STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0829

State of Minnesota,
Respondent,

vs.

Amal Mohamed Osman,
Appellant.

Filed May 5, 2025
Affirmed
Reyes, Judge

Ramsey County District Court
File No. 62-CR-22-5441

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

Lyndsey M. Olson, St. Paul City Attorney, Adam L. Hinz, Assistant City Attorney, St. Paul, Minnesota (for respondent)

Howard Bass, Bass Law Firm, PLLC, Burnsville, Minnesota (for appellant)

Considered and decided by Reyes, Presiding Judge; Bjorkman, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

REYES, Judge

Appellant challenges her convictions of violating an order for protection (OFP) and a domestic-abuse no-contact order (DANCO), arguing that: (1) the district court committed plain error when it admitted (a) improperly authenticated video evidence and (b) evidence

that she committed other crimes; (2) the state presented insufficient evidence at trial to prove that she violated either the OFP or DANCO; and (3) she received ineffective assistance of counsel. We affirm.

FACTS

The following facts are based on the jury trial and are presented in the light most favorable to the jury's verdict. *See State v. Pilot*, 595 N.W.2d 511, 519 (Minn. 1999). Appellant Amal Mohamed Osman and S.A. dated for at least a year-and-a-half.[1] On June 6, 2022, S.A. requested, and the district court granted, an ex parte OFP against appellant, which prohibited her from contacting S.A. and going to his place of work, Element Gym, in St. Paul. Appellant had notice of the ex parte OFP and was present at a hearing on the OFP on June 29, 2022. The district court issued S.A. a final OFP against appellant the same day, prohibiting her from contacting S.A. and going to Element Gym.

Appellant texted S.A. the next day and sent him a screenshot of the OFP from a phone number with which he was unfamiliar. S.A. contacted law enforcement. Appellant also called S.A. from her known cell-phone number on June 14, July 16, and August 2.

On July 5, 2022, the district court issued a DANCO against appellant after the state charged her with violating an OFP, which prohibited her from contacting S.A. Nevertheless, appellant showed up at Element Gym on July 14, 2022, confronted S.A., and "got physical with [him]." S.A. reported the incident to law enforcement. Respondent

[1] S.A. testified that he and appellant dated between one-and-a-half and two years while appellant testified that they dated from 2017-2022.

State of Minnesota charged appellant with violating a DANCO on or about July 14, 2022, (count I) and violating an OFP on or about the same date (count II).

Appellant rejected a plea offer from the state, and the case proceeded to a jury trial in February 2024. The jury found appellant guilty of both offenses. The district court sentenced appellant only on count I. It sentenced her to 90 days, with 70 days stayed for one year, 20 days to serve, and credited her with 20 days for time served, resulting in no additional jailtime. It also placed her on probation for one year. This appeal follows.

DECISION

I. The district court did not commit reversible plain error when it admitted video evidence and evidence that appellant committed other crimes.

Appellant argues that the district court erroneously admitted several pieces of evidence at trial. We address each issue in turn.

We review this evidence under a plain-error standard because appellant did not object to its admission at trial. *State v. Rossberg*, 851 N.W.2d 609, 618 (Minn. 2014). Under the plain-error standard, appellant must show "(1) error, (2) that was plain, and (3) that affected the defendant's substantial rights." *Id*. (quotations omitted). If these prongs are met, then an appellate court will "consider whether reversal is required to ensure the fairness and integrity of the judicial process." *State v. Horst*, 880 N.W.2d 24, 38 (Minn. 2016). If we conclude that one prong is not met, we need not analyze the other prongs. *See State v. Mosley*, 853 N.W.2d 789, 798 (Minn. 2014).

"Evidentiary rulings rest within the sound discretion of the district court, and [appellate courts] will not reverse an evidentiary ruling absent a clear abuse of discretion."

State v. Ali, 855 N.W.2d 235, 249 (Minn. 2014). "A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record." *State v. Guzman*, 892 N.W.2d 801, 810 (Minn. 2017).

A. Exhibit 1

Appellant first argues that the district court erroneously admitted Exhibit 1, video surveillance from Element Gym, because the state did not properly authenticate it. We are not persuaded.

Video evidence can be authenticated either "by testimony describing the reliability of the process or system that created [it]," or "by testimony from an observer that the video[] is an accurate portrayal of the event, if the evidence sufficiently demonstrates that the video[] is what its proponent claims." *In re Welfare of S.A.M.*, 570 N.W.2d 162, 166 (Minn. App. 1997).

Here, S.A. testified about the interaction between him and appellant at Element Gym on July 14, 2022, confirmed that the video was "a true and accurate version of what happened that day," and testified that he initialed the video "just about an hour" before it was played in court. S.A.'s testimony sufficiently authenticated the video. *See id.* We conclude that the district court did not plainly err in admitting the video into evidence.

B. Exhibits 2 & 10

Appellant next argues that the district court erroneously admitted Exhibit 2, a screenshot of a call log reflecting calls from appellant to S.A. on June 14, July 16, and August 2 and Exhibit 10, a screenshot of a text message of the OFP, because the exhibits were "inadmissible evidence of other crimes." *See State v. Spreigl*, 139 N.W.2d 167

(Minn. 1965); *State v. Fardan*, 773 N.W.2d 303, 315 (Minn. 2009). The state argues that this evidence is admissible as relationship evidence under Minn. Stat. § 634.20 (2024). We need not resolve whether either exhibit is *Spreigl* or relationship evidence because, even if we assume without deciding that the district court plainly erred by admitting these exhibits, their admission did not affect appellant's substantial rights. *See State v. Webster*, 894 N.W.2d 782, 786 (Minn. 2017) ("If we conclude that any of the requirements of the plain-error doctrine are not satisfied, we need not consider the others.").

"An error affects substantial rights if the error is prejudicial—that is, if there is a reasonable likelihood that the error substantially affected the verdict." *State v. Strommen*, 648 N.W.2d 681, 688 (Minn. 2002).

We first note that the evidence against appellant, without either exhibit, was strong. *See State v. Word*, 755 N.W.2d 776, 784 (Minn. App. 2008). It included certified copies of both the OFP and DANCO; S.A.'s testimony about appellant's conduct; video surveillance from Element Gym; and appellant's testimony acknowledging that the OFP and DANCO prohibited her from going to Element Gym and contacting S.A., identifying herself as the person in the video at the gym, and acknowledging that she was previously arrested for violating the OFP.

The state's references to Exhibit 2 conveyed the following information: identifying appellant's cell-phone number; identifying three separate dates when S.A. received calls from appellant; the calls came after the district court issued the ex parte OFP on June 6, 2022, and two occurred after the district court issued the OFP and the DANCO. *See State v. Barnslater*, 786 N.W.2d 646, 654 (Minn. 2010).

The state's references to Exhibit 10 showed that appellant texted S.A. from an unknown phone number the day after the OFP issued. S.A. testified that the text message could only have come from appellant because only he and S.A. "had these documents." *See id.*

Finally, appellant had the opportunity to object to the admission of both exhibits in their entirety but failed to do so. Appellant had the opportunity to cross-examine S.A. on these exhibits, but only did so on Exhibit 10. However, appellant testified about both exhibits on cross-examination. *See State v. Bobo*, 770 N.W.2d 129, 143 (Minn. 2009).

We conclude that the admission of Exhibits 2 or 10 did not affect appellant's substantial rights because it did not affect the outcome of the case, and her plain-error argument fails. *See Word*, 755 N.W.2d at 781.

C. Exhibit 12

Appellant argues that the district court committed reversible plain error when it admitted Exhibit 12, an 11-page transcript of appellant's arraignment hearing on July 5, 2022, in its entirety because it is "inadmissible evidence of other crimes" by appellant. We agree with appellant that its admission constituted plain error but conclude that it did not affect her substantial rights.

Under Minn. R. Evid. 404(b), evidence of prior crimes or other bad acts, also called *Spriegl* evidence after *State v. Spriegl*, is generally not admissible to prove an appellant's character. *See Spreigl*, 139 N.W.2d at 167; *Fardan*, 773 N.W.2d at 315.

In addition to explaining what the DANCO prohibited appellant from doing and noting appellant's acknowledgment of the granted order, Exhibit 12 also provides, among

other information, that appellant is charged in two other cases, continues "to harass and assault the alleged victim," and previously "initiated unauthorized and unwanted conduct" with S.A.

We agree that the unredacted transcript, which was admitted in its entirety and available for the jury during its deliberations, contained inadmissible *Spriegl* evidence of other crimes by appellant. We therefore analyze whether the admission of Exhibit 12 affected appellant's substantial rights. *See Barnslater*, 786 N.W.2d at 653-54; *Strommen*, 648 N.W.2d at 688.

We first note that the evidence against appellant, without Exhibit 12, was strong. *See Word*, 755 N.W.2d at 784-85. As noted above, it included certified copies of both the OFP and DANCO; S.A.'s testimony about appellant's conduct; video surveillance from Element Gym; and appellant's testimony acknowledging that the OFP and DANCO prohibited her from going to Element Gym and contacting S.A., identifying herself as the person in the video at the gym, and acknowledging that she was previously arrested for violating the OFP.

Further, the state's references to Exhibit 12 at trial were proper and limited to the following information: appellant was the listed defendant; the transcript is from July 5, 2022; the state requested a DANCO; the district court granted the DANCO; and the DANCO prohibited appellant from contacting S.A. *See Bobo*, 770 N.W.2d at 143; *Barnslater*, 786 N.W.2d at 654.

Finally, appellant had the opportunity to object to the admission of Exhibit 12 in its entirety but failed to do so. Additionally, appellant made no effort to rebut any of the

Spriegl evidence in the unredacted transcript on her direct examination. *See Bobo*, 770 N.W.2d at 143.

We conclude that the district court's error, while plain, did not affect appellant's substantial rights because it did not affect the outcome of the case, and appellant cannot satisfy her burden under the third prong of the plain-error analysis. *See id.* at 142-43; *Word*, 755 N.W.2d at 781.

D. Trial testimony from appellant and S.A.

Appellant argues that the district court erroneously admitted (1) S.A.'s testimony that she "was charged with violating the June 2022 OFP for sending him a text message, Exhibit 10, prior to July 14, 2022,"; (2) S.A.'s testimony that appellant asked him to drop the charges against her when she confronted him at Element Gym on July 14; and (3) appellant's testimony on cross-examination "that she was 'arrested for violating the order for protection for this case'" because they constituted inadmissible *Spriegl* evidence.

The state argues that this evidence "constitutes a violation of an order for protection and qualifies as domestic conduct under section 634.20" because "it occurred after the issuance of the" final OFP. In her reply brief, appellant relies heavily on *Barnslater*, 786 N.W.2d at 651, and argues that, because "the conduct for which [appellant] was charged does not satisfy the definition of 'domestic abuse' under section 518B.01, subdivision 2(a)," S.A. "was not a victim of domestic abuse in the case at bar for purposes of section 634.20, and therefore, relationship evidence was not admissible against [appellant] under that statute."

However, as both parties readily acknowledged, the language of section 634.20 has changed since *Barnslater*, and we question whether its holding is still viable under the statute's new, broader language.[2]

Even if we assume without deciding that the district court erred in admitting both S.A.'s and appellant's testimonies of appellant committing other crimes, any error was not plain. *See Barnslater*, 786 N.W.2d at 653. Appellant's argument fails.

II. The state presented sufficient evidence at trial to prove that appellant violated the OFP and DANCO.

Appellant argues that, assuming we conclude that the district court committed reversible plain error by admitting Exhibit 1, there is no evidence that she violated the OFP or DANCO, "other than [S.A.]'s uncertain testimony." We disagree.

"When reviewing the sufficiency of the evidence, [appellate courts] view the evidence in a light most favorable to the verdict and assume that the jury believed the state's witnesses and disbelieved contrary evidence." *State v. Brocks*, 587 N.W.2d 37, 42 (Minn. 1998). "The jury is in the best position to evaluate the credibility of witnesses and weigh the evidence, and therefore its verdict must be given due deference." *Id*. Appellate courts will not overturn the verdict "if the fact-finder, upon application of the presumption of innocence and the [s]tate's burden of proving an offense beyond a reasonable doubt,

[2] The current version of the statute reads "Evidence of *domestic* conduct by the accused against the victim of *domestic* conduct" and describes what "[*d*]*omestic* conduct" includes. The prior version of the statute reads "Evidence of *similar* conduct by the accused against the victim of domestic *abuse*" and described what "[*s*]*imilar* conduct" included. *Compare* Minn. Stat. § 634.20 (2024) *with* Minn. Stat. § 634.20 (2012) (emphases added).

could reasonably have found the defendant guilty of the charged offense." *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016).

A fact-finder may find a person guilty by direct or circumstantial evidence. *State v. Olson*, 982 N.W.2d 491, 495 (Minn. App. 2022). Direct evidence is "based on personal knowledge or observation and that, if true, proves a fact without inference or presumption." *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (quotations omitted). In contrast, circumstantial evidence is "evidence from which the factfinder can infer whether the facts in dispute existed or did not exist" and "always requires an inferential step to prove a fact that is not required with direct evidence." *State v. Jones*, 4 N.W.3d 495, 501 (Minn. 2024) (quotations omitted). Here, the testimony from appellant and S.A., video evidence, call logs, and DANCO and OFP orders are all direct evidence because they do not require a fact-finder to make an inferential step.

A person is guilty of violating a DANCO when they (1) know of the existence of the order issued against them and (2) violate the order. Minn. Stat. § 629.75, subd. 2(b) (2022). A person is guilty of violating an OFP when they know of the existence of an OFP but do not abide by its limitations. Minn. Stat. § 518B.01, subd. 14 (a), (b) (2022).

First, as noted above, we conclude that the district court properly admitted Exhibit 1. Second, the jury could have reasonably found that appellant, who admitted that she knew of both the DANCO and OFP which prohibited her from having any contact with S.A., violated the orders by showing up at his workplace on or around July 14, 2022. We conclude that the state presented sufficient evidence at trial to sustain her convictions.

III. Appellant did not receive ineffective assistance of counsel because her trial counsel's actions did not prejudice her.

Lastly, appellant argues that she received ineffective assistance of counsel from her trial attorney because her attorney failed to object to the admission of Exhibit 1 and other-crimes evidence. We are not persuaded.

Appellate courts review ineffective-assistance-of-counsel claims under the *Strickland* two-prong test. *Andersen v. State*, 830 N.W.2d 1, 10 (Minn. 2013) (citing *Strickland v. Washington*, 466 U.S. 668, 687 (1984)). Under this test, an appellant must show that (1) their counsel's performance fell below an objective standard of reasonableness and (2) a reasonable probability exists that the outcome would have been different but for their counsel's errors. *Id*.; *see Bobo*, 770 N.W.2d at 138 (quotations omitted). If one prong of the test is dispositive, this court need not address both. *Andersen*, 830 N.W.2d at 10.

As we explained above, the district court erroneously admitted only Exhibit 12; but this admission did not affect the outcome of the jury's verdict. Even assuming without deciding error by counsel, the error did not so prejudice the appellant at trial "that a different outcome would have resulted but for the error." *Bobo*, 770 N.W.2d at 138. We conclude that appellant's claim fails because she cannot satisfy the *Strickland* prejudice prong.

Affirmed.