

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0950**

State of Minnesota,
Respondent,

vs.

Michael Roy Olson,
Appellant.

**Filed June 23, 2025
Affirmed
Wheelock, Judge**

Scott County District Court
File No. 70-CR-23-14056

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

Ronald Hocevar, Scott County Attorney, Elisabeth M. Johnson, Assistant County Attorney, Shakopee, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Benjamin J. Butler, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Wheelock, Presiding Judge; Worke, Judge; and Connolly, Judge.

NONPRECEDENTIAL OPINION

WHEELOCK, Judge

Appellant challenges his conviction for unlawful possession of a firearm, arguing that the evidence was insufficient to support his conviction. Because we conclude that the state introduced sufficient evidence to prove appellant's guilt, we affirm.

FACTS

We take the following facts from the record, including the testimony and exhibits admitted during appellant's jury trial. Members of a family were driving to their child's basketball game on County Road 42 in Savage, Scott County, on a Sunday morning in October 2023. From the front passenger seat of her family's car, an adult woman observed a sport utility vehicle (SUV) passing them and noticed that the SUV's windows were down despite it being a chilly morning. She then saw the driver of the SUV—who was later identified as appellant Michael Roy Olson—lean over with a gun and point it at her family.

She yelled to the adult man who was driving her family's car that the man in the SUV next to them had a gun. The driver accelerated and then slammed on the brakes, allowing Olson to speed past the family. The woman called 911 and reported the incident, providing a description of the SUV and of Olson, and law-enforcement officers began searching for Olson. Eventually, an officer spotted Olson's SUV at a storage facility in Burnsville, in Dakota County. The officer saw Olson standing outside of his SUV. As the officer turned his squad car around in the parking lot, positioning himself to make contact with Olson, Olson got into his SUV and fled. A high-speed chase ensued.

During the high-speed chase, Olson and law enforcement passed another family driving to church on Highway 169 in Hopkins, in Hennepin County. They had pulled over to the side of the road as Olson and the squad cars approached and raced past them. As the vehicles sped past them, one of the occupants saw an object fly out of Olson's SUV. He then looked behind his car and saw a gun on the shoulder of the road. The family called

911 and waited inside their car on the side of the road until law enforcement secured the firearm.

To end Olson's flight, officers used a PIT maneuver¹ to disable Olson's SUV. Afterward, they apprehended Olson, obtained a search warrant, and searched Olson's SUV. While law enforcement had Olson apprehended at the scene, the woman from the first family identified him as the man who pointed a firearm at her family. During their search, the officers recovered methamphetamine from the SUV; they then took Olson to the police station to collect a DNA sample pursuant to another warrant.

While at the station, Olson voluntarily told law enforcement about how he perceived the morning's events, and law enforcement recorded Olson's statements. Olson said that he would never point a gun at someone, that he was high on meth that morning, and that he did not remember what happened after he took "a shot of meth." The officer explained why they were collecting a DNA sample from him, telling Olson that law enforcement was going to try to match Olson's DNA to the firearm they collected during the morning's high-speed chase. In response, Olson disputed that he possessed a firearm and said that the first family had tried to race him. Olson then said, "It wasn't that big of a f---ing deal, man. Whether I had something next to me, I don't know. You know, and he saw it." Officers were unable to collect enough DNA from the firearm to conclusively match any samples to Olson's DNA sample.

¹ A PIT maneuver, or "pursuit intervention technique," is a law-enforcement tactic to stop fleeing vehicles by forcing them to spin out and come to a halt.

Respondent State of Minnesota initially charged Olson with second-degree assault with a dangerous weapon in violation of Minn. Stat. § 609.222, subd. 1 (2022). Later, the state amended the complaint to add a charge for unlawful possession of a firearm in violation of Minn. Stat. § 624.713, subd. 1(2) (Supp. 2023), because, prior to this incident, Olson had been convicted of a crime of violence.

This matter proceeded to a jury trial on both charges. At trial, a law-enforcement officer testified that the incident with the first family occurred in Scott County. The woman from the first family testified that Olson pointed a gun at her family while they were driving on County Road 42. And the occupant of the second family's car testified that he was certain the gun he saw on the road came from Olson's SUV. The state also played law enforcement's recording of Olson at the police station explaining that he did not know what had happened and that he had been high on methamphetamine. The recording included Olson's statement: "It wasn't that big of a f---ing deal, man. Whether I had something next to me, I don't know. You know, and he saw it." The jury found Olson guilty of unlawful possession of a firearm and not guilty of second-degree assault with a dangerous weapon.

Olson appeals.

DECISION

Olson argues that the state's evidence was insufficient to prove that he unlawfully possessed a firearm in Scott County.² Evidence can be direct or circumstantial. *State v.*

² Olson also argues that we must review his unlawful-possession-of-a-firearm conviction under the circumstantial-evidence standard because the jury acquitted him of the assault

Silvernail, 831 N.W.2d 594, 598 (Minn. 2013). Direct 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). Witness testimony “is direct evidence when it reflects a witness’s personal observations and allows the jury to find the defendant guilty without having to draw any inferences.” *State v. Horst*, 880 N.W.2d 24, 40 (Minn. 2016). Circumstantial evidence is “evidence from which the factfinder can infer whether the facts in dispute existed or did not exist.” *Harris*, 895 N.W.2d at 599.

When reviewing a sufficiency-of-the-evidence claim, we “carefully examine the record to determine whether the facts and the legitimate inferences drawn from them would permit the jury to reasonably conclude that the defendant was guilty beyond a reasonable doubt.” *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016) (quotation omitted). When direct evidence supports a disputed element of an offense, the traditional standard applies and appellate review is limited to a “painstaking analysis of the record to determine whether the evidence, when viewed in a light most favorable to the conviction, was sufficient to permit the jurors to reach the verdict which they did.” *Horst*, 880 N.W.2d at 39-40 (quotation omitted). When the jury’s “verdict [of guilt] is arguably inconsistent with

charge, asserting that the state did not prove, with direct evidence, that he possessed the firearm in *Scott County*. We are not persuaded because the supreme court recently held that “[t]he statutory venue requirement set forth in Minnesota Statutes section 627.01 (2024), that every criminal cause shall be tried in the county where the offense was committed, is not an element of the offense.” *State v. Paulson*, ___ N.W.3d ___, ___, No. A22-0632, slip op. at 1-2 (Minn. June 11, 2025). Furthermore, as we explain below, the direct evidence was sufficient to establish that Olson possessed a gun in Scott County.

the jury's acquittal on a second charge," the "[d]isputed evidence will support the . . . conviction" on the guilty verdict. *State v. Thomas*, 467 N.W.2d 324, 325 (Minn. App. 1991).

Because the state's witnesses testified about their personal observations, the jury did not need to draw inferences from the evidence to decide the facts of Olson's offense; therefore, direct evidence supported the jury's guilty verdict and we apply the direct-evidence standard of review.

The state's direct evidence included testimony from a woman that she saw a car with its windows down as it passed her family's car while they were driving on County Road 42, that she saw Olson leaning over with a gun and pointing at her family, and that she yelled that the man in the car had a gun. The state also offered as evidence the recording of the woman's 911 call, in which one of the dispatchers explains that this was a "gun pointing incident" that occurred "in Savage," which is located in Scott County. At trial, an officer testified that the incident involving the first family occurred in Scott County. Because a jury could reasonably find that Olson possessed a firearm based on this evidence, we conclude that the direct evidence is sufficient to support the jury's verdict that Olson unlawfully possessed a firearm.

We conclude that the state's evidence was sufficient and affirm the jury's verdict and the district court's entry of judgment of conviction for unlawful possession of a firearm.

Affirmed.