

*This opinion is nonprecedential except as provided by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
A25-1992**

In the Matter of the Welfare of: M. J. T., Child.

**Filed July 13, 2026
Reversed and remanded
Larson, Judge**

Steele County District Court
File No. 74-JV-25-730

Cathryn Middlebrook, Chief Appellate Public Defender, Laura G. Heinrich, Assistant Appellate Public Defender, St. Paul, Minnesota (for appellant M.J.T.)

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

Robert J. Jarrett, Steele County Attorney, Joseph Rusciano (certified law student practitioner), Owatonna, Minnesota (for respondent State of Minnesota)

Considered and decided by Larson, Presiding Judge; Harris, Judge; and Halbrooks, Judge.*

NONPRECEDENTIAL OPINION

LARSON, Judge

Following a jury trial, appellant M.J.T. was found guilty of three counts of second-degree assault (fear) with a dangerous weapon, one count of threats of violence, and one count of unlawful possession of a firearm as an extended juvenile jurisdiction (EJJ). The district court adjudicated appellant delinquent of the three second-degree assault (fear)

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

counts and sentenced appellant to a stayed 36-month adult prison term. On appeal, appellant argues the state presented insufficient evidence to sustain the second-degree assault (fear) convictions. Because a reasonable inference other than guilt exists regarding whether appellant possessed a dangerous weapon—in this case a firearm—at the time of the assault, we conclude the state presented insufficient evidence to sustain the convictions. Accordingly, we reverse and remand for the district court to vacate the second-degree assault (fear) convictions and for resentencing.¹

FACTS

The following factual summary is based upon the evidence received at appellant’s jury trial. In the early morning on May 4, 2025, C.N., J.W., and L.S. (collectively, the victims) were at C.N.’s house (the house). Appellant and a friend (friend) came to the house uninvited. When appellant and friend arrived, C.N. met them outside and stated that appellant was not welcome and needed to leave.

Appellant started yelling. C.N. could not recall what appellant said, but J.W., who witnessed the incident, testified that appellant said he was “going to come blow sh-t down.” L.S., who was also present, testified that appellant “left in a fit of rage talking about how he’s going to be back, he’s going to go get it, or whatever the term he used,” which she believed meant appellant “was going to get a gun to either shoot [them] or the house.”

¹ Appellant also argues the state presented insufficient evidence to sustain the threats-of-violence guilty verdict. But the district court did not adjudicate that count, and we do not consider challenges to unadjudicated counts on appeal. *See State v. Ashland*, 287 N.W.2d 649, 650 (Minn. 1979). Therefore, we do not reach appellant’s sufficiency challenge as to the threats-of-violence guilty verdict.

Appellant and friend left the house. Shortly thereafter, friend called C.N.² Following this phone call, the victims became fearful and decided to leave the house. C.N. also received two social-media videos from appellant.³ In the first video, appellant displayed a firearm and said, “police were already at your crib, but I took ‘em on a chase. I survived.” In the second video, appellant waved the firearm and said, “I can walk, I can drive.” It is undisputed that, in both videos, appellant was located at *his own* home. C.N. showed the videos to L.S. and J.W.⁴ C.N. testified that the victims were afraid after viewing the videos.

After leaving the house, the victims waited in a car on a nearby street with a view of the house. Appellant then returned to the house. The victims offered the following testimony about their observations after appellant returned. J.W. stated that she saw appellant “pull up to the house and get out of the car just kind of acting in distress” and “waving his arms around.” When asked whether she saw “anything in [appellant’s] hands,” J.W. replied, “it looked like it, but I wasn’t sure. It was dark out.” L.S. testified that appellant returned to the house and stated “[i]t was too dark to see [appellant] driving, but it was his vehicle. I didn’t see him get out or anything like that because we left the

² What friend said during this phone call was not part of the trial record.

³ The victims’ recollection of when C.N. received the videos varied slightly. C.N. recalled receiving the videos before the victims left C.N.’s house. L.S. testified that C.N. received one video before they left C.N.’s house. J.W., who first contacted the police, testified that C.N. received one video before she called the police and the other video after.

⁴ Appellant sent the videos in a group message that included appellant, C.N., and another individual whom C.N. described as a mutual friend. J.W. and L.S. were not participants in the group message. The mutual friend was not present for, or otherwise involved in, the incident.

neighborhood.” C.N. testified that, when appellant returned to the house, “he came back with a gun” and “brought a gun with him.” But when asked how C.N. knew appellant had a firearm when he returned to the house, C.N. replied “[v]ideos.” After appellant returned to the house, the victims drove away and went to the police station to make a report.

Later, when a responding officer (first officer) arrived at the house, he saw a vehicle registered to appellant’s father leave the area. First officer went to appellant’s house and spoke with appellant who said he had been home all night. Another officer investigating the incident (second officer) eventually located a firearm under a panel in the attic access located in appellant’s bedroom. Photographs of the firearm and appellant’s bedroom were admitted into evidence at trial. The second officer testified that, based upon his training and experience and its “distinctive” features, the firearm found in appellant’s room matched the firearm from the videos.

On May 6, 2025, respondent State of Minnesota filed a delinquency petition⁵ charging appellant with one count of threats of violence under Minn. Stat. § 609.713, subd. 1 (2024), and one count of unlawful possession of a firearm under Minn. Stat. § 624.713, subd. 1(1) (2024).⁶ The case was designated an EJJ prosecution. Before trial, the state moved to amend the petition to add three counts of second-degree assault (fear)

⁵ Appellant was 16 years old at the time of the incident.

⁶ Appellant was also charged with unlawful possession of ammunition under Minn. Stat. § 624.713, subd. 1(1), which the state dismissed during trial, and unlawful possession of marijuana under Minn. Stat. § 152.0263, subd. 2(2) (2024), which was severed from this case.

with a dangerous weapon under Minn. Stat. § 609.222, subd. 1 (2024). The district court granted the state’s motions, and the matter proceeded to a jury trial.

At trial, the victims, first officer, and second officer testified. Appellant invoked his Fifth Amendment right against self-incrimination and did not testify. The jury found appellant guilty on all counts. The district court adjudicated appellant delinquent on the three second-degree assault (fear) counts and imposed a hybrid EJJ disposition, staying a 36-month adult prison term and placing appellant on supervised probation in juvenile court until he turned 21.

Appellant appeals.

DECISION

Appellant argues the state presented insufficient evidence to sustain the three second-degree assault (fear) convictions. To prove that appellant committed second-degree assault (fear), the state had to establish that appellant “assault[ed] another *with a dangerous weapon*.” Minn. Stat. § 609.222, subd. 1 (emphasis added). In this context, assault means “an act done with intent to cause fear in another of immediate bodily harm or death.” Minn. Stat. § 609.02, subd. 10 (2024) (defining assault (fear)).⁷

Appellant argues the state failed to prove he intended to cause fear of immediate bodily harm *with a dangerous weapon*. Specifically, appellant contends that the evidence is insufficient to prove that, at the time he returned to the house, he possessed a dangerous

⁷ Assault is defined as either assault (fear) or assault (harm)—“the intentional infliction of or attempt to inflict bodily harm upon another.” Minn. Stat. § 609.02, subd. 10 (2024). In this case, the district court only presented the jury an assault (fear) instruction.

weapon.⁸ The state asserts the circumstantial evidence proved that appellant possessed a dangerous weapon when he returned to the house.⁹ Because we agree with the state that there was no direct evidence that appellant had a dangerous weapon when he returned to the house, we apply the circumstantial-evidence test to evaluate the sufficiency of the state’s evidence.

Under the circumstantial-evidence test, we apply a two-step analysis. *State v. Firkus*, 31 N.W.3d 468, 478 (Minn. 2026). Under the first step, we “‘winnow down the evidence presented at trial by resolving all questions of fact in favor of the jury’s verdict,’ which results in ‘a subset of facts that constitute the circumstances proved.’” *Id.* (quoting *State v. Harris*, 895 N.W.2d 592, 600 (Minn. 2017)). Identifying the circumstances proved in this manner “protects the well-established legal principle that the jury is in a unique position to determine the credibility of the witnesses and weigh the evidence before it.” *Id.* at 479 (quotation omitted). At the second step, “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.* at 483. We independently review the reasonableness of the inferences without deference to the

⁸ Appellant also argues that the victims could not fear *immediate* bodily harm at the time he sent the videos because appellant was not in the victims’ physical presence. The state conceded that appellant did not cause fear of *immediate* bodily harm at the time appellant sent the videos. In other words, the state concedes that the “act” constituting the assault occurred when appellant returned to the house.

⁹ At oral argument, the state conceded that it needed to prove that appellant possessed a dangerous weapon when he returned to the house to sustain the assault (fear) convictions.

factfinder. *See id.* (quoting *State v. Isaac*, 9 N.W.3d 812, 818 (Minn. 2024)). We will not reverse a conviction “based on mere conjecture.” *Id.* (quoting *State v. Tschau*, 758 N.W.2d 849, 861 (Minn. 2008)). However, “[i]f 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.* (quoting *Isaac*, 9 N.W.3d at 818).

Beginning with the first step, the state proved the following facts: (1) the victims were at the house when appellant arrived; (2) a non-physical altercation took place, during which appellant threatened to return to the house with a firearm; (3) C.N. received a phone call that made the victims become fearful; (4) the victims left the house and waited in a car on a nearby street with a view of the house; (5) appellant sent videos to C.N.; (6) the videos displayed appellant at his own house brandishing a firearm; (7) while sitting at the nearby street, J.W. saw appellant “pull up to the house and get out of the car just kind of acting in distress” and “waving his arms around”; (8) J.W. thought she might have seen an unidentified object in appellant’s hands, but was not sure because “[i]t was dark out”; (9) L.S. saw appellant’s vehicle but did not see appellant “get out or anything like that because [the victims] left the neighborhood”; (10) C.N. saw appellant return to the house and believed appellant had a gun because of the “videos”; (11) when first officer arrived at the house he observed appellant’s father’s vehicle drive away; and (12) second officer located a firearm in appellant’s bedroom that strongly resembled the firearm displayed in the videos.

Moving to the second step, appellant does not contest that the circumstances proved are consistent with a rational hypothesis of guilt; namely, that he had a firearm with him

when he returned to the house. Instead, appellant argues the circumstances proved support another reasonable inference—that he returned to the house *without* a firearm. We agree with appellant. Appellant’s alternative hypothesis is reasonable because none of the victims observed appellant with a firearm when he returned to the house, and appellant was at his own house when he sent the videos showing he possessed the firearm. Therefore, even if appellant intended to cause the victims fear when he returned to the house, a reasonable inference exists that he returned to the house without the firearm and, therefore, appellant intended to cause fear *without* a dangerous weapon.

Because we conclude the evidence presented at trial supports a reasonable inference other than guilt, the state failed to prove that appellant committed second-degree assault (fear) with a dangerous weapon. Accordingly, we reverse the three second-degree assault (fear) convictions and remand for the district court to: vacate the second-degree assault convictions, determine which of the remaining guilty verdicts to formally adjudicate, and resentence appellant accordingly. *See State v. LaTourelle*, 343 N.W.2d 277, 284 (Minn. 1984) (“If [an] adjudicated conviction is later vacated for a reason not relevant to the remaining unadjudicated conviction(s), one of the remaining unadjudicated convictions can then be formally adjudicated and sentence imposed, with credit, of course, given for time already served on the vacated sentence.”).

Reversed and remanded.