

*This opinion is nonprecedential except as provided by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
A24-1324**

State of Minnesota,
Respondent,

vs.

Joseph Maurice Chouinard,
Appellant.

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

St. Louis County District Court
File No. 69HI-CR-23-695

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

Kimberly J. Maki, St. Louis County Attorney, Jeffrey Vlatkovich, Assistant County Attorney, Hibbing, Minnesota (for respondent)

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

Considered and decided by Bjorkman, Presiding Judge; Bratvold, Judge; and Reilly, Judge.*

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

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

Appellant challenges the final judgment of conviction for receiving stolen property, arguing that the evidence is insufficient to sustain his conviction. Appellant contends that the circumstantial evidence is legally insufficient on one element of the offense of conviction—that he knew or had reason to know that the pickup truck he drove was stolen. Because the circumstances proved at trial are consistent with appellant’s guilt and inconsistent with any rational hypothesis except that of appellant’s guilt, we affirm.

FACTS

Respondent State of Minnesota charged appellant Joseph Maurice Chouinard with receiving stolen property valued at more than \$5,000 under Minn. Stat. § 609.53, subd. 1 (2022), with reference to Minn. Stat. § 609.52, subd. 3(2) (Supp. 2023). The complaint alleged that Chouinard received a stolen pickup truck in St. Louis County on August 9, 2023. The following summarizes the evidence received during Chouinard’s jury trial.

On August 9, 2023, Thomas Jivery, the owner of Jivery Construction, reported that one of his pickup trucks had been stolen from his landscape business in Hibbing.¹ Jivery described the truck as a white 2005 Chevrolet Silverado with a black decal depicting a “Jivery Construction” logo on both doors; he added that a toolbox with a “Northern Tool” logo was in the truck bed. Jivery explained that the truck was parked on the business

¹ Although Jivery did not testify at Chouinard’s jury trial, the police report summarizing Jivery’s statement was received into evidence by stipulation and was presented to the jury during testimony.

property overnight; it was left unlocked with the keys inside. The truck was missing the next morning. A surveillance video from the neighboring business showed the truck leaving the property at 1:53 a.m.; the video did not show the driver. Jivery added that no one had permission to take the truck.

The stolen pickup truck was located two weeks later, on August 23, 2023. Law-enforcement officers responded to a dispatch report that three “suspicious” individuals parked a pickup truck in an alley in Hibbing and immediately walked away just after 1:00 p.m. The officers found the pickup truck in the location reported, and the truck matched the description of the Jivery truck. It is undisputed that this truck was the stolen Jivery truck.

The Jivery truck had been altered. First, the license plates were replaced with stolen plates from a different vehicle in Carlton County. Second, several parts of the truck were painted a different shade of white; the paint covered writing around the fuel cap that said, “fuel oil only.” Third, the black Jivery Construction decals on the doors had been removed. Fourth, an orange beacon light had been taken off the roof of the truck. Fifth, the tailgate was missing. Sixth, the truck’s right taillight, which was broken with a hole in it before being stolen, had been replaced and screwed into a piece of plywood. Seventh, the toolbox was missing from the truck bed.

Inside the Jivery truck, law enforcement found a receipt from a nearby gas station. The receipt was for motor oil and was issued on August 23, 2023, at 2:59 a.m. Officers reviewed the gas-station surveillance video from the time and date on the motor-oil receipt. In the video, two men pulled into the gas station in the Jivery truck and parked at a gas

pump. An officer viewing the video identified the driver as Chouinard. The men exited the truck and entered the store, where Chouinard bought motor oil.

Chouinard lived about five blocks away from the location where law enforcement found the Jivery truck. Officers obtained a search warrant for Chouinard's home and garage. On the bedroom floor of the home, officers found an expired gas credit card issued to Jivery Construction. A Jivery Construction employee testified that he saw this gas credit card in the Jivery truck's glove box before it was stolen.

Officers also found a Northern Tool toolbox in a different pickup truck in Chouinard's garage. The toolbox had been altered by cutting and notching it to fit sideways in the truck bed. A law-enforcement officer testified that, when he asked Jivery's wife about the toolbox, she was "at first was unable to identify whether or not the toolbox was theirs" because it was "very altered." A Jivery Construction employee testified that this toolbox was "consistent with" the one that was in the Jivery truck when it was stolen.

The district court held a jury trial on April 23, 2024, and the state offered the testimony of two law-enforcement officers, a law-enforcement investigator, a gas-station employee, and a Jivery Construction employee. Chouinard did not offer any evidence. The jury found Chouinard guilty as charged. The district court sentenced Chouinard to 15 months in prison but stayed the execution of the sentence for three years.

Chouinard appeals.

DECISION

Chouinard argues that the record evidence is insufficient to sustain his conviction. The state counters that the evidence is consistent with Chouinard's guilt and that the "alternative hypothesis" offered on appeal "is nothing more than mere conjecture."

"When evaluating the sufficiency of the evidence, appellate courts 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). An appellate court views the evidence "in the light most favorable to the verdict," *State v. Bradley*, 4 N.W.3d 105, 110 (Minn. 2024) (quotations omitted), and assumes that "the jury believed the state's witnesses and disbelieved any evidence to the contrary," *State v. Caldwell*, 803 N.W.2d 373, 384 (Minn. 2011) (quotation omitted).

The applicable standard of review for assessing the sufficiency of the evidence depends on whether the record includes direct or circumstantial evidence. *State v. Hokanson*, 821 N.W.2d 340, 353 (Minn. 2012). "[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). "[C]ircumstantial evidence always requires an inferential step to prove a fact that is not required with direct evidence." *Id.*

Chouinard was convicted of receiving stolen property valued at more than \$5,000 under Minn. Stat. §§ 609.53, subd. 1, .52, subd. 3(2).² “[A]ny person who receives, possesses, transfers, buys or conceals any stolen property or property obtained by robbery, *knowing or having reason to know* the property was stolen or obtained by robbery,” is guilty of receiving stolen property. Minn. Stat. § 609.53, subd. 1 (emphasis added).

Chouinard challenges the sufficiency of the evidence for only the knowledge element of his offense. Chouinard contends that no direct evidence shows that he knew or had reason to know that he possessed stolen property and that the circumstantial evidence did not satisfy the legal standard to affirm his conviction on appeal. A defendant’s knowledge is often proved by circumstantial evidence. *State v. Al-Naseer*, 734 N.W.2d 679, 688 (Minn. 2007). The parties agree that the record includes only circumstantial evidence to prove Chouinard’s knowledge.

When a conviction is based on circumstantial evidence, appellate courts apply a heightened, two-step standard of review. *State v. Silvernail*, 831 N.W.2d 594, 598 (Minn. 2013). First, the appellate court must identify the circumstances proved. *Id.* In doing so, the court must “defer to the jury’s acceptance of the proof of [the] circumstances and rejection of evidence in the record that conflicted with the circumstances proved by the State.” *Id.* at 598-99 (quotation omitted). Thus, the appellate court must “consider only those circumstances that are consistent with the verdict.” *Id.* at 599.

² The value of the stolen property is not disputed.

Second, the appellate court must “determine whether the circumstances proved are consistent with guilt and inconsistent with any rational hypothesis except that of guilt.” *Id.* (quotations omitted). The appellate court independently examines “the reasonableness of all inferences that might be drawn from the circumstances proved; including the inferences consistent with a hypothesis other than guilt.” *Id.* (quotations omitted). The appellate court does not give deference to the jury’s choice between reasonable inferences. *Id.* “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.” *State v. Al-Naseer*, 788 N.W.2d 469, 473 (Minn. 2010) (quotation omitted).

A. The Circumstances Proved

We first identify the circumstances proved. Jivery Construction’s 2005 white Chevrolet Silverado pickup truck was stolen on August 9, 2023, at 1:53 a.m., when it left the business’s parking lot in Hibbing. No one had permission to take the Jivery truck. When it was stolen, the Jivery truck had an expired gas credit card issued to Jivery Construction in the glove box and a Northern Tool toolbox in the truck bed.

Law enforcement recovered the Jivery truck two weeks later, on August 23, 2023, just after 1:00 p.m. Three “suspicious” men walked away from the truck after parking it in an alley in Hibbing about five blocks from Chouinard’s home.

The law-enforcement investigation found many alterations to the Jivery truck. White “spray paint all over different spots” of the Jivery truck concealed writing around the fuel cap. Several items had been removed from the truck, including the tailgate, the

Jivery Construction decals from both doors, and a beacon light from the roof of the truck. The Jivery truck's damaged rear taillight was replaced and screwed into a piece of plywood. The Jivery truck's license plates were replaced with stolen plates from a different vehicle in Carlton County.

A receipt from a Hibbing gas station was inside the truck and showed a motor-oil purchase dated August 23, 2023, at 2:59 a.m. As captured on the Hibbing gas station's surveillance video, Chouinard drove the Jivery truck to the gas station and purchased motor oil on that date and at that time.

In the bedroom of Chouinard's home, law enforcement found an expired gas credit card issued to Jivery Construction. In another pickup truck in Chouinard's garage, law enforcement found a toolbox with a Northern Tool logo. The toolbox was "consistent with the toolbox" that was in the bed of the Jivery truck before it was stolen.

B. The circumstances proved are consistent with Chouinard's guilt and inconsistent with any reasonable alternative other than his guilt.

We next consider whether the circumstances proved are consistent with Chouinard's guilt. Because Chouinard challenges only the knowledge element of his offense, we examine the evidence that Chouinard knew or had reason to know that the Jivery truck was stolen. On appeal, Chouinard does *not* argue that the circumstances proved are inconsistent with his guilt, and we conclude that they are consistent with his guilt.

No one had permission to take the Jivery truck from the business lot overnight. Yet Chouinard drove the Jivery truck and bought motor oil for it, and the truck was parked near Chouinard's home when it was recovered. Also, items removed from the Jivery truck were

found in Chouinard's home and garage—the expired gas credit card issued to Jivery Construction, which was previously in the Jivery truck glove box, was found on Chouinard's bedroom floor, and a Northern Tool toolbox consistent with the one that was in the Jivery truck bed was found in Chouinard's garage. After it was stolen, the Jivery truck was altered in ways to hide or obscure its identity—such as by removing the black Jivery decals from the doors, replacing the license plate with a stolen plate, covering writing on the truck with white paint, removing the tailgate and beacon light, and replacing the broken taillight by screwing it into a piece of plywood.

These circumstances “form a complete chain” from which the jury may infer that Chouinard knew or had reason to know that the Jivery truck was stolen. *Al-Naseer*, 788 N.W.2d at 473 (quotation omitted). In particular, it is reasonable to infer that Chouinard got the credit card from the Jivery truck and therefore knew or had reason to know that the truck belonged to Jivery Construction.

Caselaw establishes that “[a]n individual's unexplained possession of stolen property within a reasonable time after a theft will in and of itself be sufficient to sustain a conviction.” *State v. Hager*, 727 N.W.2d 668, 677-78 (Minn. App. 2007) (quoting *State v. Bagley*, 175 N.W.2d 448, 454 (Minn. 1970)). Chouinard contends that evidence of his possession of the stolen property is not sufficient to sustain his conviction because the two weeks between the Jivery truck's theft and its recovery is not a “reasonable time.”

Chouinard's position is not well taken for two reasons. First, this court has concluded that unexplained possession of stolen property even three weeks after a theft is a “reasonable” time and will sustain a conviction for receiving stolen property. *State v.*

Anderson, 405 N.W.2d 527, 530 (Minn. App. 1987) (concluding that record evidence was sufficient to sustain convictions where the appellant asserted he was an innocent purchaser but stolen calves were found in his possession three weeks after theft), *rev. denied* (Minn. July 22, 1987). Second, as explained above, the state offered more evidence of Chouinard's knowledge than that of Chouinard's unexplained possession of the Jivery truck two weeks after it was stolen.

We next consider whether the circumstances proved are consistent with a reasonable hypothesis other than Chouinard's guilt, focusing again on the challenged knowledge element. On appeal, Chouinard offers two hypotheses that he contends are consistent with the circumstances proved and inconsistent with his guilt for knowing or having reason to know that the Jivery truck was stolen.

First, Chouinard contends that one reasonable alternative hypothesis inconsistent with his guilt is that he possessed the Jivery truck with permission. He claims that there is "no evidence indicating [Chouinard] did not believe he had permission to use the truck." We disagree. The circumstances proved show that no one had permission to take the Jivery truck from the business's parking lot overnight. A Jivery construction employee testified that only he and one other employee had permission to use the Jivery truck.

Chouinard points to evidence that another person was in the Jivery truck with him at the gas station, and he contends that this does not exclude the reasonable hypothesis that Chouinard believed this person owned the Jivery truck or told him they had permission to use it. Even though another person was in the Jivery truck with Chouinard, no record evidence establishes this hypothesis, and it is inconsistent with other circumstances proved:

Chouinard was the driver, he bought motor oil for the truck, and he possessed both the expired gas credit card issued to Jivery Construction and the Northern Tool toolbox. Based on this evidence, it is unreasonable to speculate that Chouinard believed the passenger in the Jivery truck owned it or told him they had permission to use it. *See State v. Tscheu*, 758 N.W.2d 849, 861 (Minn. 2008) (“[W]e will not reverse a conviction, even one grounded only in circumstantial evidence, based on mere conjecture or the possibility of innocence when the evidence shows such possibility is unreasonable.”).

Chouinard argues that a second reasonable hypothesis inconsistent with his guilt is that he was an innocent possessor of the Jivery truck. Chouinard supports his argument with three pieces of evidence, which we consider in turn.

Chouinard first asserts that the Jivery truck’s alterations left the truck without any “identifying attributes that would alert someone to its stolen status.” Chouinard argues that the Jivery truck was not a “typical” stolen truck, which he claims would have a broken steering column, a screwdriver in the ignition, or a smashed window. While Chouinard is correct that the Jivery truck was not altered in the ways mentioned in his brief, the facts underlying this alternative hypothesis are not among the circumstances proved. Nothing in the record establishes what “typical” alterations would alert a driver of a stolen truck. Nor does the record establish that the alterations to the Jivery truck, such as the white paint and the taillight screwed into a piece of plywood, would *not* alert a reasonable driver that the truck was stolen.

Chouinard next argues that the gas credit card issued to Jivery Construction “could have come from another person staying in the home.” Chouinard points to the male and

female clothing found in the bedroom of his home. But no record evidence establishes that another person lived in Chouinard's home. We therefore reject this hypothesis because it relies on speculation. *See id.* The circumstances proved established that the gas credit card issued to Jivery Construction was removed from the glove box in the truck and found in Chouinard's bedroom.

Chouinard finally argues that the Northern Tool toolbox in his garage was not the same toolbox that was in the back of the Jivery truck at the time it was stolen. Chouinard points to the law-enforcement officer's testimony that Jivery's wife "was unable to identify whether or not the toolbox was theirs." But Chouinard ignores that a Jivery employee testified that the toolbox that was found had been altered and was "consistent with" the toolbox that was in the Jivery truck. No record evidence establishes that a different Northern Tool toolbox was in Chouinard's garage, and we reject this hypothesis as speculation. *See id.*

In sum, Chouinard's alternative hypotheses rest on speculation and conflict with the circumstances proved. Because the circumstances proved are consistent with proving that Chouinard knew or had reason to know that the Jivery truck was stolen and inconsistent with any rational hypothesis other than Chouinard's guilt, we conclude that the evidence is sufficient to sustain Chouinard's conviction.

Affirmed.