

*This opinion is nonprecedential except as provided by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
A24-1618**

State of Minnesota,
Appellant,

vs.

Christian Dior Byrd,
Respondent.

**Filed May 19, 2025
Affirmed
Slieter, Judge**

Hennepin County District Court
File Nos. 27-CR-24-1598, 27-CR-23-21399

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

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Defender, Minneapolis, Minnesota (for respondent)

Considered and decided by Larson, Presiding Judge; Slieter, Judge; and Florey,
Judge.*

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

NONPRECEDENTIAL OPINION

SLIETER, Judge

In this pretrial appeal from the district court's order dismissing the criminal complaint against respondent, appellant State of Minnesota argues that the district court abused its discretion in concluding that the state had unnecessarily delayed bringing respondent Christian Dior Byrd to trial, under Minn. R. Crim. P. 30.02, and that the district court erred in concluding that the state had violated respondent's speedy-trial right. The district court acted within its discretion to determine that the state unnecessarily caused delay, and we affirm the district court's dismissal pursuant to rule 30.02. Because we affirm the district court's rule 30.02 dismissal, we need not consider whether it was a violation of respondent's speedy-trial right.

FACTS

On October 6, 2023, the state charged Byrd with aggravated robbery in violation of Minn. Stat. § 609.245, subd. 1 (2022). On October 13, Byrd demanded a speedy trial which was scheduled (with his agreement) for January 16, 2024. The January 16 jury-trial date was confirmed at two subsequent hearings.

On January 16, 2024, the parties held off-the-record discussions with the district court regarding witness availability. On January 17, the parties appeared for trial. Before trial commenced, the state informed the court that it was struggling to procure the presence of a law enforcement officer, a "necessary witness[]" in it's case. The state noted that it had subpoenaed the officer "months" ago, and that the officer responded to the subpoena by noting that he would be on leave under the Family and Medical Leave Act (FMLA)

from January 10 through 16. The state further explained that it had learned the previous day that the officer wrote down the wrong date when he responded to the subpoena and that his leave extended through February 16. The state said that it had done everything it could to secure the officer's presence, including contacting his supervisors, but "[t]he information [the state] got [wa]s that [he] . . . will be unavailable to testify." The state told the district court that, based on the officer's unavailability, it was not prepared to proceed to trial.

The state acknowledged that Byrd made a speedy-trial demand but asked the district court for a continuance. Defense objected to the continuance, noting that the trial date had been confirmed as recently as the previous month. The district court observed that, throughout proceedings, Byrd sought to get the case resolved quickly and "the state agreed that was appropriate as well." The district court denied the state's continuance request, determining that the officer was unwilling, rather than unavailable, to testify. The state dismissed the complaint pursuant to Minn. R. Crim. P. 30.01.

On January 22, 2024, the state refiled its complaint against Byrd. Byrd moved to dismiss the complaint pursuant to Minn. R. Crim. P. 30.02 or, alternatively, as a remedy for a speedy-trial violation. The state opposed the motion. The district court set the matter for an evidentiary hearing following its determination that the "case turns on whether a key witness was unavailable to attend trial."

At the evidentiary hearing, the officer testified that the state did not contact him until the morning of trial. He further testified that, although he believed that the FMLA relieved him of his duty to testify, he "would have been able to arrange child care" had he

known sooner. The district court determined that the officer “was not ‘unavailable’” and that “the state unnecessarily delayed” bringing Byrd to trial. It therefore granted Byrd’s motion to dismiss under Minn. R. Crim. P. 30.02 as well as for violating Byrd’s speedy-trial right.

The state appeals.

DECISION

As a threshold matter, in a prosecution appeal from a district court’s pretrial order, the state is obligated to demonstrate that the order has a critical impact on its ability to prosecute the case. *State v. Osorio*, 891 N.W.2d 620, 626 (Minn. 2017). Byrd concedes, and we agree, that the order dismissing the complaint critically impacts the state’s ability to prosecute the case. *See State v. Varnado*, 582 N.W.2d 886, 889 n.1 (Minn. 1998) (“As the district court dismissed the complaint, the critical impact test is met in this case.”). We therefore turn to the merits of the appeal.

The district court acted within its discretion by determining that the state unnecessarily delayed bringing Byrd to trial and dismissing the complaint pursuant to Minn. R. Crim. P. 30.02.

A district court “may dismiss the complaint . . . if the prosecutor has unnecessarily delayed bringing the defendant to trial.” Minn. R. Crim. P. 30.02. Appellate courts review a district court’s dismissal of a complaint pursuant to rule 30.02 for an abuse of discretion. *State v. Mikell*, 960 N.W.2d 230, 256 (Minn. 2021) (citing *State v. Olson*, 884 N.W.2d 395, 397 (Minn. 2016)). “A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and facts in the record.” *Id.* (quotation omitted). To determine whether a district court abused its discretion in 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.* (quoting *Olson*, 884 N.W.2d at 399).

To dismiss a complaint pursuant to rule 30.02, a district court must find that the prosecutor unnecessarily delayed bringing the defendant to trial and that the defendant was prejudiced by the delay. *See State v. Hart*, 723 N.W.2d 254, 257 n.5 (Minn. 2006).

Unnecessary Delay

The state challenges the district court’s rule 30.02 dismissal because “it was necessary to delay Mr. Byrd’s original trial setting . . . [because] Trooper Hall was on federally-protected and employer-recognized FMLA.” The state argues that the district court erred by finding that the officer was not unavailable for trial and determining that the state unnecessarily delayed bringing Byrd to trial. We address each in turn.

Availability

The state contends that the officer was unavailable for trial because he was on FMLA leave.

“We give great deference to a district court’s findings of fact and will not set them aside unless clearly erroneous.” *State v. Andersen*, 784 N.W.2d 320, 334 (Minn. 2010). And “[i]f we find reasonable evidence to support the district court’s findings of fact, we will not disturb those findings.” *State v. Evans*, 756 N.W.2d 854, 870 (Minn. 2008) (quotation omitted).

At the time of the continuance request, the state informed the district court that it had subpoenaed the officer months earlier, and the officer responded that he would be on

leave January 10 through 16, making him available for trial as early as January 17. The state noted that:

We have been doing everything we can to get the trooper up here including contacting supervisors. As I indicated to the Court, I have my cell phone out waiting for calls back from the supervisor.

The information we got is that...[he] will be unavailable to testify. I think in all due candor to the Court it is my understanding it is an FMLA based on the birth of a child. I can't make any representation that this trooper is in the hospital or at a funeral or something.

Though the state learned that the officer was on FMLA leave at the start of trial, there is nothing suggesting that the officer was unavailable to attend and testify at trial despite being on leave from his employer.

The district court's finding that the officer was not unavailable for trial is, therefore, supported by the record which demonstrates that the officer previously indicated he was available for trial and offered no other explanation for his absence from trial aside from being on leave.

During oral argument, the state clarified that it was not arguing that the FMLA *per se* relieved a witness of their duty to comply with a subpoena but, instead, claimed that the officer was statutorily entitled to the time off. The FMLA entitles employees, meeting certain statutory requirements, to 12 weeks of leave during any 12-month period. 29 U.S.C. §§ 2612(a)(1)(A), 2615(a)(1) (2018). The FMLA prevents employers from forcing employees to work while on leave, but it does not provide an exemption from complying with a subpoena. *Id.* And, under these facts, namely that the state offered no other

explanation for the officer's absence aside from being on leave, the district court's finding that the officer was available for trial is not clearly erroneous.

Delay

The state claims that it did not unnecessarily delay bringing Byrd to trial, arguing that, "Had the district court granted the state's continuance request, trial would have commenced only one month later." As an initial matter and as the district court noted in its order, this claim assumes that the district court's schedule could have accommodated a trial the following month.

The district court found that the state had failed to provide the court with legal authority demonstrating that the officer's reason for not complying with the subpoena was legally valid or with information about whether there were extenuating circumstances that made it practically impossible for the officer to testify. The district court also found that the state did not seek its assistance in compelling the officer to testify. The record supports these findings.

The district court determined that:

[T]he state had the obligation to try harder to obtain [the officer's] presence at trial or convince the court that he had no legal obligation to be there. . . . The state simply accepted [the officer's] statement that he was not required to testify and acted as if he was the final authority on the issue.

And the state provides no argument or authority demonstrating that it did not unnecessarily delay Byrd's trial by failing to make further efforts to secure the officer's presence at trial or, alternatively, proceeding to trial in his absence. It instead focuses on the delay that occurred after it dismissed the original case pursuant to rule 30.01. But what

the state fails to acknowledge is that there would not have been any delay had it taken additional steps to secure the officer's presence at trial in January 2024 such as asking the district court to enforce the subpoena, which would have avoided the state's decision to dismiss the case.

Because the state offered no other explanation or legal authority supporting the officer's absence due to FMLA leave, nor attempted to compel the officer to testify, the district court's finding that the state unnecessarily delayed bringing Byrd to trial is not clearly erroneous.

Prejudice

Dismissing a complaint under rule 30.02 "require[s] a showing of prejudice." *Hart*, 723 N.W.2d at 261 n.5 (citing *State v. Borough*, 178 N.W.2d 897, 899 (Minn. 1970) (determining that a delay in prosecution did not violate the defendant's speedy-trial right while "recogniz[ing] that in some situations a defendant suffering prejudice in fact resulting from a delayed trial may be entitled to insist upon a dismissal"))).

Here, the district court determined that Byrd was prejudiced and suffered stress and anxiety, which was "compounded by delays in the proceedings." *See Barker v. Wingo*, 407 U.S. 514, 532 (1972) (identifying the interest of "minimiz[ing] anxiety and concern" when assessing whether a defendant has suffered prejudice due to a speedy-trial violation); *see also State v. Windish*, 590 N.W.2d 311, 318-19 (Minn. 1999) (applying the *Barker* factors). The record shows that Byrd asserted his speedy-trial right early and often, and that the state agreed that a quick resolution was in both parties' best interests. Yet the state was

unprepared to go to trial in January 2024, which delayed Byrd’s trial and prolonged the stress and anxiety he experienced while awaiting resolution of this matter.

In response, the state posits that Byrd did not suffer sufficient prejudice to justify a rule 30.02 dismissal. But the state points to no authority, and we are aware of none, suggesting that a defendant must suffer a certain level of prejudice in order for a district court to grant dismissal under rule 30.02, as opposed to when considering prejudice in a speedy-trial context, *see State v. Paige*, 977 N.W.2d 829, 841 (Minn. 2022) (asserting that in the speedy-trial context, “prejudice must be more than minimal to weigh in favor of a defendant”). And, because a rule 30.02 dismissal is a discretionary tool at the district court’s disposal, *Mikell*, 960 N.W.2d at 256, we decline to impose a minimum threshold of prejudice for dismissals under this rule.

The district court’s findings—that the state unnecessarily delayed bringing Byrd to trial and that he was prejudiced as a result—are adequately supported by the record. We therefore conclude that the district court acted within its discretion by dismissing the complaint under rule 30.02.¹

Affirmed.

¹ Because we affirm the district court’s rule 30.02 dismissal, we do not address whether the district court properly determined that the state violated Byrd’s speedy-trial right.