

*This opinion is nonprecedential except as provided by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
A25-1584**

State of Minnesota,
Respondent,

vs.

Rafael Buenfil,
Appellant.

**Filed September 21, 2026
Affirmed
Wheelock, Judge**

Otter Tail County District Court
File No. 56-CR-25-487

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

Michelle Eldien, Otter Tail County Attorney, Fergus Falls, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jessica Merz Godes, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Harris, Presiding Judge; Wheelock, 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NONPRECEDENTIAL OPINION

WHEELLOCK, Judge

Appellant argues that the trial evidence was insufficient to prove that he violated the predatory-offender registration requirements of Minn. Stat. § 243.166, subd. 4(e)(4) (2024), by failing to mail the annual verification form back to the Minnesota Bureau of Criminal Apprehension (BCA) within ten days after receipt of the form. We affirm.

FACTS

Appellant Rafael Buenfil was convicted of a crime in 2007 that required him to register annually as a predatory offender. At the start of every year, the BCA sent address-verification forms to Buenfil that he was required to return to the BCA within ten days of receipt pursuant to Minn. Stat. § 243.166, subd. 4(e)(4). In 2024, Buenfil reported to the BCA that his primary address was in Fergus Falls and that he maintained a secondary residence in Moorhead. On January 21, 2025, the BCA mailed Buenfil an annual address-verification form. Buenfil did not return the verification form.

In May 2025, respondent State of Minnesota charged Buenfil by amended complaint with one count of failing to mail a predatory-offender verification form to the BCA within ten days after receipt of the form in violation of Minn. Stat. § 243.166, subd. 4(e)(4), and one count of knowingly committing an act or failing to fulfill a predatory-offender registration requirement in violation of Minn. Stat. § 243.166, subd. 5(a)(1) (2024).¹ Buenfil pleaded not guilty.

¹ Buenfil challenges only his conviction under subdivision 4(e)(4); therefore, we do not address his conviction under subdivision 5(a)(1).

The parties appeared for a trial later that month. During trial, Buenfil's landlord for his Fergus Falls residence, L.H., testified. L.H. stated that Buenfil rented an apartment from him for about two and a half to three years, but that, at the end of 2024, Buenfil was struggling to pay rent. L.H. attempted to help Buenfil obtain rent assistance, but in November 2024, L.H. issued a notice to "pay or vacate" to Buenfil for failure to pay rent, and in January, L.H. filed an eviction complaint. The eviction was granted, and on January 17, 2025, a deputy posted a copy of the eviction summons and complaint on the front door of Buenfil's Fergus Falls apartment. L.H. stated that he attempted to reach Buenfil multiple times about the eviction but was unable to reach him.

At some point after the eviction, L.H. placed a red "vacant" sticker on Buenfil's mailbox and gave his mail to the post office to return to sender. L.H. also testified that, at some point prior to the eviction, someone had broken into the mailboxes at the apartment building. L.H. testified that Buenfil spent time in both Moorhead and Fergus Falls and that Buenfil's possessions were still in the Fergus Falls apartment in January 2025.

A BCA agent testified that the predatory-registration annual verification forms are sent out by first-class mail to the recipient's primary address on record and the recipient has ten days to return the completed form to the BCA. The district court admitted as evidence Buenfil's BCA verification paperwork, which shows that the verification form for 2025 was mailed to Buenfil's Fergus Falls address on January 21, 2025. The paperwork also shows that Buenfil updated his primary address to the Fergus Falls apartment in 2024, his verification form was sent to that address on January 19, 2024, and the completed form was returned afterward. The paperwork also showed that, in the "duty to register" section

on his 2023 form, Buenfil initialed each paragraph that listed the requirements that applied to him, indicating that he understood his registration requirements. This included the requirement that he must “complete and return all Verification Forms within 10 days of receipt.” The paperwork also showed the same requirement initialed by Buenfil in January 2007.

An Otter Tail County law-enforcement officer also testified that, on February 25, 2025, he went to Buenfil’s Fergus Falls apartment to verify Buenfil’s address. The officer testified that he received no answer when he knocked on Buenfil’s door and did not observe any items or notices posted to the door of the apartment but saw a “vacant” sticker on the mailbox. The officer contacted L.H. and learned that Buenfil had been evicted “around February 7th or 8th” and that L.H. took possession of the apartment around the 17th or 18th of February. The officer testified that no one had reported any stolen mail from the apartment building between January 10 and February 25.

Buenfil then testified in his defense. He stated that he had registered as a predatory offender with the BCA annually since 2007 and that he lived in the Fergus Falls apartment for about two and a half years. Buenfil stated that, around October 2024, he told L.H. that he was struggling financially and stopped paying rent and that he had begun having financial difficulties in August. Buenfil testified that, because he lost his mailbox key for the Fergus Falls apartment in January, he would have to “catch the mailman at 10:30 in the morning on a Friday” to get his mail and that sometimes the mailbox was empty. He also said that, at one point, he contacted the post office and a postal worker told him that “they were holding down the mail” because of mailbox break-ins. Buenfil also testified that he

never received any mail from the post office that was “held” by them, his primary address in January and February of 2025 remained the Fergus Falls apartment, and he had no knowledge of his eviction.

On cross-examination, Buenfil testified that he received an annual verification form each year in January at his primary address. When the prosecutor asked if he took any steps to ensure he would receive the verification form, given the issues he allegedly was having with his mail, Buenfil responded that he would “catch the mailman personally” and that he left a note in his mailbox that said, “if it’s filled up, please leave in there,” but he never reported any stolen mail to law enforcement. Buenfil also testified that, after working during the week in Moorhead, he would return to his Fergus Falls residence on Friday and that he would meet with his probation officer at his Fergus Falls residence on the last Wednesday of each month. Buenfil stated that he was “not sure” of the dates he was at his Fergus Falls residence in January but that he did not see any eviction notification posted on his door and that he was unaware that his locks had been changed because he had lost both his “mailbox key and [his] key to the lock . . . lost together on a key chain” so he would enter his Fergus Falls apartment through a window.

The jury found Buenfil guilty of both counts. At sentencing, Buenfil moved for a downward dispositional departure, which the district court denied. The district court entered a judgment of conviction for each count but determined that the offenses were “single behavioral incidents occurring at substantially the same time” and sentenced Buenfil to 43 months’ imprisonment for failure to return the verification form but did not impose a sentence for failure to fulfill a predatory-offender requirement.

Buenfil appeals.

DECISION

When a person is convicted of a qualifying crime, they are required to register as a predatory offender. Minn. Stat. § 243.166, subd. 1b (2024). If a person required to register as a predatory offender knowingly violates the registration requirements, the person is guilty of a felony. *Id.*, subd. 5(a) (2024). The predatory-offender registration statute requires that the person complete, sign, and return to the BCA an annual verification form within ten days after receipt of the form. *Id.*, subd. 4(e)(4).

Buenfil argues that the district court erred because the state’s evidence was insufficient to prove that (1) the annual verification form was mailed to Buenfil and (2) that Buenfil actually received the form. Buenfil specifically challenges whether the state proved that he knowingly violated the requirement to return the signed verification form. The district court instructed the jury that “[k]nowingly” requires only that the defendant believes that the specified fact exists.”² *See* Minn. Stat. § 609.02, subd. 9(1)-(2) (2024) (defining “know” for purposes of criminal intent in the criminal statutes).

Buenfil relies on *State v. Moore*, No. A06-2346, 2008 WL 1796472 (Minn. App. Apr. 22, 2008), *rev. denied* (Minn. June 18, 2008). In that case, we reversed Moore’s conviction because we determined that the state did not prove that Moore received the address-verification forms. We first note that, because *Moore* is a nonprecedential opinion,

² Buenfil does not contest any of the other elements of the offense, including that Buenfil was a person required to register as a predatory offender, that he knew or reasonably should have known that he had a duty to register, and that the failure to act took place between January 19 and February 25, 2025, in Otter Tail County.

it is not binding authority, *see* Minn. R. Civ. App. P. 136.01, subd. 1(c), and second that, because *Moore* is distinguishable, it is not persuasive.

In *Moore*, the BCA mailed verification forms to Moore, who was required to register as a predatory offender, at his residence in Chicago from 2002-2005; however, all of the forms were returned to the BCA unopened and marked return to sender. 2008 WL 1796472, at *1. Eventually, the BCA discovered that Moore was living in Missouri. *Id.* Based on these facts, we determined that the evidence was not sufficient to show that Moore received any of the forms or that Moore knowingly failed to return the verification forms. *Id.* at *9. We noted that the state “failed to stipulate or introduce even circumstantial evidence that Moore actually lived at the [Chicago] residence and ignored his mail at any time during the years the forms were returned by the post office.” *Id.*

Here, unlike in *Moore*, Buenfil testified that he was residing at the Fergus Falls apartment in January when the BCA mailed the forms to that address, the state presented evidence that Buenfil never reported a change of address or that his mail was stolen, and the BCA agent testified that the BCA never received the mailing back from the post office and marked return to sender. The state here also argued that a presumption of receipt applies in this case, asserting that, if mail is “properly addressed and sent with postage prepaid,” there is a “presumption [of receipt], in the absence of proof to the contrary,” that the mail was “duly received by the addressee.” *See Nafstad v. Merchant*, 228 N.W.2d 548, 550 (Minn. 1975); *State v. Osorio*, 872 N.W.2d 547, 555 (Minn. App. 2015) (applying this presumption to criminal cases), *aff’d on other grounds*, 891 N.W.2d 620 (Minn. 2017).

In *Osorio*, the supreme court rejected this court’s application of a presumption of receipt of a mailed summons and complaint to determine that Osorio, who asserted a speedy-trial violation, was aware of the charges against him prior to his arrest. 891 N.W.2d at 630 & n.3. Instead, the supreme court instructed that appellate courts should “analyze[] the totality of the evidence in the record to determine” whether the state has sufficiently proved knowledge or receipt of mailed documents. *Id.* at 630 n.3. Because Osorio did not provide evidence that he did not receive the summons and complaint, did not testify that he did not receive the summons and complaint, and did not submit any evidence or testimony from other sources that would show he was unaware of the charges against him, the supreme court noted that it was “more likely than not” that he was aware of the charges after the state sent a summons and complaint through U.S. mail. *Id.* at 630-31. The totality of the evidence included that Osorio lived at the residence in question for at least two years prior to the mailing of the summons and complaint and “that there was no indication that the summons was returned as undeliverable,” which demonstrated that Osorio was likely aware of the charges against him after the summons and complaint were mailed to him. *Id.* at 625, 630-31 & n.5.

When knowledge of the law is an element of a criminal offense, a defendant’s knowledge typically is proved with circumstantial evidence. *See State v. Lehman*, 3 N.W.3d 875, 878-80 (Minn. 2024); *see also State v. Alarcon*, 932 N.W.2d 641, 647-50 (Minn. 2019) (analyzing circumstantial evidence in failure-to-register case and reversing conviction). Direct evidence is based on personal knowledge or observation and proves a

fact without any inference or presumption, while circumstantial evidence requires an inferential step to prove a fact. *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017).

Under the two-step circumstantial-evidence standard of review, we first identify the circumstances proved. *Id.* at 601. In doing so, we “winnow down the evidence presented at trial by resolving all questions of fact in favor of the jury’s verdict, which results in a subset of facts that constitute the circumstances proved.” *State v. Firkus*, 31 N.W.3d 468, 478 (Minn. 2026) (quotations omitted). Identifying the circumstances proved in this manner “protects the well-established legal principle that the [fact-finder] is in a unique position to determine the credibility of the witnesses and weigh the evidence before it.” *Id.* at 479 (quotation omitted). We do not “re-weigh the evidence and sit . . . as a 13th juror.” *Id.* (quotation omitted).

“At the second step, we consider whether the reasonable inferences that can be drawn from the circumstances proved, when viewed as a whole and not as discrete, isolated facts, are consistent with the hypothesis that the accused is guilty and inconsistent with any rational hypothesis other than guilt.” *Id.* at 478 (quotations omitted). At this stage, we independently review the reasonableness of inferences and “do not defer to the factfinder.” *Id.* at 483 (quotation omitted). We will not reverse a conviction “based on mere conjecture.” *Id.* (quotation omitted). However, “[i]f the circumstances proved when viewed as a whole, support a reasonable inference ‘that is inconsistent with guilt, the evidence is not sufficient to support the conviction and we must reverse.’” *Id.* (quoting *State v. Isaac*, 9 N.W.3d 812, 818 (Minn. 2024)).

Focusing on the challenged element, we identify the circumstances proved relevant to whether Buenfil knowingly violated the predatory-offender-registration statute by not returning the form to the BCA within the ten-day timeframe. *See id.* at 478; *see also Alarcon*, 932 N.W.2d at 648-49 (identifying circumstances proved as to whether appellant knowingly violated predatory-offender-registration statute by not registering primary address). Here, the circumstances proved include the following:

- Buenfil began registering as a predatory offender in 2007 and complied with the annual requirements each January from 2007-2024;
- on each form he returned to the BCA, Buenfil initialed sections that confirmed that he understood the registration requirements;
- Buenfil received verification forms in January of 2024 at his Fergus Falls residence and timely returned them;
- in 2025, Buenfil's primary address was the same Fergus Falls address as in 2024;
- the BCA mailed the verification form to Buenfil's Fergus Falls residence on January 21, 2025, and it was required to be returned within ten days of receipt;
- the mailboxes at the Fergus Falls apartment building were broken into a few times on unidentified dates;
- Buenfil never alerted his probation officer, the BCA, or law enforcement of any missing or stolen mail from his Fergus Falls apartment mailbox;
- the court sent Buenfil a notice of eviction proceedings in January 2025 and granted the eviction in February 2025;
- when L.H. "took possession of the apartment" after the eviction, he took the mail out of Buenfil's mailbox and gave it to the post office to return to sender;
- the BCA never received a completed form from Buenfil, nor did it receive a return of the form marked return to sender; and
- L.H. testified that Buenfil's property was still in the apartment in January 2025.

At the second step of the circumstantial-evidence analysis, we determine whether “the circumstances proved, when viewed as a whole,” are consistent with guilt or any rational hypothesis other than guilt. *Firkus*, 31 N.W.3d at 478 (quotation omitted). Though Buenfil argues that the state did not provide evidence to show that he was sent the verification form or that he actually received it, he testified that he was still living in the Fergus Falls apartment in January and that the verification form was always sent in January of each year. The BCA had sent the verification form to the Fergus Falls address in January of the previous year, and Buenfil returned the completed form. Buenfil had been registering with the BCA since 2007, confirming each year that he was aware of the requirements. Though Buenfil argued that the mailboxes at his apartment building had been broken into at some point, he never reported any stolen mail and the BCA never received a returned verification form with a marking of return to sender. Based on these circumstances proved, it is reasonable to infer that the forms were mailed to Buenfil and he received them.

Buenfil argues that the state did not sufficiently prove that he actually received the forms and thus it is a rational hypothesis that he did not receive the verification form and therefore did not violate the registration requirement. We disagree.

It is not a rational hypothesis that Buenfil did not receive the verification letter given that he never reported missing mail, he had received and completed a form every January from 2007-2024—including at his Fergus Falls address, where he had lived for about two years—that he had ten days to respond, his forms were never returned as undeliverable

from that address, and Buenfil's belongings were still inside the apartment in January and February of 2025.

Because the totality of the evidence proves beyond a reasonable doubt that Buenfil received the verification forms and knew that he was required to register each year, we conclude that the evidence was sufficient to support Buenfil's conviction for violation of the predatory-offender registration requirements.

Affirmed.