

*This opinion is nonprecedential except as provided by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
A25-1047**

State of Minnesota,
Respondent,

vs.

Anthony Dimitri Limogianni,
Appellant.

**Filed March 9, 2026
Affirmed
Florey, Judge***

Crow Wing County District Court
File No. 18-CR-22-1670

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

Kelsey A. Hopps, Crow Wing County Attorney, Brainerd, Minnesota; and

Travis J. Smith, Special Assistant County Attorney, Slayton, Minnesota (for respondent)

Anthony M. Bussa, CJB Law, LLC, Fergus Falls, Minnesota (for appellant)

Considered and decided by Larson, Presiding Judge; Schmidt, Judge; and Florey,
Judge.

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

NONPRECEDENTIAL OPINION

FLOREY, Judge

In July 2023, a Crow Wing County jury found appellant, Anthony Dimitri Limogianni, guilty of ten counts of criminal sexual conduct based on evidence that he sexually penetrated and touched his son, T.D.L., numerous times while T.D.L. was between six and eight years of age. During the trial, the district court closed the courtroom during T.D.L.'s testimony. Following his conviction, Limogianni appealed, arguing that the district court erred by failing to make the required findings that courtroom closure was necessary during T.D.L.'s testimony. In a nonprecedential opinion, this court reversed and remanded to the district court for an evidentiary hearing and findings. On remand, the district court conducted an evidentiary hearing and issued a written order. On appeal, Limogianni argues that the district court erred by concluding (1) that Limogianni had waived any objection to the courtroom closure, and (2) that the courtroom closure was necessary. We conclude that the district court did not err in concluding that Limogianni waived any objection to the courtroom closure. Therefore, we affirm.

FACTS

The underlying facts in this case are not in dispute and are drawn from the evidence presented at trial. In November 2019, T.D.L.'s parents separated and began sharing joint custody of T.D.L. In November 2021, T.D.L., who was then eight years old, experienced a high fever causing him to miss school. In December, T.D.L. began complaining that his penis hurt and that he was having difficulty urinating. T.D.L.'s mother, who is a registered nurse, examined T.D.L. and observed that his penis was red, inflamed and was expelling a

puss-like discharge. T.D.L.'s mother took him to an urgent care clinic where he was diagnosed with a urinary-tract infection and prescribed antibiotics. But when T.D.L.'s symptoms persisted into January 2022, his mother brought him back to a clinic, where he tested positive for a sexually transmitted infection, gonorrhea. Upon receipt of the test results, T.D.L.'s mother contacted law enforcement, who conducted an investigation.

In April 2022, T.D.L. told his mother that he and Limogianni had "sex" more than one time and that he wanted to tell Limogianni that he did not want to play those "games" with him anymore. T.D.L.'s mother recorded the conversation and sent the recording to law enforcement. About a week later, T.D.L. participated in a forensic interview with a nurse practitioner. T.D.L. disclosed through words and drawings on anatomical diagrams that Limogianni used his penis to penetrate T.D.L.'s anus. T.D.L. also shared that Limogianni had "bribed" him by telling him that he would receive a Nintendo Switch and a gaming headset if he let Limogianni penetrate him.

In May 2022, the state charged Limogianni with twelve counts of criminal sexual conduct. The charges included eight counts of first-degree criminal sexual conduct in violation of Minn. Stat. § 609.342, subds. 1, 1(g), 1(h)(ii)-(iii) (2020), 1a(e), 1a(g), 1a(h)(ii)-(iii) (Supp. 2021), and four counts of second-degree criminal sexual conduct in violation of Minn. Stat. § 609.343, subds. 1(h)(ii)-(iii) (2020), 1a(h)(ii)-(iii) (Supp. 2021). On the last day of trial, the state withdrew two second-degree sexual conduct charges.

In May 2023, the state filed a motion in limine moving the district court to allow T.D.L. to testify, and to exclude the public from the courtroom during T.D.L.'s testimony. Limogianni opposed the motion. At a hearing in July 2023, the court found T.D.L.

competent to testify but did not rule on the courtroom closure issue. On the day before trial, the state sought to “confirm that the courtroom will be closed . . . for [T.D.L.’s] testimony.” The district court indicated that it saw “that as being a very reasonable request” and immediately asked Limogianni’s attorney if he had “any objection to that.” Limogianni’s attorney answered, “No, no.” The district court then reiterated that the request for closure was “reasonable” and that Limogianni’s attorney “indicates there is no objection.” The district court then specifically asked Limogianni’s attorney if there was “anything else?” In response, Limogianni’s attorney turned to other matters.

The case was tried to a jury on three days in July 2023. The state called eight witnesses, including T.D.L. Limogianni did not call any witnesses and declined to testify at trial. T.D.L. testified on two, separate, occasions. Each time, the district court excluded the public from the courtroom, stating it was necessary to protect a “legitimate privacy concern.” Upon the conclusion of T.D.L.’s testimony, the district court reopened the courtroom.

The jury found Limogianni guilty of eight counts of first-degree criminal sexual conduct and two counts of second-degree criminal sexual conduct. The district court convicted Limogianni of two counts of first-degree criminal sexual conduct and sentenced him to concurrent terms of 172 and 432 months’ imprisonment, lifetime conditional release, and \$23,018.39 in fines and restitution.

In December 2023, Limogianni appealed, arguing that the district court erred by failing to make findings necessary to support courtroom closure during T.D.L.’s testimony, in violation of Limogianni’s constitutional right to a public trial. *State v. Limogianni*, No.

A23-1911, 2025 WL 79853, at *5 (Minn. App. Jan. 13, 2025). In a nonprecedential opinion filed in January 2025, we reversed on that issue and remanded to the district court for an evidentiary hearing and findings. *Id.* at *5-6. We reasoned that, based on the record, we were unable to determine “whether such closure was justified under the circumstances.” *Id.* at *6. We noted that if, on remand, the district court determined that closure of the courtroom during T.D.L.’s testimony was necessary, then it could sustain the verdict. *Id.* However, we further noted that if the district court instead determined that it should not have closed the courtroom, then the district court was directed to hold a new trial. *Id.* Additionally on remand we directed the district court to make express findings as to whether Limogianni waived any prior objection to courtroom closure. *Id.*

On remand, the district court conducted an evidentiary hearing on three days in April and May 2025. The state called four witnesses, including the therapist who saw T.D.L. from January through September of 2022, T.D.L.’s mother, T.D.L.’s aunt, who attended the trial, and the Crow Wing County victim-services coordinator who met with T.D.L. The state also offered four exhibits, including three case memoranda memorializing meetings between T.D.L. and the state’s attorney, and T.D.L.’s therapy records from January through September of 2022. Limogianni testified on his own behalf and did not offer any other evidence.

In June 2025, the district court issued an order and memorandum in which it made findings and concluded (1) that it was necessary to exclude the public from the courtroom during T.D.L.’s testimony, and (2) that Limogianni had waived any prior objection to courtroom closure.

This appeal follows.

DECISION

Limogianni argues that the district court erred in concluding that closure was necessary and that he waived any prior objection to courtroom closure. We begin by considering Limogianni's waiver argument because it is dispositive. Limogianni's argument has two parts. First, Limogianni contends that the record does not support the district court's conclusion that he waived any prior objection to courtroom closure. Second, Limogianni contends that he did not unmistakably and unequivocally withdraw or waive his prior objection because such a waiver must be knowing, intelligent, and unambiguous. We consider each part in turn.

Appellate courts "give great deference to a district court's findings of fact and will not set them aside unless clearly erroneous." *State v. Andersen*, 784 N.W.2d 320, 334 (Minn. 2010). "Findings of fact are clearly erroneous if, on the entire evidence," the appellate court is "left with the definite and firm conviction that a mistake occurred." *Id.* If an appellate court finds "reasonable evidence to support the district court's findings of fact, [it] will not disturb those findings." *State v. Evans*, 756 N.W.2d 854, 870 (Minn. 2008) (quotation omitted).

In this case, this court directed the district court on remand to "make express findings as to whether appellant's trial counsel waived any prior objection to courtroom closure." *Limogianni*, 2025 WL 79853, at *6. The district court reviewed the transcript and its own recollection of presiding over the proceedings. The district court specifically analyzed the following exchange:

COURT: Anything further that you would like to make a record on before we recess for the evening, Ms. LePage?

STATE: You had indicated to the prospective jurors that they could come back because it was a public trial. I just want to confirm that the courtroom will be closed, though, for [T.D.L.]’s testimony.

COURT: I don’t recall that request specifically being made, but—

STATE: That was in my motion in limine, to have the courtroom closed, and that’s under—

COURT: But I certainly see that as being a very reasonable request. Any objection to that, Mr. Jones?

DEFENSE: No, no.

COURT: All right. So, I will make the appropriate—I don’t recall specifically—

STATE: I am pretty sure it was—

COURT: But there were a lot of things discussed, but you could—and I don’t remember attending to that in my written order, but it certainly is I think a reasonable request. Mr. Jones indicates there is no objection, and I will make the appropriate finding as to that. Thank you.

STATE: Thank you, Your Honor.

COURT: All right. Anything else, Mr. Jones?

DEFENSE: Housekeeping matters. Jury questionnaires. Do you want them all back now?

The district court noted that “as the district court judge who presided over this matter,” he had “a very clear recollection of this proceeding.” Based “both on that very clear recollection and [his] review of the transcript” the district court made the following

findings: (1) that the instances of counsel and the court speaking over each other did not impair their understanding of what was going on; and (2) that any reasonable person present in the courtroom would clearly have understood the defendant's "no, no" statement as a waiver of any prior objection to the limited courtroom closure. The district court also noted that Limogianni's failure to object to the partial closure before T.D.L. testified supported this conclusion. The district court further noted that Limogianni filed a post-trial motion for acquittal which listed nine purported trial errors but did not mention anything related to the courtroom closure. Accordingly, the district court expressly found that Limogianni's counsel waived any prior objection to courtroom closure.

Limogianni contends that the record does not support the district court's conclusion that he waived any prior objection to courtroom closure. But our review indicates that there is "reasonable evidence to support the district court's findings" *See Evans*, 756 N.W.2d at 870 (quotation omitted). Because the record contains "reasonable evidence to support the district court's findings of fact" we decline to "disturb those findings." *Id.* at 870 (quotation omitted).

Next, Limogianni contends that that he did not unmistakably and unequivocally withdraw or waive his prior objection because such a waiver must be knowing, intelligent, and unambiguous. However, the supreme court has not imposed such requirements in cases where a defendant's counsel declines to object to courtroom closure. *See State v. Weigold*, 160 N.W.2d 577, 580 (Minn. 1968). Rather, as a procedural matter, the supreme court has held that attorneys have "implied authority to waive a public trial" on behalf of defendants. *Id.* at 578, 580.

In *Weigold*, an appeal from an assault conviction, the appellant argued that he was deprived of his constitutional right to a public trial because he did not expressly consent to clearing the court room. *Id.* at 580. At trial while a certain investigator was testifying, the prosecutor moved the district court to clear the courtroom. *Id.* at 579. Defense counsel objected, and the district court sustained the objection. *Id.* Later, when a different investigator was testifying, the prosecutor again moved for a courtroom closure. *Id.* at 579-80. This time defense counsel indicated, “I have no objection to this,” and the courtroom was closed. *Id.* at 580. On appeal, appellant argued that he was deprived of his constitutional right to a public trial because he did not expressly consent to clearing the courtroom. *Id.* The supreme court disagreed, concluding that “[i]t is not necessary, as defendant claims, that he himself expressly consent to clearing the courtroom.” *Id.* Rather, the decision “is a procedural matter which counsel has implied authority to speak on behalf of his client.” *Id.*

In this case, like *Weigold*, Limogianni initially objected to courtroom closure. Later, also like in *Weigold*, Limogianni—through counsel—waived his prior objection when he responded in the negative to the district court’s inquiry as to whether he objected to courtroom closure. Accordingly, because the decision to object or not “is a procedural matter which counsel has implied authority to speak on behalf of his client,” *Weigold*, 160 N.W.2d at 580, Limogianni waived any prior objection to courtroom closure and was not deprived of his constitutional right to a public trial.

Therefore, because the record supports the district court's finding that Limogianni waived any prior objection to the courtroom closure, we conclude that the district court did not err in concluding that his trial counsel waived any prior objection to the courtroom closure. In light of that conclusion, we need not consider Limogianni's other argument, that the district court erred in its conclusion that courtroom closure was necessary.

Affirmed.