

SUPREME COURT OF MINNESOTA

State of Minnesota v. Steven Douglas Nelson

A23-1919 (Minn. May 20, 2026) · No. A23-1919 · Decided May 20, 2026

SUMMARY

The Minnesota Supreme Court held that the district court did not plainly err by admitting an unavailable witness's prior sworn testimony, including prior cross-examination, without obtaining the defendant's personal waiver of his Sixth Amendment confrontation right. Because existing binding authority did not clearly require a personal waiver under the circumstances, any error was not plain. The court affirmed the court of appeals and Nelson's convictions.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Hennesy, Justice
JURISDICTION	Minnesota Supreme Court
DECIDED	May 20, 2026
DOCKET	A23-1919
DISPOSITION	affirmed
PROCEDURAL POSTURE	Nelson petitioned the Minnesota Supreme Court for review of the Minnesota Court of Appeals' decision rejecting his unpreserved Confrontation Clause challenge to the admission of a witness's prior trial testimony. The Supreme Court affirmed under plain-error review.
STANDARD OF REVIEW	Confrontation Clause challenges to the admission of prior testimony are reviewed de novo, but an unpreserved constitutional or evidentiary challenge is reviewed under the plain-error exception to forfeiture. Plain error requires error, that is plain, affecting substantial rights, followed by discretionary relief only if necessary to protect the fairness, integrity, or public reputation of judicial proceedings.
PRECEDENTIAL VALUE	Published Minnesota Supreme Court opinion; precedential.
PARTIES	Steven Douglas Nelson v. State of Minnesota

TOPICS

- sixth amendment
- criminal procedure
- appellate procedure
- standard of review
- evidence

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the district court plainly erred by admitting D.A.'s prior testimonial testimony without obtaining Nelson's personal, on-the-record waiver of his Sixth Amendment confrontation right.
2. Whether the Minnesota Constitution required a different analysis from the Sixth Amendment under the circumstances presented.

HOLDINGS

1. The district court did not plainly err by admitting D.A.'s prior sworn testimony, including prior cross-examination, without obtaining Nelson's personal waiver because no binding authority clearly or obviously required a defendant to personally waive the confrontation right under these circumstances.
2. The court declined to decide whether article I, section 6, of the Minnesota Constitution requires a personal waiver because Nelson did not argue that the state constitutional provision provides greater protection and the claim failed under plain-error review.

KEY QUOTATIONS

"The district court did not plainly err in admitting a transcript of an adverse witness's prior testimony at defendant's criminal trial without the defendant's personal waiver of his Sixth Amendment confrontation right." (syllabus)

"Accordingly, the Court held that testimonial hearsay evidence is categorically inadmissible against a criminal defendant unless (1) the adverse witness is unavailable, and (2) the defendant had a prior opportunity to cross-examine the witness's testimony, regardless of external indicia of reliability." (at 8)

"Because no binding authority 'clear[ly]' or 'obvious[ly]' required the district court to secure Nelson's personal waiver under these circumstances, any error by the district court was not plain." (at 11-12)

FACTUAL BACKGROUND

On November 19, 2020, T.T. accompanied Nelson and D.A. from a junkyard to a remote dirt road, where Nelson allegedly struck T.T. repeatedly with a metal object and left him seriously injured. D.A. testified at Nelson's first trial and was cross-examined by defense counsel, but the first trial ended in a mistrial. During Nelson's second trial, D.A. did not appear in person, and the State introduced the transcript of his prior testimony, including cross-examination, after defense counsel agreed to the procedure. The district court did not personally question Nelson before admitting the transcript.

PROCEDURAL HISTORY

Nelson was convicted after a second trial of attempted second-degree murder, first-degree assault, and second-degree assault. His first trial ended in a mistrial after a jury deadlocked. At the second trial, the district court admitted D.A.'s prior sworn testimony, including cross-examination, after defense counsel agreed to its

admission, but the court did not obtain Nelson's personal waiver. The court of appeals held that any error was not plain because no binding authority required a defendant's personal waiver. The Minnesota Supreme Court granted review and affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Nelson, No. A23-1919, 2025 WL 752346 (Minn. App. Mar. 10, 2025)
- Crawford v. Washington, 541 U.S. 36, 50-51, 60-61, 68-69 (2004)
- State v. Caulfield, 722 N.W.2d 304, 306 n.1, 311 (Minn. 2006)
- State v. Trifiletti, 6 N.W.3d 79, 94 (Minn. 2024)
- State v. Tate, 985 N.W.2d 291, 297-98 (Minn. 2023)
- State v. Tscheu, 758 N.W.2d 849, 863 (Minn. 2008)
- State v. Griller, 583 N.W.2d 736, 740 (Minn. 1998)
- Johnson v. United States, 520 U.S. 461, 466-67 (1997)
- State v. Manley, 664 N.W.2d 275, 283 (Minn. 2003)
- State v. Webster, 894 N.W.2d 782, 787 (Minn. 2017)
- Pulczynski v. State, 972 N.W.2d 347, 356 (Minn. 2022)
- Coy v. Iowa, 487 U.S. 1012, 1017, 1020 (1988)
- Maryland v. Craig, 497 U.S. 836, 845 (1990)
- Mattox v. United States, 156 U.S. 237, 242-43 (1895)
- New York v. Hill, 528 U.S. 110, 114 (2000)
- United States v. Olano, 507 U.S. 725, 733-34 (1993)
- Jones v. Barnes, 463 U.S. 745, 751 (1983)
- Brookhart v. Janis, 384 U.S. 1, 7-8 (1966)
- Johnson v. Zerbst, 304 U.S. 458, 464-65 (1938)
- McCoy v. Louisiana, 584 U.S. 414, 422 (2018)
- Melendez-Diaz v. Massachusetts, 557 U.S. 305, 313 n.3 (2009)
- Diaz v. United States, 223 U.S. 442, 444-47, 449-53 (1912)
- State v. Little, 851 N.W.2d 878, 882 (Minn. 2014)
- State v. Gant, 996 N.W.2d 1, 6-7 (Minn. App. 2023)
- State v. Cassidy, 567 N.W.2d 707, 711 (Minn. 1997)
- State v. Dukes, 544 N.W.2d 13, 19 (Minn. 1996)
- State v. Dahlin, 695 N.W.2d 588, 595-97 (Minn. 2005)
- Pointer v. Texas, 380 U.S. 400, 403 (1965)
- Davis v. Washington, 547 U.S. 813, 822 (2006)

