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Former Browerville H.S. athlete pleads to sex assault 'horseplay'

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One of three male Browerville High School athletes accused of sexually assaulting teammates pleaded Friday to an agreement that will dismiss the charges against him if he has no similar offenses in up to five years of probation.

Connor S. Burns, 18, of Clarissa, entered a guilty plea in Todd County District Court that allows him to maintain his innocence while acknowledging the evidence is enough to convict him.

His attorney, Ryan Garry, said the plea will keep Burns' record clean while forgoing a trial and the risk that he could be forced to register as a sex offender if he is found guilty of a crime as small as a misdemeanor.

Garry argued in court papers that Burns' actions didn't constitute a crime and it was "really a lot of horseplay that turned very awkward."

"It never was a sexual thing," Garry said in an interview Friday, "which is why we ended up with the plea agreement that we ended up with."

Under the agreement, he will serve no jail time and will not have to register as a predatory offender.

The judge deferred accepting the plea agreement until sentencing.

Prosecutors allege that football and basketball players engaged in a series of criminal sexual conduct assaults that began after a football team practice last summer and culminated in incidents of sexual penetration in a Minneapolis hotel during the state basketball tournament in March. Court papers said the players touched teammates mostly through their athletic shorts and sometimes held them down and sometimes digitally penetrated them.

Burns, who is now in college, was charged with six counts of criminal sexual conduct -- four felonies and two gross misdemeanors -- in hotel room assaults. According to charges, a 17-year-old player alleged that at the state tournament, Burns held him down in their downtown Marriott hotel room while another teammate digitally penetrated him through his athletic shorts. The victim claimed to endure the same abuse the next night, with Burns and another teammate assaulting him while a third held him down.

Burns' classmate, Seth Kellen, 19, was accused in five criminal complaints with numerous assaults on multiple victims, both at the state tournament and inside the central Minnesota high school. A third student was charged as a juvenile. Those cases are pending.

Todd County Attorney Chuck Rasmussen said prosecutors considered the wishes of the victim and the results of a psycho-sexual evaluation before agreeing to the resolution.

"Having a trial would have been very difficult for the victim, that's one of the considerations," Rasmussen said.

He said prosecutors are not happy that Burns did not admit guilt but, "We can live with it given the circumstances."

Garry and attorney Chris Karpan, who is representing Kellen, argued that the alleged assaults were part of a common culture of horseplay and hazing that's gone on for years at the school in tiny Browerville, which has about 790 residents. They argued that the acts weren't sexual.

Rasmussen said this summer that the investigation was thorough and investigators found no evidence of such conduct going on for years. The acts went above and beyond typical horseplay, he said.

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