STATE OF MINNESOTA
IN COURT OF APPEALS
A23-1881

State of Minnesota,
Respondent,

vs.

Aren Franc Hatton,
Appellant.

Filed April 21, 2025
Reversed and remanded; motion denied
Slieter, Judge

Lincoln County District Court
File No. 41-CR-23-13

Keith Ellison, Attorney General, Thomas R. Ragatz, Assistant Attorney General, St. Paul, Minnesota; and

Glen Petersen, Lincoln County Attorney, Tyler, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Stacy L. Bettison, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Slieter, Presiding Judge; Cochran, Judge; and Larson, Judge.

NONPRECEDENTIAL OPINION

SLIETER, Judge

This direct appeal from convictions of criminal sexual conduct and kidnapping was stayed to allow appellant to pursue postconviction relief in district court where he raised a *Brady* claim.[1] Appellant argues that the district court abused its discretion by denying postconviction relief without an evidentiary hearing. Alternatively, appellant argues that his kidnapping conviction must be reversed for insufficient evidence, claiming that the requisite confinement was incidental to the underlying criminal-sexual-conduct offense. Finally, appellant argues that he is entitled to a new trial because the district court abused its discretion by admitting evidence of a syringe that was found in appellant's home two days after the incident, which field-tested positive for methamphetamine.

We first conclude that the evidence is insufficient to support appellant's kidnapping conviction because it was incidental to the criminal-sexual-assault offense. We therefore reverse the kidnapping conviction and remand to the district court with instructions to vacate that conviction and sentence. We next conclude that the district court abused its discretion by admitting unfairly prejudicial evidence involving the syringe that field-tested positive for methamphetamine, which had a significant effect on the verdict. Therefore, we reverse the third-degree criminal-sexual-conduct conviction and remand to the district court for a new trial on that count. Finally, because we reverse appellant's convictions and

[1] A *Brady* claim involves the state's failure to disclose exculpatory evidence. *Brady v. Maryland*, 373 U.S. 83 (1963).

remand for a new trial, we do not consider whether the district court abused its discretion by summarily denying appellant's postconviction petition alleging a *Brady* violation.

FACTS

In January 2023, respondent State of Minnesota charged appellant Aren Franc Hatton with four counts of criminal sexual conduct in violation of Minn. Stat. §§ 609.342, subd. 1(c)(i) (first-degree), .343, subd. 1(c)(i) (second-degree), .344, subd. 1(a) (third-degree), .345, subd. 1(a) (fourth-degree) (2022), and one count of kidnapping in violation of Minn. Stat. § 609.25, subd. 1(2) (2022). The case proceeded to a two-day jury trial in July 2023. The jury heard testimony from the victim J.P., J.P.'s sister, responding officers, Hatton's wife, and Hatton. Ten exhibits were received into evidence.

During trial, J.P. testified that she was previously in a romantic relationship with Hatton, and, on January 18, 2023, she asked Hatton to come over to snowblow her driveway. Hatton went to J.P.'s home and told her that they needed to talk. J.P. let Hatton inside and he began to pace, which made her think that he "was under the influence of something." J.P. was sitting on the couch, and Hatton told her to "get your f------ a-- in this bedroom right now." J.P. testified that she did not want to go into the bedroom, but Hatton "grabbed [her] wrist and then pulled [her] up off the couch [and] . . . into the bedroom." Over the course of approximately four hours, Hatton sexually penetrated J.P. J.P. testified that Hatton pushed her back onto the bed every time she tried to leave.

Sometime later, a relative of J.P.'s reported the incident to law enforcement. On January 19, an officer interviewed J.P. regarding the incident and drove her to a medical center for a sexual-assault examination. The same officer also interviewed Hatton about

the incident. When asked whether the officer was "familiar with Mr. Hatton prior to January 19th," the officer indicated that he was.

On January 20, two days after the incident, the officer went to Hatton's home with a drug-task-force officer. The officer asked Hatton's wife for permission to search the home. Hatton's wife consented to the search. The officer testified that they "were looking for drug paraphernalia." A syringe was located during the search, which field-tested positive for methamphetamine. A photo of the syringe was received into evidence over Hatton's objection. Three additional photos, depicting where the syringe was located, were also received into evidence.

The jury found Hatton guilty of third-degree criminal sexual conduct and kidnapping and not guilty of first-, second-, and fourth-degree criminal sexual conduct. The district court subsequently entered convictions on both counts. On the third-degree criminal-sexual-conduct conviction, the district court imposed an executed sentence of 180 months' imprisonment. On the kidnapping conviction, the district court imposed a concurrent sentence of 60 months' imprisonment.

Hatton appealed and then moved to stay the appeal to seek postconviction relief. This court granted Hatton's motion to stay the appeal. Hatton petitioned for postconviction relief, claiming that the state withheld evidence favorable to the defense. The district court denied Hatton's petition without an evidentiary hearing. This court dissolved the stay of Hatton's appeal.

DECISION

I. The evidence is insufficient to support the kidnapping conviction.

"When a sufficiency-of-the-evidence claim turns on the meaning of the statute under which a defendant has been convicted, [appellate courts] are presented with a question of statutory interpretation that [they] review de novo." *State v. Henderson*, 907 N.W.2d 623, 625 (Minn. 2018). "Under the de novo standard, we do not defer to the analysis of the [district court], but instead we exercise independent review." *Wheeler v. State*, 909 N.W.2d 558, 563 (Minn. 2018). "After deciding the meaning of the statute, [appellate courts] apply that meaning to the facts to determine whether there is sufficient evidence to sustain the conviction." *State v. Bradley*, 4 N.W.3d 105, 109 (Minn. 2024).

A defendant is guilty of kidnapping if the defendant "confines or removes from one place to another, any person without the person's consent . . . to facilitate commission of any felony or flight thereafter." Minn. Stat. § 609.25, subd. 1 (2022). But if "the confinement or removal of the victim is completely incidental to the perpetration of a separate felony, it does not constitute kidnapping." *State v. Smith*, 669 N.W.2d 19, 32 (Minn. 2003), *overruled on other grounds by State v. Leake*, 699 N.W.2d 312 (Minn. 2005).

Hatton argues that there is insufficient evidence to support his kidnapping conviction because the confinement and removal of J.P. was incidental to the underlying criminal-sexual-conduct offense. Specifically, he claims that the evidence proves that J.P.'s "removal and confinement occurred simultaneously to the underlying offense." Respondent does not claim that pulling J.P. off the couch and into the bedroom constitutes

kidnapping but, instead, argues that Hatton kidnapped J.P. by confining her to the bedroom for approximately four hours.

Two Minnesota Supreme Court cases inform our analysis. In *Smith*, the supreme court considered whether there was sufficient evidence to support a separate kidnapping-related murder conviction. 669 N.W.2d at 32. The court determined that there was insufficient evidence to support the conviction because the victim "was confined only momentarily" after the attack was underway. *Id.* at 32-33 ("The momentary blocking of the doorway was completely incidental to the murder for which appellant was convicted and, therefore, we conclude that there is insufficient evidence of confinement to support appellant's conviction for first-degree murder while committing kidnapping.").

In *State v. Welch*, the supreme court considered whether there was sufficient evidence to support a kidnapping conviction when the victim was confined during an attempted sexual assault. 675 N.W.2d 615, 620 (Minn. 2004). The court reversed the kidnapping conviction, concluding that the confinement that formed the basis of the kidnapping conviction—the defendant throwing the victim to the ground and restraining her hands—was "the very force and coercion that supports the attempted second-degree criminal sexual conduct conviction." *Id.*

Whether J.P.'s confinement was incidental to the underlying criminal-sexual-conduct offense is a close question. Here, the evidence of confinement includes J.P.'s testimony that Hatton would not let her leave the bedroom for over four hours. But J.P. also testified that Hatton engaged in several acts of sexual penetration during that time. We acknowledge that the confinement in this case was significantly

longer than the momentary confinement in *Smith*, 669 N.W.2d at 23, but the length of time is not determinative under *Smith*. 669 N.W.2d at 32. Rather, the question is whether "the confinement or removal of the victim is completely incidental" to a separate felony. If so, then "it does not constitute kidnapping." *Id.* Here, the evidence demonstrates that J.P.'s confinement was "completely incidental" because it occurred after the offense started, and Hatton continued penetrating J.P. during her confinement. *Id.*; *see also Welch*, 675 N.W.2d at 617 (involving restraining a victim immediately before attempting sexual assault). Based on these facts, Hatton's act of confining J.P.—preventing J.P. from leaving the bedroom—occurred during the commission of the underlying criminal-sexual conduct for which Hatton was tried. Because the confinement was incidental to the criminal-sexual-conduct offense, we conclude that the evidence is insufficient to support Hatton's kidnapping conviction. We therefore reverse Hatton's kidnapping conviction and remand to the district court with instructions to vacate that conviction and sentence.

II. The district court abused its discretion by admitting the evidence of a syringe that field-tested positive for methamphetamine, which significantly affected the verdict.

"Evidentiary rulings rest within the sound discretion of the district court, and we will not reverse an evidentiary ruling absent a clear abuse of discretion." *State v. Ali*, 855 N.W.2d 235, 249 (Minn. 2014). Hatton made a timely objection to the syringe evidence and therefore the harmless-error standard applies. *State v. Peltier*, 874 N.W.2d 792, 802 (Minn. 2016). "Under the harmless-error standard, an appellant who alleges an error in the admission of evidence that does not implicate a constitutional right must prove that there is a reasonable possibility that the wrongfully admitted evidence significantly affected the

verdict." *Id.* (discussing factors courts consider when determining whether wrongfully admitted evidence significantly affected the verdict) (quotation omitted).

Hatton argues that the district court abused its discretion by admitting evidence of a syringe found at his home two days after the incident. We agree.

Relevant evidence is generally admissible. Minn. R. Evid. 402. Evidence is relevant if it has "any tendency" to make the existence of any material fact more or less probable. Minn. R. Evid. 401. This is a low bar requiring only that evidence assist, even if remotely so, the fact-finder in resolving the ultimate issue. *State v. Swinger*, 800 N.W.2d 833, 839 (Minn. App. 2011), *rev. denied* (Minn. Sept. 28, 2011). Evidence is inadmissible if it is not relevant, Minn. R. Evid. 402, or if it is confusing, misleading, or unfairly prejudicial, Minn. R. Evid. 403.

During trial, J.P. provided minimal testimony suggesting Hatton was under the influence.

> PROSECUTOR: Okay. All right. So, you unlocked the door and then what happened after?
> WITNESS: Then he came in.
>
> PROSECUTOR: He came in. What did you observe about him when he first came into your home?
> WITNESS: He seemed like he was under the influence of something.
>
> PROSECUTOR: Why would you say that?
> WITNESS: Because he was pacing back and forth.
>
> PROSECUTOR: Okay.

Fifteen pages of direct examination of J.P. followed with no additional reference to Hatton being under the influence and there was no further reference to it during defense counsel's cross-examination.

Later, during the state's direct examination of the officer, the state sought to introduce evidence of a syringe found at Hatton's home two days after the incident, claiming that the evidence is relevant because it bolster's J.P.'s credibility by supporting her testimony that Hatton was "under the influence when he came to her house . . . and the [syringe that field-tested positive for methamphetamine] indicates that [he] has access to methamphetamine supports her story . . . ." Hatton objected, arguing that a syringe found two days after the incident is not relevant because it says nothing about the sexual-assault incident. The district court overruled Hatton's objection without explanation and allowed the state to present the evidence during the direct testimony of the officer. During Hatton's subsequent testimony he admitted to the use of methamphetamine. Hatton's wife also testified that Hatton uses methamphetamine. However, Hatton testified that he did not use it prior to the sexual-assault incident and his wife testified that Hatton did not appear to be under the influence when she saw him later that day.

The syringe evidence tends to prove that Hatton uses methamphetamine and does so intravenously. But whether Hatton uses methamphetamine is not material to whether he committed the offenses for which he was charged. *See* Minn. R. Evid. 401 (asserting that evidence is relevant if it supports a material fact); *see also State v. Lubenow*, 310 N.W.2d 52, 56 (Minn. 1981) (determining that evidence was not relevant and noting that

"[t]here was no showing that the [evidence] w[as] in any way connected with the crime . . . .").

Moreover, even if we assume the syringe evidence has some relevance, "[relevant] evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." Minn. R. Evid. 403.

Respondent asserts that the syringe evidence is probative of J.P.'s credibility and there is no risk of unfair prejudice because Hatton admitted to using methamphetamine.[2] We disagree.

Because the syringe evidence tends to prove only that Hatton uses methamphetamine, which is not related to any element of the charged offenses, its probative value is substantially outweighed by the risk of unfair prejudice and could have confused or mislead the jury. *Cf. State v. Ness*, 707 N.W.2d 676, 689 (Minn. 2006) (determining that probative value of *Spreigl* evidence was outweighed by the risk of unfair prejudice because it was not relevant or needed to strengthen an element of the charged offense). We therefore conclude that the district court abused its discretion by admitting the syringe evidence.

[2] Respondent also argues that no unfair prejudice exists because the jury already heard testimony that Hatton has four prior felonies. Hatton's prior felony convictions were admitted under Minn. R. Evid. 609(a), which allows evidence of prior convictions to be admitted to attack the credibility of a witness, here, Hatton. Therefore, this evidence is not probative of J.P.'s credibility. Because evidence of Hatton's prior convictions cannot be used to bolster another witness's credibility, we do not factor it into our analysis.

Having determined that the evidence was wrongfully admitted, we next consider whether it significantly affected the verdict. *Peltier*, 874 N.W.2d at 802. In deciding what effect the erroneously admitted evidence had on the verdict, the reviewing court considers "[n]on-exclusive factors . . . includ[ing]: (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." *State v. Bigbear*, 10 N.W.3d 48, 54 (Minn. 2024) (quotation omitted).

The state offered direct testimony of an officer stating that he and a drug-task-force officer located the syringe that field-tested positive for methamphetamine. This evidence depicts Hatton as a drug user. And four of the ten trial exhibits relate to the evidence of the syringe and the area of the basement where it was found. The evidence was highly persuasive because it shows that Hatton uses methamphetamine intravenously.

At the beginning of its closing argument, the state informed the jury that "we did learn during Mr. Hatton's testimony that he was a user of methamphetamine, because he admitted to using methamphetamine and a syringe that field-tested positive for methamphetamine was found . . . in the basement of his home; and there is a photograph of that that you will see in your deliberations." Respondent claims that Hatton effectively countered the evidence because he testified that the syringe was his and that he used methamphetamine. But we are confident that Hatton would not have testified about his methamphetamine use if the evidence had not been admitted into evidence over his

objection. To say it another way, Hatton's admission did not *counter* the prejudicial evidence, it *confirmed* it.

Balancing the foregoing factors, we conclude that there is a reasonable probability that the wrongfully admitted evidence of a syringe that field-tested positive for methamphetamine significantly affected the verdict. We therefore reverse Hatton's third-degree criminal-sexual-conduct conviction and remand for a new trial on that count.[3]

Reversed and remanded; motion denied.

[3] Hatton's postconviction claim of a purported *Brady* violation related only to his third-degree criminal-sexual-conduct conviction. Because we reverse his third-degree criminal-sexual-conduct conviction and remand for a new trial on that count, we do not address that issue. As a result, we deny Hatton's motion to strike the corresponding supplemental record as unnecessary.