

*This opinion is nonprecedential except as provided by  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  
A25-0844**

State of Minnesota,  
Respondent,

vs.

Adam David Walker,  
Appellant.

**Filed April 13, 2026  
Affirmed  
Connolly, Judge**

Anoka County District Court  
File No. 02-CR-24-1799

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

Mitchell S. Sell, Eckberg Lammers, Blaine City Attorney, Stillwater, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Max B. Kittel, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Smith, Tracy M., Judge; and Wheelock, Judge.

**NONPRECEDENTIAL OPINION**

**CONNOLLY**, Judge

Appellant challenges his conviction of misdemeanor trespassing, arguing that his conviction should be reversed for insufficient evidence. Because the evidence is sufficient to sustain the jury's verdict, we affirm.

## FACTS

In March 2024, appellant Adam David Walker received a citation for misdemeanor trespass—return to property within one year. A jury trial was then held at which evidence was presented that on March 12, 2024, law enforcement responded to reports of a trespass at a veterinary clinic. The clinic is located between a fast-food restaurant and a public library; the library is on the east side of the clinic, and the restaurant is on the west side of the clinic. In the rear of the clinic property, where the parking lot ends, there is an area with trees and brush that is bordered by a residential area to the north of the clinic.

The clinic is separated from the restaurant by a chain-link fence that ends where the clinic's parking lot ends, and the tree line begins. There are also fences between the residences and the wooded area of the clinic property that lies between the clinic's parking lot and the residences. But there is a gap at the tree line between the chain link fence that separates the clinic and the restaurant and the fences that separate the residential area from the clinic at the northerly end of the clinic property. The boundary between the clinic and library does not have a specific demarcation.

When law enforcement arrived at the clinic, the responding officer and clinic owner approached the wooded area and observed an individual in and around a shelter in the wooded area behind the clinic. The individual was identified as appellant, and the clinic owner told appellant that he was not welcome on the clinic property. The clinic owner testified that he had previously seen appellant camping in the “back” of his property near the library and told appellant to leave because he was on private property. And law

enforcement records indicate that appellant had been issued a trespass notice for the clinic's property prior to March 12, 2024.

The responding officer spoke with appellant and footage from the officer's body-worn camera was admitted into evidence. According to the officer, appellant said that he thought the property line was the tree line. But the officer testified that, "[b]ased on what the [clinic owner] told us and using a commercial program called onX" that was on his partner's phone, he was able to confirm that the property line was "[b]ehind the tree line."

Appellant acknowledged at trial that he built a shelter in the wooded area behind the clinic. But appellant testified that he did not know the wooded area was the clinic's property because he believed the property of the clinic ended where "the fence ended" at the north edge of the clinic's parking lot. In fact, appellant claimed that the wooded area does not belong to the clinic. According to appellant, he has had past encounters with law enforcement in the area and was never told that any of the wooded area belonged to the clinic. Appellant claimed that, had he known that the wooded area belonged to the clinic, he would not have gone on that property.

The jury found appellant guilty as charged. The district court then sentenced appellant to 90 days in jail, with credit for 90 days. This appeal follows.

### **DECISION**

Appellant challenges the sufficiency of the evidence supporting his conviction of misdemeanor trespassing. To determine whether evidence is sufficient to support a conviction, this court undertakes "a painstaking analysis of the record to determine whether the evidence, when viewed in a light most favorable to the conviction, was sufficient."

*State v. Jones*, 977 N.W.2d 177, 187 (Minn. 2022) (quotation omitted). We carefully examine “the record to determine whether the facts and the legitimate inferences drawn from them would permit the factfinder to reasonably conclude that the defendant was guilty beyond a reasonable doubt of the offense of which he was convicted.” *State v. Waiters*, 929 N.W.2d 895, 900 (Minn. 2019) (quotation omitted). “We assume that the jury believed the state’s witnesses and disbelieved any evidence to the contrary.” *State v. Friese*, 959 N.W.2d 205, 214 (Minn. 2021) (quotation omitted).

Appellant was convicted of misdemeanor trespass – return to property within one year, in violation of Minn. Stat. § 609.605, subd. 1(b)(8) (2022). Under that statute, “[a] person is guilty of a misdemeanor” if he “intentionally . . . returns to the property of another within one year after being told to leave the property and not to return, if the actor is without claim of right to the property or consent of one with authority to consent.” Minn. Stat. § 609.605, subd. 1(b)(8).

Appellant challenges the intent element of the trespassing offense, arguing that “the evidence presented at trial does not support that [he] intentionally returned to the . . . clinic property.” Intent is a state of mind that is “frequently proven with circumstantial evidence.” *State v. Irby*, 967 N.W.2d 389, 396 (Minn. 2021); *see also State v. Johnson*, 616 N.W.2d 720, 726 (Minn. 2000) (noting that intent is “proved circumstantially, by inference from words and acts of the actor both before and after the incident”). “A jury is permitted to infer that a person intends the natural and probable consequences of their actions.” *Johnson*, 616 N.W.2d at 726.

If a conviction is based on circumstantial evidence, appellate courts apply the “long-standing two-step test” that was recently reaffirmed by our supreme court. *See State v. Firkus*, 31 N.W.3d 468, 490 (Minn. 2026). The first step of this test requires this court “to winnow down the evidence presented at trial by resolving all questions of fact in favor of the jury’s verdict, which results in a subset of facts that constitute the circumstances proved.” *Id.* at 492 (quotations omitted). In identifying the circumstances proved, the reviewing court is not permitted “to re-weigh the evidence and sit, in essence, as a 13th juror.” *Id.* at 479 (quotation omitted). This step “protects th[e] well-established legal principle” that “the jury is uniquely positioned to assess witness credibility and weigh the evidence, and that jurors may accept some parts of a witness’s testimony while rejecting others.” *Id.* at 480.

Under the second step of the circumstantial-evidence test, this court examines “whether the reasonable inferences that can be drawn from the circumstances proved, when viewed as a whole and not as discrete, isolated facts, are consistent with the hypothesis that the accused is guilty and inconsistent with any rational hypothesis other than guilt.” *Id.* at 483. At the second step, we give no deference to the jury’s verdict. *Id.* “If the circumstances proved when viewed as a whole, support a reasonable inference that is inconsistent with guilt, the evidence is not sufficient to support the conviction and we must reverse.” *Id.* (quotations omitted). A conviction, however, will not be reversed “‘based on mere conjecture.’” *Id.* (quoting *State v. Tscheu*, 758 N.W.2d 849, 861 (Minn. 2008)).

Here, the circumstances proved, which are consistent with the jury’s verdict, are as follows: (1) appellant had previously been trespassed at the clinic property after he was

found camping in the back of the clinic property on the side near the library; (2) the clinic property is bordered by a library to the east, a fast-food restaurant to the west, and a residential area to the north; (3) the northern edge of the clinic property, between the clinic parking lot and the residential area, includes a wooded area with trees and brush; (4) there are fences that separate the residential properties and the clinic property at the north end of the clinic property in the wooded area; (5) there is no demarcation line between the clinic and the library and there is a chain link fence that separates the restaurant and clinic properties that ends at the north edge of the clinic parking lot; (6) the fence separating the restaurant and clinic does not connect with the fences that separate the residential properties and the clinic property, leaving a gap at the wooded area; and (7) appellant had built a shelter in the wooded area at the north end of the clinic property, and was in or near the shelter when law enforcement arrived at the scene.

Relying on his own trial testimony, appellant asserts that a circumstance proved by respondent is that “he did not intend to be on the . . . clinic property” and that he “chose the spot he did [because] he believed it was not on the . . . clinic property.” But in identifying the circumstances provided, we must winnow down the evidence presented at trial “by resolving all questions of fact in favor of the jury’s verdict.” *Id.* at 484. Because appellant’s testimony related to his intent cannot be resolved in favor of the jury’s verdict, it is not a circumstance proved. *See id.* at 486-87 (excluding four discrete facts the defendant argued should be included in the circumstances proved because the jurors were required to evaluate the credibility of the witnesses and weigh the evidence, which includes evidence contradicting these facts); *see also State v. Hawes*, 801 N.W.2d 659, 670-71

(Minn. 2011) (stating that defendant’s testimony that conflicts with the state’s evidence that supports the verdict is not considered when identifying the circumstances proved).

Having identified the circumstances proved, which excludes appellant’s testimony that he did not intend to be on the clinic property because he did not believe the wooded area was part of the clinic property, the next step in our analysis is determining the reasonable inferences that can be drawn from the circumstances proved. *See id.* at 483. Appellant contends that a “rational hypothesis” from the circumstances proved is that he “did not intend to return to the . . . clinic property” because he was “mistaken in his belief of where the . . . clinic property line was.” We disagree.

Appellant’s defense at trial was that he did not intend to trespass on the clinic’s property “because he did not know that the property that he was on belonged to the veterinary hospital.” And appellant specifically testified in support of this defense. But in finding appellant guilty of the charged offense, the jury specifically found appellant not credible and rejected his defense. A conclusion that there is a reasonable inference other than guilt because appellant was mistaken in his belief that he was not on the clinic’s property would require us to reweigh the evidence and reassess appellant’s credibility, which is not our role. *See id.* at 479 (acknowledging that “our precedent does not permit [an appellate court] to re-weigh the evidence and sit, in essence, as a 13th juror” (quotation omitted); *see also State v. Harris*, 895 N.W.2d 592, 600 (Minn. 2017) (“As the fact finder, the jury is in a unique position to determine the credibility of witnesses and weigh the evidence before it.”)). The circumstances proved by respondent establish that appellant intended to trespass on the veterinary clinic property, and there is no rational hypothesis

other than guilt because the jury specifically rejected appellant's testimony that he did not intend to trespass on the clinic property. Accordingly, the evidence is sufficient to support appellant's conviction of misdemeanor trespassing.

**Affirmed.**