

*This opinion is nonprecedential except as provided by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
A25-0982**

In the Matter of the Welfare of: M. I. S., Child.

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

Stearns County District Court
File No. 73-JV-24-979

Cathryn Middlebrook, Chief Appellate Public Defender, Sara L. Martin, Assistant Public Defender, St. Paul, Minnesota (for appellant M.I.S.)

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

Janelle P. Kendall, Stearns County Attorney, Joshua J. Kannegieter, Assistant County Attorney, St. Cloud, Minnesota (for respondent State of Minnesota)

Considered and decided by Worke, Presiding Judge; Bratvold, Judge; and Florey, Judge.*

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

In this juvenile-delinquency matter, appellant challenges the district court's disposition order and findings that he is guilty of third- and fifth-degree criminal sexual conduct. Appellant argues that the evidence is insufficient to sustain his guilt because the

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

victim lacked credibility and no evidence corroborated that the victim did not consent. When we view the evidence in a light favorable to the district court's findings, we conclude that the evidence is sufficient. Thus, we affirm.

FACTS

In February 2024, respondent State of Minnesota filed a juvenile-delinquency petition charging appellant M.I.S. with third-degree criminal sexual conduct under Minnesota Statutes section 609.344, subdivision 1a(c) (2022) (nonconsensual penetration with coercion), and the lesser-included offense of fifth-degree criminal sexual conduct under Minnesota Statutes section 609.3451, subdivision 1 (2022) (nonconsensual penetration). The petition alleged that M.I.S. sexually assaulted E.C. on June 14, 2023. At the time of the offense, M.I.S. and E.C. were both 14 years old.

In a January 2025 bench trial, the district court heard testimony from seven witnesses: E.C., E.C.'s father's former girlfriend (L.B.), E.C.'s mother, a sexual-assault nurse examiner (SANE), two law enforcement officers, and M.I.S. The district court also received photographs. The following summarizes the district court's written factual findings along with the trial evidence stated in the light most favorable to the district court's findings.

The district court found that E.C. credibly testified to the "facts and circumstances of June 14, 2023." E.C. testified that she met M.I.S. in elementary school. They were friends and did not have an intimate or sexual relationship. On June 14, 2023, E.C. and M.I.S. texted via a social-media and messaging app and arranged to meet near a walking path in a St. Joseph park.

E.C. testified that, while they were walking together, M.I.S. said he wanted to “show [her] something” and the two went inside a park restroom. E.C. identified photographs as accurate depictions of the restroom. Once inside, M.I.S. “took [E.C.’s] clothes off,” put a condom on, “shoved” E.C. onto a bench, and put his finger and penis into her vagina. E.C. “told him to stop,” said, “no,” and tried “kicking and pushing him” off her during the encounter. But M.I.S. was “taller,” “stronger,” and “weigh[ed] more than” E.C. Before ejaculating, M.I.S. took off the condom “and threw it on the ground by the door.” M.I.S. told E.C., “You need to take—you need to buy Plan B.” E.C. explained that Plan B is a “contraceptive to take so you don’t get pregnant.” M.I.S. left E.C. inside the restroom.

As she walked away from the park, E.C. called her father’s girlfriend, L.B., because she felt “safe talking to her.” E.C. testified that she talked with L.B. about getting Plan B.

The district court found that L.B. testified credibly and that she confirmed that E.C. called her on June 14. L.B. also testified that E.C. sounded “really upset” and “scared” and “was crying.” E.C. told L.B. that “she got touched inappropriately.” L.B. denied talking to E.C. about getting Plan B. L.B. also testified that she told E.C.’s father about the phone call.

The district court found that E.C.’s mother credibly testified that, when E.C. got home, she was “crying,” “had leaves in her hair,” “had dirt on her face,” and “went straight to the shower.” Father called mother and told her what happened to E.C., then mother contacted the police.

E.C. spoke with law enforcement, and officers investigated. The first law enforcement officer testified about photographs taken inside the park restroom, including

“the condom on the floor.” The first officer testified that E.C.’s statement to him on June 14 was consistent with her testimony.

Following the assault, E.C. also went to the hospital, cooperated with gathering and preserving evidence, and spoke with a SANE. The SANE testified that E.C. was “tearful” and “very cooperative” and reported “quite a bit of pain and tenderness” in her vaginal opening.

M.I.S. testified that the June 14 incident was consensual sexual contact. M.I.S. explained that he had “a sexual encounter” with E.C. “like a week or two” before June 14. Before their first sexual encounter, M.I.S. and E.C. “texted each other” and decided to “hook up one time.” E.C. “chose the location,” “brought the condom,” and did not “express any hesitation” when they met up. M.I.S. testified that he and E.C. had sex in the park restroom. He also testified that the condom found inside the restroom was from the first sexual encounter.

M.I.S. testified that E.C. texted him on June 14 “about meeting up and hooking up one more time.” E.C. “said she didn’t have a condom on her” but that “she had Plan B.” They met again at the park restroom and had sex without a condom. E.C. then told M.I.S. that she “actually didn’t have” Plan B and started “sobbing.” M.I.S. testified that E.C. “was afraid of getting pregnant” and “really did not want her mom to find out.” M.I.S. left while E.C. was still inside the restroom.

M.I.S. also testified about his statement to law enforcement on the night of June 14. M.I.S. acknowledged that he did not tell officers about his first sexual encounter with E.C. or their conversation about Plan B. M.I.S. explained that he could not provide his messages

with E.C. because, “after you see the text message and you swipe out of [the app], it deletes automatically.”

The district court also received testimony about E.C.’s behavior after the sexual assault.¹ E.C. testified that she struggled after the assault; she “started sneaking out and . . . getting in trouble at school and made very poor decisions.” Mother confirmed these behavioral changes and testified that E.C. “started lying,” “missing school,” and “taking off in the middle of the night.” Mother also testified that, when M.I.S. rode his bike past their house in September 2024, E.C. started “crying” and was “hysterical.”

E.C. testified that, in October 2023, she met a 17-year-old boy on a dating app and told him she was 16 years old. E.C. and the older boy had sex twice in a park in Cold Spring. During the second incident, law enforcement approached a parked vehicle with E.C. and the older boy inside. E.C. admitted at trial that she did not initially tell law enforcement she had sex with the older boy because it made her “feel uncomfortable.” A second law enforcement officer testified about his contact with E.C. in Cold Spring, confirming that E.C. at first lied about her age and about having sex with the older boy.

After trial, the district court filed its findings of fact, conclusions of law, and order, determining that M.I.S. was guilty of third-degree criminal sexual conduct as well as the lesser-included offense of fifth-degree criminal sexual conduct. The district court found that, “when viewed in sequence and considering the context and the totality of

¹ The district court granted M.I.S.’s pretrial motion to admit evidence about E.C.’s sexual relationship with another boy, discussed in the next paragraph. The admission of this evidence is not an issue on appeal.

circumstances, [E.C.’s] false statements from October do not significantly undermine her credibility related to the June 14, 2023 incident.” The district court also found that M.I.S. “was not credible.”

On May 19, 2025, the parties appeared for a disposition hearing. The district court continued the case without adjudication for 180 days, subject to certain conditions. M.I.S. appeals.

DECISION

M.I.S. argues that E.C. lacked credibility and that there was no corroborating evidence that she did not consent to sexual intercourse. M.I.S. essentially argues that the evidence is insufficient to support the findings of guilt for third- and fifth-degree criminal sexual conduct.

“When evaluating the sufficiency of the evidence, appellate courts carefully examine the record to determine whether the facts and the legitimate inferences drawn from them would permit the [fact-finder] to reasonably conclude that the defendant was guilty beyond a reasonable doubt of the offense of which he was convicted.” *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016) (quotation omitted); *see also State v. Palmer*, 803 N.W.2d 727, 733 (Minn. 2011) (stating that appellate courts “use the same standard of review in bench trials and in jury trials in evaluating the sufficiency of the evidence”). Appellate courts must view the evidence “in the light most favorable to” the finding of guilt and must assume that the fact-finder “disbelieved any evidence that conflicted with” it. *Griffin*, 887 N.W.2d at 263.

The state has the burden to prove M.I.S.’s guilt beyond a reasonable doubt. *See* Minn. R. Juv. Delinq. P. 13.06. “A person who engages in sexual penetration with anyone under 18 years of age is guilty of criminal sexual conduct in the third degree if . . . the actor uses coercion to accomplish the penetration.” Minn. Stat. § 609.344, subd. 1a(c). “Coercion” is defined as “use by the actor of words or circumstances that cause the complainant reasonably to fear the infliction of bodily harm upon the complainant or another, or the use by the actor of confinement, or superior size or strength, against the complainant to accomplish the act.” Minn. Stat. § 609.341, subd. 14 (2022). “A person is guilty of criminal sexual conduct in the fifth degree if the person engages in nonconsensual sexual penetration.” Minn. Stat. § 609.3451, subd. 1.

On appeal, M.I.S. challenges the sufficiency of the state’s evidence that “the sexual penetration occurred without consent or that M.I.S. used coercion.” Appellate courts do not reweigh the evidence, *State v. Franks*, 765 N.W.2d 68, 73 (Minn. 2009), and generally “accord great deference” to the fact-finder’s credibility determinations, *State v. King*, 990 N.W.2d 406, 420 (Minn. 2023) (quotation omitted). “In a prosecution under sections 609.342 to 609.3451 . . . the testimony of a victim need not be corroborated.” Minn. Stat. § 609.347, subd. 1 (2024); *see also State v. Foreman*, 680 N.W.2d 536, 539 (Minn. 2004) (holding that the testimony of a single credible witness can provide sufficient evidence to support a conviction).

M.I.S. maintains that this is a “rare case” where “grave doubts” regarding his guilt mandate reversal. M.I.S. relies on, among other cases, *State v. Huss*, 506 N.W.2d 290

(Minn. 1993).² The district court convicted Huss of second-degree criminal sexual conduct against his three-year-old daughter. *Huss*, 506 N.W.2d at 290-92. The only direct evidence was daughter's testimony. *Id.* at 292. The supreme court described daughter's testimony, stating she "was on the stand for almost an hour before she made any accusation of abuse, and then she said both her mother and her father had touched her in a bad way." *Id.* Daughter denied having any "yucky secrets" and "called a hug and a touch to her hair 'bad touches.'" *Id.* The supreme court also noted that daughter testified she had showered at Huss's house on the day she testified, even though she had not seen Huss "for

² M.I.S. cites several other "rare" cases in which the supreme court reversed a conviction because the complainant lacked credibility and there was no corroborating evidence of the alleged offense. *State v. Housley*, 322 N.W.2d 746, 750-51 (Minn. 1982) (concluding that the state did not prove beyond a reasonable doubt that the defendant had no right to defend himself from plain-clothes officers who violently broke into his home to execute a warrant); *State v. Langteau*, 268 N.W.2d 76, 77 (Minn. 1978) (ordering a new trial when (1) the complainant testified he was robbed shortly after visiting a friend in a hospital even though it was closed to visitors before the alleged offense occurred and (2) there was no evident reason for the defendant to rob the complainant, "with whom he was well acquainted"); *State v. Gluff*, 172 N.W.2d 63, 63 (Minn. 1969) (ordering a new trial when "the victim's identification [was] based on an inadequate opportunity for observation; the description given at the time of the offense [did] not coincide with the defendant's actual appearance; the lineup procedures were unfair and prejudicial; and the jury was permitted to infer that defendant had a prior police record").

M.I.S. also cites cases in which appellate courts have rejected sufficiency-of-the-evidence arguments. *See, e.g., State v. Hamilton*, 289 N.W.2d 470, 477 (Minn. 1979) ("Despite the minor inconsistencies in the state's case and the relative inconclusiveness of the supporting evidence, we defer to the jury's right to believe the complainant and disbelieve the defendant and hold that the evidence was sufficient to sustain the verdicts of guilt beyond a reasonable doubt."); *State v. Ani*, 257 N.W.2d 699, 700 (Minn. 1977) (affirming conviction, in part, because "the victim's testimony was positive and not contradicted, and was strongly corroborated by other evidence"); *Marshall v. State*, 395 N.W.2d 362, 365-66 (Minn. App. 1986) (affirming conviction despite complainant's less detailed testimony and weak corroborating evidence of the offense), *rev. denied* (Minn. Dec. 17, 1986).

approximately a year before trial.” *Id.* Daughter could not identify Huss in the courtroom and testified that “her father was bald and blind,” even though Huss was neither. *Id.*

The supreme court reversed Huss’s conviction, reasoning that daughter’s contradictory testimony, coupled with her repeated exposure to “books and a video about sexual abuse,” raised “questions about the validity of the accusations made against” her father. *Id.* at 292-93. The supreme court concluded that, “on these unusual facts, the state did not meet its burden of proof beyond a reasonable doubt.” *Id.* at 293.

M.I.S. contends that the state’s evidence in his case is like the state’s evidence in *Huss*. M.I.S. argues that “there were reasons to doubt E.C.’s credibility, her testimony was contradicted, and her claims of non-consent and coercion were not corroborated.” We address M.I.S.’s four arguments in turn.

First, M.I.S. argues that E.C.’s testimony was contradicted by other witness testimony. M.I.S. contends that, “while E.C. claimed she talked to L.B. about Plan B and L.B. agreed to get it for her, L.B. testified credibly that this did not happen.” While accurately stating the testimony, M.I.S.’s argument relies on a minor inconsistency that does not justify reversal. *See State v. Stufflebean*, 329 N.W.2d 314, 319 (Minn. 1983) (stating that “inconsistencies and conflicts in some particular area” between state witnesses “are a sign of the fallibility of human perception—not proof that false testimony was given at trial” and that “[t]his is especially true when the testimony goes to the particulars of a traumatic and extremely stressful incident”).

M.I.S. also contends that his “version of events . . . was consistent and plausible.” But on appeal, we defer to the district court’s finding that M.I.S. was not credible. *See*

King, 990 N.W.2d at 420; *Griffin*, 887 N.W.2d at 263. The district court’s findings indicate that it disbelieved M.I.S.’s testimony that the June 14 incident was consensual. The district court stated that M.I.S. failed to disclose to law enforcement the alleged “prior incident” with E.C. in which he claimed they had consensual sex. The district court also found that M.I.S.’s “alternate version of events” was “strained considering the totality of evidence.”

Second, M.I.S. argues that E.C.’s description of the sexual assault in the restroom was “highly improbable.” He contends that E.C.’s testimony was not plausible because she claimed that, “while M.I.S. held her down and she struggled, he was able to remove her clothes, remove his pants, and place a condom on his penis.” M.I.S. points to E.C.’s testimony that he “ripped her clothes off while she attempted to fight him off, but her clothes were not damaged and she did not have any visible injuries, such as bruises or abrasions.” We are not persuaded. M.I.S. essentially asks us to disregard the district court’s finding that E.C.’s testimony was credible and to reweigh the evidence, which we decline to do. *See Franks*, 765 N.W.2d at 73 (stating that appellate courts cannot reweigh the evidence).

Third, M.I.S. contends that “E.C. had a documented history of lying,” citing the evidence that E.C. lied to the older boy and the second law enforcement officer. E.C. admitted that she told the older boy and the second officer that she was 16 years old. E.C. also admitted that she did not initially tell the second officer that she had sex with the older boy.

The district court considered E.C.’s false statements to police and determined that, “when viewed in sequence and considering the context and the totality of the

circumstances,” the lies did not “significantly undermine her credibility related to the June 14, 2023 incident.” We add that the district court also found credible E.C.’s mother’s testimony that E.C. “began lying, leaving home in the middle of the night, and missing school” *after* the June 14 sexual assault. Again, we do not reweigh the evidence or second-guess the district court’s credibility determinations. *See id.*

Finally, M.I.S. argues that E.C.’s testimony about the sexual assault was “not corroborated.” M.I.S. criticizes the state because it did not subpoena the records of his messages with E.C., “which would have been helpful in assessing” witness credibility. M.I.S. also argues that, “[w]hile E.C.’s distraught call to [L.B.] and her emotional state when arriving home could be considered corroboration” of the sexual assault, “E.C. very well might have been distraught over the possibility of being pregnant and fearing consequences if her parents found out she was sexually active at age fourteen.”

When viewed in the light most favorable to the findings of guilt, “the facts and the legitimate inferences drawn from” E.C.’s testimony support the district court’s finding beyond a reasonable doubt that M.I.S. used coercion to engage in nonconsensual sexual penetration with E.C. *See Griffin*, 887 N.W.2d at 263. E.C.’s testimony *on its own* is sufficient to sustain both guilty verdicts; no corroboration is required. *See Minn. Stat.* § 609.347, subd. 1; *Foreman*, 680 N.W.2d at 539.

Still, the state offered corroborating evidence, including E.C.’s immediate report to L.B. after the sexual assault, E.C.’s statements to the SANE and first law enforcement officer about the assault, E.C.’s mother’s observations of E.C. after the assault—including her tearful demeanor, changed behavior, and “hysterical” response to seeing M.I.S. bike

past her home—along with evidence of the used condom in the restroom. *See State v. Johnson*, 679 N.W.2d 378, 387 (Minn. App. 2004) (stating that corroborative evidence of sexual assault includes a “prompt complaint by a victim” and “[t]estimony from others about a victim’s emotional condition after a sexual assault”), *rev. denied* (Minn. Aug. 17, 2004).

As a result, the state’s evidence against M.I.S. is materially different from the evidence in *Huss*. Unlike the three-year-old daughter in *Huss*, E.C. was a teenager at the time of the sexual assault and trial. E.C. testified to the sexual assault in detail and identified M.I.S. as her assailant. And E.C.’s testimony was corroborated by other evidence, as already discussed. This is not a “rare case” that mandates reversal. *See State v. Balsley*, 999 N.W.2d 880, 887 (Minn. App. 2023) (stating that *Huss* is “unique to [its] facts and easily distinguished”), *aff’d*, 10 N.W.3d 671 (Minn. 2024). Thus, we conclude that the evidence was sufficient to support the district court’s findings of guilt.

Affirmed.