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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0669**

Krystal Maria Drift,
Respondent,

vs.

Sean Michael Swapinski,
Appellant.

**Filed February 23, 2026
Affirmed
Ross, Judge**

St. Louis County District Court
File No. 69HI-CV-24-1203

Krystal Maria Drift, Hibbing, Minnesota (self-represented respondent)

Sean Michael Swapinski, Bemidji, Minnesota (self-represented appellant)

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

NONPRECEDENTIAL OPINION

ROSS, Judge

The district court conducted an evidentiary hearing and granted Krystal Drift's petition seeking a harassment restraining order (HRO) against her former boyfriend, Sean Swapinski. We affirm the resulting HRO over Swapinski's challenges on appeal, holding that the district court acted within its discretion when it admitted trial evidence, sufficiently supported its factual findings with that evidence, exhibited no improper bias, and did not violate Swapinski's constitutional rights.

FACTS

Krystal Drift ended her long-term, sexual-friendship relationship with Sean Swapinski in July 2024 and petitioned the district court in October 2024 to issue an HRO against him. Drift alleged that Swapinski had continued contacting her despite her urging him not to, including by going to her apartment unannounced and contacting her on social media. The district court issued an HRO *ex parte* and granted Swapinski's request for an evidentiary hearing to contest it.

Drift testified at the hearing, asserting that she cut ties with Swapinski and told him to leave her alone. She said that Swapinski "seemed to have understood those terms for about six weeks" but then appeared at her apartment uninvited in August 2024. She testified that he also contacted her "[m]ultiple times" on social media, culminating in an acrimonious October 2024 Snapchat exchange. The screenshots show a Snapchat request from a person with the username "Blue Eyes." She questioned the user's identity, and Swapinski responded, admitting that the account belonged to him and expressing his frustrations about the breakup. He told her, "I haven't said anything [to you] since you blocked me here." The district court admitted into evidence screenshots of the October Snapchat exchange over Swapinski's objections.

Swapinski also testified. He said that the breakup had "stunned" him and that he did not construe Drift's directive to leave her alone to mean that she wanted no contact from him. But he acknowledged that, after her demand, he did not attempt to contact her for six weeks. He said that he went to her home unannounced because, when he tried to telephone her, her phone seemed "either off or broken." He testified that Drift appeared "startled"

and “miffed” by his appearance at her apartment. He admitted that he understood from her reaction that Drift “want[ed] to make a clean break” from him. Swapinski acknowledged being the subject of two unrelated HROs as part of child-custody orders involving other women.

The district court issued a form order. It checked two boxes indicating Swapinski’s specific acts of harassment: contacting Drift after “being told to stop” and contacting her through social media. The resulting two-year HRO prohibits Swapinski from contacting Drift or going within 25 feet of her home.

Swapinski appeals.

DECISION

Swapinski raises four arguments to appeal the HRO. He contests the district court’s admission of evidence. He maintains that the record does not support the finding that his social-media contact constitutes harassment. He contends that the HRO resulted from judicial bias. And he asserts that the district court violated his right to due process and his right to appointed counsel. The arguments fail.

I

We first address Swapinski’s evidentiary argument. We will uphold the district court’s evidentiary rulings unless they reflect an abuse of discretion. *Dolo v. State*, 942 N.W.2d 357, 366 (Minn. 2020). Swapinski unconvincingly argues that the district court failed to exclude the Snapchat exhibits because they provide a misleading, fragmentary impression of his communications with Drift. A party may seek to introduce the remainder of allegedly incomplete and potentially misleading documentary evidence. Minn. R. Evid.

106; *Dolo*, 942 N.W.2d at 363–64. Swapinski never asserted that Drift’s screenshots were contextually incomplete, and he never moved to admit a more complete version of the exchange. Although he testified that other messages gave a more complete picture of their relationship, he did not offer those messages for the district court to consider. Under these circumstances, he fails to establish that admitting the screenshots constituted an abuse of the district court’s discretion.

Swapinski likewise fails to demonstrate that the district court abused its discretion by overruling his speculation objection to Drift’s testimony that he attempted “[m]ultiple times” to contact her. The testimony was based on Drift’s personal knowledge of a disputed fact, which is relevant, admissible evidence. *See* Minn. R. Evid. 401; Minn R. Evid. 602. Drift’s testimony concerned her personal experience as the recipient of Swapinski’s communications, and the testimony tended to prove his attempts to contact her. Swapinski’s other argument challenges exhibits Drift attached to her HRO petition, but the argument is immaterial because the record does not indicate that the district court admitted or considered those exhibits.

II

We next address Swapinski’s contention that the evidence does not support the finding that he engaged in repeated acts of harassment. We review for clear error whether the district court’s fact findings are supported by the record. *Kush v. Mathison*, 683 N.W.2d 841, 843–44 (Minn. App. 2004), *rev. denied* (Minn. Sept. 29, 2004). The district court may issue an HRO if it finds that “there are reasonable grounds to believe that the respondent has engaged in harassment.” Minn. Stat. § 609.748, subd. 5(b)(3) (2024). Harassment

includes “incidents of intrusive or unwanted acts, words, or gestures.” *Id.*, subd. 1(a)(1) (2024). An HRO requires proof that the disputed conduct was unreasonable and that the victim reasonably perceived that the conduct adversely affected her safety, security, or privacy. *Dunham v. Roer*, 708 N.W.2d 552, 566–67 (Minn. App. 2006), *rev. denied* (Minn. Mar. 28, 2006). Swapinski argues only that his conduct was not unreasonable. Although we observe that the district court’s order includes no express findings about the impact of Swapinski’s conduct on Drift’s safety, security, or privacy, we limit our review to Swapinski’s argument on appeal.

Our consideration of the record in the light most favorable to the HRO, particularly Swapinski’s hearing testimony, satisfies us that the evidence supports the finding that he engaged in multiple acts of harassment. It tends to show that Swapinski understood that Drift had directed him to leave her alone but that he nevertheless continued to initiate contact with her. For example, Swapinski ceased all contact with her for “about six weeks” after her request. When Swapinski attempted to call her, he claims to have thought that “her phone was either off or broken.” This evidence allows the district court to infer that he was aware that she wanted no contact with him, that she had taken steps to sever any opportunity for him to reach her by phone, but that he pursued further contact anyway. And when Swapinski then made a surprise appearance at Drift’s home, he recognized that his being there without notice or invitation had startled or upset her. Although he interpreted her reaction as demonstrating that she “want[ed] to make a clean break” from him, he still contacted her using social-media platforms, including Snapchat, at first hiding his identity from her. His testimony also demonstrates that he was aware that she had blocked his

profile on Snapchat but that he nonetheless continued to try to communicate with her on it. Swapinski did not provide any Snapchat communications (or claim that any existed) that suggested he was surprised by or attempted to correct Drift's accusation on Snapchat, "I've told [you] to leave me alone and [you] just don't." Deferring to the district court's weighing of evidence and credibility assessments, we cannot say that its harassment findings are clearly erroneous.

III

We reject Swapinski's assertion that the HRO reflects the district court's bias against him. We review claims of judicial bias to see if the record suggests favoritism or antagonism that, if present, would reasonably call into doubt the district court's impartiality. *See Olson v. Olson*, 392 N.W.2d 338, 341 (Minn. App. 1986). We presume judicial impartiality, and the burden falls on Swapinski to rebut it. *See State v. Burrell*, 743 N.W.2d 596, 601 (Minn. 2008). It is true, as Swapinski claims, that Drift occasionally interrupted his testimony. But this is not evidence of judicial bias, as the district court reprimanded Drift for doing so. He cites Drift's allegedly loud discussion with her advocate, but the record indicates that the discussion occurred outside the courtroom, suggesting no bias. And we see no bias in the district court's urging the parties to "stay apart," as both parties were subject to the same admonition. The bias claim fails.

IV

We also are not persuaded to reverse by Swapinski's due-process arguments. The district court did not violate his right to due process by issuing the HRO. The fundamental elements of due process are notice and the right to be heard. *Mathews v. Eldridge*, 424 U.S.

319, 333 (1976); *Sawh v. City of Lino Lakes*, 823 N.W.2d 627, 635 (Minn. 2012). We review *de novo* whether the district court safeguarded this constitutional protection. *Plocher v. Comm’r of Pub. Safety*, 681 N.W.2d 698, 702–03 (Minn. App. 2004). Swapinski received notice of the HRO petition and was informed of his statutory right to request an evidentiary hearing. *See* Minn. Stat. § 609.748, subd. 3(d) (2024). He in fact exercised this right and presented evidence contesting Drift’s harassment allegations. The district court also did not violate Swapinski’s claimed right to counsel. A defendant is guaranteed counsel during critical stages of a criminal proceeding. *Ezeka v. State*, 16 N.W.3d 768, 782–83 (Minn. 2025) (explaining the constitutional protection). Although a criminal proceeding might result from a person’s violating an HRO, it does not result from the district court’s merely issuing the HRO. *See Houck v. Houck*, 979 N.W.2d 907, 911 n.6 (Minn. App. 2022). Swapinski was not statutorily or constitutionally entitled to appointed counsel to oppose the HRO petition. His due-process contentions fail.

Affirmed.