

*This opinion is nonprecedential except as provided by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
A25-2085**

State of Minnesota,
Respondent,

vs.

Paul Armando Orocio,
Appellant.

**Filed September 28, 2026
Affirmed
Worke, Judge**

Ramsey County District Court
File No. 62-CR-24-4441

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

John J. Choi, Ramsey County Attorney, Alexandra Meyer, Assistant County Attorney,
St. Paul, Minnesota (for respondent)

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

Considered and decided by Cochran, Presiding Judge; Worke, Judge; and Bond,
Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant challenges his first-degree criminal-sexual-conduct conviction, arguing
that the district court abused its discretion by excluding evidence that the complainant

previously viewed pornography, and that one of appellant’s convictions must be vacated. We affirm.

FACTS

In 2024, 14-year-old A.G. reported that his uncle had “anally penetrated him approximately 6 years ago.” Respondent State of Minnesota charged appellant Paul Armando Orocio with two counts of first-degree criminal sexual conduct, in violation of Minn. Stat. § 609.342, subd. 1(a), (e)(i) (2016).

At the pretrial hearing, Orocio requested to play for the jury a portion of a video from A.G.’s interview at the Midwest Children’s Resource Center. In the video, A.G. stated that, between sixth and eighth grades, he viewed pornography that a friend sent him as a joke. The prosecutor argued that, following a report of sexual abuse, it is routine during a medical examination to ask a child if they were exposed to pornography. Additionally, A.G.’s statement was irrelevant to whether Orocio sexually assaulted A.G., and a jury could potentially draw a “negative inference” from hearing that A.G. viewed pornography. Conversely, Orocio argued that the evidence was relevant because A.G. revealed “in graphic terms that [an assault] happened to him and he’s been exposed to pornography at the time that he’s talking about [it].” The district court determined that A.G.’s disclosure of viewing pornography is “sexual conduct” that is inadmissible under Minn. R. Evid. 412, the rape-shield law.

At Orocio’s jury trial, A.G. testified that, when he was seven or eight years old, Orocio “raped . . . him when [Orocio] was drunk.” He explained that, late one night, Orocio stumbled into his room and woke A.G. A.G. could smell alcohol. Orocio covered

A.G.'s mouth, laid him out, and pulled his pants down. A.G.'s chest was down and his "rear end was exposed." A.G. testified that Orocio put his penis in A.G.'s rectum. He said that it was "burning," and it felt like his skin was "tearing." Orocio told A.G. that he would "kill" him if he told anyone.

A.G. testified that, in early 2024, he was thinking about ending his life and talked to his brother about the things that bothered him, including feeling "used" by his friends and that his girlfriend was ignoring him. He also told his brother about the sexual assault because he was "practically deteriorating" because he had never told anyone.

Orocio testified that he had been to A.G.'s home once or twice a year and had spent the night. Orocio testified that he had only been alone with A.G. in A.G.'s room a few times. Orocio testified that he did not assault A.G. because he would "remember something like that." On cross-examination, Orocio admitted that he would drink an excessive amount of alcohol when he was at A.G.'s home. But he testified that he never "blacked out completely that [he would] not remember [his] actions."

The jury found Orocio guilty as charged. The district court sentenced Orocio to 156 months in prison. The original warrant of commitment shows convictions for the two offenses. Later, the district court filed an amended sentencing order, indicating that the appropriate disposition for count two is a verdict of guilty. An amended warrant of commitment shows a conviction for count one and "[f]ound guilty [n]o adjudication" for count two. This appeal followed.

DECISION

Evidentiary Ruling

Orocio argues that the district court abused its discretion by declining to admit evidence that A.G. viewed pornography.

Appellate courts review a district court's evidentiary ruling for an abuse of discretion. *State v. Carbo*, 6 N.W.3d 114, 123 (Minn. 2024). 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." *State v. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019) (quotation omitted). Even if a district court abused its discretion by excluding evidence, appellate courts will reverse only if the exclusion was not harmless beyond a reasonable doubt. *State v. Zumberge*, 888 N.W.2d 688, 694 (Minn. 2017). "An error in excluding [defense] evidence is harmless only if the reviewing court is satisfied beyond a reasonable doubt that if the evidence had been admitted and the damaging potential of the evidence fully realized, a [reasonable] jury would have reached the same verdict." *State v. Olsen*, 824 N.W.2d 334, 340 (Minn. App. 2012) (quotation omitted), *rev. denied* (Minn. Feb. 27, 2013).

In a criminal-sexual-conduct case, "evidence of the victim's previous sexual conduct shall not be admitted nor shall any reference to such conduct be made in the presence of the jury[.]" Minn. R. Evid. 412(1). Evidence of a complainant's prior sexual history is "highly prejudicial," *Olsen*, 824 N.W.2d at 340, and "general[ly] irrelevan[t]," *State v. Crims*, 540 N.W.2d 860, 867 (Minn. App. 1995), *rev. denied* (Minn. Jan. 23, 1996). But it may be admissible if an exception to rule 412 applies and "the probative value of the

evidence is not substantially outweighed by its inflammatory or prejudicial nature.” *Olsen*, 824 N.W.2d at 340 (quotation omitted).

Orocio argues that the source-of-knowledge exception applies here. “[A district] court has discretion to admit evidence tending to establish a source of knowledge of or familiarity with sexual matters in circumstances where the jury otherwise would likely infer that the defendant was the source of the knowledge.” *State v. Benedict*, 397 N.W.2d 337, 341 (Minn. 1986); *see also State v. Wenthe*, 865 N.W.2d 293, 307 (Minn. 2015) (stating that when defendant asserts victim “fabricated the sexual conduct,” aspects of victim’s sexual history may be used to establish “a source of knowledge or familiarity with sexual matters in circumstances in which lack of knowledge is the likely inference to be drawn by the fact finder”).

Orocio relies on *Benedict* to argue that the district court failed to conduct a balancing test to determine the admissibility of the evidence. *See* 397 N.W.2d at 341 (stating district court should balance probative value of evidence against potential for causing unfair prejudice); *see also State v. Kroshus*, 447 N.W.2d 203, 205 (Minn. App. 1989) (stating district court must balance probative value of source-of-knowledge evidence against its potential for unfair prejudice), *rev. denied* (Minn. Dec. 20, 1989).

Here, the district court determined that A.G.’s disclosure of viewing pornography related to his report of the sexual assault; thus, the evidence was governed by rule 412. While it does not appear that the district court explicitly conducted a balancing test, at the hearing when the district court considered whether to admit the evidence, the prosecutor argued that the evidence was irrelevant to whether Orocio assaulted A.G., but a jury could

potentially draw a “negative inference” from hearing that A.G. viewed pornography. The district court also heard Orocio’s arguments as to why the evidence was relevant. Therefore, the district court heard arguments about the probative value versus the potential for prejudice at the same time that it made its ruling.

We conclude that the source-of-knowledge exception does not apply here because the cases that Orocio relies on involved circumstances when it could have been inferred that the accused was the *sole source* of the victim’s sexual knowledge. When considering whether the accused was the sole source of the victim’s sexual knowledge, the victim’s age is relevant. In *Benedict*, for example, the victim was five years old, but he had obtained sexual knowledge from his family. 397 N.W.2d at 338, 340-41. The supreme court determined, however, that the evidence was inadmissible because the probative value was weak and it had the potential to cause unfair prejudice. *Id.* at 341.

In *Kroshus*, the victim was an adult resident of a group home who was developmentally delayed and had the mental age of a 7 1/2 year old. 447 N.W.2d at 204. While the source-of-knowledge exception applied because the victim had previously described a sexual abuse that would tend to show she had an alternative source of knowledge, this court determined that excluding the evidence was harmless. *Id.* at 205.

Here, the evidence of an alternative source of sexual knowledge was A.G. viewing pornographic material a friend sent to him in sixth through eighth grades. A.G. was 14 years old, however, when he reported the assault. A.G. was in high school, he had an older brother, and he had a girlfriend. It is unlikely that a jury would infer that A.G. could have only obtained the sexual knowledge from Orocio. Even though the district court did not

explicitly conduct a balancing test, the district court did not abuse its discretion by declining to admit the evidence.

And even if the district court abused its discretion, the decision to exclude the evidence was harmless. A.G. testified that Orocio was drunk and sexually assaulted him. A.G. described the assault in detail. *See State v. Foreman*, 680 N.W.2d 536, 539 (Minn. 2004) (stating conviction can rest on uncorroborated testimony of single credible witness); Minn. Stat. § 609.347, subd. 1 (2016) (stating that in sexual-assault prosecution, testimony of victim need not be corroborated). Orocio admitted that he stayed at A.G.’s home during the time of the assault and that he would drink alcohol in excess, though he denied assaulting A.G. because he would “remember something like that.” It was reasonable for the jury to reach the guilty verdict. *See State v. Firkus*, 31 N.W.3d 468, 479 (Minn. 2026) (stating that it is the role of the jury to weigh evidence and witness credibility). Because the evidence that A.G. viewed pornography would not have changed the jury’s verdict, any error by the district court in declining to admit the evidence was harmless beyond a reasonable doubt.

Multiple Convictions

Orocio argues that one of his convictions must be vacated. But the amended warrant of commitment shows that the district court entered a conviction for count one and imposed a sentence of 156 months in prison for count one. The amended warrant of commitment shows “[f]ound guilty [n]o adjudication” for count two. *See* Minn. Stat. § 609.04 (2024); *State v. Bowser*, 307 N.W.2d 778, 779 (Minn. 1981). The amended warrant of commitment shows that the district court corrected the error by adjudicating count one only and not

formally adjudicating count two. *See State v. LaTourelle*, 343 N.W.2d 277, 284 (Minn. 1984).

Affirmed.