Marital context and alternative reasoning

Stevenson v. Stevenson, No. 56-CV-20-2928
Doc. 429, Order and Memorandum Granting Summary Judgment and Dismissing, June 16, 2023

Selected passages, transcribed from the court's order. Formatting and line breaks are simplified. Each labeled block stands separately and identifies its original page. Material between blocks may be omitted; [...] marks an omission within a block. Page numbers in this PDF refer to the excerpt, not the full order.

Pleaded scope - original page 15

In this case, Plaintiffs have expressly pleaded a claim for defamation per se, and they have not otherwise pleaded special damages. Because defamation claims must be pleaded with specificity, cf. Pope v. ESA Servs., Inc., 406 F.3d 1001, 1011 (8th Cir. 2005), Plaintiffs' claims are therefore limited to only those statements that are capable of meaning that is defamatory per se. Moreover, it is clear from Plaintiffs' arguments that they make no claim that any of Defendants' statements alleged disease or unchastity, or disparaged Craig in his professional capacity. Thus, the only issue is whether any of Defendant's statements could be construed as falsely accusing Craig of committing a crime.

Marital-property discussion - original pages 22-23

But theft of movable property requires that the actor take "property of another." Minn. Stat. § 609.52, subd. 2(a)(1),(5)(i). "Property of another" does not includes property in which the actor also has an interest if "the actor and the victim are husband and wife." Minn. Stat. § 609.52, subd. 1(8). As such, Minnesota courts have held that, because both spouses have an inchoate interest in each other's property during a marriage, one spouse cannot be guilty of stealing from the other. See State v. Arnold, 235 N.W. 373 (Minn. 1931); see also State v. Mayhood, 241 N.W.2d 803, 806 (Minn. 1976) (declining to overrule Arnold). When taken in their full context, Sean's messages themselves negate an element of the offense of theft. From an objective perspective, then, Sean's statement contains no actual allegation of a crime.

Alternative basis - original page 23

Moreover, Defendants argue that, taking this consideration aside, Sean's statement was substantially true, or was at least a fair interpretation of undisputed facts. The Court agrees.

Theft statute discussion - original page 23

Setting aside the fact that Craig and Renee were married at the time, Minnesota law provides that an actor is guilty of theft when the actor "intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without the other's consent" if the act is done either (1) "with intent to deprive the owner of possession [permanently]" or (2) "with intent to exercise temporary control" and "the control exercised manifests an indifference to the rights of the owner or the restoration of the property to the owner." Minn. Stat. § 609.52, subd. 2(a)(1),(5)(i).

Denial and competing inference - original page 24

Craig does deny that he intended to permanently deprive Renee of the property in question. But, of course, the fact that he did not return the property until prompted could reasonably support the opposite inference.

Innocent-intent alternative - original page 25

Even if Craig had an innocent intent, Sean's statement is merely a non-actionable gloss on those undisputed facts.

Disposition - original page 25

Because none of Defendants' publications, taken in context, makes the false allegation of a crime, Plaintiffs' claims of defamation per se must be dismissed.