



Minnesota Court of Appeals

Significant Decisions

September 2021-August 2022

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Part I – CIVIL CASES

Administrative Law

***In re Waters*, 977 N.W.2d 874 (Minn. App. June 27, 2022) (A21-1119).**

A maltreatment determination of the commissioner of human services is arbitrary or capricious when the decision adopts an administrative-law judge’s findings about circumstances surrounding an injury to a foster child but then rejects the administrative-law judge’s conclusions of law and recommendation based on those findings without explaining the basis for the decision.

Appellate Procedure & Review

***Final Alt. Urb. Areawide Rev. & Mitigation Plan for the Upper Harbor Terminal Dev.*, 973 N.W.2d 331 (Minn. App. Mar. 28, 2022) (A21-1428).**

Minnesota Statutes section 116D.04, subdivision 10 (2020), only authorizes certiorari review of a final decision regarding the need for an environmental assessment worksheet, the need for an environmental impact statement, and the adequacy of an environmental impact statement. It does not authorize review of a final decision approving an alternative urban areawide review.

***Butler v. Jakes*, 977 N.W.2d 867 (Minn. App. June 27, 2022) (A21-1600).**

A party forfeits an argument on appeal in a civil case based on any technological problem they experienced during a virtual proceeding before a district court when that problem does not appear in the record and the party did not attempt to correct or supplement the record.

Child Protection

***In re Welfare of Child of J.H.*, 968 N.W.2d 593 (Minn. App. Nov. 1, 2021), *rev. denied* (Minn. Dec. 6, 2021) (A21-0629).**

A district court does not violate a parent’s procedural-due-process rights by not allowing an extension of the permanency timeline solely based on interruptions in social services due to the COVID-19 pandemic.

***In re Welfare of Child. of A.D.B.*, 970 N.W.2d 725 (Minn. App. Feb. 14, 2022) (A21-0978).**

A district court abuses its discretion by making a posttrial determination that efforts to reunite the parent and child would be futile when: (1) the parent was incarcerated but scheduled for release in the near future; (2) the agency failed to develop a case plan for the parent, failed to engage with the parent prior to termination, and failed to otherwise identify any potential services that might be suitable and available to the parent; and (3) the agency

did not request a prima facie determination of futility based on the facts contained in its petition.

***In re Welfare of Child. of A.J.J.*, 975 N.W.2d 130 (Minn. App. May 16, 2022), rev. denied (Minn. June 21, 2022) (A22-0311).**

In a termination-of-parental-rights proceeding, a district court may order investigation into whether children involved in that proceeding are Indian children under the Indian Child Welfare Act or the Minnesota Indian Family Preservation Act, notwithstanding a prior ruling in a related child-in-need-of-protection-or-services proceeding that the same children were not Indian children.

Civil Procedure

***Elm Creek Courthouse Ass’n, Inc. v. State Farm Fire & Cas. Co.*, 971 N.W.2d 731 (Minn. App. Feb. 14, 2022), rev. denied (Minn. May 17, 2022) (A21-0964).**

A “written notice of claim” sufficient to trigger the accrual of preaward interest according to Minn. Stat. § 549.09, subd. 1(b) (2020), must be sent from the claimant to the opposing party.

***Glen Edin of Edinburgh Ass’n v. Hiscox Ins. Co.*, 973 N.W.2d 654 (Minn. App. Apr. 4, 2022), rev. granted (Minn. July 19, 2022) (A21-0761).**

Dismissal of an action under Minnesota Rule of Civil Procedure 5.04(a) is not appropriate when a defendant files its answer within one year of commencement of the action.

Contracts

***Wilmington Tr., Nat’l Ass’n v. 700 Hennepin Holdings, LLC*, 971 N.W.2d 750 (Minn. App. Mar. 7, 2022), rev. granted (Minn. May 31, 2022) (A21-0963).**

When a receiver appointed under the receivership statute, Minn. Stat. §§ 576.21-.53 (2020), seeks to enforce provisions of an executory contract that was entered into before the receivership, the receiver is bound by a mandatory arbitration provision in the contract to the same extent that the party subject to the receivership would have been bound but for the receivership.

***Hennepin Healthcare Sys., Inc. v. AFSCME Minn. Council 5, Union*, 974 N.W.2d 590 (Minn. App. Apr. 25, 2022), rev. granted (Minn. July 19, 2022) (A21-1079).**

An arbitration award does not draw its essence from the parties’ agreement if the arbitrator exceeds the expressly limited power conferred in the agreement.

***Maslowski v. Prospect Funding Partners LLC*, 978 N.W.2d 447 (Minn. App. June 27, 2022), rev. granted (Minn. Sept. 28, 2022) (A21-1338).**

1. A litigation financier has unconscionably interfered in the underlying legal claim that is the subject of the financier’s litigation-financing agreement with the contracting litigant if that agreement contains obligations that seek to control the litigant’s ability to select counsel, or to settle the underlying legal claim.

2. A litigation-financing agreement is a transaction subject to the usury statute.

Environmental Law

***Minn. Deer Farmers Ass’n v. Minn. Dep’t of Nat. Res.*, 979 N.W.2d 465 (Minn. App. Aug. 15, 2022), rev. denied (Minn. Oct. 26, 2022) (A21-1387).**

Under Minn. Stat. § 97A.045 (2020) and Minn. Stat. § 84.027, subd. 13 (2020), the commissioner of the Minnesota Department of Natural Resources has the statutory authority to adopt an expedited emergency rule temporarily prohibiting the movement of farmed white-tailed deer in Minnesota to prevent the spread of disease in wild deer.

Family Law

***Grogg v. Rech*, 968 N.W.2d 45 (Minn. App. Oct. 18, 2021) (A21-0068).**

When, based on a child’s emancipation, a child-support obligor moves to reduce a support obligation that covers more than one child, the obligor must show both emancipation of the child at issue and that the existing support obligation is unreasonable and unfair. An exception to this rule is automatic termination of child support as provided by Minn. Stat. § 518A.39, subd. 5(a) (2020).

Government & Immunity

***In re Eligibility of Johnson for MSRS Gen. Emps. Ret. Plan Coverage*, 968 N.W.2d 589 (Minn. App. Oct. 25, 2021) (A21-0206).**

Under the plain language of Minnesota Statutes section 352.01, subdivision 2b(6)(iii) (2020), which excludes certain temporary employees from the definition of “state employee” for purposes of eligibility for the Minnesota State Retirement System General Plan, the phrase “for a definite period not to exceed six months” does not apply to temporary employees in the classified service in the executive branch.

Insurance Coverage

***Am. Fam. Mut. Ins. Co. v. Progressive Direct Ins. Co.*, 970 N.W.2d 707 (Minn. App. Jan. 31, 2022) (A21-0917, A21-0918).**

In an action by an insurer seeking commercial-vehicle indemnity under Minnesota Statutes section 65B.53, subdivision 1 (2020), trucks that do not meet the definition of “pickup truck” but are motor vehicles designed and used for carrying not more than 15 individuals are passenger vehicles, not commercial vehicles.

Jurisdiction & Procedure

***In re V&J Farm, LLC*, 974 N.W.2d 582 (Minn. App. Apr. 18, 2022) (A21-0847)**

To perfect an appeal and invoke the jurisdiction of a district court in an action initiated pursuant to Minn. Stat. § 103E.091, subd. 2 (2020), a party who appeals the amount of benefits or damages in a drainage proceeding must file a notice of appeal with the auditor within 30 days after the challenged order is filed and must serve notice of the appeal to the auditor. Service of the notice of the appeal to the auditor need not occur within 30 days after the challenged order is filed.

Labor & Employment

***Minn. Jud. Branch v. Teamsters Local 320*, 971 N.W.2d 82 (Minn. App. Jan. 24, 2022) (A21-0794).**

1. The 2019-2021 collective bargaining agreement for official court reporters provides that a judge’s decision to terminate an appointed court reporter’s employment is not subject to arbitration.

2. A court reporter serving the Minnesota Judicial Branch by appointment of a judge is an at-will employee.

***Allstate Indem. Co. v. Twin Cities Diagnostic Ctr., L.L.C.*, 974 N.W.2d 842 (Minn. App. May 23, 2022), *rev. granted* (Minn. Aug. 23, 2022) *and appeal dismissed* (Minn. Sept. 23, 2022) (A21-1116).**

Because the medical director of an accredited magnetic resonance imaging (MRI) facility, who is responsible for clinical MRI services and for selecting, approving, and supervising the work of medical staff members, is engaged in the “practice of healing,” the facility is subject to the Corporate Practice of Medicine Doctrine (CPMD), and lay ownership of such a facility is prohibited.

Liens & Foreclosures

***All, Inc. v. Hagen*, 970 N.W.2d 681 (Minn. App. Dec. 20, 2021) (A21-0459).**

Minn. Stat. § 514.03 (2020), provides how to determine the amount and extent of a mechanic’s lien when prelien notice of a lien claim is required under Minn. Stat. § 514.011 (2020). In contrast, Minn. Stat. § 514.011, subd. 2, outlines the contents of the prelien notice subcontractors are required to give to an owner as a prerequisite for a valid mechanic’s lien.

Local Government

***Puce v. City of Burnsville*, 971 N.W.2d 285 (Minn. App. Feb. 7, 2022), rev. granted (Minn. May 17, 2022) (A21-0895).**

1. To comply with section 462.358, subdivision 2b, of the Minnesota Statutes, a municipality may impose a park-dedication fee only if the municipality reasonably determines that it will need to acquire and develop or improve a reasonable portion of land as a result of the municipality’s approval of a subdivision.

2. To comply with section 462.358, subdivision 2c(a), of the Minnesota Statutes, a municipality may impose a park-dedication fee on a subdivision only if there is a rough proportionality between the fee and the need for the acquisition and development or improvement of parkland created by the proposed development, as demonstrated by an individualized determination that the fee is related both in nature and extent to the impact of the proposed development.

Probate

***In re Est. of Tomczik*, 976 N.W.2d 143 (Minn. App. May 23, 2022), rev. granted (Minn. Aug. 9, 2022) (A21-1420).**

When a wife is named as a devisee in an unambiguous will, a devise to “my wife’s heirs” does not fail solely because the marriage is dissolved and revocation of the wife’s devise occurs pursuant to Minn. Stat. § 524.2-804, subd. 1 (2020).

Real Estate & Property Rights

***SVAP III Riverdale Commons LLC v. Coon Rapids Gyms, LLC*, 967 N.W.2d 81 (Minn. App. Sept. 27, 2021) (A20-1593).**

A commercial tenant may not defend against an eviction action alleging nonpayment of rent by asserting the common-law doctrines of impossibility or frustration of purpose.

***Fairmont Hous. & Redevelopment Auth. v. Winter*, 969 N.W.2d 839 (Minn. App. Nov. 22, 2021) (A21-0244).**

The eviction moratorium phaseout, 2021 Minn. Laws 1st Spec. Sess. ch. 8, art. 5, at 1381, enacted to replace and phase out the suspension by emergency executive orders of lease terminations and eviction actions during the COVID-19 pandemic, terminated the executive orders but did not extinguish rights and defenses accrued under them.

***Moore v. Comm’r of Morrison Cty. Bd. of Adjustment (In re Moore)*, 969 N.W.2d 86 (Minn. App. Dec. 13, 2021) (A21-0482).**

In 2011, the legislature amended the state’s zoning statutes, adding a list of mandatory factors for zoning authorities to consider when applying the practical difficulties standard. 2011 Minn. Laws. ch. 19, § 1, at 1; Minn. Stat. § 394.27, subd. 7 (2020). This amendment partially superseded the holdings in *In re Kenney*, 374 N.W.2d 271, 275 (Minn. 1985), and *In re Stadsvold*, 754 N.W.2d 323, 332 (Minn. 2008), which listed discretionary factors for zoning authorities to consider in the absence of a specific statutory definition of the practical difficulties standard.

***Quinn v. LMC NE Minneapolis Holdings, LLC*, 972 N.W.2d 881 (Minn. App. Apr. 4, 2022), rev. granted (Minn. June 29, 2022) (A21-1062).**

A person residing with a party to a residential lease can be an “other regular occupant,” and thus a “residential tenant” under Minn. Stat. § 504B.001, subd. 12 (2020), eligible to petition to recover possession of the dwelling unit under Minn. Stat. § 504B.375 (2020). The determination of whether a person is an “other regular occupant” depends on the totality of the circumstances of the person’s occupancy, including but not limited to such factors as the duration, continuity, and nature of the occupancy, the existence and terms of a lease or any other agreement related to the occupancy, and whether the landlord knew of or reasonably should have known of the person’s occupancy.

***In re Mayen Residual Tr.*, 974 N.W.2d 266 (Minn. App. Apr. 11, 2022), rev. granted (Minn. June 29, 2022) (A21-0829, A21-0832).**

The Minnesota Marketable Title Act applies to land dedicated by plat to public use and extinguishes any public interest in such land that is not properly recorded under the act.

***NY Props., LLC v. Schuette*, 977 N.W.2d 862 (Minn. App. June 13, 2022), rev. granted (Minn. Apr. 27, 2022) and appeal dismissed (Minn. Aug. 24, 2022) (A21-1445).**

In an eviction action filed pursuant to Minnesota Statutes chapter 504B, a tenant is entitled to a trial, like in other civil actions, when material facts are in dispute.

Remedies

***Borth v. Borth*, 970 N.W.2d 699 (Minn. App. Jan. 10, 2022) (A21-0571).**

When a harassment restraining order is sought under Minn. Stat. § 609.748 (2020) based on “harassment” involving “a single incident of nonconsensual dissemination of private sexual images under section 617.261,” proof of intent “to have a substantial adverse effect on the safety, security, or privacy of another” is not required.

***Capacity Wireless, LLC v. Bd. of Regents*, 978 N.W.2d 275 (Minn. App. July 11, 2022), *rev. denied* (Minn. Oct. 18, 2022) (A21-1611).**

1. A district court acts within its discretion by refusing to award a prevailing party its expert-witness fees under Minnesota Statutes section 549.04, subdivision 1 (2020), if the district court finds that the expert witness’s opinion was unnecessary and that the costs therefore do not support a “just and reasonable” allowance under Minnesota Statutes section 357.25 (2020).

2. The presumption that parties share the cost of mediator services under Minnesota General Rule of Practice 114.11(b) does not prevent the defendant from recovering its share of that cost under Minnesota Rule of Civil Procedure 68.03(b).

***Findling v. Grp. Health Plan, Inc.*, 979 N.W.2d 234 (Minn. App. Aug. 8, 2022), *rev. granted* (Minn. Nov. 15, 2022) (A21-1518, A21-1527, A21-1528, A21-1530).**

1. Minnesota Statutes section 8.31, subdivision 3a (2020), the private attorney general provision, does not create a private right of action under the Minnesota Health Records Act, Minnesota Statutes section 144.292, subdivision 2 (2020), for underdisclosure of health records.

2. Minnesota Statutes section 144.651 (2020), the Minnesota Health Care Bill of Rights, does not create a private right of action for underdisclosure of health records.

Torts

***Johnson v. Freborg*, 978 N.W.2d 911 (Minn. App. July 25, 2022), *rev. granted* (Minn. Oct. 18, 2022) (A21-1531).**

In this defamation case, when the totality of the circumstances are considered as required by *Maethner v. Someplace Safe, Inc.*, 929 N.W.2d 868, 881 (Minn. 2019), one party’s Facebook post accusing another of sexual assault did not involve a matter of public concern.

***Zika v. Elder Care of Minn., Inc.*, 979 N.W.2d 472 (Minn. App. Aug. 22, 2022), *rev. granted* (Minn. Nov. 23, 2022) (A21-1710).**

Under the plain language of Minn. Stat. § 524.5-313(c)(2) (2020), a private guardian is immune from liability for damages for negligently performing the guardian’s duty to provide for the care, comfort, and maintenance needs of the person subject to guardianship.

Unemployment Benefits

***Ward v. Delta Airlines*, 973 N.W.2d 649 (Minn. App. Apr. 4, 2022), rev. denied (Minn. June 21, 2022) (A21-0932).**

An employee who accepts a voluntary separation package believing that they may be subject to a layoff does not have a legally recognized good reason caused by the employer for quitting.

PART II – CRIMINAL CASES AND CASES ON RELATED SUBJECTS

Constitutional Law

***Welters v. Minn. Dep’t of Corrs.*, 968 N.W.2d 569 (Minn. App. Oct. 25, 2021), rev. granted (Minn. Jan. 18, 2022) (A20-1481).**

In cases analyzing an Eighth Amendment claim, corrections officers’ actions pertaining to the use of mechanical restraints on an inmate for purposes of a routine medical transport or procedure are evaluated under the deliberate indifference standard.

***State v. Jackson*, 968 N.W.2d 55 (Minn. App. Nov. 8, 2021), rev. granted and stayed (Minn. Jan. 18, 2022) and ord. granting rev. vacated (Minn. Sept. 20, 2022) (A21-0126).**

In the context of a speedy-trial analysis, neither the state nor the defendant is responsible for the delay in bringing a defendant to trial when that delay is solely due to public-safety concerns related to the COVID-19 pandemic.

***State v. Tate*, 969 N.W.2d 378 (Minn. App. Jan. 3, 2022), rev. granted (Minn. Mar. 15, 2022) (A21-0359).**

1. The analysis in *Maryland v. Craig*, 497 U.S. 836 (1990), applies to cases implicating a defendant’s Confrontation Clause rights when a witness testifies by two-way, live, remote video technology.

2. A generalized concern regarding the COVID-19 pandemic does not sufficiently further an important public policy so as to permit dispensing with a criminal defendant’s right to confront a witness face-to-face in court.

3. Appellant’s Confrontation Clause rights were not violated when the district court permitted a police officer to testify via two-way, live, remote video technology based upon a specific, particularized health concern.

***Minn. Democratic-Farm-Labor Party by Martin v. Simon*, 970 N.W.2d 689 (Minn. App. Jan. 3, 2022) (A21-0330, A21-0403) (see page 12 for second syllabus point for this case).**

1. A First Amendment challenge to a statute is not ripe when there is no credible threat of prosecution under that statute.

***State v. Modtland*, 970 N.W.2d 711 (Minn. App. Feb. 14, 2022), rev. granted and stayed (Minn. Apr. 27, 2022) (A21-0146).**

A district court does not violate a criminal defendant’s right to confrontation when, after considering the particular circumstances of the defendant’s trial, it requires witnesses to wear face masks while testifying to prevent the spread of COVID-19.

DWI & Implied Consent

***Mesenburg v. Comm’r of Pub. Safety*, 969 N.W.2d 642 (Minn. App. Dec. 27, 2021), rev. denied (Minn. Mar. 15, 2022) (A21-0578).**

The United States Supreme Court’s decision in *Birchfield v. North Dakota*, 579 U.S. 438 (2016), does not compel reversal of *State, Dep’t of Pub. Safety v. Junczewski*, 308 N.W.2d 316 (Minn. 1981). *Junczewski* remains controlling on the question of when an officer can request that a driver take a preliminary breath test (PBT), and an officer can request that a driver take a PBT pursuant to Minn. Stat. § 169A.41, subd. 1 (2020), if the officer has reasonable suspicion the driver was driving while impaired.

Guilty Pleas

***State v. Bell*, 971 N.W.2d 92 (Minn. App. Feb. 7, 2022), rev. denied (Minn. Apr. 27, 2022) (A21-0283).**

A parole-eligibility determination by the Minnesota Department of Corrections is a collateral consequence of a guilty plea that does not implicate the intelligence of the plea.

Juvenile Delinquency

***In re Welfare of A.J.S.*, 975 N.W.2d 134 (Minn. App. May 31, 2022) (A21-1046).**

For purposes of Minn. Stat. § 260B.007, subd. 16(c)(3) (2020), a juvenile was “found to have committed a misdemeanor, gross misdemeanor, or felony offense” when the district court accepted the juvenile’s guilty plea and found that the allegations supporting the delinquency petition were proved beyond a reasonable doubt, regardless of whether the district court later continued the case without adjudication.

Postconviction

***Husten v. Schnell*, 969 N.W.2d 851 (Minn. App. Dec. 13, 2021), rev. denied (Minn. Mar. 15, 2022) (A21-0348).**

The “favorable termination rule,” adopted by the United States Supreme Court in *Preiser v. Rodriguez*, 411 U.S. 475 (1973), and *Heck v. Humphrey*, 512 U.S. 477 (1994), applies in state court to require that an incarcerated individual obtain habeas corpus relief before pursuing claims under 42 U.S.C. § 1983, if success on those claims would necessarily demonstrate the invalidity of confinement or its duration.

Sentencing & Restitution

***State v. Cloutier*, 971 N.W.2d 743 (Minn. App. Feb. 22, 2022), rev. granted (May 17, 2022) (A21-1270).**

The state does not bear the burden of producing evidence of or proving a defendant's ability to pay restitution.

***State v. Beganovic*, 974 N.W.2d 278 (Minn. App. Apr. 11, 2022), rev. granted on other grounds (Minn. June 29, 2022) (A21-0477, A21-0480) (see page 11 for first and second syllabus points for this case).**

3. When a defendant's criminal-history score includes a partial custody-status point, the partial point must be disregarded when determining the presumptive sentence.

***Burrell v. State*, 978 N.W.2d 271 (Minn. App. July 11, 2022), rev. denied (Minn. Oct. 18, 2022) (A21-1073).**

A defendant's post-sentencing change in conduct does not authorize a postconviction court to reconsider the district court's denial of a downward-departure motion because that change in conduct does not render the appellant's sentence illegal as required by the postconviction statute, Minnesota Statutes section 590.01 (2020).

Substantive Criminal Law

***State v. Loveless*, 966 N.W.2d 493 (Minn. App. Sept. 13, 2021), rev. granted (Minn. Dec. 14, 2021) (A20-1254).**

1. Under the amelioration doctrine, the amendments to Minnesota Statutes section 152.01, subdivision 9, and section 152.22, subdivision 5a, in 2019 Minn. Laws 1st Special Session chapter 9, article 11, sections 77 and 78, which changed the definition of "marijuana," apply to a prosecution for unlawful possession of marijuana that is alleged to have occurred before the effective date of the amendments, so long as the case has not yet reached final judgment.

2. To prove beyond a reasonable doubt that a defendant is guilty of unlawful possession of marijuana in the form of leafy plant material in violation of Minnesota Statutes section 152.025, subdivision 2(1) (as amended in 2019), the state must introduce evidence that is sufficient to prove that the substance contains delta-9 tetrahydrocannabinol in a concentration greater than 0.3 percent on a dry-weight basis.

3. To prove beyond a reasonable doubt that a defendant is guilty of unlawful possession of a liquid mixture containing tetrahydrocannabinols in violation of Minnesota Statutes section 152.025, subdivision 2(1), the state must introduce evidence that is sufficient to prove that the mixture contains tetrahydrocannabinols. The state need not prove that the mixture contains delta-9 tetrahydrocannabinol in a concentration greater than 0.3 percent on a dry-weight basis.

***State v. Velisek*, 971 N.W.2d 111 (Minn. App. Feb. 7, 2022), rev. granted (Minn. App. Apr. 27, 2022) (A21-0275).**

Minnesota Statutes section 171.24, subdivision 5 (2018), which prohibits persons from operating a motor vehicle after license cancellation, does not apply to persons operating motor vehicles on private property.

***State v. Beganovic*, 974 N.W.2d 278 (Minn. App. Apr. 11, 2022), rev. granted (Minn. App. June 29, 2022) (A21-0477, A21-0480) (see page 10 for third syllabus point for this case).**

1. The word “unlawfully,” as used in the first-degree arson statute, Minnesota Statutes section 609.561, subdivision 1 (2016), is defined by reference to Minnesota Statutes section 609.564 (2016), which provides that a person who has a license, permit, or written permission from the fire department to set a fire is not guilty of arson.

2. A conviction of arson in the first degree under Minnesota Statutes section 609.561, subdivision 1, does not require the state to prove beyond a reasonable doubt that the defendant acted unlawfully.

***Douglas v. State*, 973 N.W.2d 925 (Minn. App. Apr. 18, 2022), rev. granted (Minn. App. June 29, 2022) (A21-1001).**

Material that was commercially manufactured even for a lawful purpose but has been modified to assist a shoplifter to “defeat[] an electronic article surveillance system” constitutes a “device, gear, or instrument” that was “designed” for an unlawful purpose and therefore supports a conviction under Minnesota Statutes section 609.521(b) (2016).

***In re Welfare of A.A.D.*, 977 N.W.2d 666 (Minn. App. June 13, 2022) (A21-1264).**

1. A police officer’s oral declaration to an unwelcome visitor on private property, “You’re officially trespassed,” does not meet the trespass-notice requirement of Minnesota Statutes section 609.605, subdivision 1(b)(8) (2020), which predicates a trespass violation on the alleged trespasser’s having been previously “told to leave the property and not to return.”

2. A police officer’s refused attempt to hand-deliver a written notice informing an unwelcome visitor to leave a property and not return does not satisfy the trespass-notice “told” requirement of Minnesota Statutes section 609.605, subdivision 1(b)(8).

***State v. Lampkin*, 978 N.W.2d 286 (Minn. App. July 25, 2022), rev. granted (Minn. Oct. 26, 2022) (A20-0361).**

The general self-defense authorization expressed in Minnesota Statutes section 609.06, subdivision 1(3) (2018), permits a person to use reasonable force to resist “an offense against the person” even if the offense does not involve an assault or threaten bodily harm. In a case in which a defendant claims self-defense in resisting a noninjurious offense, the district court errs by instructing the jury that the defendant could be justified in using force only to resist “an assault.”

***State v. Johnson*, 979 N.W.2d 483 (Minn. App. Aug. 29, 2022), rev. granted (Minn. Nov. 23, 2022) (A21-1360).**

In a prosecution for the false reporting of a crime under Minn. Stat. § 609.505, subd. 1 (2020), venue is proper in both the county where a false report of a crime is made and the county where a law-enforcement officer receives a false report of a crime.

***Minn. Democratic-Farm-Labor Party by Martin v. Simon*, 970 N.W.2d 689 (Minn. App. Jan. 3, 2022) (A21-0330, A21-0403) (see page 8 for first syllabus point for this case).**

2. The criminal penalties of Minnesota Statutes sections 201.014 (2020) and 204C.14 (2020), which punish unlawful voting as a felony, do not apply to voting in precinct caucuses.