

*This opinion is nonprecedential except as provided by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
A25-1609**

State of Minnesota,
Respondent,

vs.

Glenn Michael Rhineberger,
Appellant.

**Filed July 13, 2026
Affirmed in part, reversed in part, and remanded
Reyes, Judge**

Beltrami County District Court
File No. 04-CR-24-2391

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

David L. Hanson, Beltrami County Attorney, Bemidji, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Richard Schmitz, Assistant Public
Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Larkin, Presiding Judge; Reyes, Judge; and Bratvold,
Judge.

NONPRECEDENTIAL OPINION

REYES, Judge

Appellant argues that (1) the state presented insufficient evidence to support a jury's finding of guilt for fleeing a peace officer by means of a motor vehicle and (2) the district court erred by convicting him of two counts charged under the same statute and arising

from one behavioral incident. We affirm appellant's conviction of fleeing a peace officer by means of a motor vehicle. However, we reverse his conviction of fleeing a peace officer by other means and remand to the district court with instructions to vacate that conviction and sentence.

FACTS

In October 2024, respondent State of Minnesota charged appellant Glenn Michael Rhineberger with (1) fleeing a peace officer by means of a motor vehicle in violation of Minnesota Statutes section 609.487, subdivision 3 (2024) (count I); (2) driving after cancellation in violation of Minnesota Statutes section 171.24, subdivision 5 (2024) (count II); and (3) fleeing a peace officer by means other than a motor vehicle in violation of Minnesota Statutes section 609.487, subdivision 6 (2024) (count III).

The following facts are based on the evidence presented at appellant's jury trial, including testimony from the deputy who pursued appellant and footage from the deputy's body-worn and dashboard cameras.

One evening, the deputy observed a vehicle with a white light shining from its taillight in violation of Minnesota traffic laws. The deputy activated his squad car's emergency lights, but the vehicle did not stop. Within five seconds, the driver, later identified as appellant, exited the moving vehicle from the driver's door. Appellant ran into a field while the vehicle slowly rolled into a ditch on the opposite side of the road. The deputy followed the driver through the field but stopped his squad car at a tree line after the driver ran into a wooded area.

While the deputy was in his squad car at the tree line “radioing with dispatch and [his] partners,” he heard “an individual call[] out from the woods, . . . ask[ing] ‘can I help you.’” Appellant then walked out of the woods and to the front of the squad car. He told the deputy that “he was walking from a friend’s house and . . . witnessed [the deputy] chasing someone across the field,” and that “the person ran” to the north. The deputy arrested appellant. Law enforcement discovered appellant’s belongings, including his wallet and some clothing, in the woods into which appellant had fled and from which appellant had approached the deputy’s squad car. Appellant told the deputy, “I don’t know why I ran. Scared. . . . I don’t want to go back to jail.” When asked why he thought he would go back to jail, appellant said “license” and told the deputy that “IPS”¹ was the only reason for his flight.

Prior to trial, appellant moved to dismiss count I for lack of probable cause. He argued that the state could not show that his conduct between the activation of the deputy’s emergency lights and his running through the field constituted “fleeing” as defined by Minnesota Statutes section 609.487, subdivision 1 (2024). The district court denied appellant’s motion. The case proceeded to a jury trial.

After the state rested its case, appellant moved for a directed verdict on count I. He asserted that, although “he was originally inside of a vehicle, it’s not that he was using the vehicle in any method or way to try and flee, it’s more that he just happened to be in the

¹ We understand “IPS” to refer to “inimical to public safety” as the term is used in Minnesota Statutes section 171.04, subd. 1(10) (2024). *See also* Minn. Stat. § 171.24, subd. 5 (cross-referencing section 171.04, subdivision 1(10)).

car” and *then* exited with the intent to elude law enforcement. The district court denied the motion.

The jury found appellant guilty on all counts, and the district court convicted him of all counts. On count I, it stayed imposition of a sentence for three years. On count II, it imposed a sentence of 364 days and stayed execution of that sentence for two years. On count III, it imposed a sentence of 90 days and stayed execution of that sentence for one year.

This appeal follows.

DECISION

Appellant argues that (1) the state presented insufficient evidence to sustain a finding of guilt for vehicular flight because he did not “refuse to stop” his vehicle and (2) the district court erred by convicting him of two counts charged under the same statute and arising from one behavioral incident. We address each argument in turn.

I. The state presented sufficient evidence to support a finding of guilt for fleeing a peace officer by means of a motor vehicle.

Appellant argues that the state presented insufficient evidence to support a guilty verdict for vehicular flight because “[e]xiting a truck” does not fall within the statutory definition of “flee.” Appellant’s argument is unavailing.

“A sufficiency-of-the-evidence claim that turns on the meaning of the statute under which a defendant has been convicted presents a question of statutory interpretation that [appellate courts] review de novo.” *State v. Pakhnyuk*, 926 N.W.2d 914, 920 (Minn. 2019). Under this two-step standard of review, we begin by determining the meaning of the

statute. *See State v. Robinson*, 921 N.W.2d 755, 758 (Minn. 2019). We then “apply that meaning to the facts to determine whether there is sufficient evidence to sustain the conviction.” *State v. Bradley*, 4 N.W.3d 105, 109 (Minn. 2024).

Appellate courts must apply the plain meaning of unambiguous statutory language. *See State v. Letourneau*, 23 N.W.3d 386, 391 (Minn. 2025). “If a statute does not define a word or phrase, [appellate courts] give that word or phrase its plain and ordinary meaning.” *State v. Prigge*, 907 N.W.2d 635, 638 (Minn. 2018) (quotation omitted). To determine that plain and ordinary meaning, we may consult dictionary definitions. *Id.*

At trial, the state argued that appellant fled by means of a motor vehicle by refusing to stop his vehicle. Appellant asserts that his actions do not fall under Minnesota Statutes section 609.487, subdivisions 1 and 3. Subdivision 3 defines vehicular flight:

Whoever by means of a motor vehicle *flees or attempts to flee* a peace officer who is acting in the lawful discharge of an official duty, and the perpetrator knows or should reasonably know the same to be a peace officer, is guilty of a felony

(Emphasis added.) Subdivision 1 defines the term “flee”:

For purposes of this section, the term “flee” means to increase speed, extinguish motor vehicle headlights or taillights, *refuse to stop the vehicle*, or use other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle.

(Emphasis added.) Neither party argues that the language of subdivisions 1 or 3 is ambiguous, and we conclude that the language is unambiguous.

Section 609.487 does not define the phrase “refuse to stop the vehicle.” As relevant here, “refuse” is defined as “[t]o decline to do,” and “stop” is defined as “[t]o halt the

motion or progress of.” *The American Heritage Dictionary of the English Language* 1478, 1720 (5th ed. 2018). As a result, we interpret refusing to stop the vehicle as declining to halt the motion of the vehicle.

With this definition in mind, we turn to the second step of our analysis. We must now determine whether to apply the direct- or circumstantial-evidence standard of review. *See State v. Metcalfe*, 13 N.W.3d 704, 711 (Minn. App. 2024), *rev. denied* (Minn. Jan. 21, 2025). Appellant did not present this court with a direct- or circumstantial-evidence analysis or identify which one should be applied. The applicable standard is dependent upon “whether the state relied on direct or circumstantial evidence” at trial. *Id.* at 710. “Direct evidence is evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption, while circumstantial evidence is evidence from which the factfinder can infer whether the facts in dispute existed or did not exist.” *Id.* (quotation omitted).

Here, the state presented direct evidence to establish that appellant refused to stop his vehicle. “[V]ideos provide direct evidence of what they show,” *State v. Blevins*, 10 N.W.3d 29, 40 (Minn. 2024), and, as appellant concedes, the dashboard-camera video “captures most of, if not the entirety of,” the offense. Additionally, the video corroborates the deputy’s testimony about his observations, which also constitutes direct evidence of appellant’s conduct. We therefore apply the direct-evidence standard of review.

“When reviewing the sufficiency of direct evidence, [appellate courts] painstakingly review the record to determine whether that evidence, viewed in the light most favorable

to the verdict, was sufficient to permit the jurors to reach the verdict that they did.” *State v. Segura*, 2 N.W.3d 142, 155 (Minn. 2024) (quotation omitted).

The dashboard-camera video shows that appellant’s vehicle continued to move forward after the deputy signaled appellant to stop the vehicle. It then shows appellant running away from the driver’s side of the vehicle while the vehicle continues to move forward. Appellant concedes that, before running, he jumped from the vehicle. The video shows that, as appellant ran in one direction, the vehicle continued to move forward in the other direction, only ceasing its movement after it rolled into a ditch on the side of the road.

Viewing this evidence in the light most favorable to the guilty verdict on count I shows that appellant refused to stop the vehicle after the deputy signaled him to stop. It does not matter that he subsequently jumped out of that vehicle. What matters is that he declined to halt the movement of the vehicle. We therefore conclude that sufficient evidence supports appellant’s conviction of vehicular flight in violation of Minnesota Statutes section 609.487, subdivision 3.

II. The district court erred by convicting appellant of and sentencing him on two counts of fleeing a peace officer.

Appellant next argues, and the state agrees, that the district court erred by convicting him of two counts charged under the same statute and arising from one behavioral incident. We agree with the parties.

Under Minnesota Statutes section 609.04 (2024), an individual “may be convicted of either the crime charged or an included offense, but not both.” Minn. Stat. § 609.04, subd. 1. The statute “bars multiple convictions under different sections of a criminal statute

for acts committed during a single behavioral incident.” *State v. Jackson*, 363 N.W.2d 758, 760 (Minn. 1985). An appellant must show that (1) “[their] convictions [were] for offenses that [arose] under different sections of the same statute” and (2) “the offenses [were] committed as part of a single behavioral incident.” *State v. Bonkowske*, 957 N.W.2d 437, 444 (Minn. App. 2021). To determine whether the offenses were committed as part of a single behavioral incident, this court looks for a unity of time, place, and purpose between the offenses. *See Munt v. State*, 920 N.W.2d 410, 416-17 (Minn. 2018).

This court reviews de novo whether a conviction violates section 609.04. *Bonkowske*, 957 N.W.2d at 443. But whether the “offenses occurred as part of a single [behavioral incident] is a mixed question of law and fact,” requiring clear-error review for factual findings and de novo review for the “application of the law to those facts.” *State v. Barthman*, 938 N.W.2d 257, 265 (Minn. 2020) (quotation omitted).

The district court convicted appellant under count I for vehicular flight and under count II for flight by other means. Each offense is prohibited by Minnesota Statutes section 609.487. *See* Minn. Stat. § 609.487, subds. 3, 6. The two offenses were committed as part of a single behavioral incident: they occurred within seconds of one another, in a space approximately the size of a city block, and for the single purpose of avoiding being discovered driving after having his license cancelled. The district court therefore erred by convicting appellant of both vehicular flight and flight by other means and by imposing sentences on both convictions.

We reverse appellant’s conviction of count III, flight by other means, and remand to the district court with instructions to vacate that conviction and sentence, leaving the

underlying guilty verdict on that count intact. *See State v. LaTourelle*, 343 N.W.2d 277, 284 (Minn. 1984) (holding that, “when the defendant is convicted [of] more than one charge for the same act,” the district court must “adjudicate formally and impose sentence on one count only,” leaving remaining counts without formal adjudication).

Affirmed in part, reversed in part, and remanded.