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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-0233**

State of Minnesota,
Respondent,

vs.

Mohamed Farookh Mohamed Abdulazeez,
Appellant.

**Filed March 29, 2021
Affirmed
Gaïtas, Judge**

Hennepin County District Court
File No. 27-CR-19-8115

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

Michael O. Freeman, Hennepin County Attorney, Adam E. Petras, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Max A. Keller, Erik S. Nielsen, Keller Law Offices, Minneapolis, Minnesota (for appellant)

Considered and decided by Cochran, Presiding Judge; Gaïtas, Judge; and Cleary, Judge.*

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

NONPRECEDENTIAL OPINION

GAÏTAS, Judge

Appellant Mohamed Farookh Mohamed Abdulazeez challenges his convictions for prostitution of a person believed to be between ages 13 and 16 and electronic solicitation of a child to engage in sexual conduct. He argues that his convictions must be reversed because the evidence was legally insufficient to establish, first, that he intended to solicit a minor for sexual contact, and second, that he reasonably believed the person he was communicating with was a child. Alternatively, Abdulazeez argues that his convictions must be reversed because law enforcement entrapped him. Because the evidence was sufficient to support the convictions and because the evidence supports the jury's decision to reject Abdulazeez's entrapment defense, we affirm.

FACTS¹

In April 2019, in connection with the NCAA Men's Final Four basketball tournament in Minneapolis, the Minnesota Bureau of Criminal Apprehension (BCA) conducted a "Juvenile Demand Suppression"² operation. The BCA uses these operations to locate individuals who seek out or solicit minors to engage in prostitution, purportedly reducing the "demand" for child sex trafficking. As part of the operation, law enforcement officers post advertisements on various websites that advertise sexual services. When "sex

¹ The facts derive from the evidence presented at Abdulazeez's jury trial.

² These operations used to be called "Guardian Angel Operations."

buyers” call or text the phone number in an advertisement, officers working as “undercover chatters” respond and play the role of a child.

One of the BCA’s fake advertisements was posted on ListCrawler, which is a website that compiles postings from various sex-advertisement websites. The BCA’s posting stated: “HOT GIRL WAITING FOR U . . . AVAILABLE NOW . . . Lets HAVE FUN Text if you want to enjoy some time together Incall³ Only.” An undercover female law-enforcement officer posed suggestively in the advertisement, with her face concealed. The BCA does not reveal agents’ faces in these fake advertisements to protect agents’ identities and to mimic the practice of actual child traffickers, who conceal the faces of children. The age of the “hot girl” was listed as 21. Again, this simulated the practice of child traffickers, who typically advertise children as being in their early twenties. Websites that allow advertisements for sexual services remove postings for individuals under 18.

Abdulazeez found the BCA’s advertisement on ListCrawler and called the phone number listed. His call was routed to a detective with the Coon Rapids Police Department who was working with the BCA as a “chatter.” The detective played the role of a 15-year-old girl while communicating with Abdulazeez. He did not answer the phone call so as not to reveal his identity, but instead replied as the fictitious girl with a text message: “hey baby i only text.”

³ According to a BCA agent, “incall,” in sex-industry terminology, means that the buyer must go to the location of the advertiser, as opposed to “outcall,” where the advertiser will go to the purchaser’s location.

Abdulazeez responded with “Hi,” “How r u doing,” and asked how much a “session” would cost. The fictitious girl answered, “im good babe thanks. \$200 hr or \$150 hh,” which indicated \$200 for an hour of service or \$150 for a half hour. Abdulazeez then asked whether she accepted cash or credit card, and the fictitious girl replied, “cash only.” She inquired, “what u lookn for babe,” and Abdulazeez responded, “Just bj,” which referred to a “blow job or oral sex.”

The fictitious girl then asked Abdulazeez if he was “good with younger,” and Abdulazeez replied with “Mmmmm” and “How old r u.” The fictitious girl responded that she was 15 and stated that her “friend got [her] a hotel room for the weekend.” Abdulazeez then sent four separate text messages: “Ohh omg,” “That’s young,” “Sorry hun,” and “But u look 18+.” The fictitious girl texted back: “k. bye.”

Abdulazeez continued the conversation, sending two messages: “U r some law enforcement or something” and “Ur ad says 21.” The fictitious girl messaged back explaining that she had lied about her age in the posting in order to make money. Abdulazeez asked her to call him, and then he attempted to call the number. The fictitious girl responded, texting that she did not have any “minutes on [her] phone rite now” and was using the hotel wireless to text. Abdulazeez, without any other prompting, messaged: “Send me ur address.” He then told the fictitious girl that he had \$100 and asked if that was “ok.” The fictitious girl responded that she was in Brooklyn Park, and Abdulazeez asked for her specific location. Responding to Abdulazeez’s question about money, the fictitious girl inquired, “so 100 for a bj?” Abdulazeez replied, “Ok.” He then asked again: “U r not a cop or law enforcement right?” The fictitious girl responded, “no just tryn to

make some \$\$\$ are u,” and Abdulazeez responded, “Ok,” and said that he did not want to “get into trouble.” The two continued to arrange a meeting, with the fictitious girl indicating that she was near the Home Depot in Brooklyn Park (which was a BCA staging location) and then asking Abdulazeez how far away he was. He replied that he was 25 minutes away, and the fictitious girl asked him to let her know when he neared Home Depot.

Abdulazeez then asked the fictitious girl to send him a picture. The detective playing the role of the fictitious girl sent a stock photo of a female law-enforcement agent with her face blurred. Abdulazeez once again asked if the fictitious girl was law enforcement; the response was no. He then sent a message that said “We can be friends.” The fictitious girl replied with “u coming or what?” and Abdulazeez messaged back “I can just give u money sweetheart” followed by “Just need a friend.” The fictitious girl responded with “whatever...im just tryn to make \$\$\$ u coming or not.” Abdulazeez wrote back: “Ok” and “Sure.” Then, without additional prompting, he asked, “Raw or with cover?” This referred to a sex act with or without a condom. The fictitious girl responded that “raw is extra.”

Soon after, Abdulazeez texted the fictitious girl that he was at the Home Depot, and she gave him the address of a nearby hotel and her room number. Abdulazeez went to the room and knocked on the door. Once he entered, agents arrested him. The agents searched Abdulazeez, finding the phone that he had used to send the texts and \$200 in cash. Upon subsequent questioning, Abdulazeez told law enforcement that he searched ListCrawler for a “sexy massage” and that he responded to the BCA advertisement and engaged in the text conversation with the fictitious girl. He also admitted that the fictitious girl told him she

was 15 years old. When the interviewing agent asked him “what that meant,” Abdulazeez said it meant that she was a minor. Abdulazeez was remorseful throughout the interview and expressed that he had gotten “carried away.”

The state charged Abdulazeez with prostitution of a person believed to be between ages 13 and 16 in violation of Minnesota Statutes section 609.324, subdivision 1(b)(3) (2018) (count one), and electronic solicitation of a child to engage in sexual conduct in violation of Minnesota Statutes section 609.352, subdivision 2a(1) (2018) (count two). Abdulazeez had a jury trial. During the trial, Abdulazeez requested a jury instruction for the lesser-included offense of prostitution of a person age 18 or older in violation of section 609.324, subdivision 3(a)(2) (2018), which was accordingly added as count three. The district court also granted Abdulazeez’s request for an instruction regarding the affirmative defense of entrapment.

The jury found Abdulazeez guilty of all three counts. At sentencing, the district court entered a conviction for count one and sentenced Abdulazeez to 60 days’ imprisonment, stayed for three years; the district court entered a conviction but no sentence for count two, and did not adjudicate or sentence count three.

This appeal follows.

DECISION

Abdulazeez challenges his convictions on two bases. He first argues that this court should reverse his convictions because the evidence was insufficient to prove two elements of the offenses. Alternatively, he contends that the jury improperly rejected his entrapment defense. We address each argument in turn.

I. The evidence is sufficient to support Abdulazeez’s convictions.

The constitutional right to due process requires that the state prove every element of a criminal offense beyond a reasonable doubt. *Patterson v. New York*, 432 U.S. 197, 210, 97 S. Ct. 2319, 2327 (1977). Abdulazeez challenges the sufficiency of the evidence underlying two separate elements of the offenses.⁴ First, he argues that “the evidence fails to prove beyond a reasonable doubt that [he] intended to engage in sexual activity with the [fictitious girl].” Second, he argues that the evidence did not establish his belief that the fictitious girl was 15 years old. Before addressing these claims, we begin with the appropriate standard of review.

A. Standard of review

Under the traditional standard of review for sufficiency-of-the-evidence challenges, reviewing courts “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 he was convicted.” *State v. Waiters*, 929 N.W.2d 895, 900 (Minn. 2019) (quotation omitted). We review the evidence “in the light most favorable to the conviction” and “assume the jury

⁴ As explained below in connection with his individual arguments, Abdulazeez presents the first challenge regarding intent as only to count one—the prostitution-of-a-minor offense. He presents the second challenge, regarding his belief about age, as to both counts, as each requires reasonable belief that the fictitious girl was a child. *See* Minn. Stat. §§ 609.324, subd. 1(b)(3) (requiring that the defendant reasonably believed the individual hired to be under 16 but at least 13), .352, subd. 2a(1) (requiring that the defendant solicited a child or someone the defendant reasonably believed to be a child, with “child” defined as a person 15 years of age or younger).

believed the State’s witnesses and disbelieved any evidence to the contrary.” *State v. Ortega*, 813 N.W.2d 86, 100 (Minn. 2012) (quotation omitted).

When a conviction rests on circumstantial evidence, reviewing courts apply a heightened level of scrutiny. *State v. Al-Naseer*, 788 N.W.2d 469, 473 (Minn. 2010). Under the heightened standard, appellate courts “consider whether the reasonable inferences that can be drawn from the circumstances proved support a rational hypothesis other than guilt.” *Id.* (quotation omitted). In cases involving both direct and circumstantial evidence, reviewing courts apply the traditional standard, rather than the circumstantial-evidence standard, when an element is “sufficiently proven by direct evidence alone.” *State v. Horst*, 880 N.W.2d 24, 39 (Minn. 2016); *State v. Fairbanks*, 842 N.W.2d 297, 307 (Minn. 2014).

Direct evidence is “evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption.” *Bernhardt v. State*, 684 N.W.2d 465, 477 n.11 (Minn. 2004) (quotation omitted). Circumstantial evidence, on the other hand, is “evidence based on inference and not on personal knowledge or observation, and all evidence that is not given by eyewitness testimony.” *Id.* (quotations omitted).

Abdulazeez argues that the state used exclusively circumstantial evidence to prove both his intent to hire the fictitious girl for sexual conduct and his belief about her age. As to intent to hire for sexual conduct, he argues that “[a]t no point in the record did [he] specifically declare or describe an intent to solicit [the fictitious girl] for sex.” And as to his knowledge of her age, he argues that “[w]ithout an express declaration of [his] belief as to the [fictitious girl’s] age,” this element necessarily rested on circumstantial evidence.

The state counters that Abdulazeez’s text messages and his interview statements following his arrest provide sufficient direct evidence of both his intent to engage in sexual conduct and his understanding of the fictitious girl’s age, citing *State v. Gundy* for support. 915 N.W.2d 757, 762, 764-65 (Minn. App. 2018), *review denied* (Minn. Aug. 7. 2018).⁵

We need not decide which standard applies because, even under the heightened circumstantial-evidence standard requested by Abdulazeez, the evidence is sufficient to support the convictions. *See State v. Silvernail*, 831 N.W.2d 594, 598 (Minn. 2013) (determining the court “need not resolve the parties’ dispute regarding the standard of review because, even under the more favorable standard proposed by [defendant], the record contains sufficient evidence to support the jury’s verdict”). We accordingly apply the circumstantial-evidence standard of review in addressing Abdulazeez’s sufficiency-of-the-evidence claims.

The circumstantial-evidence standard of review requires a two-step inquiry. *Loving v. State*, 891 N.W.2d 638, 643 (Minn. 2017). First, the reviewing court identifies the circumstances that the state proved. *Id.* To do so, we “winnow down” the evidence by “resolving all questions of fact in favor of the jury’s verdict” and disregarding any evidence inconsistent with the verdict. *State v. Harris*, 895 N.W.2d 592, 600 (Minn. 2017) (citing *State v. Hawes*, 801 N.W.2d 659, 670 (Minn. 2011)). Second, we determine “whether the circumstances proved are consistent with guilt and inconsistent with any rational

⁵ The state also cites and contrasts several unpublished opinions of this court, but unpublished opinions are not binding, *Dynamic Air, Inc. v. Bloch*, 502 N.W.2d 796, 800 (Minn. App. 1993), and the choice of standard depends on the specific evidence presented in this case.

hypothesis other than guilt.” *State v. Bahtuoh*, 840 N.W.2d 804, 810 (Minn. 2013). With that standard in mind, we turn to Abdulazeez’s specific assertions of insufficient evidence.

B. The evidence is sufficient to show that Abdulazeez intended to engage in sexual activity with the fictitious girl.

Abdulazeez first challenges the sufficiency of the evidence to support his conviction of count one, prostitution of a person believed to be between ages 13 and 16. In order to prove that offense, the state had to prove that Abdulazeez (1) intentionally (2) hired, offered, or agreed to hire (3) an individual that he reasonably believed to be under the age of 16 years but at least 13 years (4) to engage in sexual penetration or sexual contact. Minn. Stat. § 609.324, subd. 1(b)(3). Abdulazeez’s argument regards the first and fourth elements, as he contends that the evidence supports a reasonable hypothesis other than guilt: that he did not act with intent to engage in sexual contact with the fictitious girl, but instead with intent to “merely ‘give her money’ in consideration for (non-sexual) fellowship.”

The circumstances that the state proved as to Abdulazeez’s intent with the fictitious girl are as follows. Abdulazeez responded to an online posting found on ListCrawler that advertised a “HOT GIRL WAITING . . . AVAILABLE NOW.” The advertisement used sex-industry terminology, as did Abdulazeez in his text messages to the fictitious girl. Before learning the fictitious girl’s age, Abdulazeez asked about the price for a “session” and indicated that he sought a “bj,” meaning oral sex. After learning the fictitious girl’s age, Abdulazeez continued to arrange a meeting with her. He attempted to negotiate a lower price, asking if \$100 was “ok,” and the fictitious girl sought to clarify the service by

asking: “so 100 for a bj?” Abdulazeez replied, “Ok,” and then continued to arrange a meeting. He asked for more photos of the fictitious girl and expressed repeated concern that she was in law enforcement, but when the fictitious girl asked if he was coming, he replied, “Ok” and “Sure.” He then asked her, “Raw or cover?” which referred to sex with or without a condom. After that, Abdulazeez promptly drove to the hotel and went to the room number that the fictitious girl provided, and he brought along \$200 cash.

The circumstances proved undoubtedly permit the reasonable inference that Abdulazeez intended to engage in sexual conduct with the fictitious girl. Abdulazeez argues, though, that his messages stating “We can be friends,” “I can just give u money sweetheart,” and “Just need a friend” give rise to the alternative reasonable inference that he intended to engage in exclusively platonic conduct. We disagree.

Even assuming that the evidence Abdulazeez identifies should be considered part of the “circumstances proved,” the totality of the circumstances does not permit the inference that Abdulazeez proposes. *See Silvernail*, 831 N.W.2d at 599 (“We review the circumstantial evidence not as isolated facts, but as a whole.”). Abdulazeez initially responded to an advertisement for sexual services. After he learned the fictitious girl’s age, he continued to plan a meeting with her. Even though he sent some messages expressing hesitation and suggesting friendship, he subsequently inquired whether the negotiated price was for sex, with or without, a condom. And after asking that question, he promptly traveled to the meeting location. Under these circumstances, it is unreasonable to hypothesize that Abdulazeez intended to engage in exclusively platonic conduct with the

fictitious girl. The evidence is accordingly sufficient to show that Abdulazeez intended to engage in sexual conduct with the fictitious girl.

C. The evidence is sufficient to show that Abdulazeez reasonably believed the fictitious girl was 15 years old.

Abdulazeez also challenges the jury's guilty verdict on count two, electronic solicitation of a 15-year-old child to engage in sexual conduct. To convict Abdulazeez of that offense, the state had to prove (1) that he is 18 years of age or older, and (2) that he used an electronic communication system, (3) to solicit someone that he reasonably believed to be a child to engage in sexual conduct, and (4) that he had the intent to arouse the sexual desire of any person. Minn. Stat. § 609.352, subd. 2a(1). A "child" is defined as "a person 15 years of age or younger." *Id.*, subd. 1(a) (2018). "Solicit" means "commanding, entreating, or attempting to persuade a specific person." *Id.*, subd. 1(c) (2018).

Abdulazeez argues that the state failed to sufficiently prove the third element—that he reasonably believed the fictitious person was a child.⁶ He contends that the evidence instead suggests that he thought he was communicating with an adult.

The circumstances proved regarding Abdulazeez's knowledge of the fictitious girl's age are as follows. The fictitious girl asked Abdulazeez early in the conversation if he was

⁶ Although Abdulazeez's brief only makes the knowledge-of-age argument in connection with count two, the argument applies with equal force to count one, for the prostitution-of-a-minor conviction, which required proof that he hired or agreed to hire a "an individual who [he] reasonably believes to be under the age of 16 years but at least 13 years." Minn. Stat. § 609.324, subd. 1(b)(3). We accordingly understand his argument as challenging both convictions.

okay with “younger,” and then specified that she was 15 years old. Abdulazeez responded with messages saying, “That’s young,” and “But u look 18+.” After the fictitious girl responded with “k. bye,” Abdulazeez kept the conversation going. He repeatedly expressed concern about law enforcement and getting “into trouble.” When he was arrested, he admitted that the fictitious girl told him that she was 15 and that he understood that to mean she was a minor, and he expressed remorse during the interview.

We conclude that these circumstances are consistent with the rational hypothesis that Abdulazeez reasonably believed the fictitious girl was 15 years old. Abdulazeez contends, however, that the facts are also consistent with a reasonable hypothesis that he believed the fictitious girl was older than 15. He points to his text message that the fictitious girl “look[ed] 18+” and argues that that the rest of the exchange shows that he did not believe the fictitious girl when she said that she was 15. For support, he refers to the BCA’s advertisement on ListCrawler, which gave the age of 21 and included photos of an adult law-enforcement agent rather than a child.⁷

⁷ Abdulazeez also includes a lengthy policy argument in his briefing about the BCA’s use of adult pictures and an adult age in its posting. But the commander of the statewide human-trafficking task force testified about why the BCA uses adult ages in the postings: to avoid having the postings removed by the websites and to mimic how sex traffickers actually advertise children. And it would be problematic to require BCA agents to use images of actual children. As the state points out, this court has previously rejected a similar policy argument, stating:

[The] argument, followed to its logical extreme, would demand that the state, when investigating the type of crime [appellant] is charged with, employ actual young girls to type the chat room text, to meet with the suspect, and to follow through with

Again, given the totality of the evidence, it is not reasonable to believe that Abdulazeez thought that the fictitious girl was older than 15. She specifically told him that she was 15, and Abdulazeez acknowledged this in his interview with law enforcement. If Abdulazeez actually believed that the fictitious girl was an adult law-enforcement agent, which his argument seems to suggest, then it does not make sense that he went to the location where he was arrested. Additionally, when asked about the fictitious girl's age during his postarrest statement, Abdulazeez did not state that he suspected she was older; instead, when the agent asked "what [it] meant" that the girl said she was 15, he replied that she "was a minor." In sum, even under the heightened standard of review for circumstantial evidence, the evidence was sufficient to show that Abdulazeez reasonably believed that the fictitious girl was 15 years old.⁸

II. The evidence is sufficient to support the jury's decision to reject Abdulazeez's entrapment defense.

Abdulazeez next argues that the evidence does not support the jury's rejection of his entrapment defense. A defendant asserting the affirmative defense of entrapment must "establish by a fair preponderance of the evidence that the state induced the defendant to

everything needed to get the suspect to the point of an overt act. We simply will not read that into the law.

State v. Coonrod, 652 N.W.2d 715, 723 (Minn. App. 2002), *review denied* (Minn. Jan. 21, 2003).

⁸ We note that Abdulazeez's brief includes a page of assertions, akin to testimony, about his mental state at the time of the offenses. He concedes that these assertions cannot be found in the record. The state's brief urges us to disregard or strike this portion of his brief. We have disregarded the portions of Abdulazeez's brief that include information outside the record; they have no bearing on our analysis.

commit the offense by improper pressure, badgering, or persuasion.” *State v. Bauer*, 776 N.W.2d 462, 470 (Minn. App. 2009), *aff’d*, 792 N.W.2d 825 (Minn. 2011). It is not enough that the state merely solicited or provided an opportunity for the defendant to commit the crime. *State v. Olkon*, 299 N.W.2d 89, 107 (Minn. 1980). If the defendant establishes that he was induced to commit the crime, the “burden shifts to the state to prove beyond a reasonable doubt that the defendant was predisposed to commit the offense.” *Bauer*, 776 N.W.2d at 470; *see also State v. Vaughn*, 361 N.W.2d 54, 57 (Minn. 1985).

Reviewing courts apply the sufficiency-of-the-evidence standard to determine whether a jury improperly rejected an entrapment defense, requiring reversal of the resulting conviction.⁹ *Bauer*, 776 N.W.2d at 469-70. We view the evidence in the light most favorable to the conviction and assume that the jury believed the evidence supporting the guilty verdicts and disbelieved any contrary evidence. *Id.* at 470; *see also State v. Chambers*, 589 N.W.2d 466, 477 (Minn. 1999). We will not disturb a guilty verdict if a reasonable jury could find that the defendant failed to establish either element of the entrapment defense from the record. *See Bauer*, 776 N.W.2d at 471 (declining to reach the second prong because a reasonable jury could have found that the defendant did not show inducement).

Abdulazeez contends that he proved inducement because the evidence showed that he initially responded to the advertisement believing it involved a 21-year-old adult, and

⁹ Though the parties do not explicitly state as much, they appear to both assume that the traditional, rather than heightened, sufficiency standard applies. Precedent from this court supports that position. *See Bauer*, 776 N.W.2d at 469. We accordingly apply that standard here.

that, after he expressed hesitation about the fictitious girl's age, the agent pressured him with questions about whether he was still planning to meet in person. The state responds that the evidence does not show inducement, but merely that the agent presented Abdulazeez with the opportunity to commit the offenses.¹⁰ According to the state, even if the evidence does show inducement, it sufficiently establishes that Abdulazeez was predisposed to commit the offenses.

To show inducement, Abdulazeez needed to demonstrate that the BCA agent did more than merely give him the opportunity to commit the crimes; he was required to show "improper pressure, badgering, or persuasion." *Id.* at 470. Our review of the text messages satisfies us that they show nothing more than the agent providing an opportunity. When the fictitious girl told Abdulazeez that she was 15, and Abdulazeez observed that she was young, the fictitious girl purported to end the conversation with "k. bye." It was Abdulazeez who then continued the conversation, attempting to call her and then requesting the fictitious girl's address. He also attempted to renegotiate the price by asking if \$100 would be "ok." When he later expressed some hesitation, stating "I can just give u money sweetheart," and "Just need a friend," the fictitious girl responded with "whatever...im just tryn to make \$\$\$ u coming or not." This statement, rather than creating

¹⁰ The state asserts in its brief that "[i]n this case, by granting Appellant's request—over the prosecutor's objection—to instruct the jury on entrapment, the trial court effectively held that Appellant had met his burden on the first step." But, as we have specifically noted in the past, "[t]hat the district court instructed the jury on [appellant]'s entrapment theory does not establish that the evidence is of sufficient weight to meet [appellant]'s burden of proof on the inducement element. Rather, it merely indicates that some evidence exists in support of inducement." *Bauer*, 776 N.W.2d at 470.

improper pressure, merely offered Abdulazeez the opportunity to either come to her location or end the communication. The agent’s inquiries did not constitute “improper pressure, badgering, or persuasion.” *Id.*

We conclude that the jury had a sufficient basis to find that Abdulazeez was not induced to commit the offenses. Because no improper inducement occurred, we need not decide whether the state proved Abdulazeez’s predisposition to commit the offenses. *See id.* at 471. The evidence was sufficient to permit the jury to reject the entrapment defense.¹¹

Affirmed.

¹¹ Abdulazeez does not raise any additional challenges to his convictions. The state notes in its brief that “this Court has held that a defendant cannot be convicted of both agreeing to hire a minor (Minn. Stat. § 609.324, subd. 1(b)(3)), and soliciting a child through electronic communication (Minn. Stat. § 609.352, [subd. 2a(1)]), for the same conduct,” citing a unpublished opinion for support. *See State v. Onuoha*, No. A19-1256, 2020 WL 4280027, *6 (Minn. App. July 27, 2020), *review denied* (Minn. Oct. 20, 2020). We do not address that issue here, though, as Abdulazeez did not raise it in the district court or on appeal and the parties have not briefed it. *See State v. Kemp*, 305 N.W.2d 322, 326 (Minn.1981) (explaining that appellate courts need not consider section 609.04 issues not raised in the district court).