

*This opinion is nonprecedential except as provided by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
A25-1464**

State of Minnesota,
Respondent,

vs.

Joshua David Donson,
Appellant.

**Filed August 3, 2026
Affirmed
Smith, Tracy M., Judge**

Douglas County District Court
File No. 21-CR-24-972

Keith Ellison, Attorney General, Lydia Villalva Lijó, Assistant Attorney General, St. Paul, Minnesota; and

Chad Larson, Douglas County Attorney, Alexandria, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jennifer Workman Jesness, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Schmidt, Presiding Judge; Smith, Tracy M., Judge; and Beane, Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

Appellant Joshua David Donson challenges his conviction for threats of violence against the boyfriend of Donson's former romantic partner, arguing that the district court

prejudicially erred by admitting as relationship evidence testimony from his former romantic partner about his past conduct toward her. We affirm.

FACTS

The following recitation of facts is drawn from Donson's jury trial.

Donson and A.L. have a child together. At the time of the incident here, they were no longer romantically involved. A.L. was living with her boyfriend, D.M., and their combined eight children, including Donson and A.L.'s daughter. A.L. has full custody of daughter, although she allowed Donson to pick up daughter for weekend visits.

On June 20, 2024, D.M. and A.L. expected Donson to pick up daughter in the afternoon or evening for a visit, but he did not show up. At around 11:45 p.m., Donson messaged A.L., asking if daughter was still awake. A.L. responded that she was. Twenty minutes later, Donson, driven by a friend, arrived at A.L. and D.M.'s home. A.L. saw Donson approach the house via the video feed from their doorbell camera. Donson held up his middle finger at the camera.

While D.M. and A.L. were getting daughter ready to go, Donson returned to the camera and was "trying to mess with it." D.M. said to Donson, "Don't touch my property," and called Donson an offensive name. Donson challenged D.M. to come outside and say that to his face. D.M. went outside, and Donson attempted to enter the home, in which he typically was not allowed. D.M. stopped Donson from entering by shoving him out of the doorway. D.M. thought that Donson smelled like alcohol. A.L. and the children overheard the confrontation and were hiding in a bedroom inside the house. During the confrontation, Donson said, "I'll murder your family." D.M. heard the statement and thought Donson

would follow through with the threat. A.L. and the children also heard the statement and were scared and crying. A.L. called the police.

By the time the police arrived, Donson had left and had taken daughter with him. A.L. suggested to the police that Donson may be headed to his home. A deputy sheriff followed Donson's vehicle and pulled it over. Donson was not cooperative with the deputy's instructions. A struggle ensued, and Donson struck the deputy in the face and attempted to take his taser, which deployed during the struggle. Donson was arrested. While being transported in a squad vehicle, Donson asked for the deputy's identifying information, and the deputy responded that the information would be on the report. Donson said that he wished death on the deputy's family and, as reported by deputy, stated that he would "kill them all."

The doorbell camera fell off during the night due to Donson's actions and was damaged. The day following the incident, D.M. bought a shotgun for protection because of Donson's threat.

Respondent State of Minnesota charged Donson by amended complaint with threats of violence toward D.M., threats of violence toward the deputy, fourth-degree assault of a peace officer, attempt to disarm a peace officer, obstruction of legal process, and fourth-degree criminal damage to property. The obstruction charge was later dismissed.

The case proceeded to trial. A.L. and D.M. testified, as did three law-enforcement officers who responded to the incident, and Donson's friend who was in the car during the incident. Video and audio footage from the doorbell camera was admitted into evidence. Donson did not testify.

Relationship Evidence

Before trial, the state moved to introduce testimony from A.L. about Donson's conduct toward her when they were in a relationship. Donson objected, arguing that the evidence was not relevant and that it was not admissible because this was not a domestic matter and the evidence was overly prejudicial. The district court overruled Donson's relevance objection but asked the state to provide a synopsis of A.L.'s anticipated testimony so it could rule on the second objection.

At trial, the state provided a summary of A.L.'s anticipated testimony. Donson argued that the evidence had nothing to do with the incident at issue and would "just muddy the waters for the jury and unfairly prejudice [Donson], especially since [A.L.] isn't a named alleged victim in either of [the] charges." The district court overruled Donson's objection but allowed only limited evidence of A.L. and Donson's relationship. The district court explained, "I think that it is appropriate that the jury have some context as to [A.L.'s] and [Donson's] relationship. I think that the probative value is substantially outweighed by the danger of unfair prejudice here, particularly when the information is limited."¹ The district court allowed A.L. to make "a generalized statement as to the nature of their relationship" but did not permit testimony about specific incidents.

Before A.L. provided this testimony, the court gave a cautionary instruction:

Ladies and gentlemen of the jury, you are about to hear evidence about the prior relationship between [A.L.] and

¹ As the state points out in its brief, the district court appears to misstate the applicable standard here, but Donson's brief categorizes the district court's ruling as "the relationship evidence was more probative than prejudicial." The parties seem to agree that the district court applied the correct standard.

[Donson]. The evidence is being offered for the limited purpose of providing you history about their relationship so that you can place these allegations in context. [Donson] is not being tried for and may not be convicted of any other conduct or offense other than the charged offenses. You are not to convict [Donson] on the basis of any prior occurrences or relationship. To do so might result in double punishment.

A.L. then gave the following testimony regarding her and Donson's relationship.

Q: How would you describe your relationship with [Donson]?

A: Not good. Very toxic.

Q: Was [Donson] ever physically violent with you?

A: Yes.

Q: More than once?

A: Yes.

Q: And has this past abuse led you to fear [Donson]?

A: Yes, very much so.

Q: Does his presence cause you fear?

A: Yes.

During final instructions, another cautionary instruction was given regarding the relationship evidence. The jury found Donson guilty of all five charges. The district court imposed a 30-month sentence for the threats-of-violence offense against D.M.

Donson appeals.

DECISION

Donson argues that the district court committed reversible error by admitting A.L.'s testimony about her past relationship with Donson and that we must reverse his conviction for threats of violence against D.M. and remand for a new trial.

Under Minnesota Statutes section 634.20 (2024), "[e]vidence of domestic conduct by the accused against the victim of domestic conduct, or against other family or household members" is admissible. Evidence admitted under section 634.20 is often referred to as

“relationship evidence.” *State v. Zinski*, 927 N.W.2d 272, 273 (Minn. 2019).² Relationship evidence “may be offered to illuminate the history of the relationship, that is, to put the crime charged in the context of the relationship between the two.” *State v. McCoy*, 682 N.W.2d 153, 159 (Minn. 2004). The evidence is admissible “unless the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issue, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” Minn. Stat. § 634.20. Evidence demonstrating a defendant’s conduct toward another family or household member may also “shed[] light on how the defendant interacts with those close to him, which in turn suggests how the defendant may interact with the victim.” *State v. Valentine*, 787 N.W.2d 630, 637 (Minn. App. 2010), *rev. denied* (Minn. Nov. 16, 2010).

Appellate courts review a district court’s admission of relationship evidence for an abuse of discretion. *State v. Matthews*, 779 N.W.2d 543, 553 (Minn. 2010). “The defendant has the burden on appeal of proving both that the [district] court abused its discretion when it made the evidentiary ruling and that the defendant was thereby prejudiced.” *Miles v. State*, 840 N.W.2d 195, 204 (Minn. 2013). Appellate courts “generally will not reverse a

² There is also caselaw-based relationship evidence. *State v. Hormann*, 805 N.W.2d 883, 890 (Minn. App. 2011) (“Minnesota caselaw has established a basis for the introduction of relationship evidence independent of Minn. Stat. § 634.20, the *Spreigl* /rule 404(b) process, or the immediate-episode doctrine. . . .”), *rev. denied* (Minn. Jan. 17, 2012). Caselaw-based relationship evidence is “character evidence that may be offered to show the strained relationship between the accused and the victim,” and “such evidence has further probative value when it serves to place the incident for which appellant was charged into proper context.” *State v. Loving*, 775 N.W.2d 872, 880 (Minn. 2009) (quotations omitted). Here, the parties cite section 634.20 and do not appear to argue that the challenged testimony was caselaw-based relationship evidence, although they do cite caselaw that addresses the topic.

verdict even when improper evidence is presented to the jury unless there is a reasonable possibility that the wrongfully admitted evidence significantly affected the verdict.” *State v. Bigbear*, 10 N.W.3d 48, 54 (Minn. 2024) (quotation omitted). Because the defendant has the burden on appeal, they must show that reasonable possibility. *Id.*

Donson argues that the district court abused its discretion by admitting the evidence. He argues that the relationship evidence was not relevant because it did not illuminate the relationship between Donson and D.M, who was the victim in the relevant count. And, he asserts, D.M. is not a victim within the scope of section 634.20 because he is not Donson’s family or household member. Donson also argues that “the relationship evidence verged into inadmissible propensity and general character evidence” and that “the probative value of the relationship evidence was substantially outweighed by its potential for prejudice.” The state counters that the relationship evidence “placed the charged crime in the context” of the relationship because A.L.’s testimony explained Donson and D.M.’s relationship. The state also argues that the district court “preemptively addressed” Donson’s concerns about improper usage of the evidence by limiting the amount and scope of relationship evidence that the state could present.

We need not decide whether the district court erred by admitting the relationship evidence under section 634.20 because we conclude that any error in doing so was harmless. To determine whether erroneously admitted evidence significantly affected the verdict, appellate courts consider the entire record, assessing such nonexclusive factors as the manner in which the evidence was presented, the persuasive value of the evidence, its

use in closing argument, whether the evidence was effectively countered, and whether there was strong evidence of guilt. *Id.* at 55-60.

Donson argues that the admission of A.L.'s testimony was not harmless because the relationship evidence "formed the backbone of the state's theory that Donson did not make a passing or inadvertent threat." He argues that the state used the evidence to show Donson's intent to threaten, which likely confused the jury by contradicting the district court's cautionary instruction about how the evidence could be used. He asserts that the state emphasized the evidence in its closing argument. And he contends that, even though the threat was captured on video and audio evidence, the jury's determination about whether the threat would reasonably have caused apprehension would have been influenced by the evidence of Donson's past conduct.

We are not persuaded that the evidence significantly affected the verdict. With respect to the manner in which the evidence was presented, the district court permitted only limited testimony from A.L. regarding her and Donson's relationship. Regarding the state's closing argument, the prosecutor said, "Given his relationship with [A.L.], and as she testified to, she has been the victim of abuse at the hands of [Donson], he should know that any threat like that was going to cause extreme terror, period." That was the sole reference to the evidence during the state's closing argument and rebuttal. And that reference came after the state had argued that the jury could infer that Donson had the intent to terrorize from "what happened after the fact" and "the behavior that was exhibited." Moreover, the district court gave two cautionary instructions on the proper use of the evidence.

In addition, the state’s evidence was strong. The jury saw video evidence and heard audio evidence that included Donson giving the middle finger to the camera, his attempt to remove the doorbell camera, and the statement that he would murder D.M. and A.L.’s family. The jury heard testimony from D.M. about his own perception of the incident, including the fact that he was fearful that Donson would follow through on the threat and that he bought a shotgun the day after the incident for protection. The state also presented evidence of Donson’s aggressive physical behavior with law enforcement after the incident. And A.L. testified about the events of that night, including that she and the children were hiding in a bedroom, heard the threat, and were crying and afraid.

Donson cites *State v. Kocurek* to emphasize the “lasting and persuasive effect” that the state’s closing argument had on the jury. 24 N.W.3d 327, 333-34 (Minn. App. 2025). But, as the state points out, unlike in this case, in *Kocurek*, the district court did not give any cautionary instruction about the use of relationship evidence. *Id.* at 330. Here, the district court not only gave two cautionary instructions about the use of relationship evidence, but it also instructed the jury: “If a party’s argument contains any statements of the law that differ from the law that I give you, disregard the statement.”

Considering the entire record, we conclude that, even if there was error in admitting the evidence regarding A.L. and Donson’s relationship, the error was harmless because there is not a reasonable probability that it significantly affected the verdict.

Affirmed.