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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A23-1930**

Jonathan Samael Greyblood, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed September 3, 2024
Affirmed
Bratvold, Judge**

Morrison County District Court
File No. 49-CR-21-169

Cathryn Middlebrook, Chief Appellate Public Defender, Steven P. Russett, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Keith Ellison, Attorney General, Jacob Campion, Assistant Attorney General, St. Paul, Minnesota; and

Brian Middendorf, Morrison County Attorney, Little Falls, Minnesota (for respondent)

Considered and decided by Frisch, Presiding Judge; Larkin, Judge; and Bratvold, Judge.

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

Appellant testified that he killed his wife and left her body on a frozen river. After a trial, the jury found appellant guilty of second-degree unintentional murder while committing domestic assault by strangulation. On appeal from the district court's order

denying his petition for postconviction relief, appellant argues that the circumstantial evidence is insufficient to sustain his conviction. Because we conclude that the circumstances proved are consistent with the jury's verdict and inconsistent with any rational hypothesis other than that appellant intended to strangle his wife, we affirm.

FACTS

On the evening of February 5, 2021, appellant Jonathan Samael Greyblood and his wife, J.G., ate out with friends in Pierz. After dinner, the group went to a bar in Little Falls. The bar closed around 10:00 p.m., and the group went to a party at a friend's house. Greyblood and J.G. drank alcohol throughout the evening. They had two drinks with dinner and at least four more drinks at the bar. Greyblood had one more drink at the house party, while J.G. had "quite a few."

Greyblood testified that, during the party, he and a friend looked at a meme that showed a woman in "very short shorts."¹ They laughed, and the friend showed the meme to J.G., who became "extremely upset." J.G. told Greyblood, "Start the f-ckin' car," and, "We're f-ckin' leaving." Greyblood and J.G. immediately left. Although J.G. "was very intoxicated," she drove—over Greyblood's objection.²

As they drove, J.G. told Greyblood that she was upset about the meme. She also said that she did not want to be married to him. Greyblood testified that J.G. was angry and

¹ The meme was a photo with sexist text on the image, received as exhibit 67.

² The evidence conflicted about who drove that evening. Greyblood stated at first that he drove them home from the house party. After law enforcement asked Greyblood how he got scratches on the left side of his face, he stated that J.G. drove them home.

that she “started to claw at the side of [his] face, started to scream at [him], calling [him] a liar, telling [him] she f-ckin’ hated [him].” According to Greyblood, J.G. used her right hand to “claw[] at” the left side of his face. The drive took about ten minutes. A neighbor’s security camera recorded the Greybloods’ sport utility vehicle (SUV) pulling into their driveway around 12:35 a.m. on February 6, 2021.

After they parked, Greyblood and J.G. continued to argue in the SUV. Greyblood testified that J.G. hit him “really hard” “with a closed fist” on “the back of” and “the top of” his head. Greyblood put his arms up and held them around his head “to lessen the blows.” J.G. hit Greyblood’s throat “directly in the center,” which obstructed his ability to breathe for “a short time.” J.G. had never hit him with a closed fist before. She told him that she hoped he would die.

Greyblood testified that he “felt like [he] was going to die” and that he “just wanted her to stop hitting” him. He “put [his] hands on her shoulders up against her neck to hold her back.” J.G. “stopped screaming, . . . her hand dropped,” and her body went “limp.” Greyblood let go of J.G. and said her name, but J.G. did not answer. He then unbuckled his seatbelt, got closer to J.G., and “noticed that she wasn’t breathing.” He “tilted [J.G.’s] seat back . . . [and] tr[ie]d to do CPR.”³ After “repeat[ing CPR] three times,” Greyblood “put [his] ear on [J.G.’s] chest to see if her heart was beating, and [Greyblood] found that [J.G.’s] heart was still beating, but [J.G.] still wasn’t breathing.” He “resumed trying to do

³ Greyblood testified that he tried to close J.G.’s nose, breathe into her mouth, and do chest compressions.

CPR again.” Greyblood then “put [his] ear down on [J.G.’s] chest once more and [J.G.’s] heart wasn’t beating.”

Two days after he killed J.G., Greyblood gave a videotaped statement to law enforcement that described how he responded when J.G. hit him. Greyblood’s recorded statement was received into evidence. He stated:

When we were in the driveway, we were arguing still, she started hitting me again. Really hard and she hit me in the throat. I couldn’t breathe. And she was screaming at me, please, just die. Just die. I don’t want to be with you. Just die. And I couldn’t breathe, and it felt like the longest ten seconds of my life. And as soon as I could breathe again, she started hitting me again. So I grabbed—*so I grabbed her and I held her down*. And then she still kept hitting me. And I pushed her back and I held her. *My hands were on her throat and I held her*, and I please—said please stop—stop hitting me. Just stop hitting me. I just want you to stop hitting me. And she kept, like, swinging and swinging, and I just held—and I was just holding her there. And it’s like just please stop. *And then her hands, like, dropped. I let go. And she wasn’t breathing*. So—so I tried—I tried to give her mouth to mouth. I tried—I tried waking her up because I—I didn’t mean to. I didn’t mean to. I tried to (inaudible). And I—I didn’t think she—I didn’t think she couldn’t breathe. I just was holding her I listened to her heart stop beating. I wasn’t even holding her throat. I don’t know why she wasn’t breathing (inaudible) And I knew. I knew what I just did. I didn’t try to. I just wanted her to stop hitting me. I just—I just—that’s all I wanted.

(Emphasis added.) During the same recorded statement, Greyblood showed how he placed his hands on J.G.

Greyblood testified that, after he realized J.G.’s heart was not beating, he panicked because of “the thought . . . that [he’s] not going to see [his] kids anymore, and [he’s] going to go to jail, and [he’s] not going to be able to see [J.G.] anymore.” Without exiting the

SUV, Greyblood moved J.G. from the driver's seat to the passenger seat and got into the driver's seat. The neighbor's security camera recorded the SUV leaving the driveway at about 12:57 a.m. Greyblood testified that he "ended up at the Swan River Bridge" and placed J.G. "on the ice" below the bridge and "on the side" or bank of the river.

Greyblood drove to A.R.O.'s house. A.R.O. testified that she was with friends when Greyblood arrived between 1:30 and 2:00 a.m. A.R.O. also testified that Greyblood's "demeanor was very off." A.R.O. noticed that Greyblood "was shaking, he couldn't really talk," and that he had scratches on his face. Greyblood asked A.R.O. "if [J.G.] was there." A.R.O. testified that Greyblood stated that J.G. "had requested that he drop her off at Pine Grove Park, she attacked him and then she got out of the vehicle." Greyblood also told A.R.O. that J.G. had said that she did not want to be married to him anymore. A.R.O. estimated that Greyblood left her house after about "a half hour to 45 minutes." The neighbor's security camera recorded the SUV parking in Greyblood's driveway at 2:20 a.m. and one person walking into the home.

On February 6, Greyblood arrived at work around 8:30 or 8:45 a.m. B.M., who was Greyblood's employer, testified that he noticed Greyblood had "abrasions on his face." Greyblood told B.M. that he dropped J.G. off at Pine Grove and left the park to get her a jacket, but when he returned, she was gone.

Later that day, Greyblood reported to local law enforcement that J.G. was missing. Law enforcement and the public searched for J.G. at the park—about four miles away from the Swan River Bridge. Greyblood testified that he posted on social media the same day and asked for help in finding J.G. At trial, Greyblood admitted that he lied by saying J.G.

was missing—in his social-media post and to A.R.O., his family, law enforcement, and J.G.’s children from an earlier marriage. When law enforcement searched Greyblood’s home, they found a note that Greyblood wrote to J.G., which stated, “If you come home, please message me . . . I love you!!–Jon.”

Greyblood had recorded interviews with law enforcement on February 6 and 7. In the second interview, as described above, Greyblood admitted that he killed J.G. and told officers where he left her body. On February 7, law enforcement recovered J.G.’s body just below the Swan River Bridge.

The state charged Greyblood with second-degree intentional murder under Minn. Stat. § 609.19, subd. 1(1) (2020), and second-degree unintentional murder while committing domestic assault by strangulation under Minn. Stat. § 609.19, subd. 2(1) (2020). The complaint alleged that Greyblood caused the death of J.G. by committing domestic assault by strangulation.

The district court held a 13-day jury trial in October 2021. The evidence is summarized above. The medical examiner who performed J.G.’s autopsy testified that she watched Greyblood’s videotaped interview and that the injuries on J.G.’s neck were “compatible” with Greyblood’s demonstration of how he placed his hands on J.G.’s neck. The medical examiner also testified that a person could lose consciousness after 10 to 12 seconds of pressure on the throat and that, if the pressure is not released, the person will die.

After the parties rested, the district court instructed the jury on the elements of the two charged offenses—along with second-degree manslaughter at Greyblood’s request.

The district court also gave instructions—at Greyblood’s request—on “defense of self or others” unintentionally resulting in death and “defense of self or others” involving the “justifiable intentional taking of a life.”⁴ The jury found Greyblood not guilty of second-degree intentional murder, guilty of second-degree unintentional murder, and guilty of second-degree manslaughter. In December 2021, the district court entered a judgment of conviction for second-degree unintentional murder and imposed a sentence of 180 months in prison.

Greyblood did not file a direct appeal. In September 2023, Greyblood petitioned for postconviction relief, arguing that the state’s evidence was insufficient “to prove beyond a reasonable doubt he ‘intentionally’ impeded [J.G.]’s breathing.” The district court denied the petition.

Greyblood appeals.

DECISION

The jury found Greyblood guilty of second-degree unintentional murder. Under Minnesota law, someone who “causes the death of a human being, *without intent to effect the death* of any person, *while committing or attempting to commit a felony offense* other than criminal sexual conduct in the first or second degree with force or violence or a drive-by shooting” is guilty of second-degree unintentional murder. Minn. Stat. § 609.19, subd. 2(1) (emphasis added). The felony alleged here is domestic assault by strangulation. Under Minnesota law, “whoever assaults a family or household member by strangulation

⁴ The jury instructions given were substantially similar to the pattern jury instructions. *See* 10 *Minnesota Practice*, CRIMJIG 7.13, .15 (Supp. 2020).

is guilty of a felony,” where strangulation means “*intentionally impeding normal breathing* or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person.” Minn. Stat. § 609.2247 (2020) (emphasis added). Thus, Greyblood’s argument focuses on the sufficiency of the evidence offered to prove domestic assault by strangulation.

On appeal, Greyblood “does not dispute that the state proved he applied pressure on [J.G.’s] throat or neck.” He argues that the issue is “whether the state met its burden of proving he did so with the specific intent to impede her ability to breathe.” The state contends that it proved Greyblood “acted with the intent to produce the specific result of impeding normal breathing.”

The parties agree that the appellate standard of review for a postconviction challenge to the sufficiency of the evidence is the same standard that the appellate court would apply in a direct appeal of the judgment of conviction. *See Fordyce v. State*, 994 N.W.2d 893, 896, 903 (Minn. 2023). Both parties also agree that the circumstantial-evidence test applies. Greyblood points out that the state offered circumstantial evidence to prove his intent to assault J.G. by strangulation. Circumstantial evidence is evidence from which the jury “can infer whether the facts in dispute existed or did not exist” and, therefore, “always requires an inferential step to prove a fact that is not required with direct evidence.” *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (quotation omitted).

We agree that the heightened standard of review for circumstantial evidence applies to the issue raised in this appeal because Greyblood’s argument focuses on the state’s

evidence of intent. *See State v. Al-Naseer*, 788 N.W.2d 469, 474 (Minn. 2010) (applying “heightened scrutiny” to “state of mind” evidence). “[I]ntent is a state of mind that is usually proved with circumstantial evidence.” *State v. Balandin*, 944 N.W.2d 204, 217 (Minn. 2020); *accord State v. Johnson*, 616 N.W.2d 720, 726 (Minn. 2000) (“A state of mind generally is proved circumstantially, by inference from words and acts of the actor both before and after the incident.”). To prove strangulation, the state must show that Greyblood “intentionally impeded[ed] normal breathing.” Minn. Stat. § 609.2247. “‘Intentionally,’” for purposes of Minnesota Statutes chapter 609, “means that the actor either has a purpose to do the thing or cause the result specified or believes that the act performed by the actor, if successful, will cause that result.” Minn. Stat. § 609.02, subd. 9(3) (2020).

If circumstantial evidence is used to prove an element of the conviction challenged on appeal, appellate courts apply a two-step analysis. *State v. Silvernail*, 831 N.W.2d 594, 598 (Minn. 2013). In the first step, an appellate court must “identify the circumstances proved.” *Id.* In doing so, appellate courts “defer to the jury’s acceptance of the proof of these circumstances and rejection of evidence in the record that conflicted with the circumstances proved by the State.” *Id.* at 598-99 (quotation omitted). Appellate courts also “construe conflicting evidence in the light most favorable to the verdict.” *State v. Tschou*, 758 N.W.2d 849, 858 (Minn. 2008). “Stated differently, in determining the circumstances proved, [appellate courts] consider only those circumstances that are consistent with the verdict . . . because the jury is in the best position to evaluate the

credibility of the evidence even in cases based on circumstantial evidence.” *Silvernail*, 831 N.W.2d at 599 (citation omitted).

In the second step, appellate courts must “determine whether the circumstances proved are consistent with guilt and inconsistent with any rational hypothesis except that of guilt.” *Id.* (quotation omitted). Appellate courts “review the circumstantial evidence not as isolated facts, but as a whole,” and “examine independently the reasonableness of all inferences that might be drawn from the circumstances proved.” *Id.* (quotation omitted). If an alternative hypothesis is “untied to the evidence before the jury,” that hypothesis is “wholly speculative” and does not warrant reversal. *State v. German*, 929 N.W.2d 466, 475 (Minn. App. 2019). “[I]nconsistencies in the state’s case or possibilities of innocence” do not require reversal so long as the evidence as a whole “makes such theories seem unreasonable.” *Tscheu*, 758 N.W.2d at 858.

We consider Greyblood’s arguments about this two-step analysis in turn.

A. The circumstances proved are consistent with Greyblood’s intent to strangle J.G.

Greyblood “agrees that a jury could reasonably infer from the circumstances proved that he, although not intending to kill [J.G.], intended to impede her breathing or circulation.” Still, we consider this step because we must identify the circumstances proved to go to the second step.

The circumstances proved that are relevant to Greyblood’s conviction are as follows. On February 5, 2021, Greyblood and J.G. went out with friends, ate, and drank alcohol over several hours. While at a house party, Greyblood looked at a meme on a

friend's phone, and his friend showed it to J.G., who became upset, swore, and told Greyblood that they were leaving, which they did. As they drove home from their friend's house, J.G. was angry and upset; she screamed, hit Greyblood, and said that she no longer wanted to be married to him.

At 12:35 a.m., they parked in the driveway of their home. They continued to argue in the SUV. J.G. began to hit Greyblood with a closed fist. Greyblood "put [his] hands on [J.G.'s] shoulders up against her neck to hold her back," "grabbed her[,] . . . held her down[,] . . . pushed her back and . . . held her," with his hands "on her throat." Greyblood released his hands from J.G.'s neck after J.G.'s hand dropped and she went limp. Greyblood realized that J.G. was not breathing and attempted CPR. J.G.'s heart stopped beating.

At 12:57 a.m., Greyblood backed out of the driveway and drove to the Swan River Bridge. He left J.G.'s body on the bank of the frozen river. That night, Greyblood lied and told friends that J.G. asked him to drop her off at a park and that she was missing. The next day, Greyblood lied and told his employer and law enforcement, among many others, that J.G. was missing. Law enforcement searched the park and the nearby area, which was four miles away from the Swan River Bridge.

During a February 7 recorded interview with law enforcement, Greyblood admitted that he killed J.G., demonstrated how he placed his hands on J.G., and admitted that he disposed of her body. Law enforcement recovered J.G.'s body from the location Greyblood described. The medical examiner testified that J.G.'s injuries were "compatible" with Greyblood's demonstration of how he placed his hands on J.G.'s neck. The medical

examiner also testified that a person could lose consciousness after 10 to 12 seconds of pressure on the throat and that, if the pressure is not released, the person will die.

We conclude that, based on the circumstances proved, a jury could reasonably infer that Greyblood intended to strangle J.G. or intended to impede J.G.'s breathing based on evidence that he applied pressure to her throat or neck, which caused her to stop breathing and led to her death, without intending to effect her death. *See* Minn. Stat. §§ 609.19, subd. 2(1), .2247.

B. The circumstances proved are inconsistent with any rational hypothesis other than Greyblood's intent to strangle J.G.

Greyblood's "sole argument is that the circumstances proved are also not inconsistent with a reasonable inference that he accidentally, rather than intentionally, impeded [J.G.'s] breathing." Greyblood relies, in part, on his own testimony about his intent. During direct examination, Greyblood agreed, first, that he did not try to stop J.G. from breathing, and second, that he had no intention of trying to stop her breathing. He added that he wanted J.G. "to stop hitting" him. The state contends that Greyblood's alternative hypothesis rests on "unreasonable" inferences.

Caselaw guides our analysis of what inferences are reasonable from the circumstances proved. "In reaching its conclusion, the jury may infer that a person intends the natural and probable consequences of his actions and a defendant's statements as to his intentions are not binding on the jury if his acts demonstrated a contrary intent." *State v. Cooper*, 561 N.W.2d 175, 179, 181 (Minn. 1997) (affirming appellant's conviction for first-degree murder and rejecting argument that circumstantial evidence did not prove

premeditation or intent). In *Cooper*, the Minnesota Supreme Court reasoned that the jury had rejected Cooper's testimony that he shot the victim "in one burst" and had credited other witness testimony and that, therefore, the jury "easily concluded that the only reasonable inference was that Cooper, in firing twelve separate shots into [the victim] as [he] crawled away, intended to kill him." *Id.* at 179. We note, however, that the supreme court in *Cooper* did not apply the two-step circumstantial-evidence test discussed in *Silvernail* because *Cooper* predated the supreme court's adoption of the two-step test in *State v. Andersen*, 784 N.W.2d 320, 329-30 (Minn. 2010).

We also consider this court's analysis in *State v. McCoy* to be persuasive though nonprecedential. No. A11-575, 2012 WL 539140 (Minn. App. Feb. 21, 2012), *rev. denied* (Minn. May 15, 2012). After a jury trial, McCoy appealed his conviction for felony domestic assault by strangulation and argued that the circumstantial evidence was insufficient to sustain his conviction. *Id.* at *2. McCoy contended that the circumstantial evidence failed to prove beyond a reasonable doubt that he intentionally impeded the victim's breathing by applying pressure to her throat. *Id.*

We affirmed the conviction based on the two-step circumstantial-evidence test, even though the victim testified that McCoy did not intend to impede her breathing. *Id.* at *4. The victim testified that McCoy "was angry with her and physically assaulted her, then repositioned her body and put his knee or leg on her throat so that she could not breathe for several seconds." *Id.* We noted that a "jury may infer that a person intends the natural and probable consequences of his actions" before concluding that the "circumstantial evidence, taken as a whole, makes [McCoy]'s theory that he was merely repositioning [the victim]

in an attempt to end their struggle and accidentally put pressure on her neck unreasonable.” *Id.* (quotation omitted). We also observed that additional circumstances proved supported McCoy’s conviction; for example, McCoy pulled the victim off the couch and onto the floor, McCoy kicked her, straddled her, and “jumped on her stomach with his knees three or four times.” *Id.* at *1. McCoy repositioned her body before placing his knee on her throat. *Id.*

Because we consider the circumstantial evidence “as a whole,” *Silvernail*, 831 N.W.2d at 599, and because it is reasonable to infer that “a person intends the natural and probable consequences of his actions,” *Cooper*, 561 N.W.2d at 179, we conclude that Greyblood’s alternative hypothesis is not rational because it rests on unreasonable inferences. The “imped[iment of] normal breathing or circulation of the blood” was the natural and probable consequence of Greyblood applying pressure to J.G.’s neck. Minn. Stat. § 609.2247. The medical examiner testified that a person could lose consciousness after only 10 to 12 seconds of pressure to the neck. Greyblood testified that he placed his hands on J.G.’s neck and held her down until she lost consciousness and stopped breathing. After Greyblood realized that J.G.’s heart stopped beating, he drove her body to a frozen river and disposed of it. Therefore, the circumstances support only the reasonable inference that Greyblood intended to strangle J.G. by placing his hands around her neck and impeding her breathing. We conclude that Greyblood’s “statements as to his intentions” did not bind the jury because “his acts demonstrated a contrary intent.” *Cooper*, 561 N.W.2d at 179.

Greyblood argues that, when examining the record evidence of his intent, this court should not rely on several circumstances proved that “relate[d] to the events leading up to [J.G.’s] death.” For example, Greyblood criticizes the postconviction order because it points out that Greyblood could have walked away from the fight with J.G., claiming it is “irrelevant” to whether he intentionally impeded J.G.’s breathing. Greyblood also urges us not to consider his behavior after J.G.’s death as evidence of his intent because “even a person who unintentionally strangles their wife during an argument will feel guilty and fear being held criminally responsible.” Both arguments lack merit.

We consider all evidence “in a light most favorable to the conviction,” *State v. Harris*, 589 N.W.2d 782, 791 (Minn. 1999), including evidence before and after the killing,⁵ *Davis v. State*, 595 N.W.2d 520, 526 (Minn. 1999). Appellate courts “review the circumstantial evidence not as isolated facts, but as a whole.” *Silvernail*, 831 N.W.2d at 599. “Circumstantial evidence must form a complete chain that, in view of the evidence as a whole, leads so directly to the guilt of the defendant as to exclude beyond a reasonable doubt any reasonable inference other than guilt.” *Al-Naseer*, 788 N.W.2d at 473 (quotation omitted). For example, the circumstances before and after J.G.’s death are highly relevant to Greyblood’s intent because, along with Greyblood’s testimony describing how he killed J.G., they “form a complete chain” pointing only to his guilt. *Id.* Given that Greyblood lied

⁵ Even if we were to set aside evidence about Greyblood’s ability to walk away from his fight with J.G., the circumstances under which he disposed of J.G.’s body, and his repeated lies about what happened, we would still conclude that the only reasonable inference is that Greyblood intended to strangle J.G. Greyblood’s own testimony about his actions in the SUV supports only one reasonable inference—his intent to strangle J.G.

about what he did, the jury may infer that he lied about his intent. *See State v. Taylor*, 869 N.W.2d 1, 22 (Minn. 2015) (holding that attempt to manufacture false alibi was relevant to both credibility and consciousness of guilt).

Greyblood also criticizes the postconviction order's conclusion that accidental strangulation was "not plausible" because Greyblood would have had to apply "a significant amount of pressure" "to control someone who is struggling and lashing out." Greyblood argues that applying "a significant amount of pressure" does not necessarily require the inference that he did so with the intent to impede J.G.'s breathing. As we have noted in a nonprecedential opinion, "strangulation requires only the impediment of 'normal breathing or circulation of blood,' . . . not the full cessation of breathing or blood circulation." *State v. Coleman*, No. A10-667, 2011 WL 781088, at *2 (Minn. App. Mar. 8, 2011) (emphasis omitted) (citing Minn. Stat. § 609.2247, subd. 1(c) (2008)). The record evidence shows that Greyblood applied pressure to J.G.'s neck until she went limp, stopped breathing, and her heart stopped. This evidence supports the reasonable inference that Greyblood did so intentionally to impede J.G.'s breathing.

Thus, we affirm Greyblood's conviction because the circumstances proved are consistent with guilt and the reasonable inference that he intended to strangle J.G. and inconsistent with any rational alternative hypothesis.

Affirmed.