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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A09-1024**

State of Minnesota,
Respondent,

vs.

Maurice Henry Roberson,
Appellant.

**Filed June 8, 2010
Reversed
Stauber, Judge**

Ramsey County District Court
File No. 62CR0815390

Lori Swanson, Attorney General, St. Paul, Minnesota; and

Susan Gaertner, Ramsey County Attorney, Mark Nathan Lystig, Assistant County Attorney, Andrew Holm, Special Assistant County Attorney, St. Paul, Minnesota (for respondent)

David W. Merchant, Chief Appellate Public Defender, Benjamin J. Butler, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Lansing, Presiding Judge; Peterson, Judge; and
Stauber, Judge.

UNPUBLISHED OPINION

STAUBER, Judge

Appellant Maurice Henry Roberson appeals his conviction of felony domestic assault, arguing that the evidence was insufficient to support the verdict. Because we

agree that the evidence on the prior-convictions element of the offense is insufficient to support the verdict, we reverse.

D E C I S I O N

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 they did. *State v. Webb*, 440 N.W.2d 426, 430 (Minn. 1989).

An element of felony domestic assault is that the charged offense must have occurred "within ten years of the first of any combination of two or more previous qualified domestic violence-related offense convictions." Minn. Stat. § 609.2242, subd. 4 (2008). Before trial, the parties agreed that a stipulation would be read to the jury regarding appellant's prior domestic-violence-related convictions. After the parties rested, the district court clarified what the agreement was and how it would be presented:

THE COURT: The record should reflect that we are outside the presence of the jury. And during our break I did check the transcript, and the agreement was that [appellant] has two previous qualified domestic violence-related offense convictions, and that's how the parties have agreed then that the stipulation to the jury will read and that will appear in the jury instructions.

PROSECUTOR: Thank you.

DEFENSE COUNSEL: That's correct. Thank you.

The district court instructed the jury that for appellant to be found guilty of felony domestic assault, the state was required to prove all elements of the offense beyond a reasonable doubt, including that appellant's act "took place within ten years of the first of any combination of two or more previous qualified domestic violence-related offense

convictions.” The district court then stated: “The parties have stipulated that [appellant] has two previous qualified domestic violence-related offense convictions.” The jury convicted appellant of felony domestic assault.

Appellant argues that the evidence on the prior-convictions element was insufficient to support the verdict. We agree. The stipulation presented to the jury stated only that appellant “has two previous qualified domestic violence-related offense convictions.” The stipulation did not specify that these convictions occurred within ten years of the charged offense, and no other evidence was presented to the jury regarding the dates of appellant’s previous domestic-violence-related convictions. We therefore conclude that there is insufficient evidence in the record on this element to support the verdict. Accordingly, we must reverse appellant’s conviction.

In light of our decision, we need not address appellant’s other arguments on appeal.

Reversed.