

*This opinion is nonprecedential except as provided by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
A25-1774**

State of Minnesota,
Respondent,

vs.

Ryan Michael Fiecke,
Appellant.

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

McLeod County District Court
File No. 43-CR-24-327

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

Ryan Hansch, McLeod County Attorney, Steven R. Ott, Assistant County Attorney (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, St. Paul, Minnesota; and

Andrew C. Wilson, Special Assistant Public Defender, Wilson & Clas, Minneapolis, Minnesota (for appellant)

Considered and decided by Rasmusson, Presiding Judge; Johnson, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

JOHNSON, Judge

A McLeod County jury found Ryan Michael Fiecke guilty of motor-vehicle theft based on evidence that he used a vehicle for approximately one week without the owners’

permission and despite their requests to return it. We conclude that the district court did not err by denying his motion *in limine* to suppress evidence of text messages that the prosecutor disclosed only two days before trial. Therefore, we affirm.

FACTS

In February 2024, D.W. and S.R. reported to the McLeod County sheriff's office that their 2009 Volkswagen Routan minivan had been stolen. D.W. and S.R. explained that an acquaintance, G.G., had offered to help them sell the minivan by showing it to a potential buyer. But G.G. did not return the minivan and ignored their telephone calls and messages.

A couple weeks later, a Hutchinson police officer was on patrol when his squad vehicle's license-plate reader spotted the minivan because it had been reported as stolen. The officer conducted a traffic stop. The officer learned that the driver of the minivan, Fiecke, did not have a valid driver's license because his license had been cancelled as inimical to public safety. Fiecke was arrested and transported to the Hutchinson police station. In an interview there, Fiecke admitted that the minivan had been in his possession for approximately one week, that he had communicated with the owners, and that he knew that the owners wanted either payment or the return of the minivan.

The state charged Fiecke with motor vehicle theft, in violation of Minn. Stat. § 609.52, subd. 2(a)(17) (2022), and driving after cancellation, in violation of Minn. Stat. § 171.24, subd. 5 (2022).

After several continuances, the district court scheduled a jury trial for April 30, 2025. Two days before trial, the prosecutor disclosed to Fiecke's attorney 66 documents

consisting of and relating to text messages between Fiecke and S.R. or D.W. That same day, Fiecke filed a motion *in limine* to suppress evidence that the state had not disclosed by April 22, 2025, including the recently disclosed text messages. The district court considered the motion at a hearing the next day. Fiecke argued that the state knew about the text messages since March 11, 2024, when a police officer interviewed S.R. He argued that admission of the additional text messages would prejudice the defense and requested that the district court exclude the text messages as a sanction for a discovery violation.

In response, the prosecutor stated that a deputy sheriff spoke with S.R. and D.W. when a theft was first reported, that S.R. and D.W. mentioned text messages, that the deputy asked S.R. and D.W. to provide text messages, and that they provided text messages, which were disclosed to the defense soon thereafter. The prosecutor stated that a person in the county attorney's office spoke with S.R. on April 24, 2025, to prepare for her testimony at trial and that S.R. referred to text messages exchanged between Fiecke and D.W. or her. The prosecutor explained that he then "got the impression that there were more messages than what she had originally provided." The prosecutor stated that he asked S.R. to share the additional text messages with a police officer, which she did on April 25 and 28, 2025. The prosecutor further stated that he promptly disclosed the additional text messages to Fiecke's attorney on April 28, 2025, after receiving them from the police officer. The district court denied Fiecke's motion, reasoning that the additional text messages were not in the prosecutor's possession or control until April 25 and 28, 2025.

The case was tried to a jury on two days in April and May of 2025. The state called five witnesses, including D.W. and S.R. The state introduced 14 exhibits consisting of text

messages between and among Fiecke, S.R., and D.W., approximately five of which, it appears, were among the late-disclosed text messages. In addition, S.R. testified about the content of several text messages. Before the case was submitted to the jury, Fiecke pleaded guilty to driving after cancellation. The jury found Fiecke guilty of motor-vehicle theft. The district court imposed a sentence of 18 months of imprisonment and ordered Fiecke to pay restitution in the amount of \$3,200. Fiecke appeals.

DECISION

Fiecke argues that, for two reasons, the district court erred by denying his motion to suppress evidence of the additional text messages that were disclosed to the defense shortly before trial.

A.

In a felony prosecution, the state has an obligation to make certain disclosures to the defendant, either voluntarily or in response to a request by the defendant. Minn. R. Crim. P. 9.01. The state's discovery obligations "extend to material and information in the possession or control of *members of the prosecution staff and of any others who have participated in the investigation or evaluation of the case and who either regularly report, or with reference to the particular case have reported, to the prosecutor's office.*" Minn. R. Crim. P. 9.01, subd. 1a(1) (emphasis added). If the state fails to comply with its discovery obligations, a district court has discretion to exclude evidence as a sanction. *See State v. Palubicki*, 700 N.W.2d 476, 489-90 (Minn. 2005). This court applies a *de novo* standard of review to a district court's determination that a discovery violation has occurred

and an abuse-of-discretion standard of review to a district court's decision concerning a sanction. *Id.* at 489.

In the district court, Fiecke argued that the state had an obligation to disclose the additional text messages on the ground that S.R. was within the group of persons “who have participated in the investigation or evaluation of the case and who either regularly report, or with reference to the particular case have reported, to the prosecutor's office.” *See* Minn. R. Crim. P. 9.01, subd. 1a(1). The district court rejected that argument, reasoning that an alleged victim of an alleged crime is not an agent of the prosecution for purposes of rule 9.01, subdivision 1a(1).

On appeal, Fiecke renews his argument that a prosecutor has a duty to disclose evidence in the possession or control of an alleged victim. Fiecke does not cite any caselaw for the proposition that an alleged victim is an agent of the prosecution for purposes of rule 9.01, subdivision 1a(1), merely by reporting a crime and supplying information to investigating officers. We are not aware of any such authority. Furthermore, Fiecke's argument is inconsistent with the text of the rule. It may be true, in a sense, that S.R. “participated in the investigation . . . of the case” by meeting with an investigating officer, answering questions, and supplying information. *See* Minn. R. Crim. P. 9.01, subd. 1a(1). But there is no indication in the record that S.R. “either regularly report[s], or with reference to the particular case ha[s] reported, to the prosecutor's office.” *See id.* To be clear, there is no evidence in the record that S.R. ever has been employed by the county attorney's office or by any other office of the county or state that investigates reports of crimes. Accordingly, the state did not violate its discovery obligations by not disclosing

additional text messages in S.R.’s possession or control before she mentioned them to the prosecutor during the week before trial.

B.

Fiecke also argues, in the alternative, that the state violated a duty imposed by the Due Process Clause of the Fourteenth Amendment to the United States Constitution. “[T]he suppression by the prosecution of evidence favorable to an accused . . . violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.” *State v. Williams*, 593 N.W.2d 227, 234 (Minn. 1999) (quoting *Brady v. Maryland*, 373 U.S. 83, 87 (1963)). Consequently, “the state has an affirmative duty to disclose evidence that is *favorable and material* to the defense.” *Id.* (emphasis added) (quoting *Brady*, 373 U.S. at 87). This obligation extends not only to evidence known by the prosecutor but also to “any favorable evidence known to the others acting on the government’s behalf in the case, including the police.” *Id.* at 235 (quoting *Kyles v. Whitley*, 514 U.S. 419, 437 (1995)).

Fiecke contends that the state committed a *Brady* violation on the ground that the police officer who interviewed S.R. in March 2024 “knew that [Fiecke] communicated with D.W. and S.R. via text message” and “had a duty to follow up with S.R. and D.W. before the eve of trial to determine whether they possessed other text messages that were relevant to the case” but did not do so. In response, the state contends that there was no *Brady* violation because the alleged victims were not acting on the state’s behalf and because the additional text messages were not favorable to Fiecke.

To resolve Fiecke's *Brady* argument, it is sufficient to reason that the additional text messages disclosed to the defense shortly before trial were *not* favorable to the defense. At the pre-trial hearing, Fiecke did not specifically identify any late-disclosed text message that is favorable to the defense. At trial, Fiecke did not seek to introduce any late-disclosed text messages that were not introduced by the state. The five text messages that the state introduced are not favorable to Fiecke because they show that D.W. and S.R. told Fiecke that he did not have permission to use their minivan and demanded that Fiecke pay for the minivan or return it. On appeal, Fiecke does not argue that any late-disclosed text message is favorable to him. Accordingly, Fiecke has not demonstrated that the state committed a *Brady* violation.

In sum, the district court did not err by denying Fiecke's motion to suppress evidence of the additional text messages that were disclosed to the defense shortly before trial.

Affirmed.