STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1006

State of Minnesota,
Respondent,

vs.

Raymond Boy Strong,
Appellant.

Filed May 26, 2026
Affirmed
Worke, Judge

St. Louis County District Court
File No. 69HI-CR-23-437

Keith Ellison, Attorney General, Elizabeth Johnston, Assistant Attorney General, St. Paul, Minnesota; and

Kimberly J. Maki, St. Louis County Attorney, Duluth, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Steven P. Russett, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bratvold, Presiding Judge; Worke, Judge; and Ross, Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant challenges his first-degree criminal-sexual-conduct conviction, arguing that the district court abused its discretion by excluding evidence of the victim being previously sexually assaulted, and requesting that this court review undisclosed documents in camera to determine if they contain information that the district court should have disclosed to the defense. Appellant also argues that he was denied the effective assistance of counsel. We affirm.

FACTS

Appellant Raymond Boy Strong met K.C.E. while they were in a substance abuse treatment center. In 2020, Strong, K.C.E., and their respective children moved into an apartment in Chisholm. Strong and K.C.E. started a romantic relationship.

In 2021, K.C.E. and her children moved out of the apartment. While living separately, K.C.E.'s daughter, C.O., would visit Strong and stay the night.

In 2022, Strong moved out of the Chisholm apartment and into the same apartment complex as K.C.E. Strong and K.C.E. resumed using intoxicants.

In June 2023, Strong and K.C.E. had an argument in K.C.E's apartment. Strong threatened to notify Child Protection Services (CPS) about K.C.E.'s alcohol and drug use. C.O. was present at the time of the argument. Sometime after the argument, C.O. told K.C.E. that Strong had been sexually abusing her.

Respondent State of Minnesota charged Strong with two counts of first-degree criminal sexual conduct. Strong requested that the state disclose all evidence that would tend to negate or reduce his guilt. The state moved the district court to require Northern St. Louis County Social Services to disclose confidential files for in camera review by the district court. The parties together moved the district court to require St. Louis County Health and Human Services to disclose confidential files for in camera review and a disclosure from the district court.

Both files were disclosed to the district court. The district court conducted an in camera review and issued orders granting partial disclosure of the confidential documents.

Strong also moved the district court to admit evidence that a foster parent previously sexually abused C.O., asserting that the evidence was necessary for a complete defense and to show source of knowledge. Specifically, Strong claimed that the evidence would show that C.O. overheard Strong threaten to report K.C.E. to CPS, and so C.O. fabricated the abuse allegations to prevent her return to foster care. He also claimed that the evidence would show that C.O. knew how to make a sexual-abuse report because she had been sexually abused previously. The district court excluded the evidence generally but deferred ruling on its admissibility regarding a potential source-of-knowledge argument.

Strong then moved the district court again to admit past-abuse evidence, stating that he would not question C.O. about the sexual nature of the past abuse. Strong suggested using terminology like "she was assaulted," or "something bad happened to her . . . in foster care." The district court again denied the motion but stated that if evidence that C.O. believed that foster care "was a possibility such that there would be . . . a motive . . . to protect a third party or even herself," it would reconsider the ruling. The district court also stated that it was willing to consider a limited voir dire of C.O. to determine if she knew about the CPS threats or the possibility of returning to foster care.

Voir dire of C.O. was conducted on the second day of trial. C.O. testified that, on June 24, she heard K.C.E. and Strong arguing but did not listen to or remember the substance of argument. C.O. also testified that she remembered past arguments when

Strong had threatened to call CPS and "[K.C.E.] would say the same thing right back to him [because] he . . . would do alcohol in front of his kids."

After C.O. was questioned, Strong renewed his request that the district court admit evidence regarding C.O.'s prior foster-care abuse. The district court allowed Strong to question C.O. about her knowledge of the CPS threats and present a potential motive to fabricate from that testimony, but it denied admission of evidence related to C.O.'s past foster-care abuse. The district court concluded that any connection between the foster-care abuse and the motive to fabricate was speculative and that the evidence was therefore more prejudicial than probative.

The jury found Strong guilty of one count of first-degree criminal sexual conduct and not guilty on the other. The district court sentenced Strong to 168 months in prison. The district court also ordered restitution, which remained open for 60 days after sentencing.

After Strong filed his notice of appeal, K.C.E. requested restitution for her lost wages. The district court set a restitution hearing for August 7, 2025.

Before this hearing, Strong's probation agent sent a memorandum to the district court, the state, and Strong's attorney stating that Strong wished to contest restitution. The memorandum stated that Strong was told to contact his attorney regarding restitution and was provided with the court administrator's contact information.

Strong did not notify his attorney about the restitution request, nor did he file a request for a contested restitution hearing with the district court.

At the restitution hearing, Strong requested to challenge restitution. Strong's attorney admitted that Strong did not contact him, and that he failed to meet the statutory requirements, but requested that the district court hear the challenge "in the interest of justice." Strong stated that he had been confused about which attorney to contact because he had a trial attorney and an appellate attorney.

The district court denied Strong's request to challenge restitution, stating that it understood the potential confusion regarding which attorney to contact, but "that doesn't mean that you can't reach out." This appeal followed.

DECISION

Evidence of Prior Abuse

Strong argues that the district court abused its discretion by excluding evidence that a foster parent had "assaulted" C.O. Appellate courts review a district court's evidentiary rulings for an abuse of discretion. *State v. Glover*, 4 N.W.3d 124, 136 (Minn. 2024). "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." *Id.* at 134 (quotation omitted). Appellate courts grant deference to a district court's evidentiary rulings; such rulings will not be lightly overturned. *State v. Cram*, 718 N.W.2d 898, 903 (Minn. 2006).

A criminal defendant has a constitutional right to present a complete defense. *State v. Carbo*, 6 N.W.3d 114, 123 (Minn. 2024). However, this right to a complete defense is not absolute. *Id.* The right must follow the rules of evidence unless the rule infringes on a "weighty interest of the accused and is arbitrary or disproportionate" to the rule's purpose. *State v. Foster*, 20 N.W.3d 6, 19 (Minn. 2025) (quotation omitted).

Evidence that makes the existence of any fact of consequence more or less probable is generally admissible except when specifically precluded. Minn. R. Evid. 401, 402. And even relevant "evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury . . . undue delay, waste of time, or needless presentation of cumulative evidence." Minn. R. Evid. 403. Unfair prejudice is an unfair advantage resulting from "the capacity of the evidence to persuade by illegitimate means." *State v. Frisinger*, 484 N.W.2d 27, 32 (Minn. 1992) (quotations omitted).

In prosecuting a criminal-sexual-conduct charge, a victim's sexual history is generally irrelevant. *State v. Wenthe*, 865 N.W.2d 293, 306 (Minn. 2015). Such evidence is inadmissible unless its probative value outweighs its prejudicial nature, and either the consent of the victim has been raised as a defense or the prosecution's case includes evidence of semen, pregnancy, or disease. Minn. Stat. § 609.347, subd. 3 (2024); *see also* Minn. R. Evid. 412(1) (precluding same under court rules of evidence). This is known as the "rape-shield law." *Wenthe*, 865 N.W.2d at 306.

Strong attempted to circumvent the rape-shield law by offering to remove the sexual nature of the foster-care abuse from his wording and questioning. However, as the district court recognized, such wording would emphasize and connote the "assault" that happened to C.O. relative to a sexual-assault case. Minnesota courts have applied the rape-shield law broadly to protect against such implications. *See, e.g.*, *State v. Carpenter*, 459 N.W.2d 121, 125 (Minn. 1990) ("[W]hen a [district] court rules that evidence of a sexual assault victim's prior sexual conduct is inadmissible, no reference to such conduct shall be made in the presence of the jury." (quotation omitted)); *State v. Kobow*, 466 N.W.2d 747, 751 (Minn. App. 1991) (concluding victim's prior sexual-abuse allegations are within rape-shield law and inadmissible), *rev. denied* (Minn. Apr. 18, 1991). The district court did not abuse its discretion by precluding such evidence.

Moreover, even if such vague wording could circumvent the rape-shield bar, the evidence's probative value here was substantially outweighed by the risk of prejudicial speculation and confusion as to what specifically happened to C.O. A district court may exclude speculative or confusing evidence when its prejudice exceeds its probative value. *State v. Wilson*, 900 N.W.2d 373, 386 (Minn. 2017). Thus, even if Strong's suggested wording avoided the prohibitions of the rape-shield law, the district court did not abuse its discretion by excluding the evidence.

Strong argues, however, that the exclusion prevented him from fully bringing to light C.O.'s motive to fabricate, which prevented him from presenting a complete defense. Yet Strong was unrestricted in presenting a motive to fabricate based on C.O.'s knowledge of Strong's CPS threats. And Strong acknowledged that the prior "assault" was not necessary to his defense: "[O]bviously being in foster care is something no child wants to be, . . . and people would not want to go back into foster care." Thus, the evidence provided only nominal assistance to his overall defense, and its exclusion did not prevent a complete defense.

Strong asserts that *State v. Pride*, 528 N.W.2d 862 (Minn. 1995), is analogous to this case. In *Pride*, the district court erroneously excluded evidence that the complainant had a romantic relationship with the police officer investigating her sexual-assault allegation because the exclusion potentially misled jurors and did not provide a "complete picture" of the potential ulterior motives of the complainant and the officer. *Id.* at 865-67. Unlike in *Pride*, Strong was able to present an ulterior motive—C.O. fabricated the allegation to prevent CPS from removing her from her mother's custody. The district court did not abuse its discretion by precluding evidence related to C.O. being assaulted in foster care.

Finally, the district court's ruling did not substantively affect Strong's ability to present a complete defense. Strong's inability to present his motive-to-fabricate defense in the particular way that he wanted did not prevent him from presenting a complete defense or receiving a fair trial. "A defendant is entitled to a fair trial but not a perfect one." *Lutwak v. United States*, 344 U.S. 604, 619 (1953). Because Strong presented his motive-to-fabricate defense, the district court did not deny Strong his right to present a complete defense by denying his request to admit evidence of the victim's prior sexual-assault allegations.

In Camera Review

Strong requests that we review all confidential records reviewed in camera to determine whether the district court erred by not disclosing any of them. We review a district court's decision to release or withhold protected records for an abuse of discretion. *State v. Hokanson*, 821 N.W.2d 340, 349 (Minn. 2012).

The state argues that, because Strong fails to explain with a legal argument how the district court abused its discretion, we should decline to consider his request. However, we have concluded:

> Whe[n] a district court performs in camera review of confidential records, an appellant in a criminal matter is not required to claim an abuse of discretion by the district court with regard to the undisclosed documents to be entitled to a subsequent in camera review by an appellate court. . . . Requiring an appellant to claim or demonstrate an abuse of discretion by the district court would impose an impossible burden on the appellant because the appellant has not had the opportunity to view the documents in question—only the state and district court have reviewed the documents. Therefore, we conclude that it is appropriate for this court to review the undisclosed documents to determine whether the district court properly exercised its discretion by ordering the release of only a portion of the documents.

State v. Carrillo, No. A20-0695, 2021 WL 2407187, at *5 (Minn. App. June 14, 2021) (citation omitted), *rev. denied* (Minn. Aug. 24, 2021).[1] We agree with this logic; if an appellant does not know what the undisclosed records contain, they cannot argue that the district court abused its discretion by not disclosing the records. Thus, we conclude that Strong's request is appropriate.

Having reviewed the confidential records, however, we conclude that the nondisclosed documents are not relevant, material, or favorable to Strong. The district court did not abuse its discretion by failing to disclose them.

Ineffective Assistance of Counsel

Strong argues that he received ineffective assistance of counsel because his attorney knew from the probation memorandum that Strong intended to challenge the restitution

[1] This nonprecedential opinion is not binding authority and is cited only for its persuasive value. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c).

request but failed to respond properly. Strong did not raise the issue in a postconviction petition.

A postconviction hearing is the most proper and prudent procedure for addressing a claim of ineffective assistance of counsel. *Roby v. State*, 531 N.W.2d 482, 484 n.1 (Minn. 1995). And we will generally only consider issues first brought before the district court. *See State v. Gauster*, 752 N.W.2d 496, 508 (Minn. 2008).

Because the ineffective-assistance-of-counsel claim was not first heard in a postconviction hearing, we have no record or findings related to why Strong's attorney did not reach out to Strong or respond to the memorandum. We cannot review a claim with such a limited record. *See Mason-Kimmons v. State*, 26 N.W.3d 858, 869 n.10 (Minn. 2025) (stating that appellate courts do not make factual findings); *see also State v. Reek*, 942 N.W.2d 148, 165 (Minn. 2020) (stating that appellate courts do not make decisions based on matters outside the record). We decline to reach the merits of this issue. Strong's ineffective-assistance-of-counsel claim remains preserved for a petition for postconviction relief. *See State v. Gustafson*, 610 N.W.2d 314, 321 (Minn. 2000).

Affirmed.