This opinion is nonprecedential except as provided by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
A23-0083

State of Minnesota,
Respondent,

vs.

Emma Elizabeth Leblanc,
Appellant.

Filed September 18, 2023
Affirmed
Bjorkman, Judge

Anoka County District Court
File No. 02-CR-21-6763

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

Brad Johnson, Anoka County Attorney, Robert I. Yount, Assistant County Attorney, Anoka, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jennifer Workman Jesness, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bjorkman, Presiding Judge; Johnson, Judge; and Kirk, Judge.[*]

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

NONPRECEDENTIAL OPINION

BJORKMAN, Judge

Appellant Leblanc[1] challenges his conviction of first-degree criminal damage to property, arguing that the district court clearly erred by rejecting his mental-illness defense based on a finding that he knew his actions were wrong. We affirm.

FACTS

On September 7, 2021, Leblanc, who was living in an adult foster-care placement, became upset when his foster mother, J.B., told him they would not be going to the library. He brought a stack of dishes outside and told J.B. that he was going to smash them. She took the dishes away from him and returned to the house. Leblanc then grabbed a pair of tree trimmers and began to strike J.B.'s car with them, causing damage. She told him to stop, but he did not.

J.B. called law enforcement for assistance. When the officers arrived, Leblanc was sitting in the garage. J.B. reported that Leblanc had been living with her for seven years. She explained that he has autism but is "high functioning and very intelligent," knows the difference between right and wrong, and that his behavior had never before escalated to this point. Leblanc admitted to the officers that he hit J.B.'s car with the trimmers. He said that he did so because he was angry about not going to the library and wanted to "hurt

[1] Leblanc is identified by legal name in the case caption, but the record reflects that he began transitioning while this matter was pending, has taken the first name "Rex," and uses he/him pronouns.

[J.B.] back." He reported that he did not feel safe at the house and expressed feelings of wanting to kill J.B. He was taken to the hospital on a mental-health hold.

Leblanc was charged with first-degree criminal damage to property. The district court ordered an examination of Leblanc's competence to proceed under Minn. R. Crim. P. 20.01 and his mental state at the time of the alleged offense under Minn. R. Crim. P. 20.02, appointing Dr. Paul Reitman to conduct the examination.

Dr. Reitman interviewed Leblanc and administered two psychological tests, reviewed Leblanc's medical records, spoke with Leblanc's therapist and aunt, and reviewed the complaint and law-enforcement reports. Based on these sources, he diagnosed Leblanc with autism, bipolar disorder (in remission), post-traumatic stress disorder, attention deficit disorder, and major depressive disorder. He also noted that Leblanc was being "underserved" at the time of the alleged offense but is now in a more appropriate group home where he has not been "aggressive or out of control." Dr. Reitman opined that Leblanc was competent to stand trial but that, "because of all of [his] diagnoses, meaning that [he] is comorbid, [he] was unable to appreciate right from wrong and [he] was unable to mediate [his] impulses" and therefore is not guilty by reason of mental illness. He explained:

> [M]any autistic folks, if all of a sudden there is a change in their structure, they will indeed have "meltdowns." This affects the reasoning, and; more importantly, "The proof is in the pudding." Put another way, once [Leblanc] was put into a proper facility with proper treatment planning and understanding of all of [his] diagnoses and then being put on neuroleptic medications as well as major mood stabilizer, [he] has re-compensated and [he] is fully functioning in a cooperative manner.

The parties submitted the case to the district court on a stipulated record, including video footage of the incident, law-enforcement reports, and Dr. Reitman's report. The district court found Leblanc guilty and found that he failed to prove that he is not criminally responsible for the offense by reason of mental illness. The court explained that Dr. Reitman's report failed to specifically address Leblanc's state of mind at the time of the offense, providing only generic statements about autism and meltdowns but no narrative from Leblanc or explanation of how the circumstances of the offense reflect Leblanc's state of mind. The court also noted several circumstances that the doctor did not analyze but which the court found indicative of Leblanc's awareness of the nature and wrongness of his conduct, including Leblanc's statement that he damaged the car to get back at J.B. and his ability to refrain from acting on his expressed desire to kill J.B. The district court convicted Leblanc, stayed imposition of sentence, and placed Leblanc on probation.

Leblanc appeals.

DECISION

A criminal defendant is presumed "sane" and responsible for their acts. *State v. Roberts*, 876 N.W.2d 863, 867 (Minn. 2016); *see* Minn. Stat. § 611.025 (2022). The defendant bears the burden of proving a mental-illness defense by a preponderance of the evidence. *State v. Peterson*, 764 N.W.2d 816, 822 (Minn. 2009). To do so, the defendant must demonstrate that they have a "mental illness or cognitive impairment" that rendered them unable to know (1) "the nature of the act" or (2) "that it was wrong." Minn. Stat. § 611.026 (2022); *see* Minn. R. Crim. P. 20.02, subds. 1, 4 (permitting district court to

appoint an examiner to opine on these elements of the mental-illness defense). In this context, "wrong" means "wrong in a moral sense," not simply that the defendant knows they have violated a statute. *Roberts*, 876 N.W.2d at 868.

Whether a defendant has proven a mental-illness defense is a question of fact. *Id.* On appeal, we will not disturb a finding that the defendant failed to prove a mental-illness defense unless it is clearly erroneous. *Id.* A finding is clearly erroneous only if it lacks "evidentiary support in the record" or leaves us "with the definite and firm conviction that a mistake has been made." *Id.* (quotation omitted). We will not disturb a district court's finding simply because the record might also support alternative findings. *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 223 (Minn. 2021).

Leblanc challenges the finding that he failed to prove that he did not know that his act of damaging J.B.'s car was morally wrong.[2] He contends the district court clearly erred by (1) rejecting Dr. Reitman's opinion that Leblanc did not know his actions were wrong, and (2) finding that the circumstantial evidence indicates Leblanc had such knowledge. We address each aspect of this argument in turn.

Dr. Reitman's Opinion

A district court has broad discretion in weighing expert psychiatric evidence. *Roberts*, 876 N.W.2d at 868. It is not bound to accept even an uncontradicted expert opinion; the court "may reject it entirely." *Id.* (citing *DeMars v. State*, 352 N.W.2d 13, 16 (Minn. 1984)).

[2] Leblanc does not challenge the finding that he knew the nature of his act.

Leblanc asserts four challenges to the district court's rejection of Dr. Reitman's opinion. First, he contends the district court clearly erred by finding that the doctor "fails to address" Leblanc's state of mind at the time of the offense. He points to portions of the doctor's report that note his behavior and comments on the day in question, historical information that J.B. provided, and his diagnoses, and the doctor's statement that "many autistic folks" will have meltdowns if there is a "change in their structure." But Dr. Reitman never analyzes the implications of these observations with respect to Leblanc's mindset when he damaged J.B.'s car. The doctor does not explain what an "autistic meltdown" is (other than it "affects the reasoning"), how it manifests, whether a meltdown impairs a person's ability to know right from wrong, or even that Leblanc's comments, behavior, or circumstances were consistent with having a meltdown. By failing to provide any of this information in support of his opinion that Leblanc "was unable to appreciate right from wrong," the doctor's report falls short of the requirement to state "the factual basis on which the diagnosis and any opinion are based." *See* Minn. R. Crim. P. 20.02, subd. 4(d). And it amply justifies the district court's finding that the doctor fails to address Leblanc's state of mind at the time of the offense.

Second, Leblanc argues that the district court clearly erred by finding that "nothing" supports a determination that Leblanc "had a meltdown over not going to the library." We disagree. Dr. Reitman recounts Leblanc's statement to the officers that he damaged J.B.'s car to get back at her for not taking him to the library. And he states that a "change in . . . structure" can lead to an autistic meltdown. But these comments are pages apart in the report, and the doctor drew no connection between them. And nothing in the report or any

other record evidence addresses whether visiting the library was part of Leblanc's "structure." The district court's finding on this point is not clearly erroneous.

Third, Leblanc claims error in the district court's observation that Dr. Reitman's report contains "no narrative from [Leblanc] to support Dr. Reitman's conclusions." He does not dispute that the report contains no narrative but asserts that this critique is misplaced because no narrative from a defendant is required. Leblanc is correct that rule 20.02 does not require a court-appointed examiner to include a narrative from the defendant in their report. *See* Minn. R. Crim. P. 20.02, subd. 4. But the district court did not conclude otherwise. It simply noted the absence of information that might have supported Dr. Reitman's opinion. We discern no clear error in the district court's identification of an evidentiary gap.

Finally, Leblanc contends that the district court clearly erred by finding that Dr. Reitman "ignores" his history of not "acting out" before this incident. But as with the court's other findings regarding the report, the finding accurately reflects the distinction between noting a fact and analyzing that fact. Dr. Reitman's report quotes extensively from a law-enforcement report that indicated J.B. told responding officers Leblanc had "never escalated to this point" in the seven years he had lived with her. But the doctor does not discuss whether this apparent absence of prior similar conduct makes it more or less likely that Leblanc was aware that it was wrong to damage J.B.'s car. The district court did not clearly err by describing this as ignoring Leblanc's history.

Circumstantial Evidence

In addition to expert opinions, a district court may consider circumstantial evidence of a defendant's mindset. *See Roberts*, 876 N.W.2d at 869. This includes evidence of the defendant's conduct before and after the offense, such as "planning, concealing [their] identity, fleeing and evading capture, disposing of evidence, and showing awareness of consequences," *id.*, as well as apologizing, *Peterson*, 764 N.W.2d at 820, and pausing before or during the offense, consistent with reflection, *Davis v. State*, 595 N.W.2d 520, 527 (Minn. 1999).

Leblanc contends the district court clearly erred by finding that the circumstantial evidence shows that he knew the wrongness of his actions. He first highlights that this case does not involve circumstances that typically indicate awareness that an action is wrong, such as concealment, apologizing, or fleeing. But caselaw does not require any of these for a district court to find that the defendant knew their actions were wrong. To the contrary, the law presumes this knowledge. Minn. Stat. § 611.025; *Roberts*, 876 N.W.2d at 867. And the district court supported its finding that Leblanc failed to rebut that presumption by articulating several other circumstances indicative of the requisite moral awareness—he threatened to smash dishes and expressed a desire to kill J.B. but did neither, and he acknowledged that he damaged J.B.'s car with the purpose of hurting her because she would not take him to the library. Collectively, these circumstances support the district court's findings that Leblanc was able to "mediate [his] impulses," knew he was "causing damage," and knew his "actions were wrong."

Leblanc also challenges the district court's reliance on his threat to smash dishes. He contends that act "suggest[s] that he was under the influence of an extended mental-illness episode," not that he "knew what he was doing," because he did not say he knew it would be wrong to smash the dishes or that his threat was part of a plan. But this is merely an argument regarding how to interpret the evidence, which the district court was not bound to adopt. *See Kenney*, 963 N.W.2d at 223. And Leblanc identifies no reason why we should disturb the district court's finding that his making but not following through on a destructive threat reflects an ability to mediate impulses.

In sum, the district court did not clearly err by finding that neither Dr. Reitman's report nor circumstantial evidence prove that Leblanc did not know his act of damaging J.B.'s car was morally wrong.

Affirmed.