its discretion by reasoning that the probative value of the state’s admissible *Spreigl* evidence is not outweighed by its potential for unfair prejudice.

In sum, the district court did not err in its pre-trial ruling that the state’s *Spreigl* evidence concerning sexual conduct by Bethel toward A.M.V. in 1994 and 1995 is admissible for the purpose of proving a common scheme or plan.

Affirmed.