

STATE OF MINNESOTA

IN SUPREME COURT

A23-0640

Clay County

Hudson, C.J.  
Concurring, Thissen, J.  
Took no part, Hennesy, J.

State of Minnesota,

Respondent,

vs.

Filed: July 31, 2024  
Office of Appellate Courts

Ibrahim Abdiaziz Isaac,

Appellant.

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Keith Ellison, Attorney General, Saint Paul, Minnesota; and

Brian J. Melton, Clay County Attorney, Michael D. Leeser, Assistant County Attorney, Moorhead, Minnesota, for respondent.

Cathryn Middlebrook, Chief Appellate Public Defender, John Donovan, Assistant State Public Defender, Saint Paul, Minnesota, for appellant.

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S Y L L A B U S

The circumstantial evidence was insufficient to support the defendant's conviction for first-degree premeditated murder under an aiding-and-abetting theory of criminal liability.

Reversed.

## OPINION

HUDSON, Chief Justice.

After a court trial, the appellant, Ibrahim Abdiaziz Isaac, was found guilty of first-degree premeditated murder under an aiding-and-abetting theory of criminal liability. On appeal, Isaac argues that the State presented insufficient evidence to prove beyond a reasonable doubt that he knew about the shooter's plan to murder Abdi Abdi before the murder occurred. We conclude that the State presented insufficient evidence because, when the circumstances proved are viewed as a whole, a rational hypothesis exists that Isaac only learned about the shooter's plan after the murder occurred and, therefore, did not have the required knowledge or intent for aiding-and-abetting liability. Accordingly, we reverse.

### FACTS<sup>1</sup>

This case arises from the fatal shooting of Abdi Abdi. On September 10, 2021, the shooter was seated in a Chrysler 200 that was parked in the area of the Griffin Court apartment complex in Moorhead. Between 8:03 and 8:04 p.m., the shooter exited the vehicle, ran after Abdi, and shot him multiple times. Abdi died from these gunshot wounds.

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<sup>1</sup> The district court found that the shooter shot and killed Abdi, and on appeal, neither party disputes this fact. For the purposes of this appeal, we accept the sufficiency of the district court's factual determination that the shooter shot and killed Abdi. Nevertheless, we note that the shooter was not a party to these proceedings and had no opportunity to present a defense. In separate proceedings, he has entered a plea of not guilty and awaits trial by a jury of his peers. The shooter is entitled to a presumption of innocence until proven guilty beyond a reasonable doubt, which is not altered in any way by our acceptance of the district court's factual finding in this case. *See State v. Portillo*, 998 N.W.2d 242, 248–49 (Minn. 2023) (“It is axiomatic that criminal defendants are presumed innocent until proven guilty beyond a reasonable doubt.”).

At the time of the shooting, Isaac was driving on Interstate 94 approximately 100 miles away from the scene of the crime.

The State did not believe that the shooter acted alone. Its theory was that Isaac knew the shooter planned to kill Abdi that evening, and that Isaac intended to aid in the plan by buying the Chrysler 200 for the shooter so he could be transported to and from the scene of the crime.

A grand jury indicted Isaac with first-degree premeditated murder, Minn. Stat. § 609.185(a)(1) (2022), under an aiding-and-abetting theory of criminal liability. Minn. Stat. § 609.05, subd. 1 (2022). Isaac waived his right to a jury trial and instead had a court trial.

At trial, the State presented cell phone data, surveillance footage, and eyewitness testimony to establish approximately where Isaac and the shooter were located throughout the day of September 10, 2021. Among other things, the evidence established that Isaac and the shooter drove together in Isaac's Toyota Camry from Saint Cloud to the Fargo-Moorhead area, where Isaac purchased a Chrysler 200 and filled it with gas. As Isaac drove back toward Saint Cloud in his Toyota Camry, the Chrysler 200, with the shooter inside, drove to the scene of the crime where the shooter shot and killed Abdi. After the shooter killed Abdi, he called Isaac, and Isaac turned his car around and met with the shooter near Brandon, which is between Saint Cloud and the Fargo-Moorhead area.

The district court found Isaac guilty of first-degree premeditated murder under an aiding-and-abetting theory of criminal liability and sentenced him to life in prison without the possibility of release.

## ANALYSIS

Isaac argues that the State presented insufficient evidence to sustain his conviction.<sup>2</sup>

We agree.

The State alleged that Isaac was guilty of first-degree premeditated murder, Minn. Stat. § 609.185(a)(1), in connection with the fatal shooting of Abdi—which was indisputably committed by someone else—under an aiding-and-abetting theory of criminal liability, Minn. Stat. § 609.05, subd. 1. Relying on that theory, the district court found Isaac guilty of first-degree premeditated murder.

A defendant may be criminally liable for the acts of another pursuant to Minnesota’s aiding-and-abetting statute. Minn. Stat. § 609.05. “A person is criminally liable for a crime committed by another if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures the other to commit the crime.” *Id.*, subd. 1. The “intentionally aids” element requires that the defendant “knew that his alleged accomplices were going to commit a crime” and that the defendant “intended his presence or actions to further the commission of that crime.” *State v. Mahkuk*, 736 N.W.2d 675, 682 (Minn. 2007). The requisite mental state can be inferred “from a variety of facts, including presence at the scene of the crime, a close association with the principal offender before and after the crime, a lack of objection or surprise under the circumstances, and flight from

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<sup>2</sup> Isaac also argues that the search warrant to search his apartment lacked probable cause. Because we reverse his conviction, we need not address the validity of the search warrant.

the scene of the crime with the principal offender.” *State v. Bahtuoh*, 840 N.W.2d 804, 810 (Minn. 2013).

To convict Isaac of first-degree premeditated murder under an aiding-and-abetting theory of criminal liability, the State had to prove the following: (1) the shooter committed first-degree premeditated murder, (2) Isaac knew that the shooter was going to commit murder, and (3) Isaac intentionally aided the shooter in the commission of that crime. Neither party disputes that on September 10, 2021, the shooter committed first-degree premeditated murder by shooting and killing Abdi near the Griffin Court apartment complex in Moorhead. Rather, the central question is whether Isaac *knew* that the shooter planned to kill Abdi before he purchased the Chrysler 200 for the shooter and filled it with gas. If Isaac did not know that the shooter planned to murder Abdi when he purchased the Chrysler 200 for the shooter or when he filled it with gas, then Isaac could not have intended for those actions to aid the shooter in committing the murder. Because the State relied solely on circumstantial evidence to prove Isaac’s knowledge and intent, we apply a heightened two-step standard of review.<sup>3</sup> *State v. Petersen*, 910 N.W.2d 1, 6 (Minn. 2018). Our two-step standard of review requires that we first identify the circumstances proved and then determine whether they are consistent with guilt and inconsistent with any rational hypothesis other than guilt. *Id.*

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<sup>3</sup> The State alternatively requests that we abandon our current standard of review for convictions based on circumstantial evidence. In *State v. Harris*, 895 N.W.2d 592, 597–600 (Minn. 2017), we considered whether to depart from our standard of review when examining the sufficiency of circumstantial evidence and declined to do so. Today, we again decline to abandon this standard of review.

Under the first step, we identify the “circumstances proved.” *State v. McClinnis*, 962 N.W.2d 874, 890 (Minn. 2021). In doing so, we “winnow down the evidence presented at trial by resolving all questions of fact in favor of the [fact-finder’s] verdict.”<sup>4</sup> *State v. Harris*, 895 N.W.2d 592, 600 (Minn. 2017). This step “preserv[es] the [fact-finder’s] credibility findings” and recognizes that “the [fact-finder] is in a unique position to determine the credibility of the witnesses and weigh the evidence before it.” *Id.* “[A]s the sole judge of credibility, [the fact-finder] is free to accept part and reject part of a witness’ testimony.” *State v. Poganski*, 257 N.W.2d 578, 581 (Minn. 1977).

Applying the first step here, the circumstances proved are as follows.

On the day of the murder, the shooter and Isaac drove together from Saint Cloud to the Fargo-Moorhead area in Isaac’s Toyota Camry to purchase a Chrysler 200 from a car dealership. The shooter had previously contacted the car dealer about buying a Chrysler 200, but once at the car dealership, Isaac did more of the talking. The two men spotted a Chrysler 200 that they wanted to buy, but the car was not available for purchase. They liked the car’s black rims and even asked if the rims could be switched to a different Chrysler 200. The car dealer said that was not possible and instead had the rims of another Chrysler 200 painted black. Isaac purchased that Chrysler 200 in his name between 5:00 and 6:30 p.m. that day. Based on their interactions at the dealership, the car dealer believed the car was going to be more for the shooter than for Isaac.

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<sup>4</sup> We use the same standard of review for jury and court trials. *State v. Palmer*, 803 N.W.2d 727, 733 (Minn. 2011).

After leaving the car dealership, at around 6:30 p.m., the Toyota Camry and the Chrysler 200 arrived at a gas station in Fargo. There, Isaac put gas into both cars. Isaac then left the gas station in the Toyota Camry and began traveling southeast toward Saint Cloud. The shooter left the gas station in the newly purchased Chrysler 200 and remained in the Fargo-Moorhead area before heading to the scene of the crime.

After spending about an hour in the Fargo-Moorhead area, the Chrysler 200 proceeded to the immediate vicinity of a Casey's General Store (the Store) on 30th Avenue South in Moorhead. The Chrysler 200 drove past the Store and parked in the parking lot of the neighboring apartment complex. Then, the shooter got out of the Chrysler 200, walked directly past the rear of a Toyota Solara parked in the Store's parking lot, and entered the Store. Abdi and three other people were inside the Toyota Solara.

After walking out of the Store, the shooter approached the Toyota Solara and spoke to the passengers. He then got into the Chrysler 200. After a few minutes, the Toyota Solara left the Store's parking lot and the Chrysler 200 followed.

Both cars ended up near the Griffin Court apartment complex. There, Abdi got out of the car and ran, while the shooter, gun raised and firing, ran after him. Abdi fell and more gunshots followed. Abdi was shot between 8:03 and 8:04 p.m. and died at the scene. Of the twelve recovered bullet cartridges, eleven were stamped "Luger CBC 9mm" and one was stamped "Luger RP 9mm."

Minutes after the murder, at 8:08 p.m., the shooter called Isaac.<sup>5</sup> The call lasted approximately 1 minute. The shooter called Isaac again at 8:11 p.m., at which point Isaac turned his car around and began heading back northwest toward the Fargo-Moorhead area on Interstate 94. The second call lasted 23 seconds. Between 8:49 and 8:57 p.m., as Isaac was traveling northwest on the interstate, Isaac received three calls from the shooter but did not pick up. Isaac and the shooter met up near Brandon before they each began traveling back southeast toward Saint Cloud. While traveling southeast, Isaac called the shooter, and the call lasted 10 seconds.

During the investigation into the murder, the shooter became a suspect, and police began looking for him. On September 13, 2021, officers found the shooter near a residence in Rochester and arrested him around 3:20 p.m. Approximately 10 minutes later, at 3:30 p.m., Isaac registered the Chrysler 200 with the Department of Vehicle Services, listing himself as the owner.

As part of the investigation, police wanted to locate the Chrysler 200 and found it outside the Saint Cloud apartment building where Isaac lived. Inside the glove box was registration paperwork and a bill of sale indicating that the Chrysler 200 was purchased from the Fargo-Moorhead car dealership. On September 16, 2021, police searched the

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<sup>5</sup> The investigating police detective testified there were no phone calls between the shooter and Isaac between the time they left the car dealership and the time Abdi was killed. He also testified that searches of cell phone records did not reveal any messages discussing a plan to murder Abdi.



Saint Cloud apartment. Inside Isaac’s bedroom, police found a box of ammunition with three bullets stamped “Luger RP 9mm.”<sup>6</sup>

Following his arrest, the shooter called Isaac from jail seven times between September 15 and 16, 2021. In the first six calls, the shooter and Isaac mostly discussed how to get the shooter out on bail and who to hire as his attorney. The shooter warned that the calls were recorded and asked Isaac to watch what he said.

The shooter’s seventh call to Isaac from jail occurred after police officers searched Isaac’s apartment. The shooter asked Isaac if his family told Isaac that “they’re” looking for him. Isaac said yes and that it was about the car. The shooter reminded Isaac that the call was being recorded.

After the search of his apartment, on September 17, 2021, Isaac called the primary police detective on the case. Isaac began the call by inquiring about the search that occurred at his residence and whether he needed to turn himself in. Isaac acknowledged that he was “very aware of what happened . . . a vehicle that [he] bought was involved in some kind of crime or some shit.” The police detective confirmed that the shooter had shot and killed an individual in Moorhead and that the shooter had been transported to and from

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<sup>6</sup> Isaac argues the district court’s finding that the bullets found in Isaac’s bedroom were “the same ammunition” the shooter fired at the scene of the crime “overinflates” the probative value of the bullets. In support of his argument, Isaac relies on a forensic scientist’s testimony at trial that Remington manufactures “possibly” millions of 9mm bullets each year and that once a bullet is removed from a box, a person cannot tell what box it came from. Isaac’s argument is unavailing because it effectively asks us to re-weigh the probative value of the bullets found in Isaac’s bedroom, something our well-established precedent prohibits. *See State v. Reek*, 942 N.W.2d 148, 166 (Minn. 2020) (explaining that “[o]ur precedent does not permit us to re-weigh the evidence”).

the crime scene in Isaac's Chrysler 200. When the police detective asked Isaac if he knew how the shooter had gotten possession of his car, Isaac lied, saying, "I have no idea . . . that's crazy," and said that perhaps the shooter had gotten a spare key. Isaac also denied being in Moorhead at any given time.

On October 14, 2021, police officers arrested Isaac at an industrial shop in Waite Park. Isaac's Toyota Camry was parked in the industrial shop. In a semi-truck cab inside the industrial shop, there were bedsheets.

While Isaac was in jail, he texted the car dealer directing him to tell the truth. The car dealer found the text message upsetting. At some point, a private detective began coming to the car dealership and alleging that the car dealer made errors on the purchase paperwork for the Chrysler 200. The car dealer eventually demanded that the person leave the premises.

Having winnowed the evidence presented at trial down to the circumstances proved, we move to the second step of our analysis. This step requires us to consider "whether the reasonable inferences that can be drawn from the circumstances proved, when they are viewed as a whole and not as discrete isolated facts, are consistent with the hypothesis that the accused is guilty and inconsistent with a hypothesis the accused is not guilty." *State v. Ulrich*, 3 N.W.3d 1, 11 (Minn. 2024) (emphasis added); *see also State v. Lampkin*, 994 N.W.2d 280, 291 (Minn. 2023) (explaining that we consider the circumstances proved "as a whole").

At this second step, "we do not defer to the factfinder but examine the reasonableness of the inferences ourselves." *McInnis*, 962 N.W.2d at 890. If the

circumstances proved when viewed as a whole, support a reasonable inference “that is inconsistent with guilt, the evidence is not sufficient to support the conviction” and we must reverse. *State v. Noor*, 964 N.W.2d 424, 438 (Minn. 2021). A defendant must “point to evidence in the record that is consistent with a rational theory other than guilt.” *State v. Tscheu*, 758 N.W.2d 849, 858 (Minn. 2008).

Viewing the circumstances proved, as a whole, we conclude that they support the rational hypothesis of innocence that Isaac did not know about the shooter’s plan to murder Abdi until at least 8:08 p.m., when the shooter called him after the murder. After Isaac filled the gas tank of the newly purchased Chrysler 200 at about 6:30 p.m., Isaac started driving back to Saint Cloud in his Toyota Camry. At 8:08 p.m. (approximately 4 minutes after the murder), Isaac, who had been driving back toward Saint Cloud for about an hour at that point, received a phone call from the shooter. In response to the call, Isaac turned around and started driving back toward the Fargo-Moorhead area, eventually meeting the shooter near Brandon. This conduct supports a reasonable inference that Isaac did not know about the shooter’s plan to murder Abdi until at least 8:08 p.m., when the shooter called him after the murder occurred. Our analysis, however, does not end with Isaac turning his car around because the circumstances proved must be viewed “as a whole.”

When we step back and view the all the circumstances proved, we still conclude that an inference that Isaac did not know about the shooter’s plan to murder Abdi until at least 8:08 p.m., when the shooter called him after the murder, is reasonable. The circumstances proved include Isaac’s request to paint the rims of the Chrysler 200 black, the Luger RP 9mm cartridge found at the scene of the crime, the Luger RP 9mm bullets

found in Isaac's bedroom, the shooter's warnings that the jail calls were being recorded, Isaac's registration of the Chrysler 200 3 days after the murder, his text to the car dealer about telling the truth, his false statement to the police detective that he did not know how the shooter gained possession of the Chrysler 200, and Isaac's hideout at the industrial shop. To be sure, the circumstances proved, when viewed as a whole, make the inference that Isaac did not intend to aid the shooter *after* the murder, or to escape being arrested himself, unreasonable. But the circumstances proved, when viewed as a whole, do not make unreasonable an inference that Isaac did not know about the shooter's plan to murder Abdi until at least 8:08 p.m., when the shooter called him, which was approximately 4 minutes *after* the murder occurred.<sup>7</sup> Consequently, we conclude that the State presented insufficient evidence to sustain Isaac's conviction for first-degree premeditated murder under an aiding-and-abetting theory of criminal liability.

### CONCLUSION

For the foregoing reasons, we reverse Isaac's conviction.

Reversed.

HENNESY, J., not having been a member of this court at the time of submission, took no part in the consideration or decision of this case.

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<sup>7</sup> Having concluded that the circumstances proved, when viewed as a whole, support a reasonable inference that Isaac did not know of the shooter's plan to murder Abdi before he purchased the car and gas, we need not consider Isaac's argument that it is also reasonable to infer from the circumstances proved, as a whole, that he did not learn about the murder until his phone call with the primary police detective after the search of his apartment.

## CONCURRENCE

THISSEN, Justice (concurring).

I concur in the decision in this case. I agree with the court's conclusion that the State did not prove beyond a reasonable doubt that Ibrahim Abdiaziz Isaac aided and abetted first-degree premediated murder.

I write separately because our precedent on the circumstantial evidence test is confusing. One of the reasons for the confusing state of our law is that we sometimes mechanically plug in language related to the circumstantial evidence test when it is completely unnecessary to the outcome of the case or not relevant to the particular issue in front of us.

In this case, the court states:

In doing so, we “winnow down the evidence presented at trial by resolving all questions of fact in favor of the [fact-finder's] verdict.”<sup>8</sup> *State v. Harris*, 895 N.W.2d 592, 600 (Minn. 2017). *This step “preserv[es] the [fact-finder's] credibility findings” and recognizes that “the [fact-finder] is in a unique position to determine the credibility of the witnesses and weigh the evidence before it.”* *Id.* “[A]s the sole judge of credibility, [the fact-finder] is free to accept part and reject part of a witness' testimony.” *State v. Poganski*, 257 N.W.2d 578, 581 (Minn. 1977).

(Emphasis added.) There is no reason to include the emphasized language because it makes no difference to the outcome of the case. In this case, there are no circumstances proved that involve the fact-finder hearing conflicting testimony and having to credit one witness over another witness. The principles articulated, when they are applicable, will not

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<sup>8</sup> We use the same standard of review for jury and court trials. *State v. Palmer*, 803 N.W.2d 727, 733 (Minn. 2011).

disappear from our case law simply because we fail to mention it in a case in which they do not matter.

On the other hand, what it means to preserve the fact-finder's credibility findings does not have firm and precise meaning as to scope or application without surrounding factual context. Further, we identify circumstances proved to honor aspects of the jury's role beyond its role in assessing the credibility of witnesses (for instance, to respect the jury's role in resolving disputed facts unrelated to the credibility of witnesses). We have often conflated these different roles when explaining how the circumstantial evidence test works. For these reasons, unmoored recitation of aspects of the circumstantial evidence test that have no relevance to the analysis in the case may result in future confusion.