

**A15-1650** State of Minnesota, Respondent, vs. Alfredo Concepcion, Appellant.  
Affirmed. Judge Francis J. Connolly.  
Ramsey County District Court, Hon. Judge Diane R. Alshouse.

Appellant challenges his conviction of criminal sexual conduct, arguing that the district court abused its discretion by not removing two jurors, by admitting Spreigl evidence of a 2006 crime, and by excluding evidence that men who shared a house with appellant and the victim were convicted sex offenders. Because we see no abuse of discretion in the decisions of the district court under applicable law, we affirm.

**A15-1880** State of Minnesota, Respondent, vs. Morrell Grant, Appellant.  
Affirmed. Judge Larry B. Stauber, Jr.  
Ramsey County District Court, Hon. Judith M. Tilsen.

On appeal from his conviction of one count of identity theft, appellant argues that (1) his guilty plea must be vacated and his conviction reversed because the factual basis was insufficient and (2) the district court erred and violated his due-process rights by ordering him to pay restitution when there was no evidence that the victims suffered any loss, most of the victims did not request restitution, and some of the victims specifically stated that they did not want restitution. We affirm.

**A15-1897** State of Minnesota, Respondent, vs. Joseph Benjamin Klanderud, Appellant.  
Affirmed in part, reversed in part, and remanded. Judge Larry B. Stauber, Jr.  
Isanti County District Court, Hon. Judge Amy R. Brosnahan.

On appeal from his convictions of two counts of first-degree criminal sexual conduct, appellant argues that the district court erred by (1) convicting and sentencing him on both counts because they arose from the same behavioral incident and (2) imposing a lifetime conditional-release term. We affirm in part because the two offenses did not arise out of the same behavioral incident. But we reverse in part and remand because the district court erred by imposing a lifetime conditional-release term

**A15-1811** State of Minnesota, Respondent, vs. Joel Thomas Samuelson, Appellant.  
Affirmed. Judge Matthew E. Johnson.  
Kandiyohi County District Court, Hon. Judge Jennifer Fischer.

Joel Thomas Samuelson was found guilty of violating a harassment restraining order. On appeal, he argues that his conviction should be reversed on the ground that the harassment restraining order violated his constitutional right to travel. We conclude that Samuelson is precluded from challenging the constitutionality of the harassment restraining order in this criminal case. Therefore, we affirm.

**A15-1523** State of Minnesota, Respondent, vs. Daniel Joel Spiegel, Appellant.

Reversed and remanded. Judge Peter M. Reyes, Jr.

Hennepin County District Court, Hon. Judge Hilary L. Caligiuri.

On appeal from his convictions of second-degree assault with a dangerous weapon and terroristic threats, appellant argues that the district court committed reversible error by excluding evidence of a prior false allegation made by the complainant and that the ruling deprived him of his right to present a complete defense. We reverse and remand.

**A16-0502** Tyler Lee Johnson, petitioner, Respondent, vs. Commissioner of Public Safety, Appellant.

Chisago County District Court, Hon. Robert G. Rancourt.

1. A challenge to the accuracy of an implied-consent advisory is analyzed under the Due Process Clause, consistent with Minnesota precedent.

2. An implied-consent advisory violates due process when it misinforms a driver that refusal to submit to a urine test is a crime when a test-refusal charge would be unconstitutional.

Affirmed. Judge Michelle A. Larkin.

**A15-1651** State of Minnesota, Respondent, vs. Eric Jason Yankovec, Appellant.

Reversed and remanded. Judge Larry B. Stauber, Jr.

Hennepin County District Court, Hon. Kathryn L. Quaintance.

Appellant, who was convicted of three firearm offenses following the search of his storage unit, argues that the warrant authorizing the search was issued without probable cause. Because the contents of the warrant application did not establish a sufficient nexus between earlier criminal activity involving appellant at another location and appellant's storage unit, the warrant to search the storage unit was issued without probable cause. We therefore reverse and remand.

**A16-0923** State of Minnesota, Respondent, vs. Christopher Robert Politano, Appellant.

Reversed and remanded. Judge Carol A. Hooten.

Hennepin County District Court, Hon. Luis Bartolomei.

In this appeal of the denial of his motion to correct an unlawful sentence, appellant argues that the district court erred by treating his motion as an untimely petition for postconviction relief barred by the statute of limitations. We reverse and remand.

**A16-0355** In the Matter of the Welfare of: S. L. S., Child.

Affirmed in part, reversed in part, and remanded. Judge Kevin G. Ross.

Hennepin County District Court, Hon. Herbert P. Lefler.

Juvenile S.L.S. pleaded guilty to third-degree criminal sexual conduct for sexually molesting an 11-year-old girl, and the parties agreed that the district court would stay his adjudication if he succeeded in sex-offender treatment. After S.L.S. failed the outpatient

treatment program, the district court adjudicated him delinquent and ordered him to participate in long-term residential treatment. S.L.S. appeals, challenging the validity of his plea, the adjudication and disposition, the district court's denial of his motion to withdraw his plea, and the efficacy of his counsel. Because S.L.S.'s plea was knowing and intelligent, and because the district court did not abuse its discretion by adjudicating him delinquent or denying his plea-withdrawal motion, we affirm in part. But the parties both agree, accurately, that the district court did not make the necessary findings supporting its disposition. We therefore reverse in part and remand. We decline to address S.L.S.'s claim of ineffective assistance of counsel.

**A16-0666** State of Minnesota, Appellant, vs. Creighton Thomas Penn, Respondent.  
Reversed and remanded. Judge Tracy M. Smith.  
Hennepin County District Court, Hon. Tamara G. Garcia.

The state appeals the district court's pretrial order suppressing all evidence obtained as a result of a traffic stop. The district court concluded that the trooper lacked reasonable suspicion to justify the stop when the trooper heard squealing tires and observed a pickup truck nearly crash into the car ahead of it on a freeway. Because the district court erred in concluding that the trooper lacked reasonable suspicion, we reverse and remand.

**A15-1988** State of Minnesota, Respondent, vs. Dimitri Devonte Harrell, Appellant.  
Affirmed. Judge Renee L. Worke.  
Ramsey County District Court, Hon. Jeffrey Bryan.

Appellant challenges his second-degree murder sentence, arguing that the district court abused its discretion by failing to consider mitigating factors and denying his motion for a downward durational departure. We affirm.

**A15-0345** State of Minnesota, Respondent, vs. Diamond Lee Jamal Griffin, Appellant.  
Hennepin County.

1. Even if the district court erred in admitting *Spreigl* evidence, there is no reasonable possibility that the evidence significantly affected the verdict.
2. The district court did not abuse its discretion when it denied appellant's motion for a mistrial.
3. The State presented evidence sufficient to prove beyond a reasonable doubt that appellant intentionally shot and killed the victim.
4. None of the claims in appellant's pro se brief have merit.

Affirmed. Justice Natalie E. Hudson.

Concurring, Justice David R. Stras.

Took no part, Justices Margaret H. Chutich and Anne K. McKeig.

**A15-1461** State of Minnesota, Respondent, vs. Kristyn Nicole Schouweiler, Appellant.

Court of Appeals.

1. The exception in the dishonored-check statute for “a check given for a past consideration,” Minn. Stat. § 609.535, subd. 5 (2014), applies to any check given for goods or services received in the past.

2. A check is issued for “a past consideration,” Minn. Stat. § 609.535, subd. 5, when the issuer received any goods or services in the past, even if some goods and services will be received in the future.

Reversed. Justice Margaret H. Chutich.

Dissenting, Chief Justice Lorie S. Gildea.

Took no part, Justice Anne K. McKeig.

**A15-2061** State of Minnesota, Respondent, vs. Lue Yang, Appellant.  
Hennepin County District Court, Hon. Judge Hilary L. Caligiuri.

A BB gun that is powered by compressed air is not a "firearm," as that term is used in section 624.713, subdivision 1, of the Minnesota Statutes.

Reversed. Judge Matthew E. Johnson.