**STATE OF MINNESOTA**
**IN COURT OF APPEALS**
**A09-1920**

State of Minnesota,
Respondent,

vs.

Latonya Louise Brown,
Appellant.

**Filed July 13, 2010**
**Reversed**
**Muehlberg, Judge**[*]

Hennepin County District Court
File No. 27-CR-08-62747

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

Michele R. Wallace, MacMillan, Wallace, Athanases & Patera, P.A., Minneapolis, Minnesota (for respondent)

William M. Ward, Chief Public Defender, Melissa M. Fraser, Assistant Hennepin County Public Defender, Minneapolis, Minnesota (for appellant)

Considered and decided by Hudson, Presiding Judge; Minge, Judge; and Muehlberg, Judge.

[*] Retired judge of the district court, serving as judge of the Minnesota Court of Appeals by appointment pursuant to Minn. Const. art. VI, § 10.

## U N P U B L I S H E D  O P I N I O N

**MUEHLBERG**, Judge

Appellant Latonya Louise Brown appeals from her convictions for fifth-degree assault, Minn. Stat. § 609.224, subd. 1 (2008), and disorderly conduct, Minn. Stat. § 609.72, subd. 1(3) (2008), arguing that the state failed to present sufficient evidence to permit a jury to determine the location of the offenses.

Because the state failed to present any evidence of venue or location that would permit a jury to conclude that these offenses occurred in Hennepin County, we reverse appellant's convictions.

## D E C I S I O N

On a claim of insufficiency of the evidence, we must analyze the record and determine whether the evidence, when viewed in the light most favorable to the verdict, is sufficient to permit the jury to reach the verdict it did. *State v. Webb*, 440 N.W.2d 426, 430 (Minn. 1989).

Crimes must be prosecuted in the county in which they occur. Minn. Const. art. I, § 6. Because of this, venue is an essential element of any criminal offense and the state must prove beyond a reasonable doubt that the crime occurred in the charging county. *State v. Bahri*, 514 N.W.2d 580, 582 (Minn. App. 1994), *review denied* (Minn. June 15, 1994). Direct evidence of venue, while preferable, is not required. *State v. Larsen*, 442 N.W.2d 840, 842 (Minn. App. 1989). "[I]n a jury trial if evidence of location within a county is admitted and no objection is made when the case is submitted to the jury, direct evidence is not essential." *Id.* (quotation omitted). "Venue is determined by all the

reasonable inferences arising from the totality of the surrounding circumstances." *State v. Carignan*, 272 N.W.2d 748, 749 (Minn. 1978); *see also Bahri*, 514 N.W.2d at 582.

Even the slightest evidence of venue can be sufficient to support a jury determination; in *Bahri*, we affirmed the defendant's conviction when witnesses referred to Riverplace, a well-known entertainment complex in Minneapolis, without identifying the county in which the complex was located. 514 N.W.2d at 581-82. Likewise, in *Larsen*, we concluded that repeated witness references to a popular and well-known lake were sufficient to establish venue in Kandiyohi County. 442 N.W.2d at 842.

Here, in contrast, the scene of the offense was described only as a Target store parking lot, without any designation as to which of the many Target stores was involved. The sole reference to a connection with Hennepin County came in the testimony of the investigating officer, Detective Daniel Drake, who was called to the home of the victim to record a complaint. Although Drake identified himself as a Crystal police officer, he did not indicate that he responded to the call because the offense occurred within his jurisdiction; further, the location of the victim's home was not identified. With no direct evidence of venue and no readily identifiable landmark to provide a location, the evidence in this record is insufficient to prove the element of venue. We therefore reverse appellant's convictions.

**Reversed.**