

*This opinion is nonprecedential except as provided by  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  
A25-1805**

State of Minnesota,  
Respondent,

vs.

Jesus Manuel Santana Acosta,  
Appellant.

**Filed August 10, 2026  
Affirmed  
Wheelock, Judge**

Stearns County District Court  
File No. 73-CR-23-4867

Keith Ellison, Attorney General, Lisa Lodin, Assistant Attorney General, St. Paul, Minnesota; and

Janelle P. Kendall, Stearns County Attorney, St. Cloud, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Sharon E. Jacks, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

**NONPRECEDENTIAL OPINION**

**WHEELOCK**, Judge

Appellant challenges his convictions for criminal sexual conduct (CSC) in the first and second degrees, arguing that he was deprived of a fair trial by the erroneous admission

of (1) the minor victim’s forensic interview because it contained inadmissible hearsay and relationship evidence and (2) prejudicial character evidence. We affirm.

## **FACTS**

In April 2023, a law-enforcement officer responded to a report of CSC involving a minor victim (Child A). Child A told the officer that her stepfather, appellant Jesus Manuel Santana Acosta, sexually assaulted her multiple times over a two-year span. Child A stated that the abuse occurred when Child A’s mother (mother), Child A’s brother (brother), and Child A lived with Santana Acosta from 2020 until he moved out in November 2022.

Respondent State of Minnesota charged Santana Acosta by amended complaint with (1) CSC in the first degree—complainant under 16, significant relationship, multiple acts over an extended period of time—in violation of Minn. Stat. § 609.342, subd. 1(h)(iii) (Supp. 2019) (count 1), and (2) CSC in the second degree—complainant under 16, significant relationship, multiple acts—in violation of Minn. Stat. § 609.343, subd. 1(h)(iii) (Supp. 2019) (count 2).

Child A participated in a forensic interview at the Child Advocacy Center in May 2023 with the assistance of an interpreter. The interview was recorded and observed in real time by law enforcement. During the interview, Child A described the alleged abuse. Child A stated that, the first time the abuse occurred, her family was at a lake and she was on a jet ski with Santana Acosta. She said that Santana Acosta was sitting behind her and kept moving closer to her until she “felt something on [her] back” and tried to move away because it made her uncomfortable.

Child A reported that Santana Acosta then began sexually abusing her at home. She stated that the abuse happened multiple times—that Santana Acosta would put his fingers inside of her vagina, it would hurt, and she would try to get away, but he would hold her in place; that she was once home sick from school and Santana Acosta was putting medicine on her stomach and tried to pull up her shirt and touch her breasts; that he held her wrist and made her touch his penis; and that sometimes he gave her money and gifts the day the abuse happened soon after. Child A said that Santana Acosta told her “that if I ever tell my mother anything that happened, he will harm my brother.” When the interviewer asked Child A why she felt as though she could not tell her mother about the abuse, Child A stated that, after Santana Acosta would

finish whatever he was doing, he will threaten me to either that he was going to kill my mom or that he was going to harm my brother. . . . Um, so I always believe him every time that he said that because I heard him talking with his friends that he have a gun and that whoever had problems with him that he will kill that people and that nobody wants to have problems with him so you know.

Child A was visibly emotional during the forensic interview.

Santana Acosta pleaded not guilty. Before trial, the state filed a motion in limine requesting that the district court admit the video recording of Child A’s forensic interview pursuant to Minn. R. Evid. 807. The state also moved to admit relationship evidence of domestic violence by Santana Acosta against brother and mother. Santana Acosta filed a motion in limine requesting that the district court deny the motion as to the relationship evidence, arguing that its probative value was outweighed by the danger of unfair prejudice.

At a pretrial hearing, Santana Acosta objected to the relationship evidence and argued that it would “likely confuse the jury, confuse the issues, and . . . it is not relevant . . . it is not necessary, and essentially it is just introducing bad character evidence.” Santana Acosta also objected to the admission of the forensic-interview recording, arguing that because Child A was testifying at trial, there was no reason to play the statements from the video.

The state argued that the relationship evidence was admissible because the previous domestic conduct of Santana Acosta would “put the current charges into context and help the jury understand why [Child A] succumbed to the sexual abuse” and why she did not “disclose the sexual abuse until after [Santana Acosta] left the home.” After hearing arguments from both parties, the district court took the matter under advisement.

The district court filed an initial order ruling on the motions.<sup>1</sup> The district court reserved the issue of the forensic-interview recording, noting, “At this time, the Court has insufficient information about the statement the State seeks to admit in order to assess it under the required [rule 807] factors.” The district court explained that the statement and transcript had not yet been submitted, there was no information about when and where the statement was taken, the questions that were posed, whether law enforcement was involved, or any other circumstances of the statement and that, therefore, the court was unable to make a ruling at that time.

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<sup>1</sup> The district court’s order ruled on multiple evidentiary issues; however, we address only the relevant issues on appeal.

The district court also ruled that the motion to admit relationship evidence was granted in part as to evidence of alleged threats by Santana Acosta and denied in part as to evidence of domestic abuse of mother and brother by Santana Acosta. The district court explained that “any domestic violence that may have occurred in the home but did not directly involve either [Santana Acosta or Child A], without more, does not sufficiently bear on the relationship between these parties to be admissible.”

The state filed a responsive motion to clarify its requests to the district court. The state explained that the domestic-abuse evidence it was seeking to admit was of Santana Acosta’s conduct toward mother and brother—specifically, that Santana Acosta would put his hands around mother’s throat and he pushed and shoved her into walls, that it occurred in front of both Child A and brother; that brother tried to intervene to protect mother during one of these occasions and Santana Acosta hit him; and that there were other times when Santana Acosta physically hit brother.

The state’s motion also included mother’s and brother’s assertions that Santana Acosta had a history of throwing the family dog against the wall and hitting the dog with a broom in front of Child A and brother when the dog disobeyed Santana Acosta. The state disclosed a video to Santana Acosta that was taken by Child A and in which Santana Acosta threatens to “put 17 bullets” into mother and attempts to get to his vehicle while his brother holds him back. In the video, a gun is seen in the back of the vehicle. Child A, mother, and brother all told prosecutors that Santana Acosta always carried a gun.

The district court issued a second order, in which it granted the state’s request to admit certain relationship evidence of Santana Acosta’s domestic-abuse conduct toward

mother and brother. The district court determined that the following evidence was admissible:

- The defendant has put his hands around [mother's] throat on prior occasions.
- The defendant pushes and shoves [mother] into walls. This occurred in front of the children.
- [Brother] . . . tried to help [mother,] and the defendant hit [brother].
- [Brother] cited additional situations when the defendant has physically hit him.
- Defendant throws the family dog against the wall in front of everyone. This occurs when the dog goes to the bathroom in the house or does not do what the defendant commands.
- Defendant threatened to put 17 bullets into [mother]. This evidence is supported by a video disclosed to the defense. The video shows a gun in the back of [Santana Acosta's] vehicle.

The district court determined that the requested evidence fell within the scope of Minn. Stat. § 634.20 (2024), which sets forth the requirements for relationship evidence to be admissible. The district court determined that the probative value of the evidence was not outweighed by the risk of unfair prejudice because, “[w]hile the evidence casts Defendant in a negative light, the allegations charged in the underlying case are more egregious than those set forth in the proffered relationship evidence” and the relationship evidence will “provide context to the relationship of the parties, specifically [Child A's] fear of the defendant and the delayed disclosure of the alleged sexual abuse.”

The district court also ruled that the state's request for Child A to testify “that [Santana Acosta] always had a gun on him” was inadmissible because the danger of unfair prejudice outweighed any probative value. The district court noted that the evidence of Santana Acosta threatening to put 17 bullets into mother was admissible, but “[a]dditional

evidence that he always carries a gun is prejudicial when viewed in conjunction with the evidence to be allowed in as relationship evidence.”

A jury trial took place over three days in July 2024. Before the jury was sworn, both parties made additional arguments to the district court regarding the admissibility of the relationship evidence. Santana Acosta requested that the district court not admit evidence regarding his alleged violence against the family dog. The state argued that domestic-abuse conduct includes domestic assault causing fear and, because both children saw him throw the dog against the wall, the alleged conduct is admissible under the statute. The district court affirmed its earlier ruling that the evidence was admissible under Minn. Stat. § 634.20.

At trial, Child A testified about the alleged abuse by Santana Acosta consistently with her forensic interview—including that Santana Acosta told her not to tell anyone about the abuse and that, if she did, he would harm her mother and brother. Before Child A testified about Santana Acosta’s domestic-abuse conduct, the district court gave limiting instructions to the jury, stating that the jury was about to hear “evidence of conduct by the defendant on one or more separate occasions” that is offered “for the limited purpose of demonstrating the nature and extent of the relationship between the defendant and [Child A] and other household members in order to assist you in determining whether the defendant committed those acts with which the defendant is charged in the complaint.” The district court noted that the evidence “is not to be used to prove the character of the defendant or that the defendant acted in conformity with such character,” that “the defendant is not being tried for and may not be convicted of any behavior other than the

charged offenses,” and that the jury cannot “convict the defendant on the basis of conduct on a separate occasion.”

Child A then testified that, on multiple occasions, she witnessed Santana Acosta yell at her brother and slap him in the face. She also testified that she was present when Santana Acosta said he would put bullets into her mother and that she saw Santana Acosta abuse the family dog “[a]ll the time.” Child A stated that Santana Acosta frequently hit the dog with a broom if the dog had an accident in the house and that once, when Santana Acosta was hitting the dog, brother tried to defend the dog and Santana Acosta then hit brother. The prosecutor asked Child A when she told mother about the abuse, and Child A stated that she did not remember the exact day, but when mother told her they would not be around Santana Acosta anymore, that was when she told her. Child A stated, “[T]hat was the moment to tell her because I was feeling ashamed but I had the courage to tell her what had happened. She always told me that if anything happened to tell her.”

On cross-examination, Santana Acosta’s counsel pointed out inconsistencies in some of Child A’s statements, suggesting that, at one point, Child A told prosecutors that the first time Santana Acosta touched her was at home and that, in her statement to the prosecutors, she did not say that he penetrated her. On redirect, Child A testified that Santana Acosta once grabbed her hand and made her touch his penis. She stated that she did not tell anyone about the abuse because “it just sounded dirty and embarrassing and [she] just didn’t want to tell anyone” and that she blamed herself for what happened.

After Child A testified, and outside of the presence of the jury, the prosecutor noted to the district court that, based on Child A’s testimony, it appeared she did not recall the

instances of Santana Acosta putting his hands around her mother's throat or shoving her against the wall, so the state did not "intend to get those in." The state then called mother to testify.

Mother testified that she and Santana Acosta got married in 2021 and that he got along with the children initially but then "changed and he became kind of violent with the children." The district court gave another limiting instruction to the jury regarding the rest of mother's testimony about Santana Acosta's conduct against her. The limiting instruction mirrored the district court's instruction during Child A's testimony.

Mother testified to many of the same incidents to which Child A testified, including that Santana Acosta abused the dog, threatened in front of Child A that he would shoot mother 17 times, and hit brother. The prosecutor then asked if the arguments between mother and Santana Acosta ever got physical, and she stated, "He mistreated me. He swear at me. He grabbed me by my neck. He would pin me against the wall." When the prosecutor asked if the children were present when these things happened, she stated, "[T]hey always saw it."

Mother also testified that Santana Acosta would stay home with the children while she worked and that, at one point, he made brother sleep in the living room so Child A was in the room by herself. Mother said that Santana Acosta moved out in November 2022 and she filed an order for protection (OFP) against him on April 25, 2023, which is when Child A told her about the abuse. Mother said that, the day before she filed the OFP, she and Santana Acosta got into a fight and that he called the police because she slapped him. She also stated that she never saw Santana Acosta touch Child A.

Brother also testified at trial and stated that Santana Acosta was friendly at first but then “he began assaulting us, especially me. He would slap me in the face.” The district court again gave limiting instructions to the jury. Brother then stated that Santana Acosta hit him multiple times for disobeying him, that he did not slap brother in front of Child A, that Santana Acosta hurt the dog “many times” in front of him and Child A, that Santana Acosta bought Child A lots of gifts and food, and that brother spent a lot of time at home with Santana Acosta and Child A when their mother was at work. When the prosecutor asked brother if he ever saw any sexual contact between Santana Acosta and Child A, he said, “No, but Mr. Santana Acosta always would ask for us to go to sleep with him. I never wanted to go. I never went to sleep with him, but my sister did.”

The state also called the forensic interviewer to testify. During this testimony, the state entered portions of the forensic interview into evidence and the district court gave a limiting instruction to the jury regarding the video, stating:

You’re about to review a recorded interview. I have ordered that certain parts of the audio be edited out because those parts of the statement are not admissible under the rules of evidence. Just as you should not speculate about possible answers when I sustain an objection to a question, you also should not . . . speculate as to any answers that were given in the recorded interview but removed by order of me. You should not draw any unfavorable inferences against any party or witnesses because I’ve ordered parts of the statement removed.

While they were viewing the video, jurors received a transcript of the interview as a court document but not as substantive evidence. The jury was instructed that it “should rely on

what you hear rather than what you read if you find a difference between the recording and the transcript.” The video was then played for the jury.

Outside of the presence of the jury, Santana Acosta objected to the admission of the forensic-interview video under the residual hearsay exception because Child A’s testimony was sufficient on its own. He also told the district court that he did not realize the transcript mentioned a gun, notwithstanding that he had received a copy of the transcript for review prior to trial. The portion of the transcript Santana Acosta contested was Child A’s statement, “So I always believe him every time that he said that because I heard him talking with his friends that he had a gun.” Santana Acosta then moved for a mistrial or a cautionary instruction because the district court had previously ruled that no firearm evidence would be allowed.

The prosecutor responded to the objection, stating that she noticed the word “gun” coming up in the transcript, so she paused the video prior to that portion and it was never played for the jury. She also noted that the district court’s previous ruling was that testimony from any witnesses regarding seeing Santana Acosta with a gun was inadmissible, but the challenged portion of the transcript was not asserting that. The prosecutor also argued that there was no exclusion of *all* gun evidence because the district court admitted testimony regarding Santana Acosta threatening to shoot mother 17 times; that the statement was an opposing party’s statement; and that it was mentioned in passing. The district court denied Santana Acosta’s motion for a mistrial but agreed to give a curative instruction to the jury.

The state also called as witnesses an expert witness who testified about sexual-abuse victims and delayed disclosure, the officer who responded to Child A's initial report, and the law-enforcement investigator who observed the forensic interview.

Santana Acosta testified on his own behalf. He explained that he moved out of the home he shared with Child A, mother, and brother because mother was mistreating him and hitting him in front of the children and because Child A hated him. He also stated that Child A is lying about the abuse because she hates him. Santana Acosta denied ever hurting the dog or brother or touching Child A. He admitted that he said he would shoot mother 17 times but said that he was talking about a paint gun, not a firearm. He stated that, the day before mother filed her petition for the OFP, they got into an altercation, she hit him, he called the police, and he checked into the hospital, but hospital staff "didn't want to attend" to him, so he left without treatment.

After Santana Acosta rested, the district court gave the jury another limiting instruction regarding the evidence about a gun:

You have heard evidence of alleged threatening conduct and/or conversations about a gun involving the defendant on one or more separate occasions. As I told you at the time this evidence was offered, it was admitted for the limited purpose of demonstrating the nature and extent of the relationship between the defendant and [Child A] and other household members in order to assist you in determining whether the defendant committed those acts with which the defendant is charged in the complaint. This evidence is not to be used to prove the character of the defendant or that the defendant acted in conformity with such character. The defendant is not being tried for and may not be convicted of any behavior other than the charged offenses. You are not to convict the defendant on the basis of similar conduct on a separate occasion.

During closing argument, the prosecutor reiterated that Child A delayed disclosing the abuse because she was fearful of Santana Acosta and that her testimony about the abuse of brother and the dog was corroborated. The prosecutor reminded the jury that “those instances of domestic conduct are only used to give you context into the relationship of what was happening at the home, but those parts of [Child A’s] testimony were corroborated,” and urged the jury to use their “collective knowledge . . . [and] memory of the things that [Child A] said” and to “[l]ook at her comments in between when she talked about sexual assault. Those statements are corroborated.” The prosecutor noted that the expert witness “said threats from a perpetrator is another common barrier to disclosure, including negative consequences to someone else: ‘If you tell, I’m going to hurt your mom and brother.’” And the prosecutor asked the jury, “What makes sense? That [Child A] made up this lie after several months of [Santana Acosta] being out of her life or that she told the truth after several months of him being out of her life because she finally felt safe to do so?”

Santana Acosta’s counsel used closing argument to counter the prosecutor’s assertions and further attack Child A’s credibility, stating that there were no witnesses to the allegations except for Child A, Child A has always hated Santana Acosta “and still does today,” Child A lied so her mother could get an OFP, and she was not credible because she could not remember when Santana Acosta moved out of their apartment. Santana Acosta’s counsel also asserted that it was suspicious that Child A did not disclose the abuse to anyone sooner, there were discrepancies between Child A’s trial testimony and the forensic video, and some of the allegations from trial did not “make sense.”

The prosecutor rebutted Santana Acosta's argument regarding Child A's delay in disclosure, specifically that, after observing "several abuses" in the home and hearing threats from Santana Acosta threatening abuse, Child A finally felt safe when mother said they would not be around Santana Acosta anymore. The prosecutor noted that this information "shows why [Child A] told when she did. When she finally felt safe from his threats. She felt safe that she could tell and nothing was going to happen to her, her mom, or her brother." After deliberation, the jury found Santana Acosta guilty of both counts of CSC.

At sentencing, Santana Acosta requested a downward durational departure. The district court denied the request and sentenced him to 144 months' imprisonment with a conditional-release term of ten years.

Santana Acosta appeals.

## **DECISION**

Santana Acosta argues that the district court abused its discretion when it admitted (1) the forensic interview of Child A and (2) improper character evidence and that he was prejudiced by these evidentiary rulings. We address each argument in turn.

A district court's evidentiary rulings are reviewed for an abuse of discretion. *State v. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019). "A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record." *Id.* (quotation omitted). "A defendant claiming error in the district court's reception of evidence has the burden of showing both the error and the prejudice resulting from the error." *Holt v. State*, 772 N.W.2d 470, 483 (Minn. 2009) (quotation omitted). If

the district court erred in admitting evidence, “the reviewing court determines whether there is a reasonable possibility that the wrongfully admitted evidence significantly affected the verdict.” *State v. Zulu*, 706 N.W.2d 919, 924 (Minn. App. 2005) (quotation omitted).

**I. Admission of Child A’s forensic-interview statements did not prejudice Santana Acosta.**

Santana Acosta argues that the district court abused its discretion by admitting video of Child A’s forensic interview at trial. He argues that two of Child A’s statements from the interview were inadmissible hearsay: (1) that she did not disclose the abuse sooner because she was afraid Santana Acosta would kill mother and harm brother and (2) that she heard Santana Acosta say that he had a gun and that he would kill people with whom he had problems.<sup>2</sup> The state asserts that the statements were not inadmissible hearsay because they were not being used to prove the truth of the matter asserted; rather, they show that Child A heard the statements and their effect was to cause her to fear for her family’s safety.<sup>3</sup> The state argues in the alternative that any error in admitting the statements was harmless.

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<sup>2</sup> The state argues that the plain-error standard of review should apply because Santana Acosta did not make a timely objection. We apply a harmless-error standard of review because Santana Acosta’s counsel preserved his objection to the forensic interview before the district court, and thus, plain error does not apply here. *See State v. Martens*, 18 N.W.3d 752, 757 (Minn. 2025) (stating that plain error applies to unobjected-to errors).

<sup>3</sup> Hearsay “is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” Minn. R. Evid. 801(c). A hearsay statement “is not admissible except as provided” in the Minnesota Rules of Evidence or any other rules prescribed by the supreme court or the legislature. Minn. R. Evid. 802.

“We generally will not reverse a verdict even when improper [evidence] is presented to the jury unless there is a ‘reasonable possibility that the wrongfully admitted evidence significantly affected the verdict.’” *State v. Jaros*, 932 N.W.2d 466, 472 (Minn. 2019) (quoting *State v. Matthews*, 800 N.W.2d 629, 633 (Minn. 2011)). Even if we were to conclude that the district court erred in admitting the video evidence, it is Santana Acosta’s burden to demonstrate prejudice. *Id.*

When “assessing whether an error is harmless, the question is not whether the other evidence was *sufficient* to support the conviction, but rather whether the error substantially influenced the verdict.” *State v. Bigbear*, 10 N.W.3d 48, 54 (Minn. 2024) (quotation omitted). We consider several “[n]on-exclusive factors . . . to determine whether a reasonable possibility exists that the erroneously admitted evidence significantly affected the jury’s verdict.” *Id.* These factors include “(1) the manner in which the party presented the evidence, (2) whether the evidence was highly persuasive, (3) whether the party who offered the evidence used it in closing argument, and (4) whether the defense effectively countered the evidence.” *Id.* (quoting *State v. Smith*, 940 N.W.2d 497, 505 (Minn. 2020)). We also consider whether there is “[s]trong evidence of guilt” that “undermines the persuasive value of wrongly admitted evidence.” *Id.* (quoting *Smith*, 940 N.W.2d at 505).

#### *Manner Presented*

The evidence Santana Acosta challenges here are the statements from Child A’s forensic interview that she did not disclose the abuse sooner because she was afraid Santana Acosta would kill her mother and harm her brother and that she heard Santana Acosta say that he had a gun and would kill people with whom he had problems. In analyzing the first

factor, we may consider “the relative number of transcript pages that the evidence occupies” and “whether the evidence was used throughout the State’s case.” *Id.* at 56. Portions of the forensic interview were published to the jury, but the challenged statements were not repeated throughout trial. Santana Acosta contends that, during the state’s opening statement, the prosecutor referenced Child A’s statement that Santana Acosta said to Child A that, if she told anyone about the abuse, he would harm her mother and her brother; however, Child A testified at trial that Santana Acosta made those comments to her. As Child A’s testimony was separate from the forensic interview and did not refer to the statement from the forensic interview, it does not fall under the hearsay rule. Therefore, because the statements Santana Acosta challenges were not repeatedly referenced or replayed throughout trial, this factor weighs in favor of the state.

*Persuasive Value*

Santana Acosta argues that the statements were persuasive because they “went directly to whether the jury could believe” him. However, here, the district court gave multiple cautionary and limiting instructions to the jury preceding the introduction of the video and all of the state’s other evidence that mentioned a gun or Santana Acosta’s threats to harm mother and brother. Because “[w]e presume that the jury followed the [district] court’s instruction,” we do not conclude the jury misused that evidence. *State v. Taylor*, 650 N.W.2d 190, 207 (Minn. 2002); *see also State v. Segura*, 2 N.W.3d 142, 162-63 (Minn. 2024) (stating that a district “court’s instructions to the jury are . . . relevant in determining whether the jury was unduly influenced by the prosecutor’s [potentially] improper comments” (quotation omitted)). Therefore, this factor weighs in favor of the state.

### *Closing Arguments*

Santana Acosta argues that the prosecutor addressed the statements during closing argument by stating that Child A's forensic interview was consistent with her testimony with only "slight" differences and by claiming that Child A testified that Santana Acosta said he would harm Child A's mother and brother if she told anyone about the abuse. However, as noted above, Child A testified that Santana Acosta made comments to her about harming her family and the prosecutor's statement was referencing Child A's testimony, not specifically the statement from the forensic interview. In addition, during closing argument, the prosecutor did not address the statement from the interview that Child A heard Santana Acosta say he always carried a gun.

The district court reiterated during jury instructions that "[t]he argument or other remarks of an attorney . . . are not evidence. If the attorneys or I make any statement as to what the evidence is that differs from your own recollection of the evidence, you should disregard the statement and rely solely on your own memory." And, as jurors are presumed to follow limiting instructions with respect to the proper use of evidence, *see Taylor*, 650 N.W.2d at 207, and Santana Acosta has not provided any reason to doubt that the jurors followed the instructions here, this factor weighs in favor of the state.

### *Effectively Countered*

Santana Acosta argued throughout trial that Child A was not credible, pointing to the implausibility of and inconsistencies in her testimony. He asserted at trial that Child A was not credible because she delayed disclosure of the alleged abuse until after Santana Acosta claimed he called the police on mother. He asserted that Child A only accused him

of the abuse because she hated him and because she did not want mother to get into legal trouble. Santana Acosta's entire defense at trial was to persuade the jury that everything Child A said was untrue. And, even though the jury still found Santana Acosta guilty of both counts of CSC, he was able to counter her allegations and present his arguments focused on Child A's lack of credibility. This factor weighs in favor of the state.

*Strong Evidence of Guilt*

"Finally, overwhelming evidence of guilt is a factor, often a very important one, in determining whether the error has no impact on the verdict." *Bigbear*, 10 N.W.3d at 59 (quotation omitted). "Strong evidence of guilt undermines the persuasive value of wrongly admitted evidence." *Id.* (citing *Smith*, 940 N.W.2d at 505). "[T]his factor focuses *exclusively* on evidence of guilt." *Id.* at 60.

Here, the state offered strong evidence of Santana Acosta's guilt. Child A's trial testimony detailed sexual abuse by Santana Acosta that was consistent with the abuse she described in her forensic interview. The state also offered testimony from both mother and brother about Santana Acosta's violent conduct that supported Child A's statements that she feared him and that fear caused Child A's delayed disclosure. And, finally, the jury was able to observe Child A's testimony and credited her account of the abuse. Based on the strength of the evidence of Santana Acosta's guilt, this factor weighs in favor of the state.

In sum, the *Bigbear* factors weigh in favor of the state as to the two statements Child A made in the forensic-interview video that was admitted at trial and that Santana Acosta challenges on appeal. Thus, Santana Acosta did not "meet his burden of showing

that there is a reasonable possibility that the wrongfully admitted evidence significantly affected the verdict.” *Id.* (quotation omitted). We conclude that any error in admitting the statements was harmless.

**II. The district court did not err in admitting domestic-abuse relationship testimony regarding Santana Acosta and other household members.**

Santana Acosta next argues that testimony regarding his alleged prior abuse of mother, brother, and the family dog was inadmissible because the testimony was evidence of prior misconduct and that it was therefore inadmissible character evidence as to which the prejudicial effect outweighed the probative value of the evidence.

We review a district court’s ruling on the admission of relationship evidence for an abuse of discretion. *State v. Andersen*, 900 N.W.2d 438, 441 (Minn. App. 2017). An appellant must show that the evidence was not harmless—that is, that it significantly affected the verdict—before we will reverse. *State v. Heller*, 12 N.W.3d 452, 466 (Minn. 2024). The district court may allow the state to present “[e]vidence of domestic conduct by the accused against the victim of domestic conduct, or against other family or household members,” often called “relationship evidence,” unless “the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issue, or misleading the jury.” Minn. Stat. § 634.20. “Domestic conduct” includes “domestic abuse,” Minn. Stat. § 634.20, which is defined to include “physical harm, bodily injury, or assault,” the

“infliction of fear of imminent physical harm,” or criminal sexual conduct, Minn. Stat. § 518B.01, subd. 2(a) (Supp. 2025).<sup>4</sup>

Caselaw recognizes that relationship evidence is relevant when it is used to clarify a defendant’s treatment of family or household members. *State v. Valentine*, 787 N.W.2d 630, 637 (Minn. App. 2010) (stating that “the rationale for admitting relationship evidence under section 634.20 is to illuminate the relationship between the defendant and the alleged victim and to put the alleged crime in the context of that relationship”), *rev. denied* (Minn. Nov. 16, 2010). It can explain or provide context for a family member’s fear of a defendant as well as the defendant’s prior attempts to “manipulate, control, [or] restrain” that family member and carries “obvious probative value.” *Andersen*, 900 N.W.2d at 441. It may provide context for a victim’s behavior, such as a delay in reporting abuse. *State v. Word*, 755 N.W.2d 776, 784 (Minn. App. 2008); *see also State v. Robinson*, No. A22-0187, 2023 WL 125850, at \*4 (Minn. App. Jan. 9, 2023) (concluding that relationship evidence was admissible because it showed why the victim was afraid to report sexual abuse), *rev. denied* (Minn. Mar. 28, 2023).<sup>5</sup>

The relationship evidence that was admitted here places Child A’s relationship with Santana Acosta into context. Child A testified to witnessing Santana Acosta abuse mother,

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<sup>4</sup> Section 518B.01, subdivision 2, was amended in 2024 and 2025. 2024 Minn. Laws ch. 123, art. 10, § 1, at 2333-34; 2025 Minn. Laws ch. 35, art. 11, § 12, at 758-58. The 2022 version of the statute was in effect at the time of Santana Acosta’s trial. Because the amendments do not affect the substance of subdivision 2(a), we cite the most recent version.

<sup>5</sup> Nonprecedential cases are not binding authority but may be cited for their persuasive value. Minn. R. Civ. App. P. 136.01, subd. 1(c).

brother and the family dog, and mother testified that, whenever she and Santana Acosta engaged in a physical altercation, the children “always saw it.” This provides context for Child A’s stated fear of Santana Acosta and her delay in reporting the abuse.

The district court also gave a cautionary instruction to the jury on the appropriate use of the evidence. The provision of cautionary instructions on the proper use of relationship evidence pursuant to Minn. Stat. § 634.20 lessens the probability that the jury will give undue weight to the evidence. *State v. Benton*, 858 N.W.2d 535, 541-42 (Minn. 2015) (stating that, when determining whether relationship evidence significantly affected the verdict, an appellate court considers the district court’s cautionary instruction and presumes that the jury followed said instruction); *see also Taylor*, 650 N.W.2d at 207 (“We presume that the jury followed the [district] court’s instruction . . . .”). Therefore, the district court did not abuse its discretion by admitting the contested relationship evidence.<sup>6</sup>

**Affirmed.**

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<sup>6</sup> Santana Acosta also argues that the cumulative effect of the district court’s errors deprived him of a fair trial. Because we discern no error in the district court’s rulings, we do not address Santana Acosta’s cumulative-effect argument.