

*This opinion is nonprecedential except as provided by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
A25-0960**

State of Minnesota,
Respondent,

vs.

Paradise Bayschikanung Hatton,
Appellant.

**Filed May 11, 2026
Affirmed
Beane, Judge**

Beltrami County District Court
File No. 04-CR-24-802

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

David L. Hanson, Beltrami County Attorney, Alex Hanson, Assistant County Attorney,
Bemidji, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Suzanne M. Senecal-Hill,
Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bentley, Presiding Judge; Beane, Judge; and Florey,
Judge.*

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

NONPRECEDENTIAL OPINION

BEANE, Judge

Following a jury trial, appellant Paradise Bayschikanung Hatton was convicted of fourth-degree assault against a peace officer. Hatton challenges her conviction, asserting that respondent State of Minnesota presented insufficient evidence to prove beyond a reasonable doubt that she inflicted demonstrable bodily harm on the officer. Alternatively, Hatton argues that she is entitled to a new trial because the state improperly used peremptory challenges to remove a member of the jury panel based on race. Because we conclude that the state presented sufficient evidence to establish demonstrable bodily harm, and because we discern no clear error in the district court's rejection of her *Batson* challenge, we affirm.

FACTS

In April 2024, Hatton confronted a sheriff's deputy as the deputy was responding to a call at Hatton's boyfriend's property. Hatton and her boyfriend argued with the deputy and demanded that the deputy leave the property. After a few minutes of escalating argument, the deputy attempted to arrest Hatton. Hatton resisted, and she and the deputy scuffled. During the scuffle, she struck the deputy on the head with her right hand, in which she was also holding her cell phone. Another officer who later arrived on the scene took photos of the deputy's head depicting the area where Hatton had hit him.

The state charged Hatton with felony fourth-degree assault against a peace officer in violation of Minnesota Statutes section 609.2231, subdivision 1(c) (2022). The matter proceeded to a jury trial.

During jury selection, the state used a peremptory challenge to excuse prospective juror T.C., who self-identified as Native American. Hatton objected, asserting that T.C. was one of only two people in the jury pool who identified their race as other than White, and the only person who identified as Native American—like Hatton. Hatton argued that the state’s use of a peremptory challenge to excuse T.C. was based on race and therefore violated *Batson v. Kentucky*, 476 U.S. 79 (1986). After hearing arguments from both Hatton and the state, the district court denied Hatton’s *Batson* challenge.

The deputy was the only witness to his altercation with Hatton who testified at the one-day trial. In describing his confrontation with Hatton, the deputy testified that she hit him “very hard” and it “sent a shocking pain through . . . [his] skull.” He explained that he “had discoloration” and “it appeared raised,” meaning there was “[s]welling” in the area where he was struck. Two photos of the deputy’s head that were taken by another officer shortly after Hatton’s arrest were admitted as evidence. The deputy discussed the photos, reiterating that he had “swelling” and “discoloration” on his temple where Hatton struck him. He also explained that he has experience documenting assaults on people “of different complexions” and it is “much more difficult” to see bruising on somebody with a complexion like his because he is of West African descent and “bruises are much harder to see on [him] than it would [be] to see [on] somebody that’s Scandinavian.” The jury found Hatton guilty, and the district court convicted her of the offense.

Hatton appeals.

DECISION

I.

Hatton first argues that her conviction must be reversed because the state failed to present sufficient evidence at trial to prove beyond a reasonable doubt that she inflicted demonstrable bodily harm on the deputy, which is a necessary element of felony fourth-degree assault against a peace officer. When reviewing the sufficiency of the evidence, we view the evidence in the “light most favorable to the verdict” and “assume that the jury believed the witnesses whose testimony supports the verdict” and did not believe evidence to the contrary. *State v. Pendleton*, 706 N.W.2d 500, 511-12 (Minn. 2005). We will not disturb the verdict if the jury “could reasonably conclude, given the presumption of innocence and the requirement of proof beyond a reasonable doubt, that the defendant is guilty of the charged offense.” *State v. King*, 990 N.W.2d 406, 416 (Minn. 2023) (quotation omitted).

An assault of a peace officer that “inflicts demonstrable bodily harm” constitutes felony fourth-degree assault. Minn. Stat. § 609.2231, subd. 1(c)(1). Hatton disputes only the sufficiency of the evidence proving that she inflicted “demonstrable bodily harm.” The term “bodily harm” is defined by statute to mean “physical pain or injury, illness, or any impairment of physical condition.” Minn. Stat. § 609.02, subd. 7 (2022); *accord* 10 *Minnesota Practice*, CRIMJIG 8.10 (2024). The phrase “demonstrable bodily harm” is not defined by statute, but we have approved a definition of demonstrable as “capable of being perceived by a person other than the victim.” *State v. Backus*, 358 N.W.2d 93, 95 (Minn. App. 1984). The pattern jury instruction incorporates this definition: “‘Demonstrable

bodily harm’ means bodily harm that is capable of being perceived by another person.” CRIMJIG 8.10. The district court provided this definition to the jury.

To prove demonstrable bodily harm, the state relied on direct evidence in the form of testimony from the deputy and photos of his injuries. The deputy said that he observed discoloration and swelling in the area of his right temple where Hatton struck him. Additionally, the photos of the deputy’s head show a slightly darker area on the deputy’s right temple. Hatton contends this evidence is insufficient because the deputy acknowledged that bruising can be harder to see on his complexion than on a person with lighter skin, the photos do not actually show any discoloration or swelling, and no witness other than the deputy testified that they observed such indications of harm. Hatton presented these arguments to the jury, and the jury found her guilty. On appeal, we consider the evidence in the light most favorable to the jury’s verdict. *Pendleton*, 706 N.W.2d at 511.

Viewing the evidence in the light most favorable to the verdict, we assume the jury believed the deputy’s testimony that he experienced swelling and discoloration of the area where Hatton hit him. We also assume that the jury believed the photos of the deputy’s temple to show discoloration of his right temple, consistent with his testimony. Swelling and discoloration are indications of injury capable of being perceived by another person, even if no other witness testified that they observed swelling or bruising on the deputy’s head. We therefore conclude that the evidence was sufficient to prove that Hatton inflicted demonstrable bodily harm on the deputy.

II.

Hatton alternatively argues that she is entitled to a new trial because the district court erred by overruling her *Batson* objection to the state’s use of a peremptory challenge to remove T.C. from the jury. At a criminal trial, each party has a limited number of peremptory challenges, which permit the party to excuse a prospective juror without providing a reason for the juror’s removal. Minn. R. Crim. P. 26.02, subd. 6; *State v. Lufkins*, 963 N.W.2d 205, 209 (Minn. 2021). “But the Equal Protection Clause of the Fourteenth Amendment, U.S. Const. amend. XIV, § 1, prohibits using a peremptory challenge to remove a prospective juror because of race.” *Lufkins*, 963 N.W.2d at 209 (citing *Batson*, 476 U.S. at 89).

Minnesota courts apply the three-step *Batson* analysis to determine whether racial discrimination motivated a peremptory challenge. *State v. Onyelobi*, 879 N.W.2d 334, 345 (Minn. 2016).¹ First, the objecting party must make a prima facie showing that the other party exercised its peremptory challenge based on race. *Id.* To do so, the party must show that (1) a member of a “protected racial group” was excluded from the jury, and (2) “circumstances of the case raise an inference that the exclusion was based on race.” *State v. Harvey*, 932 N.W.2d 792, 811 (Minn. 2019) (quotation omitted). Second, “once the [district] court is satisfied that a prima facie case has been made,” the burden shifts to the other party to articulate a race-neutral explanation for its peremptory challenge.

¹ The Minnesota Rules of Criminal Procedure were recently amended to provide a new framework for *Batson* challenges. *Order Promulgating Amendments to the Minnesota Rules of Criminal Procedure*, No. ADM10-8049 (Minn. Dec. 20, 2024). But those rules did not go into effect until March 1, 2025, more than a month after Hatton’s trial.

Onyelobi, 879 N.W.2d at 345. The explanation must be “related to the particular case to be tried.” *Lufkins*, 963 N.W.2d at 210 (quoting *Batson*, 476 U.S. at 98). Third, if that party presents a “facially race-neutral explanation,” the objecting party has “the ultimate burden” of proving that the reason given was pretextual. *Onyelobi*, 879 N.W.2d at 345.

Whether racial discrimination motivated the exercise of a peremptory challenge is a factual determination that a district court is uniquely situated to make. *State v. Wilson*, 900 N.W.2d 373, 378 (Minn. 2017). Only the district court can “observe the demeanor of the prospective juror and evaluate the credibility of the party that exercised the peremptory challenge, and the record may not reflect all of the relevant circumstances that the court may consider.” *State v. Diggins*, 836 N.W.2d 349, 355 (Minn. 2013) (quotation omitted). Consequently, we generally afford “great deference” to a district court’s ruling on a *Batson* challenge and will not disturb that decision unless it is clearly erroneous. *Harvey*, 932 N.W.2d at 811.

After Hatton objected to the state’s peremptory challenge of T.C. as impermissibly based on race, the district court conducted a *Batson* analysis on the record. The district court first turned to Hatton to make a prima facie showing that the state struck T.C. based on race. T.C. is a man who self-identified as Native American and disclosed that he had been convicted of driving while impaired (DWI) in Arizona in 2003, with probation later transferred to Minnesota. Hatton said that T.C. had not provided any information that would “give reason” to remove him except for his DWI, others in the jury pool were “more suspect” for bias, and T.C. was the only person in the jury pool who is “native,” like Hatton. Hatton further argued that, in removing T.C., the state had struck “the only person who

declared themselves to be Indian,” in a case “where the defendant is Indian,” and asserted that it did so without “any rational explanation.” The district court decided to proceed as though Hatton had made a prima facie showing.² Hatton does not object to the first step of the district court’s *Batson* analysis.

The district court moved to step two of the *Batson* analysis and turned to the state to articulate a race-neutral explanation for striking T.C. The state responded by explaining each of its peremptory strikes. Regarding T.C., the state asserted that it “did not strike him for his race” but “in part” because of his DWI. It also said it struck him “[m]ore so” because he was “the largest person on the jury panel.” The state explained that the deputy is “a large male” and the defense had signaled at prior hearings that it planned to focus on the significant disparity in stature between Hatton and the deputy to argue that she would not have been “able to inflict any harm on him.” The state reasoned that, because of T.C.’s size, “he might put himself in a position to buy in one way or the other on that.” Hatton concedes these were facially race-neutral reasons.

After hearing the state’s reasons at step two, the district court considered the validity of the state’s articulated reasons and concluded that they were race neutral. The district court agreed that T.C.’s DWI with probation in Minnesota could engender negative feelings toward the prosecution or probation officers. It also agreed that T.C. was “clearly by far the largest male.” The district court found these to be “race neutral explanations” for

² If the district court proceeds to steps two and three of the *Batson* analysis, the question of whether the required prima facie showing was made at step one is moot on appeal. *Lufkins*, 963 N.W.2d at 210.

striking T.C. When Hatton expressed doubt that T.C. was actually the largest man in the jury pool, the district court explained that, from its perspective, T.C. was a “very large male, very similar in size to the largest of the police officers that will be . . . testifying here.” The district court reiterated that it found multiple race-neutral reasons for the state’s strikes.

The district court then moved to step three of the *Batson* analysis and stated—correctly, as Hatton acknowledges—that Hatton had the burden to show purposeful discrimination. *See Lufkins*, 963 N.W.2d at 210 (explaining that the objecting party has the ultimate burden to prove pretext). At that point, Hatton’s counsel argued only that the state had struck the only potential jurors who, like Hatton, identified their race as other than White. Counsel stated: “[A]ll I can point to is the physical appearance, the information in the jury profile list. Certainly, which [the state] did have access to and clearly the races of [Hatton] and the people who’ve been struck.” The district court then reiterated its finding that there was a rational, non-race-based explanation for the state’s peremptory challenge of T.C., did not make any express findings as to pretext or the credibility of the state’s race-neutral reasons, and overruled Hatton’s *Batson* objection.

On appeal, Hatton argues that the district court’s *Batson* analysis was inadequate because at step three it failed to “test the validity” of the state’s facially race-neutral explanation to determine whether it was actually race neutral or a pretext for discrimination. *See State v. McRae*, 494 N.W.2d 252, 257 (Minn. 1992). If a district court “makes its determinations using the wrong legal standard, ‘we will examine the record without deferring to the district court’s analysis.’” *Harvey*, 932 N.W.2d at 811 (quoting

State v. Pendleton, 725 N.W.2d 717, 726 (Minn. 2007)). But if a district court merely fails to follow the *Batson* sequence, without “conflat[ing] the three prongs so as to obscure its discrete analysis of each prong,” we adhere to the “usual deferential standard of review.” *Onyelobi*, 879 N.W.2d at 347 n.11. At step three of the *Batson* analysis, the district court’s role “is to do more than determine whether the prosecutor articulated some basis for the challenge,” *McRae*, 494 N.W.2d at 258, and it is “important” for the district court “to state fully its factual findings, including any credibility determinations,” *State v. Reiners*, 664 N.W.2d 826, 832 (Minn. 2003).

Here, we are not persuaded by Hatton’s argument that the district court erred in its legal analysis, even though the district court did not make express findings pertaining to pretext at step three. After the district court explained its reasons for concluding that the state’s articulated reasons for striking T.C. were valid and nondiscriminatory at step two, Hatton did not offer further evidence of purposeful discrimination for the district court to analyze at step three. In response, the district court reiterated its finding that the state had offered a race-neutral explanation for its peremptory challenge and overruled Hatton’s *Batson* objection; we understand the district court to have concluded, based on the arguments presented, that Hatton had not carried her burden to establish pretext. Even if the “optimal procedure” would have had the district court make specific findings as to pretext and credibility at step three, *Onyelobi*, 879 N.W.2d at 347 n.11, we cannot say that the district court used the wrong legal standard. Because the district court followed the proper *Batson* sequence and addressed the parties’ arguments at each step, we apply the usual deferential clear-error standard of review.

Hatton asserts five reasons why we should reverse the district court's decision to overrule her *Batson* objection and conclude that the state's proffered reasons for striking T.C. were a pretext for racial discrimination. None of these reasons is sufficient to convince us that the district court clearly erred in finding that the peremptory challenge was not purposeful discrimination. And importantly, we note that despite having the burden to establish pretext, *Lufkins*, 963 N.W.2d at 210, the only one of these five arguments Hatton made to the district court was that the effect of the state's peremptory challenge was to remove all potential jurors who identified their race as other than White.

First, Hatton contends that nothing about the state's proffered race-neutral reasons for striking T.C.—his DWI conviction and his stature—suggested that he would not be a fair and impartial juror. This argument misstates the nature of peremptory challenges. For cause challenges to potential jurors can be made only on certain grounds specified by the rules, one of which is the inability to be fair and impartial. Minn. R. Crim. P. 26.02, subd. 5. Peremptory challenges, by contrast, permit the parties to remove potential jurors for any nondiscriminatory reason. *Lufkins*, 963 N.W.2d at 209. Hatton's *Batson* challenge required her to show purposeful discrimination; the state was not required to show that T.C. was unable to be fair and impartial to defend its peremptory challenge. *See Reiners*, 664 N.W.2d at 833.

Second, Hatton contends that the state's asserted reasons for striking T.C. were pretextual because similarly situated White jurors were permitted to serve. She is correct that, if a party's explanation for striking a prospective juror “applies equally to an otherwise-similar nonminority prospective juror who is permitted to serve, such evidence

tends to prove purposeful discrimination.” *Diggins*, 836 N.W.2d at 357 (citing *Miller-El v. Dretke*, 545 U.S. 231, 241 (2005)). Here, one person with a DWI conviction was permitted to serve. But T.C. was one of three such people removed from the jury, and one of those prospective jurors was struck by the defense. The defense’s decision to strike a juror with a DWI conviction tends to support the district court’s conclusion that this was a valid and nondiscriminatory reason to remove potential jurors. Likewise, Hatton contends that T.C. was not actually the largest male among the potential jurors and that similarly sized White males were permitted to serve. The record reflects that the district court considered the relative sizes of the potential jurors in response to Hatton’s argument on this point, and the district court found that T.C. was the largest or nearly the largest male among the potential jurors and was similar in stature to the deputy. The district court had the benefit of directly observing all the potential jurors, and nothing in the record would permit us to disturb its finding on appeal. These circumstances do not persuade us that the district court clearly erred in deciding that T.C.’s DWI conviction and large stature were the real reasons for striking him, rather than pretext for racial discrimination.

Third, Hatton claims the state exaggerated the role the deputy’s stature and the disparity in size between Hatton and the deputy would play in the trial. But the state was anticipating Hatton’s defense based on arguments she had made in other pretrial hearings; it could not be expected to know during jury selection whether or to what extent Hatton would emphasize that defense at trial. Under these circumstances, the district court did not clearly err by failing to conclude that the state’s explanation that T.C. was similar in stature to the deputy was pretext for racial discrimination.

Fourth, Hatton notes that the state did not question T.C. during voir dire, which she argues should be interpreted to indicate that the state's proffered reasons for striking T.C. are not genuine. While that may be true in some circumstances, here the state's assessment of T.C.'s stature was based on physical observation, and information about his DWI conviction and probation had already been elicited by other questioning.

And lastly, Hatton argues that we should infer a discriminatory motive because the state's exercise of its peremptory challenges "removed all diversity from the jury." Hatton urged the district court to consider contextual factors in weighing the state's reasons, particularly that there might be a stronger case for striking other potential jurors and the effect of the state's strike on the racial makeup of the sworn jury. The district court was best positioned to evaluate these factors and determine whether the state was credible in its explanations. *See Diggins*, 836 N.W.2d at 355.

Based on this record, which shows that the district court followed the proper *Batson* sequence and Hatton presented no substantive argument to the district court regarding pretext despite having the burden on that issue, we discern no clear error.

Affirmed.