

**STATE OF MINNESOTA**  
**IN COURT OF APPEALS**  
**A24-1855**



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State of Minnesota,

Appellant,

vs.

Rodrigo Rojas Gasca,

Respondent.

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**ORDER OPINION**

Olmsted County District Court  
File No. 55-CR-24-1431

Considered and decided by Worke, Presiding Judge; Johnson, Judge; and Smith, Tracy M., Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:**

1. In February 2022, respondent Rodrigo Rojas Gasca was involved in an altercation. Two years later, in February 2024, appellant State of Minnesota charged Gasca with assault.

2. At a November 2024 hearing, Gasca argued that the state's two-year delay in charging him was unnecessary and prejudicial, and he asked the district court to dismiss the complaint under Minnesota Rule of Criminal Procedure 30.02. Gasca sought to show prejudice through testimony or written submissions. The state requested to respond to the motion through written submissions. The district court declined to receive written submissions or take testimony, and simply decided to dismiss the case because the state was "not prepared to move forward."

3. The state now appeals the dismissal, arguing that the district court abused its discretion because Gasca failed to establish prejudice. Gasca concedes that the district court did not address prejudice but contends that the district court did not grant his rule 30.02 motion and instead dismissed the complaint on its own motion pursuant to Minn. Stat. § 631.21 (2024).

4. We review a district court’s decision on a rule 30.02 motion to dismiss for an abuse of discretion. *State v. Mikell*, 960 N.W.2d 230, 256 (Minn. 2021). “A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record.” *Id.* (quotation omitted). In reviewing a rule 30.02 dismissal, “we assess whether (1) the record supports the district court’s factual findings and (2) the district court applied the legal standard correctly.” *Id.* (quotation omitted). We also review a district court’s dismissal pursuant to section 631.21 for an abuse of discretion. *State v. Hart*, 723 N.W.2d 254, 259-60 (Minn. 2006).

5. Rule 30.02 provides: “The court may dismiss the complaint . . . if the prosecutor has unnecessarily delayed bringing the defendant to trial.” To obtain relief under rule 30.02, a defendant must demonstrate both unnecessary delay and prejudice. *Hart*, 723 N.W.2d at 257 n.5 (“We have required a showing of prejudice for dismissal under [rule 30.02].”).

6. Section 631.21 provides: “The court may order dismissal of an action either on its own motion or upon motion of the prosecuting attorney and in furtherance of justice. If the court dismisses an action, the reasons for the dismissal must be set forth in the order and entered upon the minutes.”

7. We are not persuaded that the district court dismissed the complaint under section 631.21. In dismissing the complaint, the district court did not cite the statute, explain that it was dismissing “in furtherance of justice,” or commit its verbal order to writing. *See State v. Ohrt*, 619 N.W.2d 790, 792 (Minn. App. 2000) (“Written reasons are required if the court dismisses a complaint ‘in furtherance of justice.’” (quoting Minn. Stat. § 631.21)).

8. We conclude that the district court granted the rule 30.02 motion. But because the district court did not require Gasca to establish prejudice or make the findings necessary to support a rule 30.02 dismissal, it erred in its application of the rule and therefore abused its discretion. Accordingly, we reverse and remand for further proceedings. On remand, the district court may, in its discretion, reopen the record.

**IT IS HEREBY ORDERED:**

1. The district court’s order is reversed and remanded.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: May 15, 2025

**BY THE COURT**



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Judge Renee L. Worke