

*This opinion is nonprecedential except as provided by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
A25-0275**

State of Minnesota,
Respondent,

vs.

Brandon Leigh Stevens,
Appellant.

**Filed February 17, 2026
Affirmed
Ross, Judge**

Clearwater County District Court
File No. 15-CR-23-591

Keith Ellison, Attorney General, Timothy C. Rank, Assistant Attorney General, St. Paul, Minnesota; and

Karin Hughes, Clearwater County Attorney, Bagley, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Kathryn J. Lockwood, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

NONPRECEDENTIAL OPINION

ROSS, Judge

A jury found Brandon Stevens guilty of first-degree criminal sexual conduct after it received evidence that he sexually penetrated a woman who had been intoxicated to the point of unconsciousness. Stevens appeals from his consequent conviction, arguing that the evidence was insufficient to support the guilty verdict. Because the evidence supports the

finding that Stevens knew or should have known about the victim's helpless condition and the jury can determine guilt based on the testimony of a single witness, we affirm.

FACTS

A woman reported to the Clearwater County Sheriff's Department in June 2023 that she woke up in her bed naked from the waist down being kissed by Brandon Stevens. We will call this woman "Lynn," a name we have randomly chosen in the interest of protecting her privacy. Lynn reported that she had been intoxicated and unconscious from consuming alcoholic beverages the previous night out, unable to remember how she had gotten home. The state eventually charged Stevens with first- and third-degree criminal sexual conduct, and the jury received testimony detailing the following account.

After Lynn reported the incident, Sheriff's Deputy Meagan Pereira advised her to participate in a sexual assault nurse examination (SANE). Lynn agreed to do so. Lynn told the SANE nurse that she had been "black out drunk" but recalled waking up to vaginal pain and saw Stevens digitally penetrating her. The nurse collected cervical and vaginal swabs that showed the presence of sperm and male DNA.

Deputy Pereira interviewed Stevens in December 2023 after Lynn's report. Stevens told the deputy that he and Lynn had met at a social outing where they consumed alcohol at various venues throughout the evening. Stevens said that Lynn had invited him to stay the night at her place and that they went to bed fully clothed. Stevens denied having any sexual contact with Lynn. He added without prompting, however, "[S]he must have said that I raped her or something, something awful." Deputy Pereira then informed Stevens that she had secured a search warrant to obtain a sample of his DNA. Stevens then offered

conflicting theories. He said at first that investigators would not find his DNA on Lynn, consistent with his claim that he had done nothing sexual with Lynn. But then he said that, if he and Lynn “were doing stuff,” then it was “pretty much both consensual.”

Lynn recounted that she met Stevens at a casino bar where they consumed alcoholic beverages for several hours. They drank at other venues throughout the evening, drinking at another bar and then consuming a bottle of rum in a camper owned by Stevens’s cousin. Lynn testified that she woke up in bed at her home in the “pitch black” with no recollection of how she got there. She said that she felt her head repeatedly hitting her bedside dresser and that Stevens was on top of her, kissing her, digitally penetrating her vagina, and asking if “it felt good.” Lynn believed that she said “it was great” but also thought that she could not speak during the sexual encounter. She testified that she alternated between sleep and consciousness, intermittently waking up because “[the penetration] kept hurting.” She said that she would stay awake only “for a little bit” before falling back asleep so she “wouldn’t have to pay attention to it.” She stated that she eventually woke up alone, naked from the waist down.

The nurse who examined Lynn testified, “[S]he stated in her own words that she was black out drunk” and “wasn’t sure who had brought her back there.” She said that Lynn had told her that “Brandon was there and that he had fingered her and kissed her, and . . . she woke up because he was fingering her, and it was hurting.” She testified that she swabbed Lynn outside and inside her vagina for DNA testing and also inside her mouth.

A Minnesota Bureau of Criminal Apprehension (BCA) forensic scientist testified that he performed a serology test on the swabs of collected material for DNA profiling and

completed a report of his findings. He testified that the test revealed male DNA recovered from the vaginal and cervical swabs the nurse had provided. Then he testified that he had tested a sample of Stevens's DNA, which had been provided to the BCA by the Clearwater County Sheriff's Office. He told the jury that the DNA from the swabs of Lynn's vagina and cervix matched Stevens's DNA.

Stevens also testified. He no longer claimed he had not engaged with Lynn sexually the night of the alleged assault. He conceded that Lynn consumed many alcoholic beverages throughout the evening, including rounds of whiskey at the local bar, shots of rum with Stevens's cousin, and additional liquor before the sexual act. But Stevens asserted that Lynn had spoken coherently, walked straight, and maintained a normal posture. He painted her as the sexual aggressor. He testified that she had invited him at least three times to spend the night with her after the two arrived at her home and that he eventually agreed. He said that they continued to drink liquor, talked, and listened to music. He maintained that several times he had indicated he wanted to leave and that, after the third time, he got up to leave because the friends who had dropped them off were waiting for him outside, but she urged him to stay. He said that he went outside to inform his friends—whom he said had been waiting “at least a half hour” to give him a ride—that he was going to stay because Lynn asked him to. He said that after he went back inside, “She puts the bottle down . . . she gets up onto the bed, kicks her shoes off She kind of, she grabbed my, she grabbed me on my shirt. She was – she grabbed my shirt.” He said they kissed until “she put her hands down my pants” and touched him sexually. He testified, “She started taking off her pants, start unzipping her pants, pulling them off, and she . . . kind of kicked

them off” He answered “Yes” after his lawyer then prompted, “And she was the one who initiated that?” He said he penetrated her vagina with his finger, and he asserted, “She grabbed me. She . . . grabbed my shoulder again, pulled, pulling me towards her.” He claimed, “[T]hat’s when she pulled, pulled me towards her, and we, we just started kissing again and that le[d] to the sex.” He acknowledged that his testimony contradicted his police-interview statement, claiming that he had lied to the investigator because he felt a “little nervous” and a “little scared” at the time.

The jury found Stevens guilty on both counts, and the district court entered a conviction on first-degree criminal sexual conduct involving a physically helpless victim, in violation of Minnesota Statutes section 609.342, subdivision 1(c)(iii) (2022). The district court sentenced Stevens to serve 144 months in prison.

DECISION

Stevens challenges his conviction, arguing that the evidence is insufficient to support the guilty verdict for two reasons. He first maintains that the evidence is insufficient to establish that Lynn was physically helpless and that, even if the evidence proves that element, it is insufficient to prove that he knew or had reason to know she was physically helpless. He maintains second that the evidence was insufficient to corroborate Lynn’s single-witness testimony of the sexual encounter. We address both theories.

I

We are not convinced by Stevens’s argument that the evidence fails to prove that Lynn was physically helpless and that he knew or should have known that she was so. We review an evidence-insufficiency argument by examining the record to determine whether

the jury could reasonably conclude from the evidence and its reasonable inferences that the defendant was guilty beyond a reasonable doubt. *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016). We consider the evidence in the light most favorable to the guilty verdict and assume that the jury disbelieved any contrary evidence. *Id.* A person commits first-degree criminal sexual conduct if he sexually penetrates a victim, personally injures her, and “knows or has reason to know that [she] is mentally impaired, mentally incapacitated, or physically helpless.” Minn. Stat. § 609.342, subd. 1(c)(iii). A victim is physically helpless if she is “(a) asleep or not conscious, (b) unable to withhold consent or to withdraw consent because of a physical condition, or (c) unable to communicate nonconsent and the condition is known or reasonably should have been known to the actor.” Minn. Stat. § 609.341, subd. 9 (2022). Consent can be in the form of either words or actions communicating a present agreement to engage in a sexual act. *Id.*, subd. 4(a) (2022). For the following reasons, the evidence proves the statutory elements.

The direct evidence sufficiently proved that Lynn was physically helpless at the time of sexual penetration. Sexual penetration includes “any intrusion however slight into the genital or anal openings . . . of the complainant’s body by any part of the actor’s body.” *Id.*, subd. 12(2)(i) (2022). The jury heard that Lynn drank alcohol to the point of blacking out. It learned from Stevens that he had been “fingering” Lynn after her night of heavy drinking. It learned that Lynn had contemporaneously reported to the examining nurse that she had awakened to the pain of Stevens’s finger in her vagina. Lynn testified that she was “unconscious and then” she “came to” and “woke up” in her bed naked below her waist like she was “coming out of . . . a dream,” with Stevens touching her vagina. This evidence

was sufficient for the jury to find that Lynn was “asleep or not conscious,” and therefore “physically helpless,” at the time Stevens digitally penetrated her vagina.

We are not persuaded otherwise by Stevens’s reliance on *State v. Blevins*, where we concluded that, because the complainant in fact withdrew her consent, the state failed to show that she was unable to withhold or withdraw her consent. 757 N.W.2d 698, 701 (Minn. App. 2008). *Blevins* is therefore irrelevant to our analysis, which focuses instead on whether the evidence is sufficient to show that Lynn was helpless not based on her inability to withdraw consent but based on her having been asleep or unconscious when Stevens sexually penetrated her. *See* Minn. Stat. § 609.341, subd. 9. Far more relevant is our decision in *State v. Berrios*, where we held that the evidence, including the victim’s testimony “that . . . Berrios . . . penetrated her while she was unconscious,” was “more than sufficient” to prove that the victim was physically helpless. 788 N.W.2d 135, 142–43 (Minn. App. 2010). In sum, the direct evidence was sufficient for the jury to find that Lynn was physically helpless during at least one point of the multiple-penetration encounter.

Stevens unpersuasively contends alternatively that the evidence is insufficient for the jury to have found that he knew or should have known that Lynn was physically helpless. Here we will consider whether the circumstantial evidence supports the jury’s implied finding. *See State v. Williams*, 3 N.W.3d 68, 76 (Minn. App. 2024) (applying the circumstantial-evidence analysis to determine whether the evidence was sufficient to prove that the accused knew or had reason to know that the complainant was physically helpless). We review a claim of insufficient circumstantial evidence under a two-step analysis, first

identifying the circumstances proved and then determining whether guilt is the only reasonable inference they allow. *Id.* at 74. Stevens does not prevail under this analysis.

The state proved the following circumstances based on the evidence in the light favorable to the verdict. Lynn was so heavily intoxicated that at some point she passed out. Lynn remained unconscious while Stevens digitally penetrated her. Lynn's impairment left her intermittently unconscious and unable to remain awake for long periods. Lynn's impairment was so substantial that she was unable to remember the events that occurred from the time she left the camper until she awakened to being sexually penetrated in her home. Stevens knew that he had performed various sex acts on Lynn but lied to police, falsely denying having any sexual contact with her. Stevens admitted only the possibility that his DNA might be found on Lynn, and he did so only after the investigator confronted him with the fact that she had obtained a warrant to collect a sample of his DNA. Stevens's account had changed, growing from there having been no sexual encounter at all to his having engaged in multiple and extended acts of sexual activity—all initiated by Lynn. The jury disbelieved Stevens's claim that Lynn initiated the sexual encounter, so his claim is not part of the circumstances proved. Stevens in fact penetrated Lynn with his penis and with his finger.

The totality of the circumstances proved leads only to the reasonable inference of Stevens's guilt. That Lynn was in fact black-out drunk during part of the time she spent with Stevens and was unconscious when he began digitally penetrating her necessarily establishes that Stevens knew or should have known that Lynn was asleep or unconscious and therefore physically helpless while Stevens penetrated her. We are mindful that the

jury might have reached a different conclusion if it believed Stevens instead of Lynn. But it did not, and it is not our role on appeal to reweigh the evidence or judge witness credibility. *See State v. Harris*, 895 N.W.2d 592, 600–01 (Minn. 2017). We therefore hold that the evidence supports the guilty verdict.

II

We easily reject Stevens’s argument that Lynn’s single-witness testimony was insufficient to support his conviction. Stevens focuses his argument on Lynn’s credibility, contending that her heavy intoxication and inability to remember the events preceding the sexual encounter require additional evidence to corroborate her testimony. We observe that the argument is self-defeating: Stevens asks us to conclude that Lynn was too heavily intoxicated to remember the events of her sexual encounter with him after having just asked us to overturn the jury’s finding that Lynn was so heavily intoxicated that Stevens must have noticed her helplessness. It was her extreme intoxication to unconsciousness that established the basis on which the jury found her to be physically impaired. The argument also fails under the well-settled premise 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). The premise was established more than 125 years ago. *See State v. Nestaval*, 75 N.W. 725, 726 (Minn. 1898) (“It was not the duty of the jury to count the number of witnesses, and render a verdict in accordance with the majority of them, but to weigh the testimony, and render a verdict accordingly.”); *State v. Burch*, 170 N.W.2d 543, 552 (Minn. 1969) (“We have said that a verdict may be based on the testimony of a single witness no matter what the issue”); *see also* Minn. Stat. § 609.347, subd. 1 (2022). It is true that, on rare

occasions, the supreme court has seen extraordinary circumstances that so called into doubt a witness's testimony that corroboration was necessary. It cataloged those unique circumstances, none of which resemble our circumstances, in *State v. Foreman*:

In *State v. Huss*, we determined that the testimony of the alleged victim of child abuse was insufficient because there was expert testimony that the victim had been exposed by the state to highly suggestive material and her testimony was not sufficiently credible. 506 N.W.2d 290, 292–93 (Minn.1993). In *State v. Langteau*, we held that the uncorroborated testimony of the victim was insufficient to find the defendant guilty of aggravated robbery because the actions by the victim were questionable or unexplained. 268 N.W.2d 76, 77 (Minn.1978). Finally, in *State v. Gluff*, we held that uncorroborated identification of the defendant did not have probative value because the witness had seen the perpetrator for only a short time and there had been errors in the lineup process. 285 Minn. 148, 151, 172 N.W.2d 63, 65 (1969).

680 N.W.2d 536, 539 (Minn. 2004). This case does not trigger the extraordinary requirement of witness corroboration. The jury determined that Lynn credibly testified that she was unconscious during the episode, and her testimony was consistent with her contemporaneous reports. The jury could contrast Lynn's unswerving account with the testimony of Stevens, whose story had changed fundamentally from *nothing happened* (immediately after the incident) to *she wouldn't let me leave and pulled me to engage in multiple sex acts* (at the time of trial). We are satisfied that jurors were presented with sufficient evidence to assess witness credibility and that they did so. We do not disturb their determination that Stevens committed first-degree criminal sexual conduct.

Affirmed.