STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0855

State of Minnesota,
Respondent,

vs.

Ryan Steven Masog,
Appellant.

Filed May 27, 2024
Affirmed
Ede, Judge

Stearns County District Court
File No. 73-CR-23-1187

Keith Ellison, Attorney General, St. Paul, Minnesota; and

Janelle P. Kendall, Stearns County Attorney, Kyle R. Triggs, Assistant County Attorney, St. Cloud, Minnesota (for respondent)

John D. Ellenbecker, St. Cloud, Minnesota (for appellant)

Considered and decided by Ede, Presiding Judge; Harris, Judge; and Smith, John P. Judge.*

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

NONPRECEDENTIAL OPINION

EDE, Judge

In this direct appeal from the final judgment, appellant argues that the evidence is insufficient to support his two interference-with-privacy convictions because the record reflects that he acted neither (A) surreptitiously nor (B) with the intent to intrude upon or interfere with another's privacy. We affirm.

FACTS

Respondent State of Minnesota charged appellant Ryan Steven Masog with two counts of interference with privacy, in violation of Minnesota Statutes section 609.746 subdivision 1(c) (2022). The charges arose from separate incidents that occurred on November 2 and 30, 2022. The matter proceeded to a jury trial. Consistent with applicable law, the following factual recitation is based on the trial evidence, considered in the light most favorable to and consistent with the jury's verdicts.

Masog owns and lives in a two-unit residence in Stearns County. In October 2021, Masog lived in the top unit and began renting the bottom unit to an unmarried woman, R.F. Masog considered himself to be "a traditional Catholic" and believed that sexual intercourse outside the institution of marriage was a "mortal sin" and a "grave offense against God." Because of his beliefs, Masog would consider himself "an accomplice to that sin" if he "[did] nothing to deter that activity" in his residence. Masog therefore wrote the lease agreement to prohibit R.F. from having men inside her apartment after 10 p.m. He also told R.F. that she was not allowed to have premarital sexual intercourse on the premises, although the lease itself contained no such term. Notwithstanding these rules,

Masog admitted during his trial testimony that R.F. had "[t]he right to reasonable privacy" in her unit. R.F. agreed to lease the downstairs unit from Masog.

November 2, 2022 Incident (Count I)

At about 8:30 p.m. on November 2, 2022, R.F. and her boyfriend, B.T., engaged in sexual intercourse in R.F.'s bedroom, which had no window coverings.[1] B.T. was facing the bedroom window, which was two feet away from him, when he noticed a "black shadow that kind of creeped" within four feet of the window before retreating "very fast." The shadowy figure "looked like the shape of a head . . . peek[ing] around" a nearby deck post. Soon after, B.T. observed Masog's vehicle backing out of the driveway.

In his trial testimony, Masog admitted that he was the person that B.T. saw outside R.F.'s window on November 2 around 8:30 p.m. Masog claimed that the incident occurred when he was leaving the residence to run an errand. As he was about to get into his car, Masog observed that R.F.'s living room light was on, but no one was on the couch. Because R.F. was not in the living room, Masog believed she was "probably somewhere else in the house" and decided to "look[] around the corner." When he did not see any lights on, Masog "took a few steps onto the lawn in the front yard" and stopped within a few feet of R.F.'s bedroom window. According to Masog, he could not see anything because "[i]t was

[1] Although Masog had given R.F. curtains shortly after she moved in, she used them for her son's room instead. At first, R.F. hung a blanket in her bedroom window. But by November 2, R.F. had taken the blanket down due to its unsightly appearance. Even without a curtain, R.F. testified that she "never would think somebody would look at [her] through a window." And during his trial testimony, Masog agreed that "there is a difference between [people inadvertently seeing through a bedroom window because they do not have curtains up and] somebody intentionally coming up and looking into [a bedroom] window."

really dark." During his trial testimony, Masog admitted that he looked into R.F.'s bedroom window to "investigate if the lease [was] being broken," including by "see[ing] if [R.F. and B.T.] were having sex," which Masog said "would be a violation of the lease." At the time, Masog did not "do anything to try to make [him]self obvious." He stated that, after determining that he could not see anything, he went back to his vehicle and, as he was leaving, his tail and brake lights illuminated R.F.'s bedroom window, revealing a man without his shirt on. Masog testified that he assumed that R.F. had violated his rule against premarital sexual intercourse on the premises, but he did not have any contact with her that night.

He later confronted R.F. to "let her know that she violated the lease." Masog told R.F. that he knew what she did in her bedroom that night and, at trial, he testified that she did not deny it. But Masog never told R.F. that he had looked into her bedroom window on November 2.

November 30, 2022 Incident (Count II)

Masog testified that, around 9:15 p.m. on November 30, 2022, he arrived at the residence and observed that, although R.F.'s living room light was off, her bedroom light was on. Because B.T.'s vehicle was parked near the residence, Masog "thought [that the lighting situation in R.F.'s unit] was kind of suspicious" and he decided to walk within about six feet of R.F.'s bedroom window to "verify" his suspicions. After he saw no one in R.F.'s bedroom, Masog went into his unit.

A few days later, Masog confronted R.F. and told her: "I know what happened. I was looking in your window, and I didn't see you guys [lying] in your bed." When R.F.

asked Masog what his concern was, given that he did not see R.F. and B.T. in bed together, Masog responded: "There's lots of stuff[,] . . . but I'm not going to name them off right now."

Aftermath and Investigation

After Masog confronted her, R.F. felt "super nervous" and "[s]uper anxious." R.F. called her mother, C.F., to tell her what had happened. C.F. contacted Masog via text message to express her concern about Masog "looking in [her] daughter's windows at night," particularly "her bedroom." In his reply to C.F.'s message, Masog acknowledged his conduct on both November 2 and 30: "Since all the lights were off, it seemed as though something more than monopoly was going on in the basement. I had just caught them breaking a big rule a few weeks before, so I had every right to investigate." And when C.F. messaged Masog that nothing warranted peeking in R.F.'s windows, Masog responded: "So I am supposed to call her and ask if she is breaking the rules? Get real. She has lost my trust and now they have the lights off and I am supposed to believe that they are taking a nap?" As with the November 2 incident, Masog testified that he peered into R.F.'s bedroom window on November 30 to see whether R.F. was in violation of her lease.

R.F. reported Masog to law enforcement a few days after the November 30 incident and then moved in with B.T., staying at his residence for the remainder of her lease.[2] An investigator with the sheriff's office later interviewed Masog. During that interview, Masog claimed that he inadvertently saw B.T. without a shirt on through R.F.'s bedroom window

[2] The term of the initial lease agreement had been for six months. At the time of the charged conduct, R.F. was occupying the premises per a month-to-month tenancy.

as Masog reversed his vehicle down the driveway of the residence on November 2. Masog did not tell the investigator—as he later admitted during his trial testimony—that he had actually approached within a few feet of R.F.'s window that night to determine whether R.F. was having premarital sexual intercourse with B.T.

In speaking with the investigator, Masog at first questioned how R.F. "could . . . reasonably expect privacy" when she did not "even have curtains on her windows," but he later admitted that he could understand why R.F. felt uncomfortable about him looking into her bedroom window "because [R.F. and B.T.] were doing something that's private." Masog also agreed with the investigator that R.F. did "have a reasonable expectation of privacy in [her] rented space" and admitted that he "would have never . . . peeked like [he did] if she . . . had a curtain up."

Guilty Verdicts, Sentencing, and Appeal

The jury found Masog guilty of the two charged interference-with-privacy counts. The district court sentenced Masog and entered a final judgment convicting him of each count. This appeal follows.

DECISION

Masog argues that the trial evidence is insufficient to establish either (A) that he surreptitiously peeped into R.F.'s window or (B) that he intended to intrude upon or interfere with R.F.'s privacy.[3] The state responds that there is sufficient evidence to prove

[3] Based on the same arguments, Masog alternatively seeks reversal of a pretrial order denying his motion to dismiss for lack of probable cause and asks that we dismiss this matter. But a defendant's probable cause arguments are irrelevant on appeal from a final judgment of conviction because "[t]he standard for the sufficiency of the evidence to

both that Masog acted surreptitiously and that he acted with the requisite intent to support his convictions of Counts I and II.

When analyzing a sufficiency-of-the-evidence claim, the "relevant standard of review depends on whether the factfinder . . . reached its conclusion of law based on direct or circumstantial evidence." *State v. Petersen*, 910 N.W.2d 1, 6 (Minn. 2018). "[D]irect evidence is evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption." *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (quotation omitted). Circumstantial evidence is "evidence from which the factfinder can infer whether the facts in dispute existed or did not exist." *Id.* (quotation omitted).

"When reviewing the sufficiency of direct evidence, [appellate courts] painstakingly review the record to determine whether that evidence, viewed in the light most favorable to the verdict, was sufficient to permit the jurors to reach the verdict that they did." *State v. Segura*, 2 N.W.3d 142, 155 (Minn. 2024) (quotation omitted). But "[w]hen the direct evidence of guilt on a particular element is not alone sufficient to sustain the verdict, . . . [appellate courts] apply a heightened two-step standard . . . called the circumstantial-evidence standard of review." *Loving v. State*, 891 N.W.2d 638, 643 (Minn. 2017). This "two-step process" requires appellate courts to first identify the circumstances proved.

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support a conviction is much higher than probable cause." *State v. Holmberg*, 527 N.W.2d 100, 103 (Minn. App. 1995), *rev. denied* (Minn. Mar. 21, 1995). Because our ultimate decision that there is sufficient evidence to sustain Masog's two interference-with-privacy convictions necessarily encompasses the subordinate issue of probable cause decided by the district court, we need not separately address Masog's probable-cause argument. *Id.*

State v. Gilleylen, 993 N.W.2d 266, 275 (Minn. 2023). At this step, appellate courts "winnow down the evidence presented at trial to a subset of facts that is consistent with the jury's verdict and disregard evidence that is inconsistent with the jury's verdict." *Id.* (quotations omitted). At the second step, appellate courts must analyze "whether the circumstances proved are consistent with the hypothesis that the accused is guilty and inconsistent with any rational hypothesis other than guilt." *Id.* (quotations omitted).

"[I]n some cases, a sufficiency-of-the-evidence challenge may 'turn[] on the meaning of the statute under which a defendant has been convicted.'" *State v. Metcalfe*, 13 N.W.3d 704, 711 (Minn. App. 2024) (quoting *State v. Bradley*, 4 N.W.3d 105, 109 (Minn. 2024)). "In such cases, [appellate courts] first determine the meaning of the statute, which presents a question of statutory interpretation that we review de novo." *Id.* (citing *Bradley*, 4 N.W.3d at 109). "Once [an appellate court] construe[s] the statute, [the court] then 'appl[ies] that meaning to the facts to determine whether there is sufficient evidence to sustain the conviction.'" *Id.* (quoting *Bradley*, 4 N.W.3d at 109). "And in doing so, [appellate courts] apply the direct-evidence or circumstantial-evidence standard of review." *Id.* (citing *Bradley*, 4 N.W.3d at 110–11) (other citation omitted).

To sustain both convictions of interference with privacy, the trial evidence must establish: (1) that Masog "surreptitiously gaze[d], stare[d], or peep[ed] in the window . . . or other place where a reasonable person would have an expectation of privacy and has exposed or is likely to expose their intimate parts . . . or the clothing covering the immediate

area of the intimate parts";[4] and (2) that he did so "with intent to intrude upon or interfere with the privacy of the occupant."[5] Minn. Stat. § 609.746, subd. 1(c). The statute does not define the word "surreptitiously." Appellate courts "look to dictionary definitions to determine the common and ordinary meanings" of statutory terms. *State v. Thonesavanh*, 904 N.W.2d 432, 436 (Minn. 2017) (citing *Jaeger v. Palladium Holdings, LLC*, 884 N.W.2d 601, 605 (Minn. 2016) ("When a statute or a rule does not contain a definition of a word or phrase, we look to the common dictionary definition of the word or phrase to discover its plain and ordinary meaning." (quotation omitted)). The dictionary definition of "surreptitious" is "unauthorized and clandestine; done by stealth and without legitimate authority." *Black's Law Dictionary* 1752 (12th ed. 2024).

With these standards in mind, we next address each of Masog's sufficiency-of-the-evidence challenges in turn.

[4] "'Intimate parts' includes the primary genital area, groin, inner thigh, buttocks, or breast of a human being." Minn. Stat. § 609.341, subd. 5 (2022).

[5] Masog does not challenge the sufficiency of the evidence underlying the venue element of each charge. *See* Minn. Const. art. I, § 6 (providing that an accused person generally has the right to be tried "by an impartial jury of the county or district wherein the crime shall have been committed"); *see also* Minn. Stat. § 627.01, subd. 1 (2022) (stating that "every criminal cause shall be tried in the county where the offense was committed," unless the Minnesota Rules of Criminal Procedure provide otherwise). It is undisputed that both incidents occurred in Stearns County on or about November 2 and 30, 2022.

A. There is sufficient direct evidence to prove that Masog acted surreptitiously.

Although he does not dispute the definition of "surreptitiously,"[6] Masog argues that his conduct was not surreptitious because his acts took place "in the open and in his yard." The state counters that the evidence sufficiently establishes that Masog acted surreptitiously by avoiding detection. We agree with the state.

The direct evidence includes testimony, text messages, and Masog's own recorded statement, all of which are based on personal knowledge and observation. *See Harris*, 895 N.W.2d at 599. And this evidence proves—without inference or presumption—that Masog acted surreptitiously. *See id.* Indeed, a painstaking review of the trial record reveals that the evidence, viewed in the light most favorable to the jury's guilty verdicts, is sufficient to permit the jurors to find that Masog's acts of looking into R.F.'s bedroom window on November 2 and 30, 2022, were "unauthorized and clandestine," as well as "done by stealth and without legitimate authority." *Black's Law Dictionary*, *supra*, at 1752; *see also Segura*, 2 N.W.3d at 155.

It is undisputed that both the November 2 and 30 incidents occurred at night. As for what happened on November 2, Masog admitted that he was the person B.T. identified as a "black shadow that kind of creeped" within four feet of the window and was "peek[ing] around" before retreating "very fast." Masog also acknowledged that "[i]t was really dark."

[6] The dictionary definition of "surreptitious" is nearly identical to the instruction that the district court provided to the jury: "Surreptitiously is defined as unauthorized and secret, hidden or concealed, done by stealth and without legitimate authority." Masog has not challenged the district court's use of this jury instruction.

Regarding the November 30 incident, Masog acknowledged in his law enforcement interview that he "decide[d] to do a little bit of inspecting" to "verify" whether R.F. and B.T. were having premarital sexual intercourse. At trial, Masog testified that he walked within about six feet of R.F.'s bedroom window to confirm his suspicions. On both occasions, Masog neither "d[id] anything to try to make [him]self obvious" nor notified R.F. that he was looking into her bedroom window.

That Masog's conduct during the November 2 and 30 incidents were clandestine and done by stealth is further evinced by his own statements about what he did. When C.F. texted Masog her concern about him "looking in [her] daughter's windows at night"—especially "her bedroom"—Masog responded that he "had every right to investigate" because he had "just caught them breaking a big rule a few weeks before." Masog's messages to C.F. indicate that, if he had instead "call[ed R.F. to] ask if she [was] breaking the rules," he would not have credited any statement that she and B.T. were not having premarital sexual intercourse (e.g., "So I am supposed to call her and ask if she is breaking the rules? Get real. She has lost my trust and now they have the lights off and I am supposed to believe that they are taking a nap?"). These statements reflect Masog's efforts to avoid detection in order to catch R.F. and B.T. in the act of violating his unwritten rule against premarital sexual intercourse on the premises because he did not trust R.F. to abstain from such behavior.

As much as Masog claims that he was authorized to look into R.F.'s bedroom window "to determine whether [R.F.] was in violation of her lease," that position is belied by the fact that both the November 2 and 30 incidents occurred before 10 p.m. (i.e., at about

8:30 p.m. and 9:15 p.m., respectively), during the time that the terms of the written lease allowed R.F. to have male visitors. Although R.F. and B.T. may have contravened Masog's oral rule against premarital sexual intercourse on November 2, the lease itself contained no such term. In any case, even assuming the validity of that rule, nothing in the record establishes that Masog was authorized to look into R.F.'s windows to determine whether she had violated the terms of her lease.

Taking this direct evidence in the light most favorable to the jury's guilty verdicts, we conclude that the trial record is sufficient to permit the jurors to find that Masog's acts of looking into R.F.'s bedroom window on November 2 and 30 were not only unauthorized and clandestine, but also accomplished by stealth and lacking legitimate authority. *See Black's Law Dictionary*, *supra*, at 1752; *see also Segura*, 2 N.W.3d at 155. Thus, there is sufficient direct evidence to prove that Masog acted surreptitiously on both occasions.

B. There is sufficient direct and circumstantial evidence to prove that Masog acted with the intent to intrude upon the privacy of another.

Masog also asserts that there is insufficient evidence to prove that he acted with the intent to intrude or interfere with R.F.'s privacy during both the November 2 and 30 incidents. Maintaining that he "only looked into the window to determine whether [R.F.] was in violation of her lease," Masog contends that "[t]here is nothing about the circumstances surrounding the relationship between [himself] and [R.F.] that would suggest he had any prurient intent when looking into the windows." The state responds that there is both direct and circumstantial evidence supporting the intent element. The state's argument has merit.

Contrary to Masog's assertion, the plain language of the interference-with-privacy statute does not require that a defendant have a particular "prurient intent." *See* Minn. Stat. § 609.746, subd. 1(c)(2). Instead, it more broadly provides that the defendant must commit the charged conduct "with intent to intrude upon or interfere with the privacy of the occupant." *Id.* "Intent is a state of mind; it is frequently proven with circumstantial evidence." *State v. Irby*, 967 N.W.2d 389, 396 (Minn. 2021). "To prove intent, it is permissible for the jury to infer that a person intends the natural and probable consequences of his actions." *Id.* (quotation omitted). And intent "may be inferred from events occurring before and after the crime." *State v. Rhodes*, 657 N.W.2d 823, 840 (Minn. 2003).

Masog admitted that he peered into R.F.'s bedroom window with the intent to determine whether R.F. was in violation of her lease, including by seeing if R.F. and B.T. were having premarital sexual intercourse. That said, assuming without deciding that such direct evidence of Masog's intent is not alone sufficient to sustain the jury's guilty verdicts, we apply the heightened two-step circumstantial-evidence standard of review. *See Loving*, 891 N.W.2d at 643.

At the first step, "winnow[ing] down the evidence presented at trial to a subset of facts that is consistent with the jury's verdict[s] and disregard[ing] evidence that is inconsistent with the jury's verdict[s,]" *Gilleylen*, 993 N.W.2d at 275 (quotations omitted), we discern the following circumstances proved:

- As noted above, Masog acknowledged during his testimony at trial that his intention in peering into R.F.'s bedroom window was to investigate if R.F. was in violation of her lease, including by observing whether R.F. and B.T. were engaged in premarital sexual intercourse.

- Both the November 2 and 30 incidents occurred at night when it was dark— around 8:30 p.m. and 9:15 p.m., respectively—before the 10 p.m. prohibition against R.F. having men on the premises under the written lease agreement.

- During the November 2 incident, B.T. saw Masog as a "black shadow that kind of creeped" within four feet of the window and was "peek[ing] around" before retreating "very fast."

- Masog claimed to the sheriff's office investigator that, on November 2, he unintentionally caught a glimpse of a shirtless B.T. through R.F.'s bedroom window as he backed his vehicle down the driveway, but he did not tell the investigator that, as he admitted at trial, he intentionally walked within a few feet of R.F.'s window that night to see if R.F. was having premarital sexual intercourse with B.T.

- In the November 30 incident, Masog walked within about six feet of R.F.'s bedroom window to "verify" his suspicions about B.T. being in R.F.'s unit.

- Even without a curtain, R.F. testified that she "never would think somebody would look at [her] through a window."

- During his trial testimony, Masog agreed that "there is a difference between [people inadvertently seeing through a bedroom window because they do not have curtains up and] somebody intentionally coming up and looking into [a bedroom] window."

- Masog did not notify R.F. that he was looking into her bedroom window during either incident.

- Masog texted C.F. that he "had every right to investigate" because he had "just caught [R.F. and B.T.] breaking a big rule a few weeks before," and he wrote that he chose to peek into R.F.'s bedroom window because R.F. had "lost [his] trust," such that he would not have believed her if he had instead "call[ed] her [to] ask if she [was] breaking the rules."

- During his interview with the sheriff's office investigator, Masog stated that he understood why R.F. felt uncomfortable about him looking into her bedroom window because she and B.T. "were doing something that's private."

- Masog testified that R.F. had a "right to reasonable privacy" in her unit, conceded to the investigator that R.F. did "have a reasonable expectation of privacy in [her] rented space," and admitted during his investigative interview that he "would have never . . . peeked like [he did] if she . . . had a curtain up."

At the second step, we conclude that the circumstances proved are consistent with the hypothesis that Masog had the requisite intent to support the guilty verdicts and are inconsistent with any rational hypothesis other than guilt. *Gilleylen*, 993 N.W.2d at 275. Masog asserts that the circumstances proved are inconsistent with guilt and instead are consistent with a rational hypothesis that he intended only to see if R.F. was violating the lease. To the extent that Masog's testimony about his intent might be considered evidence inconsistent with the jury's verdicts, the first step of the circumstantial-evidence standard of review would require that we disregard that evidence. *Id.* But even considering that aspect of Masog's testimony, we conclude that an intent to observe whether R.F. had violated the lease—including by having premarital sexual intercourse on the premises—is not mutually exclusive of an intent to interfere with R.F.'s privacy because the jury could infer that Masog "intend[ed] the natural and probable consequences of his actions" in peering into R.F.'s bedroom window at night to investigate purported lease violations. *Irby*, 967 N.W.2d at 396. And the circumstances proved—including "events occurring before and after the crime[s]," *Rhodes*, 657 N.W.2d at 840—establish that the natural and probable consequences of Masog's conduct were that he would "intrude upon or interfere with [R.F.'s] privacy," Minn. Stat. § 609.746, subd. 1(c)(2).

Indeed, the circumstances proved are consistent only with the hypothesis that Masog had the requisite criminal intent on both November 2 and 30. By Masog's own admission, R.F. had a reasonable expectation of privacy in her bedroom and engaged in private conduct in that space. Masog nonetheless intentionally peered into her window in the dark of night two times to see what R.F. was doing without her knowledge—including to

observe whether she was engaged in premarital sexual intercourse. Moreover, Masog told the sheriff's office investigator that he inadvertently saw B.T. without a shirt on through R.F.'s bedroom window as he reversed his vehicle down the driveway of the residence. But Masog did not tell the investigator, as he did in his sworn trial testimony, that he had actually approached within a few feet of R.F.'s window on November 2 to determine whether she was engaged in premarital sexual intercourse. Masog's untruthfulness to law enforcement further demonstrates that he was conscious of his own guilt. *See Eggersgluss v. Comm'r of Pub. Safety*, 393 N.W.2d 183, 185 (Minn. 1986) (explaining that, when a "[d]efendant obviously was not being truthful in his response [to a police officer's question], . . . his lack of truthfulness showed a consciousness of guilt"). We therefore conclude that the circumstances proved about Masog's intent are "inconsistent with any rational hypothesis other than guilt." *Gilleylen*, 993 N.W.2d at 275 (quotations omitted).

For the same reasons, we reject Masog's argument that the evidence is insufficient to support his convictions because R.F. "had done nothing to guard her privacy in the bedroom" and "had no curtains or other coverings on the ground level bedroom window in question." "The whole thrust of the [interference-with-privacy] statute is to protect people from surreptitious intrusion into places where they have a reasonable expectation of privacy." *State v. Pakhnyuk*, 926 N.W.2d 914, 927 (Minn. 2019). "To have a protected privacy interest, an individual must have a subjective expectation of privacy, and the subjective expectation must be reasonable, i.e., one that is recognized by society." *State v. Perez*, 779 N.W.2d 105, 108 (Minn. App. 2010) (citing *State v. Jordan*, 742 N.W.2d 149, 156 (Minn. 2007)) (other citations omitted), *rev. denied* (Minn. June 15, 2010); *see also id.*

at 111 (concluding that "[the defendant's] wife had a reasonable expectation of privacy from being surreptitiously videotaped by him while she was alone in their shared bathroom"). An individual has a heightened expectation of privacy in her home, as recognized by the United States Supreme Court, which has long held that "the overriding respect for the sanctity of the home . . . has been embedded in our traditions since the origins of the Republic." *Oliver v. United States*, 466 U.S. 170, 178 (1984) (quoting *Payton v. New York*, 445 U.S. 573, 601 (1980)). Within the home, it is well established in Minnesota law that the bedroom is a place where people are entitled to privacy. *See, e.g.*, *State v. Vanengen*, 3 N.W.3d 579, 586 (Minn. 2024) (holding that a bedroom is a place "where [a crime victim] is entitled to the utmost safety and security"); *State v. Griffith*, 480 N.W.2d 347, 351 (Minn. App. 1992) ("Complainant had a reasonable expectation of privacy in her bedroom, even though it was in appellant's home."), *rev. denied* (Minn. Mar. 19, 1992), *superseded by statute on other grounds*, Minn. Stat. § 609.341, subd. 9(b) (1994); *State v. Hines*, 343 N.W.2d 869, 873 (Minn. App. 1984) ("What confidence can [a crime victim] have of security anywhere, if not in her own bedroom?").

On top of the well-founded principle that a bedroom is a private space, we need look no further than Masog's own admissions that—with or without a curtain—R.F. had a reasonable expectation of privacy in her bedroom that Masog intentionally intruded upon and interfered with. Masog conceded that R.F. had such a reasonable expectation during both his trial testimony and his statement to the sheriff's office investigator. And he admitted that his intention to investigate whether R.F. was in violation of the lease entailed the possibility that he would observe R.F. engaged in premarital sexual intercourse, an act

that he acknowledged was private, and that necessarily involved the "expos[ure] or . . . likely . . . expos[ure of R.F. and B.T.'s] intimate parts"—which the interference-with-privacy statute expressly seeks to protect from view. Minn. Stat. § 609.746, subd. 1(c)(1). Indeed, the fact that Masog decided to "investigate if the lease [was] being broken" at 8:30 p.m. and 9:15 p.m. on November 2 and 30, respectively—before the 10 p.m. prohibition against R.F. having men inside her apartment provided by the written lease—leaves no doubt that Masog intended to observe whether R.F. was engaged in what he later acknowledged was the "private" act of premarital sexual intercourse.

R.F. also testified to her subjective expectation of privacy when she stated that, even without a curtain, she did not think that anyone would look at her through her bedroom window. *See Perez*, 779 N.W.2d at 108. And the circumstances proved establish that, regardless of the curtain's absence, Masog deliberately came within four feet of R.F.'s window on November 2 and within six feet of the window on November 30, and that Masog understood that "there is a difference between [people inadvertently seeing through a bedroom window because they do not have curtains up and] somebody intentionally coming up and looking into [a bedroom] window." We therefore reject Masog's argument that, because R.F. did not have a curtain on her bedroom window, the evidence fails to prove his intent to intrude upon or interfere with R.F.'s privacy. *See* Minn. Stat. § 609.746, subd. 1(c)(2). Instead, we conclude that the circumstances proved are inconsistent with any rational hypothesis other than that Masog intended to infringe on R.F.'s privacy during both the November 2 and 30 incidents. *See Gilleylen*, 993 N.W.2d at 275.

In sum, the trial evidence is sufficient to sustain Masog's two convictions of interference with privacy because it proves that Masog surreptitiously peered into R.F.'s bedroom with the requisite criminal intent on both occasions.

Affirmed.