STATE OF MINNESOTA
IN COURT OF APPEALS
A20-0845

State of Minnesota,
Respondent,

vs.

Paul Jonathon Lindahl,
Appellant.

Filed May 3, 2021
Affirmed
Bratvold, Judge

Scott County District Court
File No. 70-CR-17-18366

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

Ronald Hocevar, Scott County Attorney, Todd. P. Zettler, Assistant County Attorney, Shakopee, Minnesota (for respondent)

Jill A. Brisbois, The JAB firm, Minneapolis, Minnesota (for appellant)

Considered and decided by Bratvold, Presiding Judge; Bjorkman, Judge; and Bryan, Judge.

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

A jury found the appellant guilty of first-degree criminal sexual conduct and malicious punishment of a child for acts committed against his daughter, who was 12 years old at the time of trial. In his appeal from the final judgments of conviction, the appellant

argues the district court abused its discretion by (1) excluding evidence he claimed would show an alternative perpetrator, (2) limiting the scope of cross-examination of his stepson, who he asserted was the alternative perpetrator, and (3) excluding his expert witness's testimony on memory "contamination." We conclude the district court acted within its ample discretion. First, the district court excluded the proffered evidence after determining that the appellant failed to establish the necessary foundation for alternative-perpetrator evidence. Second, the district court limited the scope of the appellant's proposed cross-examination because the questions sought to circumvent the alternative-perpetrator ruling. Third, the district court properly excluded expert testimony on memory "contamination" after determining the evidence would not help the jury and was likely to be highly prejudicial and confusing. Thus, we affirm.

FACTS

Respondent State of Minnesota first charged appellant Paul Jonathon Lindahl in 2017 with assault, child endangerment, and malicious punishment of a child, but later amended the complaint after further investigation. The state ultimately proceeded to trial in 2019 on the following charges, all involving I.L., Lindahl's daughter: first-degree criminal sexual conduct, two counts of second-degree criminal sexual conduct, second-degree assault, domestic assault by strangulation, and malicious punishment of a child.

The following summarizes the evidence received at the pretrial motion hearing and during the jury trial.

Background

Lindahl and his wife, S.L., married in 2005. Lindahl has three biological children, G.L., A.L., and I.L., who were 27, 14, and 12 years old, respectively, at the time of trial. Because I.L.'s age is important to understanding the evidence, we note that she was born in August 2007. Lindahl also has a stepson, J.T., who is S.L.'s biological son and was age 22 at the time of trial. Lindahl and his family lived together in Shakopee until Lindahl and S.L. separated in 2017.

2017 dissolution and I.L.'s disclosure of abuse by Lindahl

In June 2017, Lindahl and S.L. began dissolution proceedings, during which they disagreed on custody and parenting time for their two minor children, I.L. and A.L.

On October 10, 2017, ten-year-old I.L. told her therapist that "my dad hurts me," then drew a screwdriver and labeled it "hot." The therapist testified that I.L. stated Lindahl heated the screwdriver with a blow torch and put it on her arm and forehead. I.L. said the abuse happened at Lindahl's home. The therapist examined I.L. and saw "small whitish marks on both arms and one on her forehead." The therapist reported I.L.'s statements to child protection.

Three days later, a detective and child protection worker met with I.L. at her middle school. I.L. told them that she lives with her mom because her parents are getting a divorce and that she "did not feel safe when she was at her dad's house." I.L. also told the detective and social worker that Lindahl abused her, stating that he used a "hot screwdriver and knives," usually in his garage. I.L. stated that the abuse started when she was six years old (around 2013), and her most recent injury "was a burn where it was bubbly," which

occurred three weeks earlier. The state filed initial charges against Lindahl a few days after this interview. Discovery followed, and trial was set for August 2018.

On August 14, 2018, I.L. met with the prosecuting attorney to prepare to testify. For the first time, I.L. disclosed that Lindahl had sexually abused her. At the state's request, the district court continued the trial date.

A forensic interviewer from CornerHouse met with I.L. on August 17, 2018.[1] A transcript of their conversation was received as a trial exhibit. During the interview, I.L. said, "I got abused and sexually abused since I was four." I.L. described the first time Lindahl physically abused her: she received dolls for her fourth birthday, and, when Lindahl later saw her playing with them, he "took me outside and just completely went nuts and said he was going to kill my family and started threatening me with a gun and he would load it and he would shoot it next to my head. . . . [H]e would just try to scare me." I.L. stated that Lindahl then "melted" her dolls. She also described other instances when Lindahl shot a gun at her, threatened to "squish [her] to death" in a juice compressor, abused her pets, burned her, and denied her food and water.

I.L. told the forensic interviewer that, when she was six or seven years old, Lindahl sexually abused her. He forced her give him a "hand job" twice and oral sex once. I.L. described one time where she passed out because Lindahl covered her mouth with his hand after she refused to engage in oral sex; he also put his other hand on her neck and she "felt like her neck would snap." She reported passing out and waking up two hours later.

[1] CornerHouse is a nonprofit child-abuse evaluation center.

According to I.L., Lindahl threatened to kill her and her family "if you don't stop hesitating."

Three days after the CornerHouse interview, a pediatric nurse practitioner examined I.L. and documented various marks and scars. The nurse practitioner testified that she found "what [I.L.] had said was a burn from an object that was inflicted by her dad." The state amended the complaint to include the charges submitted at trial.

Pretrial proceedings

Lindahl sought and obtained police reports about a 2014 investigation of child abuse by Lindahl against J.T., his stepson. Based on interviews in the police reports, Lindahl filed notice of an alternative-perpetrator defense and moved to admit evidence to show that J.T. had sexually abused I.L.

Both parties gave notice of expert testimony. In the months before trial, the district court conducted separate rule 702 hearings for the state's experts and for the defense expert. Lindahl asked the district court to permit his expert witness, Dr. Marie-Gabrielle Reed, to testify on six subjects. After receiving testimony from Dr. Reed at a rule 702 hearing, the district court granted Lindahl's motion in part, but excluded Dr. Reed's testimony on two subjects—abuse allegations during "high parental conflict" and memory "contamination." The district court added that Lindahl could renew his motion "depending on how the State's case goes in and depending on what the State's experts testify to." At the same pretrial hearing, the district court heard arguments about Lindahl's alternative-perpetrator evidence, along with his related request to offer reverse-*Spriegl* evidence when J.T. testified. The district court ruled that the proffered evidence about J.T.

was not admissible. After the case went to the jury, the district court issued a written decision explaining its rulings on Dr. Reed's testimony and on the alternative-perpetrator evidence.

Jury trial

At trial, the state presented ten witnesses: I.L.; her brother, A.L.; the child protection worker who interviewed I.L. in 2014; I.L.'s therapist; two of I.L.'s friends; the pediatric nurse practitioner who examined I.L.; Lindahl's stepson, J.T.; the detective who interviewed I.L. in 2017; and the forensic interviewer from CornerHouse. I.L.'s testimony tracked her CornerHouse interview.[2] I.L. also testified that she did not disclose the abuse earlier because Lindahl "told me if I told anyone he—he was going to hurt someone . . . my mom and my brothers." I.L.'s two friends testified that I.L. told them about Lindahl's physical and sexual abuse.

A.L. testified that he saw Lindahl hit I.L., saw I.L. come home with bruises, and that Lindahl beat him as well, including one incident where Lindahl beat him with a wooden bow. Stepson J.T. testified that Lindahl punished him in 2010, when he was about 13 years old, by "us[ing] the belt on [his] rear end," causing injury, and that a police investigation followed.

[2] I.L. described Lindahl telling her to go to his room and then touching "his private to my hand," and that she couldn't get her hand away "cause his hand was on top of mine." I.L. testified that when she was seven (around 2014), "[h]e told me to go in his room so I went in his room. And he tried to force my hand on to his private. He succeeded for a minute. And I got away. And I ran to the corner. And he pulled me back, and he tried to get my mouth around his private."

Lindahl presented nine witnesses: the court-appointed custody evaluator; two school nurses from I.L.'s elementary school; Lindahl's sister; Lindahl himself; Lindahl's marital-dissolution attorney; I.L.'s family doctor; and Dr. Reed. Lindahl testified that the claims against him "were fantastical." Lindahl denied physically or sexually abusing I.L. or his other children. Lindahl also testified that I.L. burned herself while cooking.

The jury found Lindahl guilty of first-degree criminal sexual conduct, two counts of second-degree criminal sexual conduct, and malicious punishment of a child. The jury acquitted Lindahl of second-degree assault and domestic assault by strangulation. The district court sentenced Lindahl to 168 months in prison for first-degree criminal sexual conduct, with a concurrent sentence of 18 months for malicious punishment of a child.

This appeal follows.

DECISION

I. The district court did not abuse its discretion by excluding evidence of J.T.'s abuse of I.L. as alternative-perpetrator evidence.

Lindahl argues that the district court's decision to exclude alternative-perpetrator evidence about J.T.'s sexual abuse of I.L. denied him his right to present a complete defense. The state argues that the district court properly excluded the alternative-perpetrator evidence because it predated Lindahl's abuse of I.L. and the proffered evidence is inadmissible hearsay.

A defendant's constitutional right to present a complete defense "includes the right to present evidence that a third party (an 'alternative perpetrator') committed the crime for which the defendant was charged." *State v. Woodard*, 942 N.W.2d 137, 141 (Minn. 2020)

(quotation omitted). This right is not absolute; it is subject to the rules of evidence "designed to assure fairness and reliability in the determination of guilt." *State v. Hannon*, 703 N.W.2d 498, 506 (Minn. 2005). "Evidentiary rulings rest within the sound discretion of the district court." *State v. Ali*, 855 N.W.2d 235, 249 (Minn. 2014). The appellate courts review a district court's denial of a motion to introduce alternative-perpetrator evidence for abuse of discretion. *Troxel v. State*, 875 N.W.2d 302, 307 (Minn. 2016).

To determine whether to admit alternative-perpetrator evidence, a district court conducts a two-step analysis: (1) whether the defendant laid a foundation for the evidence by showing that it has "an inherent tendency to connect the alleged alternative perpetrator with the actual commission of the crime"; and (2) "whether the evidence in question is admissible under the ordinary rules of evidence." *Woodard*, 942 N.W.2d at 141-42 (quotations omitted).

Here, the district court rejected Lindahl's evidence on both steps. First, the district court determined that "even if the evidence did have an inherent tendency to connect [J.T.] to *a* crime, it does not connect him to the crimes charged *here*." Second, the district court determined that Lindahl's proposed evidence "is composed almost entirely of inadmissible hearsay."

To resolve this evidentiary issue, we examine the evidence proffered by Lindahl, as described by the district court in its written memorandum. We then consider whether Lindahl provided sufficient foundation to show that J.T. was an alternative perpetrator for the crimes charged against Lindahl. Because we conclude that the district court did not abuse its discretion by determining that Lindahl's evidence fails on the first step, we need

not consider whether it satisfies the second step. *See Woodard*, 942 N.W.2d at 142-44 (declining to consider the second step when appellant failed to show an inherent tendency connecting alternative perpetrator to charged offense).

Lindahl's proposed evidence

According to the police report, in February 2014, police received a tip about child abuse in Lindahl's home and photographs of J.T.'s bruised buttocks. During the police investigation, E.O. stated that he lived at the Lindahl home from 2008 to 2013, along with Lindahl, S.L., I.L., J.T., and C.G., another family friend. E.O. told police he saw Lindahl whip J.T. E.O. also told police that he saw J.T. digitally penetrate I.L.'s vagina in 2008, when I.L. was between six months and one year old. E.O. told police he confronted J.T. in February 2010 and J.T. admitted he had "fingered" I.L. "both before and after the 2008 incident."

Police also interviewed C.G., who lived with the Lindahls, at least part-time, from 2008 to 2012. C.G. stated that J.T. gave I.L. "inappropriate" baths. While C.G. did not see any sexual contact, she asked J.T. what he had done to I.L., and he "motioned with his hands in such a way that she understood he was telling her he had put his finger inside [I.L.'s] vagina." Another family friend, C.A., also told police that J.T. admitted to touching I.L. "inappropriately," but C.A. never saw any inappropriate contact.

On April 15, 2014, the officer and a child protection worker met with I.L., who was in first grade. The child protection worker asked I.L. about "good touch—bad touch."

When "the only 'bad touch' [I.L.] disclosed was her brother, [A.L.], pinching her arm and bending her finger backward," the officer ended the investigation.[3]

Foundation analysis

To be admissible, alternative-perpetrator evidence must connect the alleged perpetrator to the offense charged against the defendant, which caselaw calls "an inherent tendency to connect the other party with the crime." *State v. Jones*, 678 N.W.2d 1, 16 (Minn. 2004). In many cases, this connection involves the time and location of the alleged crime. *See, e.g.*, *State v. Atkinson*, 774 N.W.2d 584, 590-91 (Minn. 2009) (considering time and place of murder for foundation of alternative-perpetrator evidence); *State v. Palubicki*, 700 N.W.2d 476, 486 (Minn. 2005) (determining no inherent tendency connected third party to charged crime because proposed evidence did not show third party was at or near the crime scene when it occurred).

The district court rejected Lindahl's proposed evidence because, even if the evidence was believed, J.T.'s abuse of I.L. happened *before* Lindahl's abuse of I.L. The district court found that Lindahl's evidence suggested J.T.'s abuse "concerns behavior" in the "Spring of 2011," when I.L. was about three and a half years old. But the state's evidence showed Lindahl "began physically and sexually abusing [I.L.] when she was four years old," in about August 2011 or later. The district court also found that I.L. stated Lindahl "began talking to her about sex" when she was four, "regularly spoke to her about

[3] The record lacks information about how the police concluded its investigation into Lindahl's abuse of J.T. The district court's memorandum states that the investigation "did not lead to charges or a determination of abuse."

sex" when she was six (about 2013), and "at some point" forced her to "perform multiple 'hand jobs.'" The record supports the district court's determinations. Thus, Lindahl's proposed evidence of J.T.'s sexual abuse of I.L. is not connected to Lindahl's charged offenses because all of J.T.'s alleged abuse preceded the abuse charged against Lindahl.

The district court explained that evidence of J.T.'s sexual abuse does not negate the evidence of Lindahl's abuse because "[a]t most, it demonstrates [J.T.] might have committed earlier crimes independent of the crimes [I.L.] alleges [Lindahl] committed later on" and because "[I.L.] may well have been abused by multiple people." The evidence of J.T.'s alleged abuse is also not connected to Lindahl's charged offenses by the type of conduct alleged. The district court observed that "the allegations of sexual abuse involving [J.T.] and [I.L.] are limited to digital penetration, whereas the allegations of sexual abuse involving [Lindahl] and [I.L.] include purported instances of 'hand jobs' and oral sex."[4]

Thus, the district court did not abuse its discretion by excluding Lindahl's evidence of J.T.'s alleged sexual abuse of I.L. Because we uphold the district court's determination that Lindahl's evidence did not have "an inherent tendency to connect" J.T.'s conduct to Lindahl's offenses, we do not reach the second step—whether the evidence is admissible under the ordinary rules of evidence.

[4] The district court also rejected Lindahl's reverse-*Spriegl* evidence on J.T.'s "pyromania," aggressive posts on social media, and harassment restraining order. The district court reasoned that this evidence lacked "an inherent tendency to connect [J.T.] to the physical abuse with which [Lindahl] is charged." We see no abuse of discretion.

II. The district court did not abuse its discretion by limiting the scope of J.T.'s cross-examination.

During trial, the state called J.T. to corroborate I.L.'s testimony of physical abuse by testifying about Lindahl beating him with a belt as relationship evidence under Minn. Stat. § 634.20 (2018). Lindahl's attorney sought to cross-examine J.T. about the reason for the beating and to allow Lindahl to testify that he beat J.T. for sexually abusing I.L. The district court prohibited Lindahl's attorney from cross-examining J.T. about the alleged abuse of I.L. and why the beating occurred:

> In regard to cross-examination of [J.T.], I am going to prohibit the defense from inquiry as to any other sexual molestation, experience, et cetera, of the alleged victim in this case. I don't know what [J.T.] will say in terms of . . . why it happened. I'm not sure whether the why is even relevant. . . . And then if . . . [Lindahl] decides to testify, we will revisit that piece when the time is ripe.

The prosecuting attorney followed the district court's ruling that J.T. could "say [he] was punished and that physical discipline was used."[5] Later, Lindahl chose to testify, but Lindahl's attorney did not renew his motion or ask Lindahl about why he beat J.T.

Lindahl argues on appeal that he should have been allowed to cross-examine J.T. about his abuse of I.L. to show bias, and that the district court's ruling violated his rights under the Confrontation Clause. The state argues that Lindahl's proposed

[5] The state asked J.T. five questions about his beating by Lindahl: (1) "did Mr. Lindahl punish you?"; (2) "how did he punish you?"; (3) "did you have any injuries as a result?"; (4) "did you talk to law enforcement regarding that?"; and (5) "[d]id law enforcement take photographs of your body?" The rest of the state's questions concerned laying the foundation for photographs of J.T.'s injuries that were received as exhibits.

cross-examination of J.T. "was an improper attempt to bring alternative perpetrator evidence in through the back door."

Generally, evidence of a witness's bias "for or against any party to the case is admissible." Minn. R. Evid. 616. But a district court has discretion regarding the scope of cross-examination. Minn. R. Evid. 608(b). As with other evidentiary rulings, the district court's discretionary rulings on bias evidence and on the scope of cross-examination is reviewed for clear abuse of that discretion. *State v. Tran*, 712 N.W.2d 540, 550 (Minn. 2006).

"[T]he discretionary authority of the judge to control the scope of cross-examination is limited" by the Confrontation Clause of the Sixth Amendment. *State v. Lanz-Terry*, 535 N.W.2d 635, 640 (Minn. 1995). Still, the "Confrontation Clause guarantees only an opportunity for cross-examination, not cross-examination that is effective in whatever way, and to whatever extent, the defense might wish." *Tran*, 712 N.W.2d at 551 (quotation omitted). In *Tran*, for example, the supreme court upheld the district court's decision to limit a defendant's cross-examination of police investigators because the proposed questioning, "in essence," would bring alternative-perpetrator evidence "in through the back door." *Id.* at 552. The supreme court "emphasize[d] that the alternative-perpetrator rule cannot be circumvented in this manner." *Id.*

Here, Lindahl's proposed cross-examination of J.T. is tied to his alternative-perpetrator defense. While Lindahl claims he may prove J.T.'s bias, the state argues that Lindahl has failed to articulate how his proposed cross-examination of J.T.

shows bias. We also fail to see how questioning J.T. about his alleged sexual abuse of I.L. tends to show bias against Lindahl.

The proposed cross-examination was thus only related to Lindahl's theory that J.T. was an alternative perpetrator. The district court ruled, however, that the evidence of J.T. as an alternative perpetrator was inadmissible for lack of foundation. Therefore, following the reasoning explained in *Tran*, Lindahl may not use the cross-examination of J.T. to introduce alternative-perpetrator evidence "through the back door." *Id.* at 552.

Lindahl contends, "*Tran* is different than the present case because Lindahl was not able to present sufficient relevant evidence regarding [J.T's] attitudes, feelings, and emotions related to the incident he was testifying to." But the district court did not prohibit cross-examination about J.T.'s attitudes, feelings, and emotions. The district court properly limited cross-examination by precluding questions about why Lindahl beat J.T. Therefore, the district court did not abuse its discretion when it limited the scope of J.T.'s cross-examination.

III. The district court did not err by precluding Lindahl's expert testimony on memory "contamination."

Lindahl argues that the district court abused its discretion by excluding Dr. Reed's testimony on memory "contamination," which Lindahl contends is relevant to the reliability of I.L.'s identification of him as her abuser. In its ruling after hearing Dr. Reed's testimony at the rule 702 hearing, the district court described Dr. Reed's testimony as touching on "memory contamination, suggestibility, and source monitoring" and

determined that it "would not be helpful to the jury, but would rather merely confuse them and unduly prejudice the State."[6]

An expert witness may testify in the form of an opinion or otherwise if their "scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue." Minn. R. Evid. 702. "The ultimate question of admissibility under Rule 702 is whether the expert's testimony will help the jury evaluate evidence or resolve factual issues." *State v. Vang*, 774 N.W.2d 566, 576 (Minn. 2009) (quotation omitted). The appellate courts review a district court's ruling on the admissibility of expert testimony for abuse of discretion. *State v. Thao*, 875 N.W.2d 834, 840 (Minn. 2016).

"Expert testimony is not helpful if the expert opinion is within the knowledge and experience of a lay jury and the testimony of the expert will not add precision or depth to the jury's ability to reach conclusions." *State v. Garland*, 942 N.W.2d 732, 746 (Minn. 2020) (quotation omitted). Even if the helpfulness requirement is met, a district court may exclude expert testimony if its probative value is substantially outweighed by the danger of unfair prejudice or confusion. Minn. R. Evid. 403.

"As a general rule, expert testimony regarding the truth or falsity of a witness' allegations is not admissible." *State v. Erickson*, 454 N.W.2d 624, 628 (Minn. App. 1990), *review denied* (Minn. May 23, 1990). But expert testimony on memory may be appropriate

[6] We note that the district court also found that Dr. Reed's proposed testimony lacked foundational reliability, a point Lindahl challenges on appeal. But because we affirm excluding the evidence on other grounds, we do not reach this argument.

in some circumstances. *See State v. Obeta*, 796 N.W.2d 282, 288 n. 5 (Minn. 2011) (discussing expert testimony on "effects of trauma on memory" of sexual-assault survivor). Courts must balance "the need for expert evidence against interference with the exclusive function of the jury to determine witness credibility." *Erickson*, 454 N.W.2d at 628.

The question here is whether Dr. Reed's proposed testimony on memory "contamination" is "within the knowledge and experience of a lay jury." *Garland*, 942 N.W.2d at 746 (quotation omitted). The district court determined that "Dr. Reed's testimony would not address child sex abuse characteristics specifically . . . but rather generally applicable principles. . . . [M]ost jurors do understand that memory is imperfect and is impacted by a wide variety of experiences."

Lindahl argues that "Dr. Reed would have informed the jury that people's memories are not pure or intact and a variety of factors impact a child's ability to accurately recall memories." At the pretrial hearing, the state asked Dr. Reed to clarify the basis for her proposed testimony and Dr. Reed responded:

> A: I think you just have to think about people and how we—including ourselves, how we all think that we remember things when we may not.
>
> Q: So do you think that's common sense that everyone knows that?
> A: That—no. I think that everyone sort of assumes that memory is pure and intact pretty much; you know, that—that we can retrieve exactly what happened, that essentially memory works likes a video recorder when it is not the case, especially when there's high intensity of emotion or trauma.

In sum, Lindahl contends that Dr. Reed's testimony would have addressed aspects of memory that are outside the jury's experience. We disagree for two reasons.

First, Dr. Reed's proposed testimony would have merely cast doubt on I.L.'s credibility without augmenting the jury's understanding of memory. Lindahl claims that Dr. Reed's proposed testimony would have helped the jury determine I.L.'s credibility. But the risk that expert testimony will interfere with the jury's responsibility is highest when an expert addresses witness credibility. *See Erickson*, 454 N.W.2d at 628. At best, Dr. Reed's proposed testimony would have reminded jurors that children's memories are more malleable than adults' memories. The district court did not abuse its discretion by concluding that this is something within the jury's common knowledge; therefore, Dr. Reed's proposed expert testimony would not have been helpful. *See Garland*, 942 N.W.2d at 746.

Second, even if we assume that Dr. Reed's proposed testimony would have helped the jury, the district court also determined that Dr. Reed's proposed testimony would "confuse [the jury] and unduly prejudice the state." The district court reasoned that Dr. Reed's proposed testimony "would likely mislead the jury about the individualized facts of the instant case. Any probative value of this information (which, as discussed above, is low) is substantially outweighed by the danger that the jury will mistake Dr. Reed's testimony as direct commentary on [I.L.'s] credibility."

A district court "may exclude [expert] testimony based on Minn. R. Evid. 403. The probative value of the testimony should be weighed against the danger of unfair prejudice, confusion, or misleading the jury." *Erickson*, 454 N.W.2d at 627 (citation omitted). Here, the district court considered the probative value of the proffered testimony and decided it

was outweighed by the danger of prejudice and confusion. We discern no abuse of discretion in the district court's reasoning under rule 403.

Lindahl also argues that the district court's analysis overlooked that Dr. Reed's testimony would have rebutted the state's evidence, through the forensic interviewer's testimony, that I.L.'s "delay in reporting and underlying reasons for this delay were normal for sexual abuse victims." The CornerHouse forensic interviewer testified that a child's disclosure of abuse is "not a one-time event . . . they often report small pieces at a time when they're in a . . . safe place to do so." She testified that children may take "days, weeks, months, years to make the disclosure." She testified to specific mechanisms of disclosure—drawing, speaking, behavioral changes—and the normalcy of delayed reporting.

We are not convinced by Lindahl's argument because he fails to consider that Dr. Reed was permitted to and did testify to topics related to the forensic interviewer's testimony, as permitted by the district court's pretrial ruling. Dr. Reed was permitted to testify about "the disclosure process for potentially sexually abused children," the "best practices for forensic interviewing" and their impact on the accuracy of the information gathered, and how the investigation process can have an "impact on a child's memory generally; and how the practices used in this case may have impacted [I.L.'s] memory specifically."

In fact, the jury heard Dr. Reed testify that a "child may not remember a lot of what happened and a lot of the details. And the child may provide information about things that did not happen. So I think it's, you know, a lack of accuracy." Dr. Reed testified about

"whether the existence of threats impact whether or not a child makes allegations of abuse." She testified that experts "know from research on children's memory that children and adults add details of things that were not there in the first place," and explained that "repeated interviews are problematic because they affect the memory of the original events for many reasons."

Indeed, Dr. Reed even testified about memory "contamination" during direct examination:

> I think it increases the likelihood that any child would, in a way, have multiple factors *contaminating their memory*. There's *contamination* from repeated stories or new—perhaps new memories that get, you know, mixed with old memories and also maybe memories of dreams or conversations with people.
>
> So this becomes sort of a—there's almost like a snowball effect. So we start with one set of allegations. And then the like—there's a likelihood that, you know, the story gets bigger and bigger as we go for many different reasons. And that does not necessarily include facts.

(Emphasis added.) While Dr. Reed was not allowed to testify that I.L.'s memory was "contaminated" as Lindahl would have preferred, Dr. Reed provided the jury with evidence to evaluate the reliability of I.L.'s testimony and rebutted the forensic interviewer's testimony about delayed reporting.

Even if we assume that the district court abused its discretion by excluding Dr. Reed's proposed testimony, the error was harmless. Any error in excluding expert testimony is subject to a harmless-error analysis. *State v. Bird*, 734 N.W.2d 664, 672 (Minn. 2007). "An error is harmless if there is no reasonable possibility that it substantially

influenced the jury's decision." *State v. Taylor*, 869 N.W.2d 1, 14 (Minn. 2015) (quotation omitted).

We conclude that any error in limiting Dr. Reed's testimony was harmless for two reasons. First, as discussed above, Dr. Reed was permitted to and did testify about memory "contamination" and related topics to rebut the state's evidence. Second, the state presented a strong case against Lindahl so that, together with I.L.'s testimony, there is no reasonable possibility that the admission of Dr. Reed's proposed testimony would have affected the guilty verdict.

I.L. testified about Lindahl's physical and sexual abuse and had physical scars from Lindahl burning her. I.L.'s brother, A.L., testified that he saw Lindahl hit I.L., saw I.L. come home with bruises, and that he had been assaulted by Lindahl as well, including one incident where Lindahl beat him with an archery bow. Two of I.L.'s friends testified that I.L. told them about Lindahl's physical and sexual abuse after it occurred. I.L.'s therapist, the forensic interviewer, child protection workers, the pediatric nurse, and police detectives also offered evidence corroborating I.L.'s testimony. For these reasons, any error in excluding Dr. Reed's proposed testimony was harmless.[7]

[7] Lindahl also argues that the trial process did not provide him with sufficient safeguards to address I.L.'s unreliable identification. We disagree. In *State v. Mosley*, the supreme court explained that the trial process includes safeguards that "alleviate the need to *require* district courts to admit expert testimony" on eyewitness reliability. 853 N.W.2d 789, 799 (Minn. 2014). The supreme court listed these safeguards, which include effective cross-examination of the identifying witness, closing arguments, and jury instructions relevant to evaluating eyewitness testimony. *Id.* Although Lindahl is not challenging eyewitness identification, he is challenging I.L.'s identification of him as her abuser. We agree with the district court that the same safeguards identified in *Mosely* apply to Lindahl because he "can cross-examine [I.L.] and elicit testimony about [I.L.'s] possible bias

IV. There are no errors to accumulate.

Lindahl argues that "[t]he cumulative effect of the errors in this case deprived [him] of a fair trial." "When considering a claim of cumulative error, we look to the egregiousness of the errors and the strength of the State's case." *State v. Williams*, 908 N.W.2d 362, 366 (Minn. 2018) (quotation omitted). Because we discern no error in the district court's rulings, there are no errors to accumulate. Additionally, as explained above, the state submitted strong evidence of Lindahl's guilt.

Affirmed.

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arising from the divorce. [Lindahl] can request the cautionary instruction on eyewitness testimony and address the instruction, along with all the other issues raised, in his closing arguments." Thus, the trial process included substantial protections to ensure that Lindahl received a fair trial.