

*This opinion is nonprecedential except as provided by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
A24-1007**

State of Minnesota,
Respondent,

vs.

Stacie Lynn LaClaire,
Appellant.

**Filed June 30, 2025
Affirmed
Ross, Judge**

Rice County District Court
File No. 66-CR-22-2024

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

Brian M. Mortenson, Rice County Attorney, Sean R. McCarthy, Assistant County Attorney, Faribault, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Eva F. Wailes, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

NONPRECEDENTIAL OPINION

ROSS, Judge

A jury found Stacie LaClaire guilty of fifth-degree assault after receiving evidence that she swung a golf club at a man who unplugged her vacuum cleaner from an outlet near his barn. LaClaire appeals from her consequent conviction, arguing that the prosecutor

engaged in misconduct during her trial. Because the allegedly improper comments during the prosecutor's opening statement did not affect LaClaire's substantial rights and because the other allegedly improper statements do not constitute misconduct, we affirm.

FACTS

Stacie LaClaire was living out of her car parked beside a house on a rural lot in Rice County in May 2022. The lot's owner had permitted LaClaire to park there but had leased the house to a couple, whom, in the interest of their privacy, we will call "Shane" and "Anna." A conflict ensued one evening between Shane and LaClaire after Shane came out of the house and saw LaClaire vacuuming her car using a vacuum cleaner plugged into an outlet on the property. The conflict resulted in deputies being called to the property and the state charging LaClaire with two counts of fifth-degree assault. The following account summarizes the relevant events at LaClaire's criminal trial.

The prosecutor gave a short opening statement that began with the purported reason for the jurors' attendance: "Good morning, ladies and gentlemen of the jury. Thank you for your service today. You are here this morning because the defendant, Stacie LaClaire, cannot take accountability for her actions." And after the prosecutor predicted that the evidence would show that LaClaire swung a golf club at the couple while threatening them, she concluded her opening statement by characterizing LaClaire's behavior in terms of reasonableness: "Ladies and gentlemen, that is unreasonable behavior by Ms. LaClaire after a simple request by the property owner. Once you've heard from my witnesses today, I am going to ask that you return guilty verdicts on both counts."

Shane testified that he saw LaClaire vacuuming her car, was annoyed that she was using electricity that he paid for, and unplugged her vacuum cleaner. He said that LaClaire banged a golf club against her car and chased after him, swinging the club at him and threatening him: “[S]he started swinging the golf club at me and telling me she’s going to kill me, and she’s going to -- pardon my language, she’s going to f--- me up, and this went on for a few minutes, and I kept trying to get away, and she was literally swinging it so I could feel the wind in front of my face.”

Anna testified that she was in the pole barn when she heard Shane and LaClaire yelling. “I heard her saying I’m going to kill you. I -- I will beat your blank. I heard my husband saying get off my property, get off my property.” Anna said that she left the barn and asked what was going on, and testified, “[LaClaire] turned around and started swinging the golf club at me and said I will beat your -- I will kill you, and she said that several times.” Anna and Shane then retreated into the house and summoned law enforcement.

Rice County Sheriff’s Deputy Macdaniel Malecha testified that he was dispatched to the call of “a disturbance between people with someone swinging a golf club at another party.” He said that LaClaire told him “that she wanted to f--- them up.” He added, “She also said that she . . . had the golf club in her hand, and she twirls them like a baton.”

LaClaire testified in her own defense. She said, “The vacuum cleaner just quit on me.” So she looked and realized that Shane was “the one that unplugged” it. She said, “[W]e kept having words with each other,” and, because she “ha[s] to do stuff with [her] hands when [she] get[s] nervous,” she “obviously had a golf club and grabbed the golf club after he left, and [she] was twirling it.” Shane went inside, she said, but then he “came

running out of the house” while Anna “came running out of the pole barn at [her]” and “tried to grab the golf club” from her. She denied trying to hit Shane with the club and said that he had just “come into where I was twirling” it. Shane too tried to grab the club from her, LaClaire said, but she told him “that he was too slow.”

After testimony, the district court instructed the jury by providing them with, among other things, standard instructions on how to assess witness credibility. The prosecutor began her closing argument by referencing the unreasonableness of LaClaire’s conduct:

So, as I discussed at the beginning of this trial, I’d like you to keep in mind how a reasonable person behaves and responds in these kinds of situations. Reasonable people do not swing golf clubs at others when their vacuums are suddenly turned off. Reasonable people do not threaten to kill other people in these circumstances.

The jury found LaClaire guilty of assaulting Shane by putting him in fear of bodily harm but not guilty of assaulting Anna. The district court sentenced LaClaire to serve 90 days in jail, staying execution on probationary conditions for one year.

LaClaire appeals.

DECISION

LaClaire argues that she was denied a fair trial because the prosecutor committed misconduct. Because she did not object to the prosecutor’s conduct during trial, we review her challenge on appeal under a modified plain-error test. *State v. Ramey*, 721 N.W.2d 294, 302 (Minn. 2006). Under that test, the appellant first has the burden to establish that an error occurred and that the error is plain. *State v. Parker*, 901 N.W.2d 917, 926 (Minn. 2017). And “prosecutorial misconduct constitutes error.” *State v. Dobbins*, 725 N.W.2d

492, 513 (Minn. 2006). Our review under this standard leads us to conclude that the alleged prosecutorial misconduct does not merit reversing.

LaClaire first contends that the prosecutor’s opening-statement reference about her failure to “take accountability” was misconduct because, she maintains, the reference effectively attacked her exercising her right to a jury trial. LaClaire unconvincingly points us to *State v. McNeil*, where the prosecutor made comments tending to inflame the jury’s passions, opined on the credibility of a witness, and seemingly invited the jury to punish the defendant for exercising his right to trial by traumatizing the child victim in requiring her to recount the defendant’s criminal sexual conduct. 658 N.W.2d 228, 235 (Minn. App. 2003). The circumstances here are clearly unlike those in *McNeil*. While we do not mean to suggest that we endorse the prosecutor’s statement to the jury that LaClaire “cannot take accountability for her actions”—indeed, the statement arguably implied an inaccurate reason for the jury’s participation, and it might have also improperly suggested that LaClaire’s guilt was so obvious that she should not have exercised her right to trial—we say only that the prosecutor’s statement falls far short of the obviously erroneous conduct that we addressed in *McNeil*.

We need not go further to determine whether the challenged statement constitutes prosecutorial misconduct because, even if it does, LaClaire’s appeal on this ground fails for lack of prejudice. If the appellant establishes an error that is plain, the burden shifts to the state, which can avoid reversal by establishing that there is no reasonable likelihood that the error affected the appellant’s substantial rights. *State v. Thompson*, 3 N.W.3d 257, 263–64 (Minn. 2024). The state meets this burden here for four reasons. First, its case

establishing LaClaire's guilt was strong. To prove its charge of fifth-degree assault against Shane, the state had to prove that LaClaire committed an act that she intended would cause him to fear immediate bodily injury. *See* Minn. Stat. § 609.224, subd. 1(1) (2020). The testimony of all state witnesses, corroborated in part by LaClaire's own testimony, directly or inferentially supports a finding that, angry at having her vacuum unplugged, LaClaire swung her golf club at Shane while she verbally threatened to injure him. Second, the alleged error was not pervasive. The prosecutor made the problematic statement only once during her opening statement and did not repeat it later. Third, the alleged error occurred so early that LaClaire had multiple opportunities to mitigate any harm by correcting it. And her attorney did so by stating and emphasizing the proper burden of proof. And fourth, the jury was apparently not unduly influenced by the statement, as it demonstrated its responsibility to determine the guilt based on the evidence, uninfluenced by the statement, by acquitting LaClaire on the charge of assaulting Anna while finding LaClaire guilty only for having assaulted Shane. *See State v. Matthews*, 221 N.W.2d 563, 565 (Minn. 1974) (observing that jury's acquittal of defendant on one charge suggested that prosecutor's improper argument did not substantially influence jury's thinking). We hold that LaClaire is not entitled to a new trial based on the prosecutor's assertion that she "cannot take accountability for her actions."

We also are not persuaded by LaClaire's assertion that the prosecutor committed misconduct by commenting on LaClaire's reasonability. LaClaire urges us to conclude that, by focusing the jury on LaClaire's alleged unreasonableness, the prosecutor misled the jury to finding LaClaire guilty because she was allegedly unreasonable rather than because the

state met its burden of proving that LaClaire acted with the intent to cause Shane to fear bodily injury. The argument fails because we take the prosecutor's statements in the context of her entire argument, *State v. Walsh*, 495 N.W.2d 602, 607 (Minn. 1993), and the state's entire argument stressed that LaClaire's minimizing "baton twirling" testimony was simply not credible. During her opening statement, the prosecutor described LaClaire's alleged conduct and then said that this was "unreasonable behavior by Ms. LaClaire after a simple request by the property owner." And before the prosecutor made her closing-argument comments about LaClaire's lack of reasonableness, the district court had instructed jurors that, in assessing the credibility of the witnesses, including LaClaire, they should consider whether the testimony was "reasonable" and rely on their own "experience, good judgment, and common sense." The prosecutor arguably attempted to incorporate the instructions into her closing by emphasizing that "[r]easonable people do not swing golf clubs . . . when their vacuums are suddenly turned off" and "do not threaten to kill other people." The prosecutor never expressly asked the jury to find LaClaire guilty based on the assertion that she acted unreasonably, and the district court's instructions and both counsels' closing arguments properly directed the jury as to the burden of proof and the elements of the charged crime. The prosecutor's argument was imprecise, but not misconduct.

Affirmed.