

*This opinion is nonprecedential except as provided by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
A25-0994**

State of Minnesota,
Respondent,

vs.

Francis Gregory Halling,
Appellant.

**Filed April 27, 2026
Affirmed
Florey, Judge***

Wright County District Court
File No. 86-CR-23-2377

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

Brian A. Lutes, Wright County Attorney, Jennifer K. Buske, Assistant County Attorney,
Buffalo, Minnesota (for respondent)

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

Considered and decided by Bond, Presiding Judge; Harris, Judge; and Florey, Judge.

NONPRECEDENTIAL OPINION

FLOREY, Judges

Appellant Francis Gregory Halling challenges his conviction of two counts of
falsely reporting police misconduct, arguing that the evidence was insufficient because he

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

did not know the reported police misconduct was false. Because the evidence was sufficient to support the conviction, we affirm.

FACTS

Lieutenant A.L. leads internal affairs investigations for Wright County. “Internal affairs” investigations include police officer misconduct, which consists of, among other things, being untruthful, committing crimes, and coercing statements out of children and witnesses. In October 2022, Lieutenant A.L. learned that Halling called the “national fraud information center” of the Federal Bureau of Investigation (FBI) and claimed that his “children were coerced into making a false statement” by Deputy A.B. Halling also claimed that Deputy A.B. was dating his wife, R.J., with whom he shares children and was in the process of divorcing. Lieutenant A.L. began his internal affairs investigation by reviewing Halling’s call to the FBI. The following summarizes the evidence and witness testimony.

In Halling’s FBI call, Halling explained that he was at Kwik Trip and had gone inside to get coffee while two of his children stayed in the car. When Halling returned to his car, his children told him that Deputy A.B. made several threats against them. According to his children, Deputy A.B. told them to say that Halling “was hitting them 50 times a day.” Deputy A.B. told Halling’s children that “they better say what he told them to say otherwise he was going to put their mom and dad in jail again.” He then asked the FBI whether his allegations, if proven true, “would be some type of a crime.” Halling additionally alleged that his children were “being abused by [his] wife’s family and the

deputy.” Halling also told the FBI that Deputy A.B.’s actions were captured by a Kwik Trip video camera. Halling asked Kwik Trip to “protect that video.”

Lieutenant A.L. testified that he is a licensed peace officer and that, as part of his investigation, spoke with Deputy A.B., R.J., and Halling, and he reviewed the Kwik Trip surveillance video. Deputy A.B. told Lieutenant A.L. that, on October 22, 2022, he was at a Kwik Trip investigating an unrelated case. As Deputy A.B. was leaving the store and walking towards his squad car, Halling drove towards him and started asking questions, such as his name, badge number, and where he lived. Deputy A.B. responded to the first two questions but declined to answer the third. He testified at trial that he did not have any contact with any children while at Kwik Trip. Deputy A.B. told Lieutenant A.L. that his encounter with Halling at Kwik Trip was the first time he had ever seen him. He also denied having a relationship with Halling’s wife and abusing or coercing Halling’s children.

R.J. also denied both the relationship and abuse towards her children in her conversation with Lieutenant A.L. According to Lieutenant A.L., R.J. stated that she spoke with Deputy A.B. once over the phone in relation to a “civil case of some sort, court order violation or something to that effect.”

At trial, R.J. testified about a parenting-time hearing that occurred the same day as Halling’s call with the FBI. She explained that Deputy A.B.’s name was never brought up at the parenting-time hearing, there was no video of the children being abused by her or Deputy A.B. submitted there, and there was nothing submitted by Halling regarding an affair between R.J. and Deputy A.B. The result of that hearing, R.J. testified, “was a change

in parenting time” that was “less favorable” to Halling. Lieutenant A.L. testified that he reviewed the transcript of the parenting-time hearing and found no mention of Deputy A.B.’s name.

Lieutenant A.L. also spoke with Halling over the phone on three separate occasions. Halling told Lieutenant A.L. that Deputy A.B. and his wife were dating, their relationship had been ongoing “for quite some time,” and that the allegations of abuse came from his children. Halling and Lieutenant A.L. also discussed the Kwik Trip video. Lieutenant A.L. testified that he offered to let Halling come into the office to watch the video, but he did not recall how Halling responded.

The state played the Kwik Trip surveillance video in open court. The video showed Deputy A.B.’s squad car parked outside the Kwik Trip. The first seven-and-a-half minutes of the video depict unrelated people passing by. After that time, Deputy A.B. exited the Kwik Trip and walked to his squad car. Just after Deputy A.B. opened the driver’s-side door, Halling pulled into a parking stall two spaces over. Deputy A.B. approached Halling’s driver-side window momentarily before returning to his squad car. Deputy A.B. re-approached Halling’s car, stood there for approximately 30 seconds, and then stepped back as Halling drove away. Deputy A.B. left the Kwik Trip parking lot in his squad car approximately three minutes later.

Based on his investigation, Lieutenant A.L. concluded that Halling’s report was “unfounded” and that Deputy A.B. was “exonerated.” Lieutenant A.L. testified that when an internal affairs investigation results in a deputy’s exoneration, that means there was “absolutely no evidence that an incident took place.”

Halling chose not to testify, and the defense presented no other witnesses. The jury found Halling guilty on both counts of falsely reporting police misconduct under Minnesota Statutes section 609.505, subdivision 2(a)(1) (providing for misdemeanor sentence if false information did not allege criminal act) and subdivision 2(a)(2) (providing for gross misdemeanor sentence if false information alleged a criminal act) (2022). The district court convicted Halling of a gross misdemeanor for falsely reporting police misconduct under subdivision 2(a)(2).¹ The district court sentenced Halling to 364 days in jail, with 319 of those days stayed and one day credited for time served. It also placed Halling on probation for two years subject to various conditions.

Halling appeals.

DECISION

Halling argues that the state presented insufficient evidence to sustain his conviction of falsely reporting police misconduct. More specifically, he argues that the evidence does not show that Halling knew the information he reported was, in fact, false.

To prove Halling guilty of falsely reporting police misconduct, the state needed to prove that Halling “informed a police officer, whose responsibilities include investigating or reporting police misconduct, that another officer . . . committed an act of police misconduct, knowing that the information is false.” *State v. Crawley*, 819 N.W.2d 94, 107 (Minn. 2012); *see also* Minn. Stat. § 609.505, subd. 2(a).

¹ The district court did not enter a conviction on the misdemeanor count because it found that both counts were part of the same behavioral incident.

When reviewing a sufficiency-of-the-evidence challenge, we consider whether the state relied on direct or circumstantial evidence at trial. *State v. Segura*, 2 N.W.3d 142, 155 (Minn. 2024). For an element proven by direct evidence, “we painstakingly review the record to determine whether that evidence, viewed in the light most favorable to the verdict, was sufficient to permit the jurors to reach the verdict that they did.” *Id.* (quotation omitted).

But when a conviction rests on circumstantial evidence alone, “we apply a two-step test to assess the sufficiency of the evidence.” *State v. Firkus*, 31 N.W.3d 468, 478 (Minn. 2026). At the first step, we “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.* (quotation omitted). The underlying rationale here is that “the jury is in a unique position to determine the credibility of the witnesses and weigh the evidence before it.” *Id.* at 479 (quotation omitted). At the second step, “we consider 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.

We begin with the circumstances proved. On October 22, 2022, Deputy A.B. exited the Kwik Trip and walked directly to his squad car; just as Deputy A.B. was getting back into his squad car, Halling pulled into a parking stall two spaces away; Halling then asked Deputy A.B. for his name, badge number, and where he lived; after their conversation

ended, Halling backed out of the parking stall and drove away; Deputy A.B. did not interact with Halling's children.

Four days later, Halling and R.J. met in court for a separate parenting-time proceeding; Halling did not suggest or present any evidence regarding an affair between Deputy A.B. and R.J., nor did he reference Deputy A.B. threatening or abusing his children; and the outcome of the parenting-time hearing was "less favorable" to Halling. Later that day, Halling called the FBI to report misconduct by Deputy A.B. Deputy A.B. could not describe what Halling's wife, R.J., looked like, did not know the names or ages of Halling's children, and denied being in a relationship with R.J. Lieutenant A.L.'s internal affairs investigation revealed that the incident in Halling's report was "unfounded."

Having identified the circumstances proved, we now determine "whether the reasonable inferences that can be drawn from the circumstances proved . . . are consistent with the hypothesis that the accused is guilty and inconsistent with any rational hypothesis other than guilt." *Id.* We view the circumstances proved "as a whole and not as discrete, isolated facts." *Id.* Unlike the first step, our review at the second stage affords no deference to the jury, and we independently evaluate the reasonableness of the inferences. *See id.*

Viewed as a whole, we conclude that the circumstances proved support only one reasonable inference—that Halling reported police misconduct that he knew to be false. Halling advances an alternative hypothesis that he argues is a reasonable inference from the circumstances proved, namely that he "did not know the information he was reporting about Deputy A.B. was false." According to Halling, he simply accepted what his children told him about Deputy A.B. We are not persuaded.

Halling claimed that while he was inside Kwik Trip getting coffee, Deputy A.B. “illegally” approached his car and threatened his children into making false statements about their father. But this is not a circumstance proved because the jury necessarily rejected it given the guilty verdict. Not only that, but this claim is directly contradicted by the record evidence. According to the Kwik Trip surveillance video, Halling was the one who approached Deputy A.B. in the parking lot, where the two of them interacted for less than two minutes before Halling drove away. In fact, nothing in the video shows Halling exiting his car, Halling going inside Kwik Trip, or Deputy A.B. contacting Halling’s children.

Furthermore, Halling’s encounter with Deputy A.B. at Kwik Trip occurred four days before the separate parenting-time hearing. At that hearing, Halling never mentioned Deputy A.B.’s name or how he threatened and abused Halling’s children. If Halling’s belief was genuine, common sense suggests that he would have brought this up during the parenting-time hearing. And, notably, it was only after the less favorable outcome of the parenting-time hearing that Halling called the FBI to report his children’s account of Deputy A.B. threatening and abusing them.

Viewing the circumstances proved as a whole, Halling’s assertion is not a “*reasonable* inference inconsistent with guilt.” *See id.* (emphasis added). Aside from his own self-serving claims, Halling identified no other circumstances proved that support a reasonable inference that his allegations against Deputy A.B. were genuine. *See Firkus*, 31 N.W.3d at 483 (“[W]e will not reverse a conviction based on mere conjecture.”) (quotation omitted); *State v. Ostrem*, 535 N.W.2d 916, 923 (Minn. 1995) (stating appellant

“must point to evidence in the record that is consistent with a rational theory other than guilt” to successfully challenge guilty verdict based on circumstantial evidence). While Halling’s alternative hypothesis, that his children told him information that he believed to be true, is a possibility, that possibility alone “do[es] not require reversal of a jury verdict so long as the evidence taken as a whole makes such theor[y] seem unreasonable.” *Id.* And Halling’s theory is unreasonable given that he has produced no evidence for support, and the record evidence refutes much of Halling’s recollection of events as reported to the FBI and Lieutenant A.L.

We conclude that the state presented sufficient evidence to support Halling’s conviction of falsely reporting police misconduct.

Affirmed.