

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-1470**

State of Minnesota,
Respondent,

vs.

Sharif R. Alhammouri,
Appellant.

**Filed August 30, 2021
Affirmed
Kirk, Judge***

Ramsey County District Court
File No. 62SU-VB-20-5729

Keith Ellison, Attorney General, St. Paul, Minnesota; and

Martin H.R. Norder, Little Canada City Attorney, Joseph A. Kelly, Kelly & Lemmons,
P.A., St. Paul, Minnesota (for respondent)

Terry A. Watkins, Watkins Law Office, LLC, Eagan, Minnesota (for appellant)

Considered and decided by Hooten, Presiding Judge; Smith, Tracy M., Judge; and
Kirk, Judge.

*Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

NONPRECEDENTIAL OPINION

KIRK, Judge

In this appeal from a petty-misdemeanor citation for speeding, appellant argues that there was insufficient evidence to convict him of speeding. We affirm.

FACTS

In April 2020, appellant Sharif Alhammouri was cited for driving 65 miles per hour in a 60 miles-per-hour zone. At a bench trial, a Minnesota State Trooper testified that he observed a vehicle in the left lane near Interstate 35E “going visually fast, passing other vehicles at a high rate of speed.” The trooper testified that he then activated his radar, which measured the vehicle’s speed at 79 miles per hour in a 60 miles-per-hour zone.

The trooper testified that he initiated a traffic stop and identified the driver as Alhammouri. The trooper told Alhammouri that he had “clocked him or seen him speeding at 79 miles per hour in a posted 60 mile[s]-per-hour zone.” According to the trooper, Alhammouri replied that “he was going 65 or 67 miles per hour because he had his cruise control set at one of those limits.” The trooper then issued Alhammouri a citation for traveling 65 miles per hour in a 60 miles-per-hour zone. The trooper explained: “I used my discretion. Because he said he was traveling 65 or 67 miles per hour, I gave him the benefit of the doubt and gave him the citation for what he thought he was traveling, which the lower of the two values he gave me was 65 miles per hour.”

Alhammouri claimed that he told the trooper that he was traveling between 60 and 65 miles per hour. Alhammouri also testified: “I am telling you, your Honor, that I was under oath, that I was going actually between 60 and 65 as a high speed.” The parties then

discussed the video that was recorded of the trooper's conversation with Alhammouri.¹ Although Alhammouri watched the video in the hallway, the audio of the video was not captured, and it was not entered into evidence.

The district court found that the "evidence seems to show an excess of the posted speed limit." Thus, the district court found Alhammouri guilty of speeding, a petty misdemeanor. This appeal follows.

DECISION

Alhammouri argues that there is insufficient evidence in the record to support the district court's decision that he is guilty of speeding. This court reviews a sufficiency-of-the-evidence challenge by carefully examining the record to determine whether the evidence, when viewed in the light most favorable to the conviction, was sufficient to support the conviction. *State v. Ortega*, 813 N.W.2d 86, 100 (Minn. 2012). We assume that the fact-finder "believed the state's witnesses and disbelieved any evidence to the contrary." *State v. Caldwell*, 803 N.W.2d 373, 384 (Minn. 2011) (quotation omitted). We will not disturb a guilty verdict if the fact-finder, "acting with due regard for the presumption of innocence and the requirement of proof beyond a reasonable doubt, could reasonably conclude that the defendant was guilty of the charged offense." *Ortega*, 813 N.W.2d at 100.

¹ It is unclear from the record if the video was recorded on the squad-car camera, the trooper's body camera, or some other device.

Alhammouri was found guilty of violating Minn. Stat. § 169.14, subd. 4 (2018). That statute provides that “speed in excess” of the speed limit designated by the commissioner of public safety is “unlawful.” Minn. Stat. § 169.14, subd. 4.

Here, the trooper testified that he observed Alhammouri’s vehicle traveling at a high rate of speed and that he activated his radar, which measured the vehicle’s speed at 79 miles per hour in a 60 miles-per-hour zone. The trooper also testified that his radar was working properly. The trooper further testified that Alhammouri admitted to driving “65 or 67 miles per hour,” and he used his “discretion” in issuing Alhammouri a citation for “the lower of the two values.” Finally, Alhammouri admitted that he “was going actually between 60 and 65 as a high speed.” The record, therefore, supports the district court’s determination that Alhammouri was traveling in excess of the posted speed limit in violation of section 169.14, subdivision 4.

Alhammouri argues that reasonable doubt is created by the discrepancy between his testimony that he was driving between 60 and 65 miles per hour, and the trooper’s testimony that Alhammouri was driving between 65 and 67 miles per hour. Alhammouri contends that because the trooper testified that he gave Alhammouri a citation for the “lower of the two values,” the discrepancy in the testimony is significant since the lower of the values as testified to by Alhammouri “would not represent speeding.” He further contends that this discrepancy would have been cleared up by the audio recording of the video that the district court did not hear, which creates reasonable doubt that he is guilty of the cited offense.

Alhammouri's argument is unavailing. Although Alhammouri makes much of the fact that the district court "did not get to hear the audio" of the conversation between him and the trooper, he acknowledges that "testimony entered regarding the conversation did shed light on particular aspects of the conversation." The trooper's testimony regarding this conversation shows that he "clocked" Alhammouri at 79 miles per hour and used his "discretion" when he issued a citation for traveling 65 miles per hour in a 60 miles-per-hour zone. The district court specifically "credit[ed] the [trooper's] testimony as to the initial 79," and found that although "it may be a closer call whether it's 60 to 65 or 65 to 67, . . . one way or the other, the evidence seems to show an excess of the posted speed limit." It is well settled that this court defers to the fact-finder's credibility determinations. *See State v. Barshaw*, 879 N.W.2d 356, 366 (Minn. 2016) ("In determining whether the evidence is sufficient, we defer to the fact-finder's credibility determinations and assume that the fact-finder disbelieved any evidence that conflicted with the verdict." (quotation omitted)). Therefore, because the district court credited the trooper's testimony that Alhammouri was traveling in excess of the posted speed limit, there is sufficient evidence in the record to support the district court's finding of guilt.

Affirmed.