

*This opinion is nonprecedential except as provided by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
A25-1540**

State of Minnesota,
Respondent,

vs.

Richard Charles Graves,
Appellant.

**Filed August 24, 2026
Affirmed
Frisch, Chief Judge**

Rice County District Court
File Nos. 66-CR-22-731, 66-CR-23-625, 66-CR-23-754

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

Brian M. Mortenson, Rice County Attorney, Sean R. McCarthy, Assistant County Attorney, Faribault, Minnesota (for respondent)

Richard Charles Graves, St. Paul, Minnesota (self-represented appellant)

Considered and decided by Ross, Presiding Judge; Frisch, Chief Judge; and Kirk,
Judge.*

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

NONPRECEDENTIAL OPINION

FRISCH, Chief Judge

Appellant Richard Charles Graves challenges his convictions for felony violation of a harassment restraining order (HRO). Because none of the arguments asserted by Graves warrant reversal, we affirm.

FACTS

In July 2020, the district court issued an HRO that prohibited Graves from contacting H.M., his former wife, and from being within a two-block radius of her house in Northfield. The district court amended the HRO in March 2021, specifying, in pertinent part, that Graves was prohibited from being within a two “city block radius” of H.M.’s house. This HRO was to remain in effect until June 30, 2022, unless changed by a later court order. In April 2022, respondent State of Minnesota charged Graves with one count of felony violation of the March 2021 HRO. *See* Minn. Stat. § 609.748, subd. 6(d)(1) (2020) (providing that person is guilty of a felony if HRO violation occurs “within ten years of the first of two or more previous qualified domestic violence-related offense convictions”).

Also in April 2022, the district court issued another HRO prohibiting H.M. from contact with Graves. On March 15, 2023, the state charged Graves with nine counts of felony violation of the April 2022 HRO, and on March 30, 2023, the state filed another complaint charging Graves with two counts of felony violation of the same HRO.

In June 2025, the district court entered judgments of conviction and sentenced Graves on three counts of felony violation of an HRO, one conviction for each of the three files. We describe the factual and procedural circumstances related to each conviction.

The first conviction arose from a March 2025 jury trial related to the charge set forth in the April 2022 complaint alleging a violation of the March 2021 HRO. The following facts are derived from the testimony and evidence presented at trial.

While driving home with their child on March 28, 2022, H.M. saw Graves entering El Triunfo, a restaurant near her house. According to H.M., this restaurant is within a two-block radius of her house. H.M. called the Northfield police department to report a violation of the HRO. The responding officer looked up the HRO, determined that the restaurant is within two blocks of H.M.'s house, and unsuccessfully attempted to contact Graves at his residence.

During the trial, the state offered as an exhibit a certified copy of an April 12, 2022 petition for a writ of habeas corpus filed by Graves. In the habeas petition, Graves wrote: "In connection with [this court file], the present writer, Richard Charles Graves, was arrested and detained for, as previously stated under oath, visiting El Triunfo Restaurant to buy something to eat on the way to a Northfield Public School Board Meeting." Graves objected to the admission of the entire document and objected to the admission of the above statement as hearsay. Graves also argued that, if the district court admits the statement, "putting in four pages of full redactions when we need simply that statement, I think actually adds some prejudice to it." The district court admitted a redacted habeas petition containing only the statement set forth above under the party-opponent exception to the

hearsay rule. *See* Minn. R. Evid. 801(d)(2) (providing that a statement is not hearsay if it is offered against a party and is the party's own statement). The district court also admitted as an exhibit an aerial map showing H.M.'s home and El Triunfo. Graves testified in his own defense and denied that he violated the HRO.

Graves requested that the district court instruct the jury that the state must prove that he knew that he had violated the HRO. The state argued that it was not required to prove that Graves knew he was violating the HRO, but rather that he knew about the condition of the HRO that he allegedly violated. The district court agreed with the state and instructed the jury as follows:

Under Minnesota law whoever violates a harassment restraining order knowing of the order is guilty of a crime. Violation of harassment restraining order elements. The elements of this crime are, first, there was an existing court order restraining defendant from harassing [H.M.]. Second, the defendant knew or believed the order existed. Third, the defendant violated a term or condition of the order. Fourth, the defendant's act took place on or about March 28, 2022, in Rice County. If you find that each of these elements has been proved beyond a reasonable doubt, the defendant is guilty. If you find that any element has not been proven beyond a reasonable doubt, the defendant is not guilty.

During closing argument, Graves's counsel noted that the condition of the HRO prohibiting Graves's presence within a "two block radius" of H.M.'s home was not defined and argued that "almost every witness who testified gave you a very a different definition of a two block radius." On rebuttal, the state argued:

It's the state's recollection that [H.M.] said that [El Triunfo] was within two blocks. The State's recollection that Officer Carlson said that that was within two blocks. It was the State's recollection that Mr. Graves said during his

testimony that it was within two blocks. Again, you look at the map, you look at the roads; we all grew up with blocks. Use your own common sense.

The jury found Graves guilty.

The remaining two convictions arose from guilty pleas.¹ On March 17, 2025, Graves filed two petitions to enter guilty pleas with corresponding *Alford* addenda, setting forth the agreement that, in exchange for Graves's guilty plea to one count from the March 15 complaint and one count from the March 30 complaint, the state would dismiss all remaining charges. The record does not contain a transcript of the March 17 plea hearing.

In June 2025, the district court entered judgments of conviction and sentenced Graves on one count from the April 2022 complaint, one count from the March 15 complaint, and one count from the March 30 complaint. On the conviction of felony violation of an HRO resulting from the jury trial, the district court sentenced Graves to 12 months and one day in prison. On the conviction from the March 15 complaint, the district court sentenced Graves to 15 months in prison. And on the conviction from the March 30 complaint, the district court sentenced Graves to 18 months in prison. The district court stayed execution of each sentence and placed Graves on probation for five years. The district court ordered the sentences to run concurrently.

Graves appeals.

¹An *Alford* guilty plea allows a defendant to maintain innocence while pleading guilty to the crime. *State v. Steichen*, 36 N.W.3d 393, 398 (Minn. 2026); *see also North Carolina v. Alford*, 400 U.S. 25, 37 (1970).

DECISION

On appeal, Graves challenges each conviction. He argues that the district court committed multiple errors during the jury trial warranting reversal and that his guilty pleas are inaccurate because they are not supported by an adequate factual basis. We address each argument in turn.

I. The district court did not err or abuse its discretion during Graves's March 2025 jury trial.

We first address Graves's arguments that multiple errors occurred during his March 2025 jury trial.

A. Omnibus Hearing

Graves argues that his conviction must be reversed because the district court failed to hold an omnibus hearing. The Minnesota Rules of Criminal Procedure require that the district court hold an omnibus hearing when a defendant has not pleaded guilty. *See* Minn. R. Crim. P. 11.01. We are unable to discern from the record whether an omnibus hearing was held or whether Graves waived his right to an omnibus hearing because Graves did not order transcripts for all the hearings that occurred in this matter. *See Fischer v. Simon*, 980 N.W.2d 142, 144 (Minn. 2022) (providing that when no transcript is ordered for a hearing, this court cannot review a party's argument as to that hearing); *see also* Minn. R. Civ. App. P. 110.02, subd. 1(a) (providing that it is the appellant's duty to identify and order which transcripts should be included in the record); Minn. R. Crim. P. 28.02, subd. 9(a) (providing that it is the appellant's responsibility to order a transcript of the proceedings necessary for appellate review). Even so, Graves fails to identify any claim

that he would have raised at such a hearing, let alone the likelihood of success of such a claim. Graves is therefore not entitled to relief on this basis.

B. Sufficiency of the Evidence

Graves challenges the sufficiency of the state's evidence as to the third element of felony violation of an HRO: that he violated a term or condition of the HRO.

When considering a claim of insufficient evidence where a disputed element is proven by direct evidence, we apply the traditional standard of review. *State v. Bonnell*, 31 N.W.3d 527, 551 (Minn. 2026). “Under the traditional standard, we limit our review to a ‘painstaking analysis of the record to determine whether the evidence, when viewed in a light most favorable to the conviction, was sufficient to permit the jurors to reach the verdict which they did.’” *Id.* (quoting *State v. Webb*, 440 N.W.2d 426, 430 (Minn. 1989)).

The state produced direct evidence to establish that Graves violated the HRO. The state offered the following evidence at trial: an HRO, in effect on March 28, 2022, preventing Graves from being within a two-city-block “radius” of H.M.’s home; H.M.’s testimony that she saw Graves outside El Triunfo on March 28, 2022, and called the police to report his presence as a violation of the HRO; H.M.’s testimony that El Triunfo is within two blocks of her house; pictures of El Triunfo that H.M. took from her driveway; the responding officer’s testimony that El Triunfo is within two blocks of H.M.’s home; Graves’s statement in his habeas petition he filed in April 2022 in which Graves wrote that he “was arrested and detained for . . . visiting El Triunfo Restaurant”; and a map showing an aerial view of H.M.’s home. This is direct evidence because it is “based on personal knowledge or observation,” and, if true, proves the distance at issue “without inference or

presumption.” *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (quotations omitted). Based on this evidence, when viewed in a light most favorable to the verdict, a jury could have reasonably concluded beyond a reasonable doubt that Graves violated a term of the HRO. Thus, the evidence is sufficient to sustain Graves’s conviction. *See State v. Blevins*, 10 N.W.3d 29, 39 (Minn. 2024).

C. Evidentiary Objections

Graves argues that the district court abused its discretion in admitting into evidence a statement from his habeas petition, not permitting him to subpoena alibi and defense witnesses, and admitting certain exhibits that were not properly authenticated.

“We will not reverse evidentiary rulings absent a clear abuse of discretion.” *Miles v. State*, 840 N.W.2d 195, 204 (Minn. 2013). “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. Vangrevenhof*, 941 N.W.2d 730, 736 (Minn. 2020) (quotation omitted). Graves bears the burden of showing that the district court abused its discretion and that the admission of the evidence prejudiced his defense. *See Miles*, 840 N.W.2d at 204 (“The defendant has the burden on appeal of proving both that the trial court abused its discretion when it made the evidentiary ruling and that the defendant was thereby prejudiced.”).

Graves first argues that the district court abused its discretion in admitting the redacted habeas petition because it is not admissible under Minn. R. Evid. 106 and 403. “A defendant’s objection to the admission of evidence preserves review only for the stated basis for the objection or a basis apparent from the context of the objection.” *State v. Vasquez*, 912 N.W.2d 642, 649 (Minn. 2018); *see also* Minn. R. Evid. 103(a)(1) (providing

that “a timely objection or motion to strike” must appear on the record that “state[s] the specific ground of objection, if the specific ground was not apparent from the context).

In the district court, it appears that Graves objected to the admission of the entire habeas petition as irrelevant. As to the statement in the habeas petition, Graves argued that the statement did not meet the statement-of-a-party-opponent exception to the hearsay rule. *See* Minn. R. Evid. 801(d)(2) (providing that a “party’s own statement” offered against that party is not hearsay). Graves also argued that “putting in four pages of full redactions when we need simply that statement, I think actually adds some prejudice to it if the court is inclined to treat it as a statement against interest.”

Graves asserts that admission of the redacted habeas petition is unfairly prejudicial because the “very form of the document risked telling the jury that [Graves] was incarcerated, litigious, or already enmeshed in collateral criminal process.” But Graves’s admission to being arrested while visiting El Triunfo is highly probative and directly relevant to the charged offense, and while his own admission may be prejudicial, it is not unfairly so. In any event, we cannot conclude that the alleged danger of unfair prejudice substantially outweighs the probative value of this evidence such that the district court abused its discretion in its evidentiary ruling.

Because Graves did not object on Rule 106 grounds at the district court, he has forfeited this argument on appeal. *See Vasquez*, 912 N.W.2d at 650. We review forfeited issues for plain error. *Id.* To establish plain error, an “appellant must show that there was (1) an error; (2) that is plain; and (3) the error must affect substantial rights.” *State v. Kelley*, 855 N.W.2d 269, 273-74 (Minn. 2014). We discern no error by the district court

in admitting Graves’s own statement pursuant to Minn. R. Evid. 801(d)(2) and no prejudice to Graves in doing so.

Graves argues that Rule 106 required the district court to admit the *entire*, unredacted habeas petition. *See* Minn. R. Evid. 106 (providing that, when part of a writing is introduced, the “adverse party may require the introduction at that time of any other part or any other writing . . . which ought in fairness to be considered contemporaneously”). Graves’s argument on appeal is directly at odds with his own objection and request at trial that if the statement were to be admitted, the rest of the habeas petition be excluded. Put differently, Graves invited the error of which he now complains and is prevented “from challenging on appeal a district court decision to which the party consented or affirmatively requested.” *State v. Trifiletti*, 6 N.W.3d 79, 94 (Minn. 2024); *see also State v. Sullivan*, 35 N.W.3d 387, 396 (Minn. 2026) (applying invited-error doctrine where appellant challenged state’s failure to produce substantive evidence regarding appellant’s prior convictions but state’s action resulted from defense counsel’s stipulation to appellant’s prior convictions).

Graves next asserts that three exhibits admitted at trial—two photographs taken by H.M. and a map created by a county employee—were not properly authenticated. We disagree. “The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.” Minn. R. Evid. 901(a). One type of authentication is testimony from a witness with knowledge that “a matter is what it is claimed to be.” *Id.* (b)(1). This type of authentication is appropriate for evidence like photographs where a witness confirms that the evidence is a “representation” of something they observed. *See*

In re Welfare of S.A.M., 570 N.W.2d 162, 164 (Minn. App. 1997) (describing witness testimony as the “conventional method for authenticating photos” and stating that a photograph “is thought to be a pictorial representation of what the witness observed”).

The exhibits were properly authenticated at trial. H.M. testified that she took the photographs with an iPhone camera and that the exhibits were accurate copies of the photographs. And the county employee testified to creating the map and that the exhibit was an accurate representation of the map. Although Graves argues that H.M. could not identify where in the driveway she stood to take the photographs, and the county employee could not testify to El Triunfo’s location on the map, these challenges do not undermine the fact that the exhibits are what they purport to be and instead relate to the weight to be afforded to this evidence. Accordingly, we discern no abuse of discretion by the district court in the admission of these documents.

Finally, Graves challenges the district court’s June 2024 denial of his pretrial request to subpoena witnesses. “Appellate courts largely defer to the trial court’s exercise of discretion in evidentiary matters and will not lightly overturn a trial court’s evidentiary ruling.” *State v. Kelly*, 435 N.W.2d 807, 813 (Minn. 1989). Graves offers no explanation or argument as to how the district court’s denial of his subpoena request constituted an abuse of discretion or any indication of what evidence the subpoenas would have produced. Accordingly, we reject Graves’s argument regarding his subpoena request because he has failed to establish that the ruling was an abuse of discretion or resulted in any prejudice to him. *See Miles*, 840 N.W.2d at 204.

D. Jury Instructions

Graves argues that the jury instructions “improperly removed the live knowledge dispute” and left the critical term “block” undefined. We discern no abuse of discretion by the district court.

“While district courts have broad discretion to formulate appropriate jury instructions, a district court abuses its discretion if the jury instructions confuse, mislead, or materially misstate the law.” *State v. Lampkin*, 994 N.W.2d 280, 285 (Minn. 2023). The state asks us to review the jury instructions for plain error because Graves’s counsel agreed to the jury instructions as they were given to the jury. We conclude that, while Graves’s counsel did not lodge a formal objection to the jury instructions, this argument is not forfeited because Graves’s counsel specifically requested the disputed jury instruction—namely, that the state was required to prove that Graves knew he violated the HRO—and the district court had an opportunity to address the issue during trial. *See State v. Keyes*, ___ N.W.3d ___, ___, 2026 WL 2053029, at *6 (Minn. July 15, 2026) (concluding that jury-instruction argument was not forfeited on appeal where trial counsel requested jury instruction and district court denied request). We therefore apply the abuse-of-discretion standard.

Graves first argues that the district court abused its discretion in denying his request to instruct the jury that the state was required to prove as an element of the offense that he knew that he violated the HRO. We disagree. In a prosecution for violation of an HRO, “the state must prove that the defendant knew all the facts that would cause him or her to be in violation of the [HRO].” *State v. Andersen*, 946 N.W.2d 627, 628 (Minn. App. 2020).

The model jury instructions contain an optional instruction for those cases in which “the defendant knew or believed” facts “not specified in the order that made defendant’s conduct a violation of the order. 10 *Minnesota Practice*, CRIMJIG 15.10 (2024). The district court determined that this was not such a case because Graves was accused of violating a condition explicitly specified in the HRO. We discern no abuse of discretion by the district court in reaching this conclusion. The state argued at trial that Graves violated the condition that he was within a two-city-block radius of H.M.’s home, a condition expressly set forth in the HRO itself.

Graves also asserts that the district court committed plain error by not defining the term “block,” which he asserts allowed the jury to “decide guilt using whatever personal conception of ‘block’ each juror happened to bring into the courtroom.” Graves did not raise this argument at the district court, so we review this issue for plain error. *State v. Beganovic*, 991 N.W.2d 638, 655 (Minn. 2023). Graves does not cite to, nor have we identified, any authority requiring the district court to define “block,” the definition of which was argued to the jury by both parties. And the jury was specifically instructed that if certain words or phrases were not defined, it should “apply the common ordinary meaning of that word or phrase.” We presume that the jury followed the district court’s instruction. *State v. Ferguson*, 581 N.W.2d 824, 835 (Minn. 1998) (“Courts presume that juries follow the instructions they are given.”). Therefore, we discern no error, let alone an error that is plain, in the district court’s jury instructions.

E. Prosecutorial Misconduct

Graves argues that the prosecutor committed misconduct during rebuttal by misstating the evidence when she argued that H.M., the responding officer, and Graves all testified that El Triunfo was within two blocks of H.M.'s house.

Because Graves did not object to the alleged misconduct at trial, we “review the prosecutor’s statements under a modified plain error analysis.” *State v. Davis*, 982 N.W.2d 716, 726 (Minn. 2022). Under this analysis, Graves bears the burden to demonstrate an error that is plain. *State v. Parker*, 901 N.W.2d 917, 926 (Minn. 2017). “An error is plain if it was ‘clear’ or ‘obvious’” and is typically established where the prosecutor’s conduct “contravenes case law, a rule, or a standard of conduct.” *State v. Ramey*, 721 N.W.2d 294, 302 (Minn. 2006) (quotation omitted). If Graves establishes plain error, “the burden shifts to the State to demonstrate that [this] error did not affect [his] substantial rights.” *Parker*, 901 N.W.2d at 926. “A plain error affects a defendant’s substantial rights if it was prejudicial and affected the outcome of the case.” *Id.* (quotation omitted). An error is prejudicial where “there is a reasonable likelihood that the error had a significant effect on the jury’s verdict.” *Id.* (quotation omitted). If the state does not satisfy its burden, we “consider whether the error should be addressed to ensure fairness and the integrity of judicial proceedings.” *Id.*

We discern no misconduct. The prosecutor did not misstate the evidence as to H.M. or the responding officer. Both testified that El Triunfo is located within two blocks of H.M.'s house. And any misstatement of Graves’s testimony was cured by the district court’s instruction to the jury that, “[i]f the attorneys or I make any statement as to what

evidence is that differs from your recollection of the evidence, you should disregard the statement and rely solely on your own memory.” Again, we presume that the jury followed the district court’s instruction. *See State v. Taylor*, 650 N.W.2d 190, 207 (Minn. 2002) (rejecting appellant’s argument that prosecutor misstated the evidence where jury was instructed to rely on their own recollection and not the attorney’s argument). Accordingly, Graves has not established that the prosecutor committed plain error or that any error affected his substantial rights.

F. Speedy Trial

Finally, Graves argues that the district court erred in not dismissing this file on speedy-trial grounds. We acknowledge that Graves asserted his right to a speedy trial by filing a motion in the district court on March 29, 2024. We apply a four-factor test to determine whether a defendant’s right to a speedy trial was violated. *State v. Windish*, 590 N.W.2d 311, 315 (Minn. 1999) (applying test established in *Barker v. Wingo*, 407 U.S. 514 (1972)). These four *Barker* factors are: “(1) the length of the delay; (2) the reason for the delay; (3) whether the defendant asserted his or her right to a speedy trial; and (4) whether the delay prejudiced the defendant.” *Id.* But we are unable to review whether a speedy-trial violation occurred because Graves failed to order transcripts of all proceedings in this matter. We cannot discern, for example, the reason for any delay or to whom such delay may be attributed, to what extent Graves continued to assert his right or whether he waived it, or whether there existed good cause for any delay. And the record does not contain any decision by the district court relating to a speedy-trial demand. Accordingly, we are unable to review this argument. *See Fischer*, 980 N.W.2d at 144; *State v. Carlson*, 161 N.W.2d

38, 40 (Minn. 1968) (“It is elementary that a party seeking review has a duty to see that the appellate court is presented with a record which is sufficient to show the alleged errors and all matters necessary to consider the questions presented.”).

In sum, we discern no error or abuse of discretion by the district court in the March 2025 trial.

II. Without an adequate record, we cannot review the accuracy of Graves’s guilty pleas.

Graves seeks reversal of his convictions arising from his March 2025 guilty pleas, challenging the adequacy of the factual basis for his pleas. But the record does not contain a transcript of the hearing at which Graves entered the guilty pleas. And without an adequate record, we are unable to review the validity of Graves’s guilty pleas. *See Fischer*, 980 N.W.2d at 144.

Graves asks us to supplement the record to provide for adequate review. But the appellant bears “the burden to provide an adequate record.” *Mesenbourg v. Mesenbourg*, 538 N.W.2d 489, 494 (Minn. App. 1995); *see also* Minn. R. Civ. App. P. 110.02, subd. 1(a) (providing that it is the appellant’s duty to identify and order which transcripts should be included in the record). Because Graves did not supply an adequate record to enable our review, he is not entitled to the relief he seeks.²

Affirmed.

² Graves also argues that the cumulative effect of the errors requires reversal of his conviction. Because Graves has not established that any error occurred during the proceedings giving rise to his convictions, we reject this argument.