



December Supreme Court and Appellate Court Published Decisions

Appellate Court

A17-0915 In re the Marriage of: Dmitri M. Medvedovski, petitioner, Appellant, vs. Nadezhda Ivanovna Medvedovski, Respondent.

Hennepin County District Court, Hon. Edward Thomas Wahl.

Appellant-father challenges the district court's denial of his custody-modification motion, arguing that the court abused its discretion by ruling on his motion without an evidentiary hearing. This case has a tortured history that involves extensive litigation and court involvement regarding abuse allegations. Because father's motion is procedurally barred under Minn. Stat. § 518.18(b) (2016), we affirm.

Affirmed. Judge Heidi S. Schellhas.

A17-0012 State of Minnesota, Respondent, vs. Christopher Michael Sam, Appellant.

Mille Lacs County District Court, Hon. Sarah E. Hennesy.

A district court does not err by instructing the jury that it should not draw any adverse inference from a defendant's decision not to testify where the instruction is requested by defense counsel and, because the defendant is voluntarily absent from trial, his personal consent is not obtained on the record. Appellant Christopher Sam challenges his conviction of second-degree assault, arguing that the district court erred by giving a no-adverse-inference jury instruction without obtaining his personal consent on the record. At trial, appellant's attorney requested the instruction on behalf of appellant, who was voluntarily absent on the final day of trial. We affirm.

Affirmed. Judge John R. Rodenberg.

A16-1489 State of Minnesota, Respondent, v. Christopher Lee Holloway, Appellant.

Olmsted County District Court, Hon. Joseph F. Chase.

The mother of a 14-year-old boy called police after she found 44-year-old stranger Christopher Holloway naked in bed with her son. The district court prohibited Holloway from raising the mistake-of-age affirmative defense against the consequent criminal sexual-conduct charges because Minnesota law allows the defense only for a defendant who is no more than 120 months older than his victim. Holloway

challenges the constitutionality of this limitation, arguing that it violates his substantive due process and equal protection rights. We affirm his conviction because the legislature was not required to make knowledge of the child's age an element of statutory rape and the 120-month window is rationally related to the legitimate objective of most vigorously protecting younger children from sexual abuse.

Affirmed. Judge Kevin G. Ross.

Supreme Court

A17-0404 Tracy Alan Zornes, Appellant, vs. State of Minnesota, Respondent.

Clay County.

In this case involving first-degree murder, appellant Tracy Alan Zornes appeals from the denial of his second petition for postconviction relief. At issue is whether the postconviction court abused its discretion when it denied the petition without holding an evidentiary hearing. Because the court properly exercised its discretion, we affirm.

Affirmed. Justice Margaret H. Chutich.

A15-1701 State of Minnesota, Respondent, vs. Juanel Anthony Mikulak, Appellant.

Court of Appeals

Appellant Juanel Anthony Mikulak pleaded guilty to the offense of knowingly violating a provision of the predatory offender registration statute. As part of the factual basis for his guilty plea, Mikulak told the district court that he "now" understood that subdivision 3a of the statute required him to register with law enforcement within 24 hours of entering Renville County. On appeal, Mikulak argued that the factual basis for his guilty plea was inadequate because he made statements that negated the mens rea element of the charged offense—specifically, that when he entered Renville County, he believed that he had 1 week to register and that he did not remember the 24-hour reporting requirement. The court of appeals affirmed his conviction, reasoning that "ignorance of the law is no excuse." We reverse the court of appeals and remand to the district court for further proceedings consistent with this opinion.

Reversed and remanded. Justice G. Barry Anderson.

Dissenting, Justice Anne K. McKeig.