

*This opinion is nonprecedential except as provided by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
A25-1744**

State of Minnesota,
Respondent,

vs.

Anthony Joseph Flora,
Appellant.

**Filed August 3, 2026
Affirmed
Harris, Judge**

Kanabec County District Court
File No. 33-CR-24-328

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

Barbara A. McFadden, Kanabec County Attorney, Jessica A. Booth, Assistant County Attorney, Mora, Minnesota (for respondent)

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

Considered and decided by Larson, Presiding Judge; Wheelock, Judge; and Harris, Judge.

NONPRECEDENTIAL OPINION

HARRIS, Judge

On appeal from the convictions of domestic assault-fear and disorderly conduct, appellant argues that the state presented insufficient evidence to support his convictions.

Because the circumstantial evidence was sufficient to support appellant's convictions, we affirm.

FACTS

Respondent State of Minnesota charged appellant Anthony Joseph Flora with domestic assault-fear under Minnesota Statutes section 609.2242, subdivision 1(1) (2024). The state added a second count of disorderly conduct under Minnesota Statutes section 609.72, subdivision 1(3) (2024). The matter proceeded to a jury trial. The following facts summarize the trial evidence and are presented in the light most favorable to the jury's verdict.

In December 2024, Kanabec County 911 dispatch received an emergency call at approximately 10:26 a.m. The call lasted 30 seconds. The dispatcher could not make out the words that were said but could hear a "concerned female and a male" in the background. The dispatcher was able to determine the address where the call was generated from and dispatched the Kanabec County Sheriff's Department to the address. The sheriff's department responded to the address around 10:30 a.m.

A Kanabec County deputy testified that when officers arrived, K.L. came outside and appeared upset and "shaken up." The deputy testified that K.L. told him that she and Flora got into a verbal argument that escalated. K.L. explained to the deputy that she dialed 9-1-1 into her phone "to get it ready" but ended up calling the number by accident. He further testified that officers went inside the residence to speak with Flora.

A Kanabec County sergeant testified that Flora told officers that he and K.L. were arguing when he followed her into the bathroom. Flora explained that he grabbed K.L.'s

arms and pinned her to the ground to “get his point across.” Flora told officers multiple times that he “took it too far” and “probably . . . scare[d] her when he did that.” Flora stated that once he let her go, K.L. went into the kitchen and grabbed a knife before dialing 911. Officers observed a scratch mark on Flora’s neck. Flora explained that K.L. may have “claw[ed] at him” when he was on top of her.

K.L. testified that she accidentally called law enforcement. She explained that she and Flora were arguing and that she threatened to call 911, but she did not intend to place the call. K.L. testified that when officers arrived, she told them she did not need their assistance. She further testified that she was not afraid of Flora and denied telling officers that she feared for her safety.

Flora testified in his own defense. He testified that he lived with K.L., her son, and their pets. According to Flora, K.L. was yelling, hysterical, and had a history of cutting herself in the bathroom. He went to the bathroom to address her behavior, but the situation escalated as she attempted to push past him. Flora testified that he stumbled while trying to stop her, grabbed her, and they both fell to the floor. He testified that his balance had been impaired since losing his hearing, that he did not intend to fall on K.L., and that he never intended to cause her physical harm or place her in fear. He stated that he briefly held her arms to calm her, assured her he would not hurt her, and then released her. Flora testified that K.L. then went to the kitchen, where she was baking bread, picked up a bread knife, and taunted him with her phone, prompting him to distance himself. Flora denied throwing or pushing K.L. to the ground or telling police that he had done so. Flora further testified that he could not recall how the mark on his neck occurred or telling officers that

K.L. had clawed his face, and that he did not correct some of the officer's assumptions because he had learned not to argue with police.

The jury found Flora guilty of domestic assault-fear and disorderly conduct. Flora moved for a new trial based on the interests of justice and insufficient evidence under Minnesota Rule of Criminal Procedure 26.04, subdivision 1(1)1 and (7). The district court denied Flora's motion, reasoning that a new trial was not justified under the circumstances. The district court entered judgments of conviction for both counts but imposed a sentence of 90 days in jail for the domestic assault only, stayed all but ten days, and placed Flora on probation.

Flora appeals.

DECISION

I. The state presented sufficient evidence to support Flora's domestic assault-fear conviction.

Flora first argues that his domestic assault-fear conviction must be reversed because the circumstances proved are consistent with a reasonable inference that Flora was "simply trying to calm K.L. down."

To find Flora guilty of domestic assault-fear, the state must prove that Flora committed "an act with intent to cause fear in another of immediate bodily harm or death." Minn. Stat. § 609.2242, subd. 1(1). Assault-fear is a specific-intent crime, as evidenced by the legislature's use of the words "with intent to." *State v. Fleck*, 810 N.W.2d 303, 309 (Minn. 2012). "'With intent to' or 'with intent that' means that the actor either has a purpose to do the thing or cause the result specified or believes that the act, if successful,

will cause that result.” Minn. Stat. § 609.02, subd. 9(4) (2024). “Intent is a state of mind that is generally proved using circumstantial evidence by drawing inferences from the defendant’s words and actions in light of the totality of the circumstances.” *State v. Smith*, 825 N.W.2d 131, 136 (Minn. App. 2012) (quotation omitted), *rev. denied* (Minn. Mar. 19, 2013). Because intent is a state of mind, it is generally proved by considering a defendant’s actions “in light of all the surrounding circumstances.” *State v. Thompson*, 544 N.W.2d 8, 11 (Minn. 1996). Here, the state proved intent using circumstantial evidence.

When the state presents only circumstantial evidence to prove an element of the conviction challenged on appeal, “we apply a two-step test to assess the sufficiency of the evidence on those elements.” *State v. Firkus*, 31 N.W.3d 468, 478 (Minn. 2026). We begin by identifying the circumstances proved by the state. *Id.* In doing so, we “‘winnow down the evidence presented at trial by resolving all questions of fact in favor of the jury’s verdict,’ resulting in a ‘subset of facts that constitute the circumstances proved.’” *Id.* (quoting *State v. Harris*, 895 N.W.2d 592, 600 (Minn. 2017)). Then, “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.* (quotation omitted). “If a reasonable inference other than guilt exists, then we will reverse the conviction.” *Loving v. State*, 891 N.W.2d 638, 643 (Minn. 2017).

A. Circumstances Proved

We begin by identifying the circumstances proved. When viewing all questions of fact in the light most favorable to the guilty verdict, we are left with the following subset

of facts as circumstances proved by the state: (1) K.L. and Flora got into a verbal argument that escalated; (2) Flora followed K.L. into the bathroom, grabbed her arms, and pinned her to the ground to “get his point across”; (3) once Flora let K.L. go, she went into the kitchen and grabbed a knife; (4) K.L. dialed 9-1-1 into her phone “to get it ready” because she was concerned for her safety; (5) the sheriff’s department received an emergency call from a “concerned female”; (6) when officers arrived, K.L. appeared upset and “shaken up”; (7) Flora told officers multiple times that he “took it too far” and “probably . . . scare[d] her when he did that”; (8) officers observed a scratch mark on Flora’s neck; and (9) Flora stated that K.L. may have “claw[ed] at him” when he was on top of her.

B. Reasonable Inferences

Turning to the next step, we evaluate “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.” *Firkus*, 31 N.W.3d at 483. At this stage, “we do not defer to the factfinder but examine the reasonableness of the inferences ourselves.” *Id.*

Here, the circumstances proved are consistent with a reasonable inference that Flora acted with intent to cause K.L. fear of immediate bodily harm by pursuing K.L. into the bathroom during an escalating argument and pinning her down to “get his point across” such that she needed to claw at him to get him off her. Flora stated multiple times that he “took it too far” and that he “probably scare[d] her when he did that.” And when officers

observed a scratch mark on Flora's neck, Flora explained that K.L. may have "claw[ed] at [Flora]" while he was on top of her.

K.L.'s emotional reaction may also be used as circumstantial evidence of intent. *Smith*, 825 N.W.2d at 136. Once Flora let K.L. go, she went into the kitchen and grabbed a knife. K.L. then dialed 9-1-1 into her phone "to get it ready" because she was concerned for her safety. And when officers observed K.L., she appeared upset and "shaken up." *See State v. Andrews*, 388 N.W.2d 723, 728 (Minn. 1986) (stating that "[e]vents both before and after . . . are relevant to the totality of the circumstances" from which an inference of intent may be drawn).

Flora contends that the circumstances proved are consistent with an alternative hypothesis that he was "simply trying to calm K.L. down." Flora testified that during the argument, K.L. was "hysterical" and "storming back and forth around . . . the house," and that he followed K.L. into the bathroom to de-escalate the situation. Flora stated that he walked into the bathroom as K.L. was storming out, causing him to fall. Flora testified that he "grabbed onto [K.L.]" and that they "both went down." Flora then "grabbed [K.L.'s] arms" and said, "I'm not going to hurt you." Flora stated that he let K.L. go "to prove" that he did not intend to harm her. We are not persuaded.

It is well established that the jury holds "a unique position to determine the credibility of the witnesses and weigh the evidence before it." *Firkus*, 31 N.W.3d at 479 (quotation omitted). "The jury is 'the sole judge of credibility' and 'is free to accept part and reject part of the testimony' of a particular witness." *State v. Cruz*, 997 N.W.2d 537, 551 (Minn. 2023) (quoting *State v. Hassan*, 977 N.W.2d 633, 640 (Minn. 2022)); *Firkus*,

31 N.W.3d at 479. Accordingly, we must “view the evidence in the light most favorable to the verdict and assume the jury believed the state’s witnesses and disbelieved contrary evidence.” *State v. Asfeld*, 662 N.W.2d 534, 546 (Minn. 2003).

The facts that Flora relies upon do not constitute circumstances proved. When viewing the evidence in the light most favorable to Flora’s guilty verdict, we must assume that the jury disbelieved Flora’s testimony that he was “simply trying to calm K.L. down,” but that he merely stumbled and grabbed onto K.L. as he fell. And when considering the circumstances as a whole, we do not find Flora’s hypothesis of innocence reasonable. During an escalating argument, Flora forcefully restrained K.L. by grabbing her arms and pinning her to the ground. K.L. responded by clawing at Flora, grabbing a knife from the kitchen, dialing 9-1-1 into her cellphone to “get it ready,” and appeared upset and shaken up when police arrived. Flora also acknowledged that he “took it too far” and “probably scare[d] her when he did that.” It is not reasonable to infer from the circumstances proved as a whole, that Flora was “simply trying to calm K.L. down” and did not intend to cause her to fear bodily harm.

Thus, applying the circumstantial-evidence standard, we conclude that there was sufficient evidence to convict Flora of domestic assault-fear because the circumstances proved are “consistent with [Flora’s] guilt and inconsistent with any rational hypothesis except that of guilt.” *State v. Silvernail*, 831 N.W.2d 594, 599 (Minn. 2013) (quotation omitted).

II. The state presented sufficient evidence to support Flora’s disorderly conduct conviction.

Flora also asserts that the state’s evidence is insufficient to support his disorderly conduct conviction.

To find Flora guilty of disorderly conduct, the state must prove that he engaged in “offensive, obscene, abusive, boisterous, or noisy conduct,” in which he knew or had reason to know would “arouse alarm, anger, or resentment in others.” Minn. Stat. § 609.72, subd. 1(3) (2024). “In determining if [appellant’s] actions were sufficient to support a conviction of disorderly conduct, we view his words, coupled with his conduct and physical movements, and measure them as a package against the controlling statute.” *State v. McCarthy*, 659 N.W.2d 808, 811 (Minn. App. 2003) (quotation omitted).

Flora argues that the evidence is insufficient to demonstrate that he knew or had reason to know that his behavior would intend to arouse alarm in K.L. We apply the two-part circumstantial-evidence test to determine the sufficiency of evidence of Flora’s knowledge. *State v. Ali*, 775 N.W.2d 914, 919 (Minn. App. 2009).

Here, the state proved intent using circumstantial evidence. Because intent is a state of mind, it is generally proved by considering a defendant’s actions “in light of all the surrounding circumstances.” *Thompson*, 544 N.W.2d at 11.

A. Circumstances Proved

The state proved the following circumstances: (1) K.L. and Flora got into a verbal argument that escalated; (2) during the argument, Flora followed K.L. into the bathroom, grabbed her arms, and pinned her to the ground to “get his point across”; (3) once Flora let

K.L. go, she went into the kitchen and grabbed a knife; (4) K.L. dialed 9-1-1 into her phone; (5) the sheriff's department received an emergency call from a "concerned female"; (6) K.L. appeared upset and "shaken up" when officers arrived; and (7) Flora told officers multiple times that he "took it too far" and "probably scare[d] her when he did that."

B. Reasonable Inferences

Next, "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." *Firkus*, 31 N.W.3d at 483.

Flora asserts that the evidence supports a rational hypothesis that he did not intend to arouse alarm in K.L. Flora contends that, due to hearing loss, his equilibrium affected his balance which caused him to fall onto K.L. We are not persuaded. Flora's contention isolates a single fact that does not account for the totality of the circumstances proved. In the midst of an escalating argument, Flora followed K.L. into the bathroom before grabbing her arms and pinning her to the ground. K.L. responded by grabbing a knife from the kitchen and dialing 9-1-1 into her cellphone. K.L. appeared upset and "shaken up" when officers arrived. Flora also stated that he "took it too far" and "probably . . . scare[d] her when he did that." Viewed collectively, the circumstances proved do not support a rational hypothesis that Flora did not intend to arouse alarm in K.L.

Thus, viewing the circumstances proved in the light most favorable to the verdict, and applying the circumstantial-evidence standard, we conclude that there was sufficient evidence to convict Flora of disorderly conduct because the circumstances proved are

“consistent with [Flora’s] guilt and inconsistent with any rational hypothesis except that of guilt.” *Silvernail*, 831 N.W.2d at 599 (quotation omitted).

We conclude that the evidence was sufficient to prove that Flora committed disorderly conduct pursuant to Minnesota Statutes section 609.72, subdivision 1(3).

Therefore, the circumstantial evidence was sufficient to support appellant’s convictions of domestic assault-fear and disorderly conduct.

Affirmed.