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Minn. Stat. § 480A.08, subd. 3 (2008).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A09-570**

State of Minnesota,  
Respondent,

vs.

Christy Lynn Schilling,  
Appellant.

**Filed March 16, 2010  
Affirmed  
Larkin, Judge**

Wadena County District Court  
File No. 80-CR-08-88

Lori Swanson, Attorney General, Kelly O'Neill Moller, Assistant Attorney General,  
St. Paul, Minnesota; and

Kyra L. Ladd, Wadena County Attorney, Wadena, Minnesota (for respondent)

Marie L. Wolf, Interim Chief Appellate Public Defender, Lydia Villalva Lijo, Assistant  
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Worke, Presiding Judge; Wright, Judge; and Larkin,  
Judge.

## UNPUBLISHED OPINION

**LARKIN**, Judge

Appellant asserts that the evidence at her jury trial was insufficient to sustain her convictions of first- and second-degree assault. We affirm.

### DECISION

Appellant Christy Lynn Schilling was charged with one count of first-degree assault and two counts of second-degree assault based on allegations that she stabbed her ex-husband, E.D., during an argument in his home. The case was tried to a jury, which was instructed regarding self-defense. The jury found Schilling guilty on all counts, and the district court sentenced her to serve 90 months in prison. This appeal follows.

Schilling claims that the state did not prove, beyond a reasonable doubt, that she assaulted E.D. and that the evidence was therefore insufficient to sustain her convictions.<sup>1</sup> In considering a claim of insufficient evidence, this court's review is limited to a painstaking analysis of the record to determine whether the evidence, when viewed in the light most favorable to the conviction, is sufficient to allow the jurors to reach the verdict that they did. *State v. Webb*, 440 N.W.2d 426, 430 (Minn. 1989). The reviewing court will not disturb the verdict if the jury, acting with due regard for the presumption of innocence and the requirement of proof beyond a reasonable doubt, could reasonably conclude the defendant was guilty of the charged offense. *Bernhardt v. State*, 684

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<sup>1</sup> Schilling does not challenge the sufficiency of the evidence as it pertains to other elements of the offenses such as great bodily harm, substantial bodily harm, or the use of a dangerous weapon. See Minn. Stat. §§ 609.221, subd. 1 (defining first-degree assault), .222, subds. 1, 2 (defining second-degree assault) (2006).

N.W.2d 465, 476-77 (Minn. 2004). The evidence is construed in the light most favorable to the verdict, and we will not re-weigh the evidence. *State v. Franks*, 765 N.W.2d 68, 73 (Minn. 2009).

Assessing the credibility of the witnesses is exclusively the fact-finder's function. *State v. Tovar*, 605 N.W.2d 717, 726 (Minn. 2000). We assume that the fact-finder believed the state's witnesses and disbelieved any contrary evidence. *State v. Thoa*, 649 N.W.2d 414, 421 (Minn. 2002). Even when a witness's credibility is seriously called into question, the fact-finder is entitled to believe the witness. *State v. Pippitt*, 645 N.W.2d 87, 94 (Minn. 2002). All inconsistencies in the evidence are resolved in favor of the state. *State v. Bergeron*, 452 N.W.2d 918, 924 (Minn. 1990).

E.D. testified that he and Schilling had an argument in the laundry room of his home. Schilling said she was going to leave, and E.D. turned and began to walk away from her. As he did, he felt a burning pain and noticed that he was bleeding. He turned back around and Schilling, the only other person in the room, was standing in front of him. E.D. testified that he hit Schilling to get her away from him, but she came back at him and stabbed him again. E.D. testified that earlier that day, he had placed his tools, including a utility knife, on the washer and dryer after installing siding on his home. E.D.'s wife and his children generally testified that they heard a scuffle, entered the laundry room, and saw E.D. bleeding and a knife on the floor.

E.D. unequivocally testified that Schilling stabbed him. And the evidence indicated that his wounds were significant. E.D. lost approximately ten percent of his blood and nearly needed a transfusion. He had three large lacerations and one smaller

one. Two of the wounds went through his skin and fat tissue and into his muscle wall. Given the complexity of one of the lacerations, an on-call surgeon was summoned for assistance with suturing. The surgeon testified that the utility knife, which was shown to him at trial, was consistent with E.D.'s wounds. He also testified that he did not believe that E.D.'s wounds were self-inflicted because some of the wounds were consistent with a "downward drawing-back type of motion." He opined that the wounds were "very inconsistent" with self-infliction.

Schilling testified at trial. She claimed that E.D. was angry with her, told her she was not leaving, and hit her twice in the face. She recalled screaming and backing into the dryer. She testified that she could only remember "bits and pieces" after that point. She testified that she did not recall seeing a knife and had no memory of whether she held the knife. She also testified that she did not hold the knife. When asked, she asserted that E.D.'s wounds were self-inflicted. Schilling's video-taped statement to the police, obtained in a squad car at the crime scene, was played for the jury. In this statement, Schilling claimed that E.D. had cut himself. She also claimed that E.D. said that he cut himself to prevent her from seeing their children again.

A reviewing court must assume that "the jury believed the state's witnesses and disbelieved any evidence to the contrary." *State v. Moore*, 438 N.W.2d 101, 108 (Minn. 1989). This is especially true when resolution of the matter depends mainly on conflicting testimony. *State v. Pieschke*, 295 N.W.2d 580, 584 (Minn. 1980). Assuming the jury believed the state's witnesses and disbelieved Schilling's version of events, the evidence was sufficient to sustain the guilty verdicts.

Schilling contends that E.D.'s version of events is inconsistent with his injuries. Schilling argues that E.D. stated that while he was turned away from Schilling he felt a burning sensation and noticed that he was bleeding, and yet E.D.'s injuries were to the front of his chest, not his back or his side. But the evidence shows that one of the lacerations was on the outside of E.D.'s chest, more towards his arm. This wound is consistent with E.D.'s testimony. In any event, even if E.D.'s testimony was inconsistent with his injuries, inconsistencies must be resolved in favor of the state. *See Bergeron*, 452 N.W.2d at 924 (“[A]ll inconsistencies in the evidence are also resolved in favor of the state.”). Ultimately, the jury considered the conflicting accounts of the events and rejected Schilling's version. It was the jury's prerogative to reject Schilling's account, as the fact-finder “has no obligation to believe a defendant's story.” *State v. Ostrem*, 535 N.W.2d 916, 923 (Minn. 1995).

Schilling also argues that E.D.'s version of events was not corroborated by physical evidence that was available at the scene. But corroboration is not required. *See State v. Burch*, 284 Minn. 300, 313, 170 N.W.2d 543, 552 (1969) (“[A] verdict may be based on the testimony of a single witness no matter what the issue.”). Regardless, the severity of E.D.'s wounds and the medical testimony that the wounds were inconsistent with self-infliction corroborated E.D.'s testimony that Schilling stabbed him. And, a sheriff's deputy testified that Schilling stated that “[she] didn't mean to do it” as she was led out of the house. Contrary to Schilling's assertion on appeal, law enforcement's failure to examine the knife for fingerprints and to conduct a blood-splatter analysis does

not render this a circumstantial case. E.D.'s testimony constitutes direct evidence that Schilling stabbed him.

In her pro se supplemental brief, Schilling argues that no one at the scene asked her if she needed medical attention, E.D. did not have any defensive wounds, and E.D.'s wife washed the shirt that he was wearing at the time of the stabbing. These arguments do not establish that the evidence was insufficient to support the jury's verdict.

**Affirmed.**

Dated:

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Judge Michelle A. Larkin