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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0300**

In the Matter of:
Sarah Beth Larson and On Behalf of Minor Children,
Respondent,

vs.

Jamie Raymond Alsteen,
Appellant.

**Filed October 20, 2025
Affirmed
Slieter, Judge**

Clay County District Court
File No. 14-FA-24-4336

Joshua Nyberg, Nyberg Law Office, PLLC, Fargo, North Dakota (for respondent)

Leo Patrick O'Day, O'Day Law Office, PC, Fargo, North Dakota (for appellant)

Considered and decided by Bjorkman, Presiding Judge; Bratvold, Judge; and
Slieter, Judge.

NONPRECEDENTIAL OPINION

SLIETER, Judge

On appeal from the district court's grant of respondent's petition for an order for protection (OFP), appellant argues that insufficient evidence exists to issue the OFP and that the district court's evidentiary rulings were an abuse of discretion which require reversal. Because the district court found testimony which supports the presence of

domestic abuse credible, sufficient evidence exists to issue the OFP, and any errors in the district court's evidentiary rulings did not prejudice the appellant, we affirm.

FACTS

On December 11, 2024, respondent Sarah Beth Larson petitioned for an OFP pursuant to Minn. Stat. § 518B.01 (2024) against appellant Jamie Raymond Alsteen. The parties married in September 2018 and divorced in March 2023 and were no longer living together. The parties reconciled in the fall of 2024, and Alsteen moved back into the family home. Larson testified that three nonjoint children and one joint child reside in the family home.

Larson testified that Alsteen abused her and the children throughout their marriage. After the parties reconciled and moved into the family home, Alsteen apologized to Larson and the children for abusing them. Larson testified that on at least three separate occasions Alsteen forced her to have nonconsensual sex with him and that the parties' joint child, who was five years old at the time of the hearing, was present.

Larson also testified that Alsteen was physically abusive to her and all four of her children. Larson testified that in early December 2024, Alsteen was upset and told the parties' joint child that he was "lucky he doesn't pop him in the f---ing mouth." Larson also described that Alsteen walked over to the parties' joint child, put his finger in the child's face, and told him, "that he's lucky he doesn't beat his a--." Alsteen testified that the event did not occur as Larson described it.

The district court followed its oral factual findings and conclusions with a written order. The district court orally stated, "that this is a determination basically, of the

credibility of the witnesses.” The district court orally indicated that it found Larson’s testimony to be credible. It found that Alsteen had engaged in nonconsensual sex with Larson on multiple occasions, physically assaulted Larson, and committed acts of domestic violence against the parties’ joint child and Larson’s children. The district court granted Larson’s request for an OFP.

Alsteen now appeals.

DECISION

I. Sufficient evidence exists for issuance of the OFP.

To obtain an OFP, a petitioner must prove by a preponderance of the evidence that the respondent has committed “domestic abuse.” *Oberg v. Bradley*, 868 N.W.2d 62, 64-65 (Minn. App. 2015); Minn. Stat. § 518B.01, subds. 4, 6. Domestic abuse includes any of the following committed “against a family or household member by a family or household member: (1) physical harm, bodily injury, or assault; (2) the infliction of fear of imminent physical harm, bodily injury, or assault”; or (3) various enumerated crimes, including criminal sexual conduct. Minn. Stat. § 518B.01, subd. 2(a). These acts must be established by a preponderance of the evidence, which “requires that to establish a fact, it must be more probable that the fact exists than that the contrary exists.” *Oberg*, 868 N.W.2d at 65 (quotation omitted).

“We review the district court’s decision to grant an OFP for an abuse of discretion.” *Ekman v. Miller*, 812 N.W.2d 892, 895 (Minn. App. 2012). “A district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or delivering a decision that is against logic and the facts on record.” *Woolsey v.*

Woolsey, 975 N.W.2d 502, 506 (Minn. 2022) (quotation omitted). We review the district court’s factual findings for clear error and will not reverse those findings unless they are “manifestly contrary to the weight of the evidence.” *Ekman*, 812 N.W.2d at 895 (quotation omitted). “We defer to the district court’s credibility determinations and do not reconcile conflicting evidence.” *Butler v. Jakes*, 977 N.W.2d 867, 871 (Minn. App. 2022) (quotation omitted).

Alsteen maintains that “the evidence is sparse, amounting only to bare bones testimony” and that Larson’s testimony is “unsupported by any corroborating evidence whatsoever. There are no photographs, videos, audios, medical records of injury, no police involvement concerning serious felony allegations, no [Child Protective Services] involvement, no guardian ad litem report or involvement, no psychologist report or social worker involvement.” Alsteen also asserts that Larson’s claims of sexual abuse are questionable because she admits to “having consensual sex with [Alsteen] in the same days and weeks leading up to her filing the petition.”

As we stated above, “[w]e defer to the district court’s credibility determinations and do not reconcile conflicting evidence.” *Id.* (quotation omitted). Although Alsteen offers a competing version of the incidents (which he argued before the district court), the district court found that Larson’s testimony was credible, a finding to which we defer. *Id.* And by issuing the OFP, the district court determined that Larson had established that a preponderance of the evidence supported its decision. *See Oberg*, 868 N.W.2d at 64 (holding that the standard of proof for a petition for an OFP under the Domestic Abuse Act is a preponderance of the evidence). It is not this court’s role to reweigh conflicting

evidence. *Butler*, 977 N.W.2d at 871. Rather because the district court’s findings are not “manifestly contrary to the weight of the evidence,” we uphold those findings. *Ekman*, 812 N.W.2d at 895 (quotation omitted).

The district court made several findings related to its conclusion that Alsteen had committed domestic abuse. In relation to Larson, the district court found that Alsteen engaged in nonconsensual sex with Larson on “multiple occasions where the parties’ joint child was present in the bed with the parties.” It also found that Alsteen “has physically punched [Larson] and threatened to come to the home and beat her.” In relation to the parties’ joint child, the district court found that Alsteen had “pinched [the parties’ child] and hit him on occasions that [had] caused [him] to cry and ask [Alsteen] to stop;” “threatened to hit [the child] in the mouth;” and on a separate occasion, “told [the child] he was lucky [Alsteen] did not beat him, which caused [the child] to cover his head and cower.” And finally, the district court further found that Larson “has also credibly testified as to other instances of domestic abuse against the children, both [their joint child], as well as [Larson’s] minor children, which involved pinching and otherwise roughhousing or hitting to such a degree that the children expressed that they were not comfortable with it, that they were crying.”

Because the record supports the district court’s findings regarding domestic abuse, it acted within its discretion to issue the OFP.

II. Any erroneous evidentiary rulings the district court made were not prejudicial.

The Minnesota Rules of Evidence apply to domestic-abuse hearings. *In re Olson ex rel. A.C.O. v. Olson*, 892 N.W.2d 837, 841 (Minn. App. 2017). We review the district

court's decision to admit evidence during an OFP hearing for an abuse of discretion. *Id.* Because an OFP is a civil remedy, Alsteen must demonstrate "prejudicial error" to be entitled to a new trial or hearing based on an erroneous evidentiary ruling. *Id.* (quotation omitted). "An evidentiary error is prejudicial if it might reasonably have . . . changed the result of the [proceeding]." *George v. Est. of Baker*, 724 N.W.2d 1, 9 (Minn. 2006).

Stale Criminal Conviction

Alsteen argues that the district court abused its discretion when it allowed impeachment by evidence of his previous Wisconsin sexual-assault conviction because the conviction evidence was "stale" under the Minnesota Rules of Evidence. *See* Minn. R. Evid. 609(a) (addressing admission of evidence of convictions more than ten years old). We will assume without deciding that the district court abused its discretion by allowing the prior conviction as impeachment evidence.

Making that assumption, we next determine whether the admission of the evidence prejudiced Alsteen. Nowhere in the district court's oral findings, nor in its written order, does the district court reference Alsteen's prior criminal conviction when finding that domestic abuse had occurred. Instead, and as we have noted, the district court found Larson's testimony credible. Furthermore, the risk of unfair prejudice to a party is reduced because there is comparatively less risk that a district court judge, as compared to a jury of laypersons, would use evidence for an improper purpose or have his sense of reason overcome by emotion. *See State v. Burrell*, 772 N.W.2d 459, 467 (Minn. 2009) (explaining that risk of unfair prejudice is less in proceedings decided by district court judge rather than by jury because "there is comparatively less risk that the district court judge, as compared

to a jury of laypersons, would use the evidence for an improper purpose or have his sense of reason overcome by emotion”). Exclusion of the prior criminal conviction would not reasonably have changed the result of the proceeding. Therefore, any error in admitting the evidence is not grounds for reversal.

Hearsay Evidence

Alsteen argues that the district court abused its discretion in admitting, over his objection, a hearsay statement. Specifically, he challenges the admission of Larson’s testimony that the parties’ joint child purportedly commanded Alsteen to stop harming his mother while the three were in bed during a nonconsensual sex incident. An out-of-court statement made by a nonparty that is offered for the truth of the matter asserted is generally inadmissible hearsay. Minn. R. Evid. 801(c), 802.

Again, we will assume without deciding that the statement’s admission was an abuse of discretion, but we decide that any error in its admission does not require reversal because any error was not prejudicial. The same prejudice rules we articulated above also apply here. Alsteen has not shown that the exclusion of the evidence might reasonably have changed the result of the proceeding. Indeed, the district court found numerous instances of domestic abuse and made no reference to this statement from the parties’ child.¹

¹ Alsteen also contends that the district court abused its discretion by excluding evidence of a physical altercation that occurred between Larson and his girlfriend, as well as other evidentiary rulings. However, Alsteen fails to make a legal argument to support these claims and “on appeal error is never presumed. It must be made to appear affirmatively before there can be reversal [T]he burden of showing error rests upon the one who relies upon it.” *Loth v. Loth*, 35 N.W.2d 542, 546 (Minn. 1949) (quotation omitted). We therefore decline to consider these arguments.

In sum, there exists sufficient evidence to support issuance of the OFP and any purported errors in the district court's evidentiary rulings do not warrant reversal.

Affirmed.