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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1760**

State of Minnesota,
Respondent,

vs.

Raul Antonio Pavon Jiminez,
Appellant.

**Filed August 17, 2026
Affirmed
Bratvold, Judge**

Hennepin County District Court
File No. 27-CR-24-7083

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

Mary F. Moriarty, Hennepin County Attorney, Robert I. Yount, Assistant County Attorney,
Minneapolis, Minnesota (for respondent)

Kirk M. Anderson, Anderson Law Firm, PLLC, Minneapolis, Minnesota (for appellant)

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

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

Appellant challenges his final judgment of conviction for second-degree criminal sexual conduct, arguing that the evidence was insufficient to prove his guilt beyond a reasonable doubt. Appellant also contends that venue was not established. First, we defer

to the district court's credibility findings. Second, we conclude that the direct and circumstantial evidence of sexual contact and sexual intent is sufficient to sustain appellant's conviction. And finally, we conclude that venue was proper. Thus, we affirm.

FACTS

Respondent State of Minnesota charged appellant Raul Antonio Pavon Jiminez with one count of second-degree criminal sexual conduct under Minnesota Statutes section 609.343, subdivision 1(a) (Supp. 2019) (prohibiting actor's sexual contact with complainant under 13 years old when actor is more than 36 months older). The state alleged that Pavon Jiminez sexually abused his minor stepdaughter, V.R., between September 2019 and July 2021 in Hennepin County.

Pavon Jiminez waived his right to a jury trial, and the parties agreed to a court trial on stipulated evidence under Minnesota Rule of Criminal Procedure 26.01, subdivision 3(a). The parties agreed to the admission of these exhibits: (1) three police reports; (2) a video recording and transcript of V.R.'s forensic interview; (3) forensic-interview notes; (4) child-protection reports; (5) the forensic interviewer's resume and the state's memorandum of law in support of her expert testimony; (6) an audio recording and transcript of Pavon Jiminez's statement to law enforcement; (7) Pavon Jiminez's commercial driver's license; (8) a map depicting the location of the Wayzata apartment where V.R., her mother, and Pavon Jiminez lived together; and (9) case notes prepared by V.R.'s advocate. The following summarizes the district court's written factual findings as well as other evidence relevant to the issues on appeal.

Pavon Jiminez married V.R.'s mother in 2017, when V.R. was seven years old. Pavon Jiminez, mother, and V.R. lived together in Florida for a year before moving to Savage in 2019. About one year later, the family moved to Wayzata. Pavon Jiminez and mother separated in July 2021; after the separation, mother and V.R. moved back to Florida.

In January 2022, V.R. told her father's fiancé that Pavon Jiminez sexually abused her while they lived in Minnesota. V.R. was 11 years old and in Florida at the time she disclosed the abuse. V.R.'s mother and father reported the abuse to law enforcement.

In V.R.'s forensic interview, she stated that she sometimes slept in the same bed as mother and Pavon Jiminez in their Wayzata apartment. On some nights, V.R. woke up and Pavon Jiminez was touching her breasts and "private parts" with his hands. She added that Pavon Jiminez touched her underneath her bra and underwear three to five times between September 2019 and July 2021. Once, Pavon Jiminez penetrated V.R.'s vagina with his "peepee" for a few seconds. V.R. explained that he did it "really slowly . . . as if he didn't want [her] to wake up." V.R. said that the sexual abuse happened at night when she and mother were sleeping. When Pavon Jiminez touched her, V.R. felt "scared," "horrible," and "uncomfortable."

Law enforcement interviewed Pavon Jiminez. He denied V.R.'s sexual-abuse allegations and also denied that V.R. slept in the same bed as him and mother.

After receiving written closing arguments, the district court filed written findings of fact and conclusions of law, finding Pavon Jiminez guilty as charged. The district court found V.R.'s statements during the forensic interview to be "credible relating to

[Pavon Jiminez's] sexual contact of V.R." V.R.'s "candor and demeanor" were "not atypical" for a child victim of sexual abuse, including "her shy and withdrawn mannerisms, her quiet tone and her delayed reporting of the sexual contact acts." V.R.'s statements about the sexual abuse did "not appear to be rehearsed or concocted."

The district court found that V.R.'s statements during the interview credibly described a five-step "pattern": Pavon Jiminez would (1) touch V.R.'s "breasts, 'private parts,' and genital area" under her pajamas, bra, and underwear; (2) in "mother and [Pavon Jiminez's] bed"; (3) at "nighttime"; (4) when V.R. was "asleep or pretending to be asleep"; (5) while "acting quietly so as not to wake up" V.R. and mother. The district court found that Pavon Jiminez's sexual touching was "intentional" and found no "innocent or accidental explanation" for the touching.

The district court acknowledged that V.R.'s interview statements included "some slight inconsistent facts," such as the number of times Pavon Jiminez touched her and whether Pavon Jiminez was lying in the middle of the bed. The district court found that these inconsistencies were "small details" and that V.R.'s statements were "generally consistent over time." The district court ultimately found that Pavon Jiminez "engaged in the intentional sexual touching of V.R. on at least three occasions, but on as many as five occasions."

The district court convicted Pavon Jiminez of second-degree criminal sexual conduct and imposed a stayed 36-month prison sentence. Pavon Jiminez appeals.

DECISION

To sustain Pavon Jiminez’s conviction for second-degree criminal sexual conduct, the trial record must include sufficient evidence that (1) Pavon Jiminez touched V.R.’s intimate parts or the clothing covering her intimate parts; (2) Pavon Jiminez touched V.R. with sexual or aggressive intent; and (3) at the time of the sexual abuse, V.R. was under the age of 13 and Pavon Jiminez was more than 36 months older than V.R. *See* Minn. Stat. §§ 609.341, subd. 11(a)(i), (iv) (Supp. 2019), .343, subd. 1(a).

On appeal, Pavon Jiminez does not challenge the third element. He argues that (1) V.R.’s statements describing sexual abuse were not credible and (2) the record evidence is insufficient as to the first and second elements. Pavon Jiminez also challenges venue. We address these issues in turn.

I. We defer to the district court’s finding that V.R.’s statements during the forensic interview were credible.

“Assessing the credibility of a witness and the weight to be given a witness’s testimony is exclusively the province of the [fact-finder].” *State v. Mems*, 708 N.W.2d 526, 531 (Minn. 2006). Caselaw explains that the fact-finder is “in the best position to evaluate the credibility of the evidence.” *State v. Silvernail*, 831 N.W.2d 594, 599 (Minn. 2013). “When the testimony of the defendant and the victim differ sharply, the [fact-finder] is entitled to believe the victim’s account.” *State v. Folley*, 378 N.W.2d 21, 26 (Minn. App. 1985); *see also State v. Latino*, 15 N.W.3d 654, 663 (Minn. 2025) (deferring to the district court as a fact-finder in a court trial).

The district court found V.R.'s statements to be credible, in part because her "candor and demeanor" were not "atypical behavior of a child victim of sexual abuse including her shy and withdrawn mannerisms, her quiet tone and her delayed reporting of the sexual contact acts." The district court also determined that V.R.'s statements about the sexual abuse "do not appear to be rehearsed or concocted." While V.R. made some inconsistent statements, the district court concluded that these inconsistencies did not undermine her credibility:

V.R. admits to some slight inconsistent facts like whether it was three or five times that [Pavon Jiminez] sexually touched her, as well as whether [he] was in the middle of the bed or on one side or the other when he sexually touched her. If V.R. were fabricating, it is likely that there would be one identical story, but here there are small details that are not the same.

The district court also found that V.R.'s statements were "not only credible" but "consistent over time, from her initial statements to her father's fiancé . . . to her statements to [the] forensic interviewer . . . to her statements to [county] personnel when preparing for the then-trial in this matter."

Pavon Jiminez makes four challenges to the district court's credibility finding. First, he argues that "it defies logic" that he would sexually abuse V.R. "when he was also in bed with his wife" and points out that mother "never saw, heard, or suspected anything." Second, Pavon Jiminez argues that V.R.'s statements conflicted with other evidence. He contends that V.R.'s statement that she slept "to the side of" Pavon Jiminez and "not in between [Pavon Jiminez] and her mother" was "a direct contradiction" to mother's statement that V.R. slept between them. Pavon Jiminez also contends that V.R.

inconsistently stated whether he penetrated her vagina with his penis or his fingers. Third, Pavon Jiminez argues that, “[i]f V.R. was really being assaulted by [Pavon Jiminez], it defies reason why she would continue to crawl into bed with him and lay right next to him.” Finally, Pavon Jiminez argues that “any details V.R. provided of the alleged ‘touching’ were either suggested or coached out of her” by the forensic interviewer. He urges that “V.R. did not on her own allege touching of her breasts or private parts” until “those options were offered to her.”¹

Each of Pavon Jiminez’s challenges asks us to second-guess the district court’s express finding that V.R. is credible. It is not our role as the appellate court to second-guess the district court’s credibility determinations. *See Latino*, 15 N.W.3d at 663 (“We defer to the district court when it acts as the factfinder in a court trial, because it is generally in the best position to weigh the credibility of the evidence and thus determine which witnesses to believe and how much weight to give their testimony.”). Therefore, we defer to the district court’s finding that V.R.’s statements about the abuse were credible.

¹ The state rebuts Pavon Jiminez’s arguments. First, mother was sleeping at the time of Pavon Jiminez’s abuse. Second, minor inconsistencies in V.R.’s statements do not support reversal. *See State v. Johnson*, 679 N.W.2d 378, 387 (Minn. App. 2004) (“Minor inconsistencies and conflicts in evidence do not necessarily render testimony false or provide the basis for reversal.”), *rev. denied* (Minn. Aug. 17, 2004). Third, victims of sexual abuse often exhibit counterintuitive behavior. *State v. Obeta*, 796 N.W.2d 282, 290 (Minn. 2011) (discussing “rape myths and counterintuitive rape-victim behaviors”). Fourth, a neutral review of V.R.’s statements during the forensic interview shows that she responded to open-ended questions that did not suggest the answers. While we conclude that the state’s arguments are a likely explanation of the district court’s reasoning, we need not reach them because we defer to the district court’s credibility finding.

II. The record evidence is sufficient to sustain Pavon Jiminez’s conviction for second-degree criminal sexual conduct.

Appellate courts review the sufficiency of the evidence differently depending on whether the record includes direct or circumstantial evidence. *State v. Jones*, 4 N.W.3d 495, 500-01 (Minn. 2024). “Direct evidence is evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption.” *Id.* at 501 (quotations omitted). Circumstantial evidence is “evidence from which a factfinder can infer whether the facts in dispute existed or did not exist.” *Id.* (quotations omitted). Thus, “circumstantial evidence always requires an inferential step to prove a fact that is not required with direct evidence.” *Id.* (quotation omitted).

Because the state presented both types of evidence to prove the first and second elements of second-degree criminal sexual conduct, we separately consider each element.

A. Pavon Jiminez touched V.R.’s intimate parts.

“‘Intimate parts’ includes the primary genital area, groin, inner thigh, buttocks, or breast of a human being.” Minn. Stat. § 609.341, subd. 5 (2018). A victim’s statement describing an offender’s touch or contact is direct evidence. *See State v. Huss*, 506 N.W.2d 290, 291-92 (Minn. 1993) (“At trial, the state’s only direct evidence that the child was abused came from the child herself.”). In her forensic interview, V.R. stated that Pavon Jiminez touched her breasts and “private parts” under her bra and underwear and, on one occasion, penetrated her vagina with his penis.

When evaluating the sufficiency of direct evidence, appellate courts conduct “a painstaking analysis of the record to determine whether the evidence, when viewed in a

light most favorable to the conviction, was sufficient” to support the finding of guilt. *State v. Horst*, 880 N.W.2d 24, 40 (Minn. 2016) (quotation omitted); *see also State v. Palmer*, 803 N.W.2d 727, 733 (Minn. 2011) (stating that appellate courts “use the same standard of review in bench trials and in jury trials in evaluating the sufficiency of the evidence”). In doing so, appellate courts assume that “the fact-finder disbelieved any evidence that conflicted with the verdict.” *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016).

On appeal, Pavon Jiminez appears to imply that V.R.’s statements are insufficient because they lack corroboration. He emphasizes that V.R.’s mother “did not see, hear, or suspect” any abuse. Generally, “a conviction can rest on the uncorroborated testimony of a single credible witness.” *State v. Foreman*, 680 N.W.2d 536, 539 (Minn. 2004) (quotation omitted); *see also* Minn. Stat. § 609.347, subd. 1 (2024) (providing that “the testimony of a victim need not be corroborated” in a prosecution for second-degree criminal sexual conduct).

The district court credited V.R.’s statements that Pavon Jiminez put his hands under her bra and underwear, touched her breasts and “private parts,” and penetrated her vagina with his penis. We conclude that the direct evidence is sufficient to sustain the district court’s finding that Pavon Jiminez touched V.R.’s intimate parts.

B. Pavon Jiminez touched V.R. with sexual or aggressive intent.

“Sexual contact” under section 343, subdivision 1(a), includes the intentional touching of the complainant’s intimate parts “committed with sexual or aggressive intent.” Minn. Stat. § 609.341, subd. 11(a)(i). “Intent is a state of mind” that is “frequently proven with circumstantial evidence.” *State v. Irby*, 967 N.W.2d 389, 396 (Minn. 2021).

Under Minnesota’s two-step circumstantial-evidence test, appellate courts first “winnow down the evidence presented at trial by resolving all questions of fact in favor of the [fact-finder’s finding of guilt], 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). Next, appellate courts “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.* (quotations omitted). “During the second step, we do not defer to the factfinder but examine the reasonableness of the inferences ourselves.” *Id.* at 483 (quotation omitted). “If 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.* (quotations omitted). But appellate courts “will not reverse a conviction based on mere conjecture.” *Id.* (quotation omitted).

Sexual or aggressive intent can be inferred from the nature of the defendant’s conduct. *State v. Ness*, 707 N.W.2d 676, 687 (Minn. 2006). For example, sexual intent can be “established through repeated attempts to accomplish sexual contact.” *In re Welfare of T.J.C.*, 670 N.W.2d 629, 633 (Minn. App. 2003), *rev. denied* (Minn. Jan. 20, 2004). The victim’s reaction to and perception of the defendant’s conduct may also establish sexual intent. *State v. Vick*, 632 N.W.2d 676, 691 (Minn. 2001) (concluding that the nature of Vick’s touching and the victim’s reaction to it was sufficient to prove sexual or aggressive intent).

The district court found that Pavon Jiminez’s “touching of V.R. was intentional” based on the nature of his conduct. The district court reasoned that “sexual contact can be inferred when an adult male is repeatedly touching the breasts and genital areas, under their clothing, of a child under the age of 13.” The district court also found “no innocent or accidental explanation of [Pavon Jiminez’s] repeated sexual touching of V.R.”

Pavon Jiminez’s briefing on this issue is minimal and does not discuss relevant caselaw on the sufficiency of circumstantial evidence. Pavon Jiminez argues that “it is a reasonable inference” that any touching “was accidental rather than intentional because [he] was sleeping in the same bed” as V.R. Pavon Jiminez also contends that the record supports a hypothesis other than his guilt because V.R. alleged that he touched her “in her parents’ bed when her mom was there.”

The state counters that the nature of Pavon Jiminez’s touching presents “unambiguous markers of criminal sexual intent.” The state contends that Pavon Jiminez’s sexual or aggressive intent was proved with direct evidence of sexual touching. We disagree. Without a statement of intent by Pavon Jiminez, his intent must be inferred. *See Ness*, 707 N.W.2d at 687 (stating that “sexual or aggressive intent can readily be *inferred* from the contacts themselves” in sexual-touching cases (emphasis added)).

Because the state offered circumstantial evidence of Pavon Jiminez’s intent, we summarize the circumstances proved as follows:

- While living in their Wayzata apartment, V.R. sometimes slept in the same bed as her mother and Pavon Jiminez.
- Some nights, while V.R.’s mother was asleep, V.R. woke up to Pavon Jiminez touching her breasts and “private parts” with his

hands underneath her bra and underwear. V.R. felt “horrible” and “scared” while Pavon Jiminez was touching her.

- Pavon Jiminez touched V.R.’s intimate parts three to five times between September 2019 and July 2021.
- One time, Pavon Jiminez penetrated V.R.’s vagina with his penis, during which V.R. felt “horrible” and “very uncomfortable.”

The circumstances proved support a reasonable inference that Pavon Jiminez acted with sexual or aggressive intent. Taken together, these circumstances support only one reasonable inference: that Pavon Jiminez intentionally touched V.R. with sexual or aggressive intent. The circumstances proved also negate an innocent explanation. *See Vick*, 632 N.W.2d at 691 (noting that the location on the victim’s body, duration, and repetition of touching negated “the possibility of an innocent explanation such as accidental touching”). To be clear, the circumstances proved do not support the alternative hypothesis that Pavon Jiminez accidentally touched V.R. while he was asleep.

Because the only inference to be drawn from the circumstances proved is that Pavon Jiminez acted with sexual or aggressive intent when he touched V.R.’s intimate parts, we conclude that the circumstantial evidence is sufficient to prove the second element.

III. The record established proper venue.

Minnesota statutes set out proper venue. “Except as otherwise provided by rule 24 of the Rules of Criminal Procedure, every criminal cause shall be tried in the county where the offense was committed.” Minn. Stat. § 627.01, subd. 1 (2024). But when a criminal action arises “out of an incident of alleged child abuse,” the case “may be prosecuted either in the county where the alleged abuse occurred or the county where the child is found.”

Minn. Stat. § 627.15 (2024); *see State v. Seivers*, 2 N.W.3d 568, 573 (Minn. App. 2024) (concluding that criminal sexual conduct against a child constitutes child abuse for purposes of section 627.15), *rev. granted* (Minn. App. 24, 2024) *and ord. granting rev. vacated* (Minn. Oct. 15, 2025).

Pavon Jiminez argues that, even if the evidence were sufficient to support the first and second elements of second-degree criminal sexual conduct, the state “still [had] to prove the incident occurred in Hennepin County.” The state counters that “Minnesota’s venue requirement is not an element of an offense” and therefore the state was “not required to prove that any particular offense was committed in any particular county.” Alternatively, the state argues that the record evidence established venue.

Pavon Jiminez’s argument is unavailing in two respects. First, the record establishes that venue was proper because the abuse occurred and the case was prosecuted in Hennepin County. The district court found that “the sexual touching and penetration occurred in the City of Wayzata, in the County of Hennepin and, more specifically, at the then-family’s shared apartment.” In her forensic interview, V.R. stated that Pavon Jiminez touched her intimate parts in their Wayzata apartment. And second, the statutory venue requirement set out in sections 627.01 and 627.15 is not an element of any criminal offense. *See State v. Paulson*, 22 N.W.3d 144, 146-47 (Minn. 2025); *State v. Anderson*, 35 N.W.3d 787, 790-792 (Minn. App. 2026), *rev. denied* (Minn. June 17, 2026). Therefore, we conclude that Pavon Jiminez is not entitled to relief based on venue.

Affirmed.