

*This opinion is nonprecedential except as provided by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
A25-1384**

State of Minnesota,
Respondent,

vs.

Randy Lee Chock,
Appellant.

**Filed June 29, 2026
Affirmed
Smith, John, Judge ***

Todd County District Court
File No. 77-CR-22-584

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

John E. Lindemann, Todd County Attorney, Long Prairie, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Andrew J. Nelson, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Cochran, Presiding Judge; Frisch, Chief Judge; and
Smith, John, Judge.

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

NONPRECEDENTIAL OPINION

SMITH, JOHN, Judge

We affirm appellant's conviction for failure to comply with a Minnesota Department of Natural Resources (DNR) order in violation of Minnesota Statutes section 103G.2372 (2020) because the district court did not err in construing the offense as a strict liability crime for the purposes of jury instructions.

FACTS

Appellant Randy Lee Chock purchased property in Verndale, Minnesota in the fall of 2000. Egly Creek, a public waterway, runs through the property. In the first year that Chock owned the property, a culvert along the creek was blocked with debris, causing the road above to flood. According to Chock's testimony provided at trial, he was ticketed for failure to maintain the culvert and was instructed to maintain the culvert in the future.

In the fall of 2021, a hydrologist with the DNR visited the property and observed a "large and deep hole" that was "not a natural[ly] occurring hole." The hydrologist also testified that Chock did not apply for a permit for the excavation work done on the property. In December of 2021, a DNR conservation officer sent Chock a restoration and replacement order via certified mail, which was not successfully delivered.

On February 2, 2022, the conservation officer personally served Chock's wife with a second restoration and replacement order because the first one was not delivered. According to the state's restoration and replacement order, DNR staff inspected the property on October 26, 2021. That inspection identified an unpermitted "excavated hole adjacent to the south property line." The state's restoration letter also indicated that Chock

“did not retrieve the Certified Letter copy of [the] restoration order initially issued on” December 10, 2021. The letter instructed Chock to “[r]e-establish the flow line where the hole has been excavated . . . by June 30, 2022” and submit a timely application for an after-the-fact permit for excavation work.

On June 30, 2022, Chock was cited by the DNR for violating a restoration order related to Egly Creek. On July 5, 2022, Chock was charged with violating Minnesota Statutes section 103G.2372, subdivision 2. Chock asserted that he never knew about the order and pleaded not guilty. The state submitted proposed jury instructions, which laid out the elements of the crime as follows: (1) the Commissioner of Natural Resources issued a restoration and replacement order to Chock on February 2, 2022; (2) the restoration and replacement order required Chock to re-establish the flow line by June 30, 2022, apply for an after-the-fact permit for excavation within the banks of Egly Creek by March 30, 2022, and contact the hydrologist within seven days of completing the required tasks; (3) Chock did not comply with the requirements of the restoration order; (4) Chock was notified of the order; and (5) the land in the order is in Todd County, Minnesota. Chock did not object to the elements of the crime listed in the jury instructions at the time they were submitted.

The case proceeded to trial on June 5, 2025. At trial, the state presented testimony from the DNR hydrologist and a DNR conservation officer. The conservation officer acknowledged that, when he served the restoration order on Chock’s wife, “she wasn’t feeling the best so she kind of just opened the door a crack” and received the order. Chock testified on his own behalf and explained that he had no knowledge of the order until he received the ticket. The court’s jury instructions were nearly identical to those submitted

by the state. The jury found Chock guilty and the district court sentenced Chock to ten days in jail, with the remaining 80 days stayed for a period of one year.

DECISION

On appeal,¹ Chock argues that the district court plainly and prejudicially erred by instructing the jury to find Chock guilty if they found he was notified of the restoration order “by service in person or by sending certified mail” regardless of whether Chock had actual knowledge of the order. Chock asserts that “[t]he court’s instruction was plainly erroneous and prejudicial because it eliminated the knowledge requirement and allowed the jury to find Chock guilty of violating a restoration order even if he never knew the order existed.” Because we construe Minnesota Statutes section 103G.2372 as a strict liability offense, we conclude that the district court did not plainly err in its jury instructions.

We review unobjected-to jury instructions for plain error. *State v. Beganovic*, 991 N.W.2d 638, 655 (Minn. 2023). “To establish plain error warranting reversal of a conviction based on an unobjected-to error, an appellant must show (1) an error (2) that is plain (3) that affects a defendant’s substantial rights.” *Id.* An error is plain if it is clear or obvious, meaning that it contravenes a rule, caselaw, or standard of conduct, or disregards a well-established and longstanding legal principle. *State v. Brown*, 792 N.W.2d 815, 823 (Minn. 2011). An error affects a defendant’s substantial rights if there is a reasonable likelihood that the error substantially affected the jury’s verdict. *Id.* at 824. If those three

¹ The state did not file a brief in this appeal. This court ordered that the appeal proceed pursuant to rule 142.03 of the Minnesota Rules of Civil Appellate Procedure.

elements are met, we determine whether reversal is necessary to protect the fairness and integrity of the judicial proceedings. *State v. Ramey*, 721 N.W.2d 294, 302 (Minn. 2006).

The district court instructed the jury that the state needed to prove (1) that a restoration order was issued; (2) which required Chock to complete restoration, apply for an after-the-fact permit, and notify the DNR; (3) which Chock did not do; (4) that Chock was notified of the order; and (5) venue. Chock asserts that in instructing the jury that Chock needed to simply be *notified* of the restoration order rather than requiring Chock to have actual knowledge of the order, the district court plainly erred because it construed the underlying offense as containing no mens rea element. His argument is unavailing.

Chock was charged and convicted under Minnesota Statutes section 103G.2372, subdivision 2. That subdivision reads in its entirety: “A violation of an order issued under subdivision 1 is a misdemeanor and must be prosecuted by the county attorney where the wetland or public waters are located or the illegal activity occurred.” Minn. Stat. § 103G.2372, subd. 2. Chock asserts that the district court erred in construing the statute as a strict liability offense, that the error was plain, and that it affected his substantial rights. We disagree.

We begin by acknowledging that “[s]trict liability criminal offenses are generally disfavored.” *Underwood v. State*, 25 N.W.3d 26, 37 (Minn. 2025) (quotation omitted). “When construing a criminal statute that does not include an express mens rea requirement, we undertake a careful and close examination of the statutory language to determine whether the Legislature intended to create a strict liability offense.” *Id.* (quotation omitted). And the Minnesota Supreme Court has consistently emphasized that this inquiry

should be “guided by the public policy that if criminal liability, particularly gross misdemeanor or felony liability, is to be imposed for conduct unaccompanied by fault, the legislative intent to do so should be clear.” *State v. Neisen*, 415 N.W.2d 326, 329 (Minn. 1987); *see also In re Welfare of C.R.M.*, 611 N.W.2d 802, 808 (Minn. 2000) (acknowledging that it is a “long established principle of American criminal jurisprudence that in common law crimes and in felony level offenses mens rea is required”). In the past, we have recognized that “some positive indication of legislative intent is required to dispense with mens rea.” *State v. Andersen*, 946 N.W.2d 627, 632 (Minn. App. 2020).

The language of section 103G.2372 does not clearly indicate a legislative intent regarding mens rea. Minn. Stat. § 103G.2372. But elsewhere in chapter 103G, the legislature *did* provide for mens rea in section 103G.545. Section 103G.545 states: “Any person who willfully or knowingly violates a provision of this section or of an order made by the commissioner under this section is guilty of a gross misdemeanor.” Minn. Stat. § 103G.545, subd. 5 (2020). The mens rea in this section constitutes a “positive indication of legislative intent” in section 103G.2372. *Andersen*, 946 N.W.2d at 632. And in contrast with section 103G.2372, offenses under section 103G.545 are gross misdemeanors. *Compare* Minn. Stat. § 103G.2372 *with* Minn. Stat. § 103G.545, subd. 5. This is consistent with the principle that strict liability for offenses more severe than misdemeanors should require clear legislative intent. *Neisen*, 415 N.W.2d at 329; *see also State v. Ndikum*, 815 N.W.2d 816, 822 (Minn. 2012) (noting that offenses with “small penalties like fines and short jail sentences” typically are strict-liability offenses (quotation omitted)).

Because section 103G.2372, subdivision 2, is a strict liability offense, we conclude that the district court properly instructed the jury. And because we conclude that there was no error, we need not continue the plain-error analysis. *State v. Manley*, 664 N.W.2d 275, 283 (Minn. 2003) (noting that a court need not address all three prongs if the appellant is unable to establish one of the prongs). Consequently, we affirm Chock's conviction under section 103G.2372, subdivision 2.

Affirmed.