

**STATE OF MINNESOTA**  
**IN COURT OF APPEALS**

**A09-2092**

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State of Minnesota,

Respondent,

vs.

Trisha Kumba Farkarlun,

Appellant.

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**ORDER OPINION**

Hennepin County District Court  
File No. 27CR07103598

Considered and decided by Toussaint, Presiding Judge; Stoneburner, Judge; and Bjorkman, Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:**

1. In July 2009, appellant Trisha Farkarlun was convicted of falsely reporting police misconduct, in violation of Minn. Stat. § 609.505, subd. 2 (2008), for falsely reporting that she had been raped by two Minneapolis police officers.

2. Appellant challenges the judgment of conviction on several grounds, including that Minn. Stat. § 609.505, subd. 2, violates the First Amendment's prohibition against viewpoint discrimination. Appellant asserts that the judgment should be reversed. Because appellant's constitutional challenge is dispositive, we need not address her other arguments.

3. Constitutional challenges are questions of law that this court reviews de novo. *State v. Bussmann*, 741 N.W.2d 79, 82 (Minn. 2007).

4. The First Amendment, which applies to the states through the Fourteenth Amendment, provides that government shall “make no law . . . abridging the freedom of speech.” U.S. Const. Amend. I. The First Amendment’s protection of expression on issues of public concern “is a fundamental principle of our constitutional system.” *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 269, 84 S. Ct. 710, 720 (1964) (quotation omitted).

5. This court recently held that “Minn. Stat. § 609.505, subd. 2 (2006),<sup>1</sup> which criminalizes knowingly making false statements that allege police misconduct, but not knowingly making false statements to absolve police, violates the First Amendment’s prohibition against viewpoint discrimination.” *State v. Crawley*, 789 N.W.2d 899, 901 (Minn. App. 2010) (reversing appellant’s judgment of conviction of falsely reporting police misconduct in violation of Minn. Stat. § 609.505, subd. 2).

6. We agree with appellant that *State v. Crawley* is directly on point in this case. We therefore reverse appellant’s conviction.

**IT IS HEREBY ORDERED**

1. The district court’s judgment is reversed.

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<sup>1</sup> Minn. Stat. § 609.505, subd. 2, has not been amended since its enactment in 2005. Therefore, the 2008 statute under which appellant was convicted is the same as the 2006 statute under which *Crawley* was convicted.

2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(b), this order opinion will not be published and shall not be cited as precedent except as law of the case, res judicata, or collateral estoppel.

Dated: December 13, 2010

**BY THE COURT**

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Judge Terri J. Stoneburner