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Introduction to the 2025-2026 Update

This update includes opinions and legislation through June 2025.

Kay Redding processed the longhand manuscript efficiently as she has often before.

Some highlights:

State v. Foster, 20 N.W.3d 6 (Minn. 2025) held that a defendant may be allowed to call as a witness an alleged alternative perpetrator who will assert the privilege against self-incrimination.

In *State v. Oberton*, 10 N.W.3d 64 (Minn. 2024) the court reviewed and refined the requirements for summary criminal contempt punishment.

State v. Sardina-Padilla, 7 N.W.3d 585 (Minn. 2024) examined the requirements for warrants to search social media.

State v. Valdez, 12 N.W.3d 191 (Minn. 2024) held that where defense of another is involved the accused has no duty to retreat. § 47:22.

State v. Heller, 12 N.W.3d 452 (Minn. 2024) examined at length alternative perpetrator evidence.

The Court of Appeals examined the use of support animals for witnesses in *State v. Fernandez Sorto*, 12 N.W.3d 207 (Minn. Ct. App. 2024). § 32:109.

About the Authors

Henry McCarr

Henry McCarr was a judge of the Hennepin County Municipal Court for seven years and a judge of the Hennepin County District Court for twelve years. Since his admission to the Minnesota Bar in 1955, he was in the private practice of law, was Executive Director of the Lawyers Professional Responsibility Board, Special Assistant Attorney General of Minnesota, Acting Hennepin County Attorney, First Assistant Hennepin County Attorney and head of the Appellate Division of that office. In 1974, the State Supreme Court appointed Judge McCarr as a charter member of the Supreme Court Advisory Committee on Rules of Criminal Procedure. The Rules drafted by the Committee quickly became a model for state courts throughout the United States. Judge McCarr continued to serve on this Committee, monitoring the Rules, for over twenty-five years.

Throughout his career, Judge McCarr taught at the law schools of the University of Minnesota, Hamline University, and the William Mitchell College of Law. At the latter school, Judge McCarr was an adjunct professor for fifteen years. Judge McCarr has also served as a lecturer at the National Judicial College University of Nevada in Reno, Nevada, for seven years and was frequently called upon as a guest speaker at seminars for lawyers and law enforcement professionals.

Upon his retirement from the bench on December 31, 1994, the Minnesota Supreme Court appointed Judge McCarr to a special appeal panel hearing appeals of sexual offenders confined to state hospitals as mentally ill. The jurist also serves as a retired judge in the state district courts and acts as an arbitrator and mediator.

In 1974, West Publishing Company commissioned Judge McCarr to author a three volume treatise titled *Minnesota Practice: Criminal Law and Procedure*. Judge McCarr continued to write these books through a second edition with yearly supplements until 2001 when a third edition consisting of four volumes was co-authored by Judge McCarr and his Hennepin County District Court colleague, Judge Jack Nordby. Judge McCarr is a graduate of the University of St. Thomas, attended graduate school at the University of Minnesota and graduated *cum laude* from William Mitchell College of Law in 1955, ranking first in his class. Judge McCarr died on February 1, 2023, at the age of 95.

Jack Nordby

Jack Nordby was a judge of the Hennepin County District Court from 1995 to 2011, after many years of private trial and appellate practice, state and federal, specializing in criminal law, constitutional law, and legal, judicial, and medical ethics, in both state and federal courts. He graduated from Harvard College in 1964 (BA, English Literature, *magna cum laude*) and Harvard Law School (LLB 1967). He was a member of the Minnesota Supreme Court Advisory Committee that drafted the Rules of Evidence (1977), and has published many articles in law reviews and elsewhere, and has taught legal ethics at two law schools. He was included in every edition of *The Best Lawyers in America* until his appointment to the bench.



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