This opinion is nonprecedential except as provided by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
A24-0722

State of Minnesota,
Respondent,

vs.

Letrell Marqueete Baggett,
Appellant.

Filed April 21, 2025
Affirmed
Harris, Judge

Hennepin County District Court
File No. 27-CR-23-7885

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

Mary F. Moriarty, Hennepin County Attorney, N. Nate Summers, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Julia Q. Brady, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Harris, Presiding Judge; Ede, Judge; and Bentley, Judge.

NONPRECEDENTIAL OPINION

HARRIS, Judge

In this direct appeal from his conviction for the sale of controlled substances, appellant argues that (1) the evidence was insufficient to prove beyond a reasonable doubt that he sold controlled substances, and (2) the district court erred by allowing a police officer to narrate a surveillance video for the jury. We affirm.

FACTS

In April 2023, respondent State of Minnesota charged appellant Letrell Marqueete Baggett with third-degree drug sale under Minnesota Statutes section 152.023, subdivision 1(1) (2022), and fifth-degree drug possession under Minnesota Statutes section 152.025, subdivision 2(1) (2022). The complaint alleged that Minneapolis Police Sergeant A.D. was monitoring a live surveillance-video feed of an intersection in south Minneapolis when she saw Baggett engage in two hand-to-hand drug transactions. The following facts are drawn from the evidence presented during a two-day jury trial.

Sergeant A.D. investigates weapon and drug-related offenses in Minneapolis and is "[e]xtremely familiar" with hand-to-hand drug transactions having observed "up to a thousand" of such exchanges in her career. On April 11, 2023, Sergeant A.D. was viewing surveillance cameras in an area "known to be a high crime area." Sergeant A.D. characterized the area as "an open-air drug market" where people would "loiter at the intersection and partake in narcotics-related activities such as sales, usage, and purchasing." Sergeant A.D. saw Baggett conduct two hand-to-hand drug transactions while she was observing the intersection through the surveillance cameras. She defined a hand-to-hand drug transaction as a "very common way that people use to buy, sell, and distribute narcotics." The sergeant explained that it involves "one person walking up to another person, making a quick exchange through their hands, usually for money, in exchange for drugs." Sergeant A.D. noted that the exchange is "very quick," and that the individuals split up after the exchange to remain "undetected from police."

The district court admitted recorded video footage from three of these surveillance cameras into evidence, which captured different angles of the intersection. The videos showed Baggett standing with two men near the back of a vehicle. Baggett and the other men made a "quick exchange" and then separated, which was consistent with a hand-to-hand drug transaction. As one man walked away from Baggett, he brought something to his face. Sergeant A.D. testified that she believed the man was ingesting pills.

Baggett then sat down in the passenger seat of a red vehicle parked at the curb. A man dressed in black approached the open window of the passenger-side of the car with his hand open. Baggett placed something into the man's hand. Another man standing nearby, wearing jeans and a tan shirt, walked up to Baggett and passed him money through the window. Baggett placed something small into the man's palm and took the money. Shortly afterwards, the man in the tan shirt took a beverage from a different vehicle, put something in his mouth, and took a drink. Sergeant A.D. testified that she believed Baggett sold pills during these two hand-to-hand transactions. She reached this conclusion because, while watching the video of Baggett and the man in the tan shirt, she observed that Baggett "was holding [the small items] and kind of sprinkled them into [the man's] hand when the money was exchanged." Sergeant A.D. stated that, "[i]t looked like pills, from my training and experience as a Minneapolis police officer."

About fifteen minutes later, Baggett left the area in the same vehicle he had been sitting in, and Sergeant A.D. informed nearby police officers that they could stop him for selling pills. Minneapolis Police Sergeant K.P. found Baggett about a block away from the intersection. Sergeant K.P. searched Baggett and found cash, oxycodone pills,

hydrocodone pills, marijuana, and a pill bottle in Baggett's name for ten, five-milligram oxycodone tablets. The sergeant found 32 pills in the bottle. A forensic scientist at the Minnesota Bureau of Criminal Apprehension (BCA) later confirmed that the tablets were hydrocodone and oxycodone pills, which are controlled substances. Sergeant K.P. testified that he believed that the amount of money and pills was indicative of narcotics sales. He then placed Baggett under arrest.

The jury found Baggett guilty of both charged crimes. The district court sentenced Baggett to 45 months in prison for third-degree sale and to a concurrent 17-month sentence for fifth-degree possession. The district court later amended the sentencing order to clarify that it was not adjudicating on the fifth-degree-possession charge because it was a lesser-included offense.

Baggett appeals.

DECISION

Baggett raises two arguments on appeal. First, he asserts that the evidence was insufficient to prove that he sold narcotics. Second, he contends that the district court erred by permitting Sergeant A.D. to testify about her observations of the surveillance-video footage. We address each argument in turn.

I. There is sufficient evidence to support Baggett's conviction.

A. Legal Standard

Baggett challenges the sufficiency of the evidence underlying his conviction for the sale of controlled substances. To evaluate the sufficiency of the evidence, we "carefully examine the record to determine whether the facts and the legitimate inferences drawn from

them would permit the [factfinder] to reasonably conclude that the defendant was guilty beyond a reasonable doubt of the offense of which [the defendant] was convicted." *State v. Waiters*, 929 N.W.2d 895, 900 (Minn. 2019) (quotation omitted). The evidence is reviewed "in the light most favorable to the conviction." *State v. Ortega*, 813 N.W.2d 86, 100 (Minn. 2012) (quotation omitted). And we "assume the jury believed the State's witnesses and disbelieved any evidence to the contrary." *Id.* A jury verdict will not be disturbed "if the jury, 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." *Id*.

A heightened standard of review applies when, as here, the state's evidence on one or more elements of a charged offense consists solely of circumstantial evidence. *State v. Porte*, 832 N.W.2d 303, 309 (Minn. App. 2013); *see also Bernhardt v. State*, 684 N.W.2d 465, 477 (Minn. 2004) (stating that a conviction based on circumstantial evidence warrants higher scrutiny). Circumstantial evidence is "evidence from which the factfinder can infer whether the facts in dispute existed or did not exist." *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (quotation omitted). Direct evidence, by contrast, is "evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption." *Id*. (quotation omitted).

Intent to sell or distribute a controlled substance is typically proven by circumstantial evidence. *State v. White*, 332 N.W.2d 910, 912 (Minn. 1983). When reviewing the sufficiency of circumstantial evidence, we conduct a two-step analysis. *State v. Andersen*, 784 N.W.2d 320, 329 (Minn. 2010). We begin by identifying the

circumstances proved by the state. *Id.* At this stage, we "assume that the jury resolved any factual disputes in a manner that is consistent with the jury's verdict." *State v. Moore*, 846 N.W.2d 83, 88 (Minn. 2014). At the second step of our analysis, we independently examine the "reasonableness of [the] inferences that might be drawn from the circumstances proved" to determine whether the circumstances proved are "consistent with the hypothesis that the accused is guilty and inconsistent with any rational hypothesis except that of guilt." *Andersen*, 784 N.W.2d at 329. We consider the evidence as a whole and do not examine each piece in isolation. *Id.* at 332. "If a reasonable inference other than guilt exists, then we will reverse the conviction." *Loving v. State*, 891 N.W.2d 638, 643 (Minn. 2017).

B. Circumstances Proved

The jury found Baggett guilty of third-degree sale of narcotics under Minnesota Statutes section 152.023, subdivision 1(1), which requires the state to prove beyond a reasonable doubt that Baggett "unlawfully s[old] one or more mixtures containing a narcotic drug." Minn. Stat. § 152.023, subd. 1(1). To "sell" means "to sell, give away, barter, deliver, exchange, distribute[,] or dispose of to another . . . or . . . to possess with intent to perform an act listed in clause (1)." Minn. Stat. § 152.01, subd. 15a (2022).

Baggett argues that the state failed to present sufficient evidence to prove beyond a reasonable doubt that he unlawfully sold a narcotic drug because the surveillance video is inconclusive and Sergeant A.D. did not personally observe the alleged drug sales. The state concedes that "the precise product that [Baggett] sold in those transactions is not

directly observable from the surveillance footage." However, the state contends that "[t]he circumstances proved point inextricably to guilt."

We begin by identifying the circumstances proved. Viewing the state's evidence in the light most favorable to the verdict, the following circumstances are established. Sergeant A.D. was watching a live surveillance camera at an intersection in Minneapolis. The sergeant characterized the area as a "high crime area" and "an open-air drug market." Sergeant K.P. similarly noted that the police department had "dozens of narcotics complaints" related to that intersection, and that the area was "known for violent crimes." Sergeant A.D. saw several people engaging in narcotics-related activities, including hand-to-hand drug transactions. The sergeant is "[e]xtremely familiar" with these types of drug exchanges, as she has observed "up to a thousand" exchanges in her career. Baggett first engaged in a "quick exchange" with a man wearing black clothing. The man raised his hand to his face and put something into his mouth as he walked away. Baggett then got into a parked car. Another man dressed in black approached the car window and Baggett placed something into the man's hand. A man wearing a tan shirt also walked up to Baggett and held money out to Baggett. In response, Baggett "sprinkled" something into the man's palm and immediately took the money from the man's hand. The man in the tan shirt then got a beverage from another vehicle, placed the item from his palm into his mouth, and took a drink. Baggett left the area about fifteen minutes later. Sergeant K.P. stopped Baggett about one block away and found cash, oxycodone pills, hydrocodone pills, marijuana, and a pill bottle in Baggett's name. Forensic testing by the BCA identified the

32 tablets in the pill bottle as oxycodone and hydrocodone, which are controlled substances. *See* Minn. Stat. § 152.02, subd. 3(b)(1)(ii) (2022).

C. Reasonable Inferences Other Than Guilt

Turning to the next step, we evaluate "independently the reasonableness of all inferences that might be drawn from the circumstances proved," including inferences consistent with a hypothesis other than guilt. *Andersen*, 784 N.W.2d at 329. In doing so, we "determine whether the circumstances proved are consistent with guilt and inconsistent with any rational hypothesis except that of guilt, not simply whether the inferences that point to guilt are reasonable." *State v. Silvernail*, 831 N.W.2d 594, 599 (Minn. 2013) (quotations omitted). At this stage, we "give no deference to the fact finder's choice between reasonable inferences." *Andersen*, 784 N.W.2d at 329-30 (citation omitted).

Baggett acknowledges that the circumstances proved support a reasonable hypothesis that he sold narcotics. But he claims that the circumstances also support two other rational hypotheses: (1) that he "did not sell anything that day," or (2) that he "sold something other than narcotics." We are not persuaded that either explanation is a reasonable hypothesis.

The circumstances proved establish that Baggett engaged in quick exchanges with at least two men. In one instance, Baggett took money from a man's hand after "sprinkling" a small item or items into the man's palm. The man then placed his hand up to his mouth and took a drink. Baggett was stopped a block away from the intersection, where officers found him carrying cash, oxycodone pills, and hydrocodone pills. It is not reasonable to conclude that Baggett did not sell controlled substances. Additionally, Baggett may not

rely on mere conjecture or speculation, but must instead point to specific evidence in the record that is consistent with innocence. *State v. Al-Naseer*, 788 N.W.2d 469, 480 (Minn. 2010); *see also State v. Ostrem*, 535 N.W.2d 916, 923 (Minn. 1995) (noting that, for an inference to be rational, appellant must point to evidence in the record that is consistent with a rational theory other than guilt). Baggett's alternative hypotheses are based on conjecture and are not supported by the record.

Upon reviewing the record as a whole, we are satisfied that the circumstances proved support a reasonable inference that Baggett sold controlled substances, and do not support a rational hypothesis other than guilt. *See Andersen*, 784 N.W.2d at 332 (instructing that circumstantial evidence is viewed as a whole and is not examined in isolation). We therefore conclude that there was sufficient evidence to convict Baggett of the sale of controlled substances.

II. The district court did not abuse its discretion by permitting opinion testimony about the surveillance video because it was helpful to the jury.

Baggett argues that the district court erred by permitting Sergeant A.D. to offer improper opinion testimony by narrating the surveillance videos for the jury. At trial, the prosecutor played the surveillance videos for the jury. Sergeant A.D. explained what was unfolding on each video as the videos were played to the jury. On appeal, Baggett contends that the sergeant's testimony was not helpful to the jury and that the sergeant improperly opined about the ultimate issue in this case—Baggett's guilt—and invaded the province of the jury.

Baggett did not object to Sergeant A.D.'s testimony at trial. We therefore review for plain error. *See State v. Word*, 755 N.W.2d 776, 781 (Minn. App. 2008) (noting that unobjected-to errors are reviewed under the plain-error standard). Under this test, we examine evidentiary rulings to determine whether there was (1) an error, (2) that was plain, and (3) that affected the appellant's substantial rights. *State v. Gunderson*, 812 N.W.2d 156, 159 (Minn. App. 2012). If each prong is satisfied, we consider whether the error requires reversal to "ensure fairness and the integrity of the judicial proceedings." *State v. Griller*, 583 N.W.2d 736, 740 (Minn. 1998). But if any requirement of the plain-error test is not satisfied, we need not address the other factors. *State v. Lilienthal*, 889 N.W.2d 780, 785 (Minn. 2017).

We discern no plain error in the district court's decision to admit Sergeant A.D.'s testimony because it was helpful to the jury and not contrary to caselaw. "An error is plain if it is clear or obvious." *State v. Webster*, 894 N.W.2d 782, 787 (Minn. 2017). An error is clear or obvious if it "contravenes caselaw, a rule, or a standard of conduct." *Id.* (quotation omitted). Lay opinions that are rationally based on a witness's perceptions are admissible if they are helpful to a jury. *State v. Washington*, 725 N.W.2d 125, 137 (Minn. App. 2006), *rev. denied* (Minn. Mar. 20, 2007); *see also* Minn. R. Evid. 701 (authorizing testimony by lay witnesses based on personal knowledge). "A lay witness's opinion or inference testimony may help the jury by illustrating the witness's perception in a way that the mere recitation of objective observations cannot." *State v. Pak*, 787 N.W.2d 623, 629 (Minn. App. 2010). To determine whether opinion testimony is helpful to the jury, "a distinction should be made between opinions as to factual matters," which are helpful, "and

opinions involving a legal analysis or mixed questions of law and fact," which are not helpful. Minn. R. Evid. 704 1977 comm. cmt.

Baggett asserts that the district court plainly erred by allowing Sergeant A.D. to give improper opinion testimony by interpreting the events in the surveillance video. But we have repeatedly noted in nonprecedential caselaw that "an officer may provide lay-opinion testimony about the contents of a surveillance video." *State v. Turner*, No. A23-1709, 2024 WL 4812939, at *6 (Minn. App. Nov. 18, 2024) (concluding that an officer's narration of a surveillance video showing a homicide "was properly admitted as lay-opinion testimony because [the officer's] narration helped the jury to understand the events captured on the surveillance videos," but reversing and remanding the conviction on other grounds); *see also State v. Ramsey*, No. A23-1554, 2024 WL 4587915, at *4 (Minn. App. Oct. 28, 2024) (determining that sergeant's testimony interpreting a surveillance video by using a PowerPoint presentation was admissible as helpful to the jury); *State v. Williams*, No. A22-1573, 2024 WL 1044815, at *8-9 (Minn. App. Mar. 11, 2024) (determining that the district court did not err by allowing a detective to narrate a security-camera video); *State v. Kasim*, No. A18-1322, 2019 WL 2415974, *4-6 (Minn. App. June 10, 2019) (noting that the district court did not err by permitting an officer to testify about the events in a video because it was "admissible lay-opinion testimony").[1]

[1] "Nonprecedential opinions and order opinions are not binding authority except as law of the case, res judicata or collateral estoppel, but nonprecedential opinions may be cited as persuasive authority." Minn. R. Civ. App. P. 136.01, subd. 1(c).

Here, Sergeant A.D.'s testimony was helpful to the jury because it assisted the jury in understanding the events depicted in the video footage as they occurred. The sergeant testified that she had observed approximately a thousand hand-to-hand drug transactions. Based on her experience and training, she believed that Baggett participated in two such transactions, as depicted on the video. The sergeant's testimony provided context for the video footage. And in light of our nonprecedential caselaw, the admission of this evidence did not contravene caselaw, a rule, or a standard of conduct and therefore was not plainly erroneous.

We likewise reject Baggett's argument that Sergeant A.D. opined about an ultimate issue in the case. A district court may exclude ultimate-issue testimony if it "embraces legal conclusions or terms of art" or "merely tell[s] the jury what result to reach." *State v. Moore*, 699 N.W.2d 733, 740 (Minn. 2005) (quotations omitted). Here, Sergeant A.D. explained her training and experience related to hand-to-hand drug transactions. She testified that Baggett's conduct in the surveillance video was consistent with a hand-to-hand drug transaction. A police officer may offer lay-opinion testimony that avoids legal terminology and reflects the officer's own observations. *See, e.g., State v. DeWald*, 463 N.W.2d 741, 744 (Minn. 1990). The sergeant's lay-opinion testimony was based on her personal observations and did not infringe on the ultimate issue of guilt.

Finally, the caselaw cited by Baggett is not persuasive. Baggett cites three cases in support of his argument that the sergeant's testimony was inadmissible under rule 701. *See Dunshee v. Douglas*, 255 N.W.2d 42, 48 (Minn. 1977); *Muehlhauser v. Erickson*, 621

N.W.2d 24, 29 (Minn. App. 2000); *Dahlbeck v. DICO Co.*, 355 N.W.2d 157, 165 (Minn. App. 1984). These cases are factually distinguishable from the present matter.

In *Dunshee*, the Minnesota Supreme Court addressed whether the district court abused its discretion by excluding testimony regarding photographs of an accident. 255 N.W.2d at 47-48. The supreme court concluded that the testimony "would have been little more than an interpretation of the photographs," which called into question "whether [it] would appreciably aid the jury," and explained that the expert had not examined the physical items in the photograph, did not witness the accident, and did not conduct any scientific tests. *Id.* at 48. Similarly, in *Dahlbeck*, we concluded that the district court did not abuse its discretion by excluding a coworker's testimony describing accident pictures because the coworker's opinion was speculative and would do little more than interpret photos, which the jury was capable of interpreting. 355 N.W.2d at 165-66.

But unlike *Dunshee* and *Dahlbeck*, Sergeant A.D.'s testimony did more than simply interpret photos of an accident. She testified that, based on her training and experience as an officer and her familiarity with the intersection being in a "high crime area," she believed that Baggett engaged in two hand-to-hand drug transactions based on her real-time observations through the surveillance footage.

Baggett also relies on *Muehlhauser*, which involved an eyewitness's limited, personal observation of a car accident. 621 N.W.2d at 29. The eyewitness in that case did not know "how it went or what happened" and that "[e]verything was [the] blink of an eye." *Id.* The eyewitness added that he "didn't see nothing. It was over within two seconds." *Id.* In our case, however, Sergeant A.D. testified in detail as to her real-time

observations of Baggett and the two other men through the surveillance footage. Because these cases are distinguishable, we do not find them persuasive.

In sum, we conclude that Sergeant A.D.'s narration was properly admitted as lay-opinion testimony because her narration helped the jury to understand the events captured on the surveillance videos. Based on our determination that the sergeant's testimony did not constitute plain error, we do not consider whether Baggett was prejudiced or whether the fairness, integrity, or public reputation of the judicial proceedings warrant reversal. *See Lilienthal*, 889 N.W.2d at 785 (providing that if any one of the plain-error prongs is not met, we need not address any of the other requirements).

Affirmed.