

*This opinion is nonprecedential except as provided by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
A25-1005**

State of Minnesota,
Respondent,

vs.

Dylan Robert Simmons,
Appellant.

**Filed June 8, 2026
Affirmed in part, reversed in part, and remanded
Bond, Judge**

Washington County District Court
File No. 82-CR-23-2464

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

Kevin M. Magnuson, Washington County Attorney, Andrew T. Jackola, Nicholas A. Hydukovich, Assistant County Attorneys, Stillwater, Minnesota (for respondent)

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

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

NONPRECEDENTIAL OPINION

BOND, Judge

In this direct appeal from the judgment of conviction for second-degree unintentional murder, criminal vehicular homicide, and second-degree assault, appellant argues that the district court abused its discretion by admitting a video from the victim's cellphone and plainly erred by admitting body-worn camera footage from a responding police officer. Appellant argues that the cumulative effect of these errors deprived him of a fair trial. Alternatively, appellant argues that the sentencing order and warrant of commitment are incorrect. We affirm appellant's convictions, but we reverse and remand for the district court to correct the sentencing order and warrant of commitment.

FACTS

Respondent State of Minnesota charged appellant Dylan Robert Simmons with second-degree intentional murder (count one), second-degree unintentional murder (count two), criminal vehicular homicide – leaving the scene (count three), and three counts of second-degree assault with a dangerous weapon (counts four through six). *See* Minn. Stat. §§ 609.19, subds. 1(1), 2(1), .2112, subd. 1(a)(7), .222, subd. 1 (2022). The charges stemmed from an altercation between two groups of young adults that culminated with Simmons striking and killing a 17-year-old with his vehicle. The case proceeded to a jury trial at which the following evidence was received.

At around midnight on July 16, 2023, Simmons was socializing with friends at a park in Forest Lake. Simmons texted D.V., with whom he had been feuding on and off for years, to come to the park to fight. D.V. drove to the park with several friends and D.V.'s

17-year-old sister, the victim in this case. When D.V. arrived, there was an immediate altercation between D.V.'s group and Simmons's group. Simmons had a hammer, D.V. had a knife, and the groups chased one another through the park and engaged in multiple rounds of fistfights.

Eventually, thinking that the police were coming, the two groups returned to their respective cars. Simmons did not immediately leave because he had left his car keys in a different part of the park. As Simmons was sitting in his car, D.V.'s group surrounded the car and D.V. struck the car's fender with a baseball bat. After a friend brought Simmons his car keys, Simmons started his car and drove toward D.V.'s group. D.V. saw Simmons driving "right at [him]," smiling and laughing. Simmons's vehicle brushed D.V., who was scared and jumped out of the way. Simmons then looped around and rear-ended D.V.'s car. Witnesses thought that it seemed like Simmons was trying to hit the people in D.V.'s group.

At that point, members of D.V.'s group, including the victim who was recording the events on her cellphone, again approached Simmons's vehicle. The victim slapped Simmons's passenger window, and Simmons reversed his car so that the car was "point[ed] . . . right at [D.V.] and [the victim]." Simmons accelerated and D.V. jumped out of the way. Simmons's car struck the victim and, according to witnesses, Simmons "press[ed] on it," so that the car's wheels ran over the victim's body as Simmons drove away. Simmons returned to the scene shortly thereafter because a witness spoke to the passenger in Simmons's car and told them to come back. The victim was pronounced dead at the scene.

At trial, the jury heard testimony from 15 witnesses and received 49 exhibits, including a video from the victim's cellphone, footage from a responding officer's body-worn camera, and surveillance videos from a nearby building showing Simmons's car hitting the victim. Simmons stipulated to causing the victim's death but he disputed that he intended to kill, arguing that he acted in self-defense.

The jury acquitted Simmons of second-degree intentional murder and found him guilty of the remaining five counts. The district court adjudicated Simmons guilty of counts two, four, five, and six, and sentenced Simmons to 234 months in prison on count two, second-degree unintentional murder.

Simmons appeals.

DECISION

I. The district court acted within its discretion by admitting a video from the victim's cellphone.

Simmons argues the district court abused its discretion by admitting a video from the victim's cellphone as an exhibit at trial. "Evidentiary rulings rest within the sound discretion of the district court, and we will not reverse an evidentiary ruling absent a clear abuse of discretion." *State v. Ali*, 855 N.W.2d 235, 249 (Minn. 2014). "A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record." *State v. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019) (quotation omitted).

Generally, relevant evidence is admissible. Minn. R. Evid. 402. Evidence is relevant if it has "any tendency to make the existence of any fact that is of consequence to

the determination of the action more probable or less probable than it would be without the evidence.” Minn. R. Evid. 401; *see State v. Swinger*, 800 N.W.2d 833, 839 (Minn. App. 2011) (“A fact is relevant if, when taken alone or in connection of other facts, it warrants a jury in drawing a logical inference assisting, even though remotely, the determination of the issue in question.” (quotation omitted)), *rev. denied* (Minn. Sept. 28, 2011). “Rule 401 reflects a minimal relevancy approach.” *Hallmark*, 927 N.W.2d at 298 (quotation omitted). Even relevant evidence, however, may be excluded, if “its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” Minn. R. Evid. 403.

Before trial, the state moved to admit exhibit 108, a 13-minute video from the victim’s cellphone. The first eight seconds of exhibit 108 contain video from the victim’s point of view as she approaches, and is then struck by, Simmons’s car. The remaining 12 minutes and 52 seconds contain audio—but no video—of the witnesses’ distraught reactions and statements to one another and first responders’ actions on the scene. Simmons objected, arguing that only the first eight seconds were relevant and that the remainder of the video had no probative value and would inflame the jury’s passions. The state contended that the entire exhibit was relevant to the charge of criminal vehicular homicide because it showed that Simmons left the scene after striking the victim.

The district court listened to exhibit 108 and found that, while there were “prejudicial concerns because it is disturbing,” “there are distinct pieces of probative evidence within the audio itself.” The court highlighted four points in the audio recording

of particularly probative evidence, including when witnesses say that Simmons was not there, “We saw it all,” “Come back to the scene,” and when “the crowd kind of explodes” apparently reacting to Simmons returning to the scene, which the district court found probative of the “chronology of events.” The district court determined that the probative value outweighed any potential for unfair prejudice and granted the state’s motion to admit exhibit 108. At trial, exhibit 108 was received as an exhibit and published to the jury.

On appeal, Simmons argues that the district court abused its discretion because exhibit 108 was inadmissible for three reasons.

Relevance

First, Simmons contends that, apart from the first eight seconds of video, exhibit 108 does not contain any evidence relevant to the charged offenses. We disagree. Evidence has probative value “when it, in some degree, advances the inquiry.” *State v. Schulz*, 691 N.W.2d 474, 478 (Minn. 2005); *see also* Minn. R. Evid. 401 (defining “[r]elevant evidence” as “evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence”). Exhibit 108 contains audio of witnesses’ reactions to Simmons’s striking the victim with his car and Simmons’s apparent return to the scene. As the district court found, this evidence had probative value because it helped the jury understand the sequence of events and who was present at the scene, which was relevant in particular to the charge of criminal vehicular homicide – leaving the scene.

As support for his position that exhibit 108 was irrelevant, Simmons cites two nonprecedential decisions from this court.¹ *See State v. Buck*, No. A23-1600, 2024 WL 4259304, at *3 (Minn. App. Sept. 23, 2024) (concluding that a video recorded two years prior to the charged offense was irrelevant because it only included vague statements that were not specific to the charged offense); *State v. Hatton*, No. A23-1881, 2025 WL 1157157, at *4-5 (Minn. App. Apr. 21, 2025) (concluding that a used syringe containing methamphetamine found in the defendant’s home two days after the charged offense was irrelevant to prove whether the defendant committed criminal sexual conduct). But unlike the contested evidence in *Buck* and *Hatton*, exhibit 108 is probative of the charged offenses. Because *Buck* and *Hatton* are distinguishable, they are not persuasive and we decline to rely on them.

Given the minimal relevancy requirements of Minn. R. Evid. 401, the district court did not abuse its discretion by determining that exhibit 108 was relevant. *See* Minn. R. Evid. 401 (stating that relevant evidence must only have “any tendency” to make a fact more or less probable); *Schulz*, 691 N.W.2d at 478 (stating that, in order to be relevant, evidence need only “warrant[] a jury in drawing a logical inference assisting, even though remotely, the determination of the issue in question”).

Needlessly Cumulative

Second, Simmons contends that, because he did not dispute that he caused the victim’s death and because other witnesses and other evidence showed that he left the

¹ Nonprecedential opinions are not binding authority but may have persuasive value. Minn. R. Civ. App. P. 136.01, subd. 1(c).

scene, exhibit 108 was needlessly cumulative. *See* Minn. R. Evid. 403 (providing that even relevant evidence may be excluded to avoid “needless presentation of cumulative evidence”). Evidence is not needlessly cumulative when it “offer[s] a distinct perspective.” *See State v. Chauvin*, 989 N.W.2d 1, 30 (Minn. App. 2023), *rev. denied* (Minn. July 18, 2023). While other videos show Simmons’s car hitting the victim, exhibit 108 shows the circumstances of the offense from the unique perspective of the victim, as well as the witnesses’ tones of voice and verbal reactions to Simmons’s conduct. *See State v. Valentine*, 787 N.W.2d 630, 640 (Minn. App. 2010) (holding that recorded messages were not needlessly cumulative even when witnesses could testify as to their contents because such testimony would not capture the tone of voice), *rev. denied* (Minn. Nov. 16, 2010). The district court therefore did not abuse its discretion in determining that exhibit 108 was not needlessly cumulative.

Unfair Prejudice

Third, Simmons argues that exhibit 108, even if relevant and not needlessly cumulative, should have been excluded under Minn. R. Evid. 403 because its probative value was substantially outweighed by the danger of unfair prejudice. “All evidence offered against defendants in criminal trials is prejudicial to some extent.” *State v. Spaeth*, 552 N.W.2d 187, 195 (Minn. 1996). Unfair prejudice does not mean “damage to the opponent’s case that results from the legitimate probative force of the evidence.” *State v. Mosley*, 853 N.W.2d 789, 797 (Minn. 2014) (quotation omitted). Rather, unfair prejudice “refers to the unfair advantage that results from the capacity of the evidence to persuade by illegitimate means.” *Hallmark*, 927 N.W.2d at 299 (quotation omitted).

Simmons contends that exhibit 108 carried substantial danger that the jury would convict him out of sympathy for the victim and her family. We recognize, as did the district court, that exhibit 108 depicts disturbing images and sounds. But otherwise relevant evidence in a homicide case is not inadmissible solely because it is graphic or emotionally disturbing. *State v. Morton*, 701 N.W.2d 225, 237 (Minn. 2005) (stating that photos in a murder case “are not rendered inadmissible just because they vividly depict a shocking crime or incidentally tend to arouse the passions and prejudices of the jurors”); *State v. Larson*, 281 N.W.2d 481, 487 (Minn. 1979) (concluding that a video recording of a victim’s dying declaration was admissible because, while it was “emotionally gripping,” it contained information concerning the type of weapon, the motive, and the chronology of the offense). Here, the district court listened to the entirety of exhibit 108, identified specific reasons why it was relevant, and weighed that relevance against the danger of unfair prejudice. While exhibit 108 was undoubtedly prejudicial, Simmons does not show that the risk of the evidence persuading by illegitimate or unfair means outweighed its probative value. *See Hallmark*, 927 N.W.2d at 299.

On this record, we conclude that the district court acted within its discretion by determining that exhibit 108 was admissible because it was relevant, not needlessly cumulative, and because its probative value was not substantially outweighed by its potential for unfair prejudice.

II. The district court did not plainly err in admitting body-worn camera footage from a responding officer.

Simmons argues that the district court plainly erred in admitting exhibit 105, a ten-minute excerpt of footage from a responding police officer's body-worn camera showing the officer's arrival at the scene and life-saving measures being performed on the victim by the officer and a good Samaritan. Simmons contends that exhibit 105 is irrelevant and that any probative value is substantially outweighed by danger of unfair prejudice due to the graphic nature of the video.²

Because Simmons did not object to the admission of exhibit 105, our review is for plain error. Under the plain-error standard, a defendant must establish (1) error, (2) that was plain, and (3) that affected the defendant's substantial rights. *State v. Fraga*, 898 N.W.2d 263, 277 (Minn. 2017). An error is "plain" when it clearly or obviously contravenes caselaw, a rule, or a standard of conduct. *State v. Lilienthal*, 889 N.W.2d 780, 785 (Minn. 2017). If the three plain-error requirements are met, this court may only correct the error if it "seriously affects the fairness, integrity, or public reputation of judicial proceedings." *Pulczynski v. State*, 972 N.W.2d 347, 356 (Minn. 2022).

We begin with the first prong of the plain-error test, which requires us to determine whether the district court abused its discretion in admitting exhibit 105. *See State v. Hayes*, 826 N.W.2d 799, 808 (Minn. 2013) (declining to consider remaining plain-error steps after

² The record reflects that when exhibit 105 was played during trial, there was a significant disruption by spectators in the courtroom that included emotional outbursts, threatening behavior and, later, a physical altercation in the hallway. The district court paused the playing of the video, ordered the spectators removed from the courtroom, and closed the courtroom.

concluding that “the district court did not abuse its discretion in admitting the challenged testimony”); *State v. Jenkins*, 782 N.W.2d 211, 230-31 (Minn. 2010) (concluding in context of plain-error review that “the district court did not abuse its discretion or commit any error when it granted the State’s motion to exclude the evidence on relevance grounds”). Simmons asserts that exhibit 105 was plainly inadmissible because it was irrelevant, arguing that “the only issue in this case was whether Simmons was acting in self-defense when driving in the parking lot.” The state agrees that “the video is unquestionably difficult to watch.” But it argues that admitting exhibit 105 was not plain error because the video allowed the jury to visualize the crime scene and understand the nature and extent of the harm inflicted on the victim, evidence that was relevant to whether Simmons acted with intent to kill.

As discussed in the context of exhibit 108, “[r]ule 401 reflects a minimal relevancy approach.” *Hallmark*, 927 N.W.2d at 298 (quotation omitted); *see* Minn. R. Evid. 401 (stating that relevant evidence must only have “any tendency” to make a fact more or less probable). The supreme court has explained that “it is within the trial court’s discretion to admit photographs, even ghastly ones, so long as they show something that a witness could describe and are material to some relevant issue.” *State v. Hummel*, 483 N.W.2d 68, 74 (Minn. 1992) (affirming admission of multiple photos showing murder victim covered in blood because the photos “allowed the jury to better visualize the crime scene” and “the extent and type of harm to the victim is material to the issues of intent and premeditation”).

We agree with the state that exhibit 105 bore at least some minimal relevance. Exhibit 105 shows the layout of the parking lot, which may have been relevant to

Simmons's self-defense claim. It shows the extent of the victim's injuries, which was relevant to the charged offenses and to Simmons's self-defense claim, and the actions of the police, which Simmons raised as an issue by attacking the investigation as biased and incomplete. And exhibit 105 also contains audio of witnesses' statements such as "He hit her with a car" and "This is not what this was supposed to be," evidence potentially relevant to Simmons's intent. Given rule 401's low bar, we cannot conclude that the district court plainly erred because exhibit 105 lacked "any tendency" to make a fact more or less probable.

Simmons further argues that, even if relevant, admission of exhibit 105 was plainly erroneous because any probative value of the video is substantially outweighed by its graphic nature. Simmons's argument is unavailing under the caselaw we have already discussed. *See Morton*, 701 N.W.2d at 237; *Larson*, 281 N.W.2d at 487. As the supreme court has explained:

Photographs are admissible as competent evidence where they accurately portray anything which it is competent for a witness to describe in words, or where they are helpful as an aid to a verbal description of objects and conditions, provided they are relevant to some material issue; and they are not rendered inadmissible merely because they vividly bring to jurors the details of a shocking crime or incidentally tend to arouse passion or prejudice.

State v. Lee, 645 N.W.2d 459, 467-68 (Minn. 2002) (quotation omitted). Here, the officer described what was portrayed on the body-worn camera footage, including the victim's condition, the parties who were present, and the layout of the parking lot. Exhibit 105 aided the jury's understanding of the officer's verbal description of the scene and the

attempts that were made to save the victim's life. To be sure, exhibit 105 contains disturbing images. And, like exhibit 108, it was certainly prejudicial to Simmons. But Simmons has not established that exhibit 105 persuaded by illegitimate means such that the danger of unfair prejudice substantially outweighed its probative value. *See Hallmark*, 927 N.W.2d at 299.

In sum, we discern no plain error because the district court acted within its discretion by admitting exhibit 105. *See Hayes*, 826 N.W.2d at 807-08. Consequently, we need not address the remaining prongs of the plain-error test. *State v. Webster*, 894 N.W.2d 782, 786 (Minn. 2017) ("If we conclude that any of the requirements of the plain-error doctrine are not satisfied, we need not consider the others.").

III. Cumulative error did not deprive Simmons of a fair trial.

Simmons contends that, even if the district court's evidentiary rulings were individually harmless, the cumulative effect of these errors denied him a fair trial. "An appellant may be entitled to a new trial in rare cases where the errors, when taken cumulatively, have the effect of denying the appellant a fair trial." *Fraga*, 898 N.W.2d at 278 (quotation omitted). "When considering a claim of cumulative error, we look to the egregiousness of the errors and the strength of the [s]tate's case." *Id.* For the reasons discussed above, the district court did not abuse its discretion or plainly err in its evidentiary rulings. Therefore, there is no cumulative error warranting a new trial.

IV. The district court erred by listing a conviction for criminal vehicular homicide on the sentencing order and warrant of commitment.

Simmons argues, alternatively, that the warrant of commitment incorrectly lists a conviction for criminal vehicular homicide. The state agrees that we should reverse and remand for correction of the warrant of commitment. We also agree.

Minnesota law provides that, “[u]pon prosecution for a crime, the actor may be convicted of either the crime charged or an included offense, but not both.” Minn. Stat. § 609.04, subd. 1 (2022). Courts may correct clerical errors in the warrant of commitment at any time. Minn. R. Crim. P. 27.03, subd. 10.

The jury found Simmons guilty of counts two through six. The district court adjudicated Simmons guilty on counts two, four, five, and six. Recognizing that counts two and three—second-degree unintentional murder and criminal vehicular homicide—were based on “the same offense – or same course of conduct,” the district court did not adjudicate Simmons guilty of count three, criminal vehicular homicide. Contrary to the court’s oral pronouncement, however, the sentencing order and warrant of commitment list a conviction for count three. Generally, appellate courts “look to the official judgment of conviction in the district court file as conclusive evidence of whether an offense has been formally adjudicated.” *Spann v. State*, 740 N.W.2d 570, 573 (Minn. 2007) (quotation omitted). But when a district court’s orally pronounced sentence differs from the warrant of commitment, the oral pronouncement controls. *State v. Statloch*, 643 N.W.2d 329, 331 (Minn. App. 2002). Because the warrant of commitment erroneously states that Simmons was convicted of count three, we reverse and remand to the district court to correct the

sentencing order and warrant of commitment so they reflect convictions on counts two, four, five, and six only.

Affirmed in part, reversed in part, and remanded.