

*This opinion is nonprecedential except as provided by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
A25-0453**

State of Minnesota,
Respondent,

vs.

David Bernard Suess, Sr.,
Appellant.

**Filed March 9, 2026
Affirmed
Larkin, Judge**

Freeborn County District Court
File No. 24-CR-23-345

Keith Ellison, Attorney General, Lydia Villalva Lijo, Assistant Attorney General, St. Paul, Minnesota; and

David Walker, Freeborn County Attorney, Albert Lea, Minnesota (for respondent)

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

Considered and decided by Larkin, Presiding Judge; Cochran, Judge; and Segal, Judge.*

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

NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellant challenges his convictions of first- and second-degree criminal sexual conduct, arguing that the district court erred in admitting relationship evidence at trial. We affirm.

FACTS

In March 2023, respondent State of Minnesota charged appellant David Bernard Suess, Sr., with five counts of first-degree criminal sexual conduct for offenses committed against JA. The state also charged Suess with second-degree criminal sexual conduct for an offense committed against PA. PA and JA are brothers and the children of Suess's former girlfriend. The offenses were charged in a single complaint and tried before a single jury.¹

Prior to trial, the state moved to admit evidence regarding Suess's prior violent and threatening behavior against the victims. The district court granted the state's motion. The state later moved to admit evidence of prior offenses that Suess committed against TL, whose mother also dated Suess. The district court granted that motion as well.

At the time of the jury trial, PA was 21 years old. He testified that his mother dated Suess for around four years and that he, his mother, JA, and two of Suess's children lived with Suess in a farmhouse outside of Albert Lea. PA lived in the farmhouse from around the time he was in second grade to fifth grade. PA, JA, and their mother moved into the

¹ On the last day of trial, the state moved to amend the date ranges in the complaint, and the district court granted the motion.

town of Albert Lea around the time PA was in fifth grade, and Suess and his children lived nearby. When PA lived in Albert Lea, Suess would sometimes come to PA's house when PA's mother was away.

PA testified that Suess physically abused him and JA, and he described the abuse as follows. Suess randomly punched PA, forced PA and JA to take cold showers, forced PA's and JA's heads under the water for a few minutes at a time, forced PA's head into a snowbank for a few minutes, hung PA and JA from a branch over a bonfire for several minutes, and once forced PA and JA to stay in a completely dark garage for around ten minutes. PA testified that Suess forced PA to eat eggs, knowing that PA was allergic to them. On one occasion, Suess hung PA up by his jacket on a hook for around five minutes, which caused PA to choke and have difficulty breathing. Suess also threw away PA's inhaler and accused PA of faking his asthma. Finally, Suess once told PA that he had killed PA's mother, and that PA and JA needed to help bury the body.

As to the offenses charged, PA testified that Suess sexually abused him in the house in Albert Lea. Suess took PA into a bedroom and made him take off his pants. Suess then put his mouth on PA's penis. PA believed he was in fifth grade when that happened. According to PA, Suess said he would kill PA if PA revealed the abuse. PA ultimately provided a statement to law enforcement in July 2022, when he was 19 years old.

At the time of trial, JA was 19 years old. He testified that his mother started dating Suess when he was six years old and that Suess physically abused him as follows. Suess suffocated JA with a pillow, put a lighter against JA's leg "to the point where it hurt but it didn't burn," choked JA with his hands multiple times, and punched and slapped him.

As to the offenses charged, JA provided extensive testimony regarding the sexual abuse he suffered at the hands of Suess. JA testified that, around the time he was in second grade, Suess made JA touch Suess's penis and made JA put his mouth on Suess's penis. Around the time JA was in third grade, Suess penetrated JA's anus with his penis or a dildo. On another occasion, Suess penetrated JA's anus with his penis, made JA touch Suess's penis, and made JA put his mouth on Suess's penis. Suess also performed oral sex on JA. Suess told JA that if he revealed the abuse, he would kill JA's family. When he was approximately 17 years old, JA told his girlfriend, and then his mother, about the abuse.

TL was 30 years old at the time of trial. He testified that Suess dated his mother for around 20 years, starting when he was two or three years old, and that Suess lived with TL until TL was around age 13. TL testified that Suess locked him in his room "for a couple days" and beat him with a belt several times. TL testified that Suess shoved a plastic hanger down his throat, and when TL was around six years old, Suess choked TL with his legs until he was black and blue. On another occasion, Suess kicked TL from behind and hit him with a belt. As to sexual abuse, TL testified that Suess made TL touch Suess's penis for two or three minutes. Suess threatened to kill TL if he disclosed the abuse.

Suess testified in his own defense and denied all the allegations of physical and sexual abuse.

The jury found Suess guilty as charged. The district court entered judgments of conviction on all the guilty verdicts except one and sentenced Suess to serve 360 months in prison for first-degree criminal sexual conduct.

Suess appeals.

DECISION

Suess argues that the district court abused its discretion by admitting relationship evidence regarding his abuse of PA, JA, and TL. The district court admitted the evidence, over Suess's objection, under Minn. Stat. § 634.20 (2024).

Evidence admitted under section 634.20 is often referred to as “relationship evidence.” *See State v. Zinski*, 927 N.W.2d 272, 273 (Minn. 2019). Section 634.20 provides, in relevant part, that “[e]vidence of similar conduct by the accused against . . . other family or household members, is admissible unless the probative value is substantially outweighed by the danger of unfair prejudice.” The term “similar conduct” includes “evidence of domestic abuse.” Minn. Stat. § 634.20. The term “domestic abuse” is defined to include, in relevant part, any of the following committed against a family or household member by a family or household member: “physical harm, bodily injury, or assault”; “the infliction of fear of imminent physical harm, bodily injury, or assault”; terroristic threats, as defined by statute; and criminal sexual conduct, as defined by statute. Minn. Stat. § 518B.01, subd. 2 (2024). The term “family or household members” is defined to include “persons who are presently residing together or who have resided together in the past.” *Id.*, subd. 2(b)(4).

We review a district court's decision to admit relationship evidence for an abuse of discretion. *State v. Andersen*, 900 N.W.2d 438, 441 (Minn. App. 2017). “A district court abuses its discretion when its decision 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).

Courts recognize the inherent probative value of evidence of prior “acts of violence committed by the same defendant against the same victim.” *State v. Williams*, 593 N.W.2d 227, 236 (Minn. 1999). Courts also recognize the probative value of relationship evidence that illustrates a victim’s fear of the defendant or the defendant’s past attempts to “manipulate, control, and restrain” a victim. *Andersen*, 900 N.W.2d at 441. Further, relationship evidence provides context for a victim’s behavior, such as a delay in reporting abuse or confusion about “exact times and locations” of domestic abuse. *State v. Word*, 755 N.W.2d 776, 784 (Minn. App. 2008). In sum, relationship evidence is relevant because it “illuminate[s] the history of the relationship” so as “to put the crime charged in the context of the relationship” and to assist the jury in assessing witness credibility. *State v. McCoy*, 682 N.W.2d 153, 159, 161 (Minn. 2004).

In admitting the relationship evidence regarding Suess’s abusive conduct towards PA and JA, the district court explained that the incidents provided context with which the jury could better judge the credibility of the victims. The court further concluded that the evidence would allow the jury “to view the nature of the entire relationship” between Suess and the victims. And in admitting the evidence regarding TL, the district court explained that the evidence of similar conduct by Suess against TL qualified as relationship evidence because Suess was living with TL, the allegations concerned conduct “alleged to have occurred within the context of their family or household relationship,” and the evidence was “domestic abuse-type evidence.”

Suess argues that the district court abused its discretion in admitting the relationship evidence because the probative value of the evidence was substantially outweighed by the

danger of unfair prejudice. “When balancing the probative value against the potential prejudice, unfair prejudice is not merely damaging evidence, even severely damaging evidence; rather, unfair prejudice is evidence that persuades by illegitimate means, giving one party an unfair advantage.” *State v. Bell*, 719 N.W.2d 635, 641 (Minn. 2006) (quotation omitted).

As to the danger of unfair prejudice, Suess argues that the jury may have improperly considered the evidence as propensity evidence, that is, the jury may have convicted Suess because of his violent character rather than because he committed the charged offenses. But the district court repeatedly cautioned the jury against misusing the evidence in that way. For example, the district court instructed the jury:

You are going to hear evidence of physical abuse by the defendant on differing occasions here. The . . . physical abuse evidence[] is being offered for the limited purpose of demonstrating the nature and extent of the relationship between Mr. Suess and [PA] in order to assist you in determining the defendant committed those acts with which the defendant is charged in the complaint. Mr. Suess is not being tried for and may not be convicted of any behavior other than the charged offenses, and you are not to convict the defendant on the basis of the physical assault or abuse allegations that are going to be discussed.

These cautionary instructions “lessened the probability of undue weight being given by the jury to the evidence.” *State v. Kennedy*, 585 N.W.2d 385, 392 (Minn. 1998). We presume that a jury follows a court’s cautionary instruction. *State v. Riddley*, 776 N.W.2d 419, 428 (Minn. 2009).

On this record, we are not persuaded that the district court abused its discretion by admitting the relationship evidence describing Suess’s abuse of PA, JA, and TL. We

therefore affirm without addressing Suess's argument that the admission of evidence regarding Suess's physical and sexual abuse of TL violated Minn. R. Evid. 404(b).

Affirmed.