

*This opinion is nonprecedential except as provided by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
A24-0979**

State of Minnesota,
Respondent,

vs.

Teresa Marie Massey,
Appellant.

**Filed June 30, 2025
Affirmed
Johnson, Judge**

Pope County District Court
File No. 61-CR-22-236

Keith Ellison, Attorney General, Lisa Lodin, Assistant Attorney General, St. Paul, Minnesota; and

Neil Nelson, Pope County Attorney, Glenwood, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Rebecca Ireland, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Worke, Presiding Judge; Johnson, Judge; and Smith, Tracy M., Judge.

NONPRECEDENTIAL OPINION

JOHNSON, Judge

A Pope County jury found Teresa Marie Massey guilty of aiding and abetting a controlled-substance crime based on evidence that she drove her boyfriend to a pre-

arranged drug sale and received the proceeds of the sale in her mobile-payments account. We conclude that the evidence is sufficient to support the conviction and, therefore, affirm.

FACTS

This case arises from a fatal fentanyl overdose. During the early evening of February 20, 2021, law-enforcement officers in Pope County responded to a 911 call concerning an overdose at a residence in the city of Glenwood. Upon arrival, the officers found T.K., a 31-year-old man, who was nonresponsive. The officers searched the residence and found drugs and drug paraphernalia, including an uncapped hypodermic needle containing fentanyl and methamphetamine residue, two needles loaded with methamphetamine, a container of fentanyl, and a bag of methamphetamine.

Law-enforcement officers investigated the circumstances surrounding T.K.'s death for several months. They conducted interviews and reviewed cellphone records, cell-site-location information, mobile-payments accounts, and social-media accounts of various persons who were believed to be involved in T.K.'s death. They eventually focused their investigation on four persons: Jorma Thornton, Samuel Long, Theoplus Richmond, and Teresa Massey. The evidence shows that Thornton lived in the Glenwood area and was a friend or acquaintance of T.K., that Long was a person whom T.K. contacted for the purpose of obtaining drugs, that Richmond was a person who supplied Long with drugs, and that Massey was Richmond's girlfriend and shared an apartment with him in Minneapolis.

The state's electronic evidence shows that, shortly after 5:00 p.m. on February 20, 2021, T.K. and Thornton exchanged messages about jointly obtaining drugs. At 5:14 p.m.,

T.K. messaged Long to ask whether he could “get . . . some,” and they exchanged additional messages about quantity and price. Meanwhile, Richmond’s and Massey’s cellphones were traveling together in a northwesterly direction along interstate highway 94 from Minneapolis to the Glenwood area. Between 5:59 p.m. and 6:29 p.m., Long’s cellphone called Richmond’s cellphone four times, and Richmond’s cellphone called Long’s cellphone six times.

At 6:06 p.m., Long messaged T.K., saying, “tell me what you want and I’m sending my plug,” *i.e.*, supplier. At 6:10 p.m., T.K. messaged Thornton to say that a supplier was “on his way” and that Thornton should send him “240 asap or deal is dead in water.” At 6:14 p.m., Thornton transmitted \$240 to T.K.’s mobile-payments account. At 6:15 p.m., Long messaged T.K. to say that his supplier could provide T.K. with a gram of drugs, and T.K. responded by asking whether he could buy that amount for \$240. Approximately one minute later, T.K. messaged Long to say that he had the money and would pay the supplier after receiving the drugs.

Between 6:17 and 6:23 p.m., T.K. and Long exchanged multiple messages about where the supplier should deliver the drugs to T.K. At 6:25 p.m., Long messaged T.K. to say that the supplier had arrived at T.K.’s home. At 6:28 p.m., T.K. transmitted \$240 to a mobile-payments account registered to Massey. At 6:34 p.m., T.K. messaged Thornton to say that the drugs had been delivered. Richmond’s and Massey’s cellphones were in the general area of Glenwood at the time of the delivery. At 6:48 p.m., Thornton messaged T.K. to ask whether “it” was “f or h,” and T.K. responded, “H,” meaning heroin. At 6:54 p.m., Thornton messaged T.K., saying, “Be there soon.”

Thornton testified at trial that, after the drugs were delivered, he went to T.K.'s home, which T.K. shared with another person. Shortly after he arrived, T.K.'s roommate asked Thornton to move his car so that it would not block the roommate's vehicle. T.K. told Thornton that he wanted to "test" the drugs while Thornton was outside. Thornton moved his car and, when he returned, found T.K. on the floor, nonresponsive. Thornton told T.K.'s roommate to call 911, and the roommate did so. Two days later, Long transmitted \$30 to Massey's mobile-payments account.

Law-enforcement officers interviewed Massey in September 2021, seven months after T.K.'s death. The state introduced an audio-recording of the interview at trial. Massey told the officers that she lived in Minneapolis with Richmond, who was her fiancé. She stated that she knew that Richmond had sold drugs in the past. She said that Richmond "didn't ever drive" and that she "always drove him around." She told the officers that Richmond would not have taken her cellphone to Glenwood without her also being present with him. When the officers asked whether Richmond had ever used Massey's mobile-payments account, Massey initially said that he "never used it" but later stated that Richmond sometimes tells his friends to send him money through her mobile-payments account. Massey also said that she did not know either Long or T.K. and did not remember their sending any money to her mobile-payments account.

In July 2022, the state charged Massey with aiding and abetting a third-degree controlled-substance crime, in violation of Minn. Stat. §§ 152.023, subd. 1(1), 609.05, subd. 1 (2020). The case was tried to a jury on three days in January 2024. The state called seven witnesses, including B.S., a resident of Glenwood, who testified that he had used

drugs with T.K. before his death, that he knew Long, and that Richmond was Long's supplier in the Twin Cities. B.S. also testified that he had seen Richmond in Glenwood on two occasions before T.K.'s death, each time with a "white girl," who was driving and whom Richard described as his girlfriend. Photographs of Massey that were introduced into evidence show that she is white.

Massey did not testify and did not introduce any evidence. The jury found her guilty. She filed a post-trial motion for a judgment of acquittal, which the district court denied. The district court stayed the imposition of a sentence and placed her on probation for five years. Massey appeals.

DECISION

Massey argues that the evidence introduced at trial is insufficient to support her conviction.

A.

A person is guilty of aiding and abetting the sale of a controlled substance in the third degree "if the person intentionally aids, advises, hires, counsels, or conspires with" another to "unlawfully sell[] one or more mixtures containing a narcotic drug." Minn. Stat. §§ 609.05, subd. 1, 152.023, subd. 1(1). "The 'intentionally aids' element requires that the defendant 'knew that [her] alleged accomplices were going to commit a crime' and that the defendant 'intended [her] presence or actions to further the commission of that crime.'" *State v. Isaac*, 9 N.W.3d 812, 815 (Minn. 2024) (quoting *State v. Mahkuk*, 736 N.W.2d 675, 682 (Minn. 2007)). Because the "intentionally aids" element is a state-of-mind requirement, it often is established by circumstantial evidence. *State v. McAllister*, 862

N.W.2d 49, 53 (Minn. 2015). A defendant’s state of mind can be inferred from a variety of circumstances such as the defendant’s “presence at the scene of the crime,” “close association with the principal before and after the crime,” and “lack of objection or surprise under the circumstances.” *State v. Segura*, 2 N.W.3d 142, 156 (Minn. 2024) (quotation omitted).

Thus, to establish that Massey is guilty of third-degree sale of a controlled substance under an aiding-and-abetting theory, the state had to prove beyond a reasonable doubt that (1) Richmond committed the crime of third-degree sale of a controlled substance; (2) Massey knew that Richmond was going to commit that crime; and (3) Massey intentionally aided Richmond in the commission of that crime. *See* Minn. Stat. §§ 609.05, subd. 1, 152.023, subd. 1(1). Massey does not dispute that Richmond committed the crime of third-degree sale of a controlled substance on February 20, 2021, by selling fentanyl to T.K. But Massey argues that the evidence is insufficient to establish beyond a reasonable doubt that she knew that Richmond was going to commit that crime and that she intentionally aided Richmond in his commission of that crime.

B.

When determining whether evidence is sufficient to support a conviction, this court undertakes “a painstaking analysis of the record to determine whether the evidence, when viewed in a light most favorable to the conviction, was sufficient.” *State v. Jones*, 977 N.W.2d 177, 187 (Minn. 2022) (quotation omitted). This court “carefully examines 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 he was convicted.” *State v. Waiters*, 929 N.W.2d 895, 900 (Minn. 2019) (quotation omitted). “We assume that the jury believed the state’s witnesses and disbelieved any evidence to the contrary.” *State v. Friese*, 959 N.W.2d 205, 214 (Minn. 2021) (quotation omitted).

The above-described standard of review applies so long as a conviction is adequately supported by direct evidence. *State v. Horst*, 880 N.W.2d 24, 39 (Minn. 2016). In this case, the parties agree that the conviction rests on circumstantial evidence and that this court should apply the standard of review that is appropriate for circumstantial evidence. When reviewing a conviction based on circumstantial evidence, we apply a heightened standard of review with a two-step analysis. *State v. Petersen*, 910 N.W.2d 1, 6-7 (Minn. 2018); *State v. Moore*, 846 N.W.2d 83, 88 (Minn. 2014).

At the first step of the circumstantial-evidence analysis, we “identify the ‘circumstances proved.’” *Isaac*, 9 N.W.3d at 815; (quoting *State v. McInnis*, 962 N.W.2d 874, 890 (Minn. 2021)). “In identifying the circumstances proved, [this court] assume[s] that the jury resolved any factual disputes in a manner that is consistent with the jury’s verdict.” *Moore*, 846 N.W.2d at 88. Accordingly, this court “disregard[s] evidence that is inconsistent with the jury’s verdict.” *State v. Harris*, 895 N.W.2d 592, 601 (Minn. 2017). At the second step of the analysis, we “examine independently the reasonableness of [the] inferences that might be drawn from the circumstances proved,” determine whether “the circumstances proved are consistent with guilt,” and determine whether the circumstances proved are “inconsistent with any rational hypothesis except that of guilt.” *Moore*, 846

N.W.2d at 88 (alteration in original) (quotations omitted). At the second step, we do not give deference to the jury’s verdict. *Loving v. State*, 891 N.W.2d 638, 643 (Minn. 2017).

C.

In this case, the circumstances proved that are relevant to whether Massey knew that Richmond was going to commit a third-degree controlled-substance crime and intended to aid him in his commission of that crime are the facts stated above, which are consistent with the verdict. *See Moore*, 846 N.W.2d at 88.

The state contends that the circumstances proved support a reasonable inference that Massey knew that Richmond intended to sell drugs in Glenwood and that Massey intentionally aided and abetted his commission of that crime in two ways: by driving him to Glenwood and by receiving the proceeds of the drug sale in her mobile-payments account. We agree with the state that the circumstances proved allow for a reasonable inference that Massey intended to aid and abet Richmond’s crime and, thus, are consistent with the jury’s finding of guilt.

Massey contends that the circumstances proved are consistent with a rational hypothesis that she is not guilty, for three reasons. First, Massey contends that the circumstances proved do not exclude the rational hypothesis that she drove Richmond to Glenwood “without knowledge of Richmond’s plan to commit a crime.” This hypothesis is inconsistent with multiple circumstances proved. Massey stated in a pre-trial interview that she knew that Richmond had dealt drugs in the past. B.S. testified that he knew Long, that Richmond supplied drugs to Long, and that he had seen Richmond in Glenwood on two prior occasions, each time with a white woman whom Richmond described as his

girlfriend. Cell-site-location data shows that Richmond's cellphone and Massey's cellphone traveled together along interstate highway 94 from Minneapolis to the Glenwood area between approximately 4:00 p.m. and 6:30 p.m. on the day of T.K.'s death and that both cellphones were in the general area of Glenwood when drugs were delivered to T.K. Between 5:59 p.m. and 6:29 p.m., Long's cellphone and Richmond's cellphone exchanged ten calls. Massey stated to investigators that Richmond "didn't ever drive" and that she "always drove him around." In light of this evidence, a jury could not rationally conclude that Massey did not know that Richmond intended to sell drugs in Glenwood on February 20, 2021.

Second, Massey contends that the circumstances proved do not exclude the rational hypothesis that, if she knew of Richmond's plan to sell drugs in Glenwood, she did not intend, by driving him, "to further the commission of Richmond's crime." As stated above, the "intentionally aids" element may be proved with circumstantial evidence. *McAllister*, 862 N.W.2d at 53. "The requisite state of mind . . . can be inferred from circumstantial evidence" such as "presence at the scene of the crime," "close association with the principal before and after the crime," and "lack of objection or surprise under the circumstances." *Segura*, 2 N.W.3d at 156 (quotation omitted). Here, the circumstances proved include the facts that Massey and Richmond were in a romantic relationship, that Richmond did not drive and that Massey frequently served as his driver, and that Massey was with Richmond throughout his trip from Minneapolis to Glenwood on February 20, 2021. Given that Massey knew that Richmond intended to sell drugs in Glenwood, the state introduced ample circumstantial evidence that she intended to aid his commission of that crime by

serving as his driver. In light of this evidence, a jury could not rationally conclude that Massey did not intend to aid Richmond's commission of the crime when she drove him to Glenwood.

Third, Massey contends that the circumstances proved do not exclude the rational hypothesis that Massey did not intend for T.K. and Long to transmit money to her mobile-payments account and that Richmond instructed T.K. and Long to do so without Massey's knowledge. We need not determine whether this hypothesis is rational. We have concluded that Massey's conviction on one count of aiding and abetting a third-degree controlled-substance crime is sufficiently proved by the circumstantial evidence that she aided and abetted Richmond's crime by driving him to Glenwood. Proof that Massey also aided and abetted Richmond's crime by allowing him to use her mobile-payments account is, thus, unnecessary.

In sum, the circumstantial evidence is sufficient to support Massey's conviction of aiding and abetting the third-degree sale of a controlled substance.

Affirmed.