

*This opinion is nonprecedential except as provided by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
A21-1645**

Rami Hussein Hassan, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed June 13, 2022
Affirmed
Larkin, Judge**

Olmsted County District Court
File No. 55-CR-18-7694

Cathryn Middlebrook, Chief Appellate Public Defender, Leah C. Graf, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

Michael J. Spindler-Krage, Rochester City Attorney, Brent R. Carlsen, Assistant City Attorney, Rochester, Minnesota (for respondent)

Considered and decided by Larkin, Presiding Judge; Connolly, Judge; and Smith, Tracy M., Judge.

NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellant challenges the postconviction court's denial of his petition for relief, arguing that his conviction for domestic assault must be reversed because the state failed to prove that he did not act in self-defense. We affirm.

FACTS

The state charged Appellant Rami Hussein Hassan with domestic assault—fear, domestic assault—harm, and disorderly conduct. The case was tried to a jury, and the state presented evidence regarding the following circumstances.

Hassan had an altercation with S.C., the mother of his child, after S.C. drove Hassan to her apartment to retrieve a blanket. S.C. went into her apartment, got the blanket, returned to her car, and refused to drive Hassan to his mother's home, which angered him. Hassan did not possess a driver's license and depended on S.C. for transportation.

S.C. ultimately agreed to give Hassan a ride. As S.C. drove, Hassan became upset and hit her in the face. S.C. stopped the car and told Hassan to get out. Hassan refused and took S.C.'s car key from the ignition. S.C. attempted to grab the key from Hassan's hand, and in doing so, inadvertently hit him in the chin. Hassan grabbed S.C. by her hair in response.

Hassan and S.C. got out of the car, and Hassan left the scene with S.C.'s car key. He later returned to the vehicle, encountered S.C., and an argument ensued. Hassan entered the car and started it, and S.C. began banging on the hood and demanding her key. Hassan exited the car. When S.C. attempted to grab her key, Hassan struck her "[r]eally hard" in the face. A bystander called police, and officers responded and arrested Hassan.

The jury found Hassan guilty of domestic assault—harm and disorderly conduct, and not guilty of domestic assault—fear. The district court entered judgment of conviction for the domestic-assault offense and imposed a 30-day stayed jail sentence. Hassan petitioned for postconviction relief, seeking reversal of his domestic-assault conviction on

the grounds that the state failed to prove that he did not act in self-defense. The postconviction court summarily denied relief, concluding that the evidence was sufficient to sustain the jury's verdict.

Hassan appeals.

DECISION

We review the denial of a postconviction petition for an abuse of discretion. *Pearson v. State*, 891 N.W.2d 590, 596 (Minn. 2017). A postconviction court abuses its discretion if it “exercised its discretion in an arbitrary or capricious manner, based its ruling on an erroneous view of the law, or made clearly erroneous factual findings.” *Id.* (quotation omitted).

In considering a claim of insufficient evidence, we review the record to determine whether the evidence, when viewed in a light most favorable to the conviction, was sufficient to allow the jury to reach its verdict. *State v. Webb*, 440 N.W.2d 426, 430 (Minn. 1989). We assume that the jury believed the state's witnesses and disbelieved any evidence to the contrary. *State v. Taylor*, 650 N.W.2d 190, 206 (Minn. 2002). We defer to the jury's credibility determinations and will not reweigh the evidence on appeal. *State v. Franks*, 765 N.W.2d 68, 73 (Minn. 2009); *State v. Watkins*, 650 N.W.2d 738, 741 (Minn. App. 2002). We will not disturb a guilty verdict if the jury, acting with due regard for the presumption of innocence and requirement of proof beyond a reasonable doubt, could reasonably have concluded that the state proved the defendant's guilt. *Bernhardt v. State*, 684 N.W.2d 465, 476-77 (Minn. 2004).

Minnesota’s self-defense law allows a person to use “reasonable force” to resist an offense by another. Minn. Stat. § 609.06, subd. 1(3) (2018); *State v. Pollard*, 900 N.W.2d 175, 178 (Minn. App. 2017). A defendant bears the burden of producing evidence to support a claim of self-defense. *State v. Johnson*, 719 N.W.2d 619, 629 (Minn. 2006). Once the defendant meets that burden, the state must disprove one or more of the following self-defense elements beyond a reasonable doubt: (1) an absence of aggression or provocation by the defendant; (2) an actual and honest belief by the defendant that harm was imminent; (3) a reasonable basis for the defendant’s belief; and (4) an absence of a reasonable means by which the defendant could have retreated or otherwise avoided the conflict. *Id.*

Absence of Aggression or Provocation

The state presented evidence that Hassan initiated the altercation by hitting S.C. in the face, refusing to exit her vehicle, and grabbing her key from the ignition. In addition, Hassan returned to the scene after the first altercation, again refused to give S.C. her car key, started her car, and struck S.C. without provocation. As S.C. testified at trial, Hassan “swung” at her “out of nowhere” and hit her “[r]eally hard” in the face. That evidence, viewed in a light most favorable to the conviction, is sufficient to disprove an absence of aggression or provocation by Hassan beyond a reasonable doubt.

Belief that Harm was Imminent

The second element of a self-defense claim is the defendant’s actual and honest belief that he was in imminent danger of harm. This element is subjective and depends upon the defendant’s state of mind. *Johnson*, 719 N.W.2d at 630. Generally, a person’s

state of mind is proved through circumstantial evidence. *State v. Smith*, 825 N.W.2d 131, 136 (Minn. App. 2012), *rev. denied* (Minn. Mar. 19, 2013). However, Hassan told an investigating police officer that he struck S.C. in the face because he was upset with her. Thus, there was sufficient direct evidence to disprove the belief-of-imminent-harm element of Hassan's self-defense claim beyond a reasonable doubt. *See State v. Horst*, 880 N.W.2d 24, 40 (Minn. 2016) (stating defendant's comment "was direct evidence of her mens rea").

Reasonable Basis for that Belief

The third element of self-defense is a reasonable basis for the defendant's belief that harm was imminent. The reasonableness of the defendant's belief is assessed under an objective standard. *Johnson*, 719 N.W.2d at 631. Evidence showed that Hassan struck S.C. "out of nowhere" after she attempted to retrieve her car key. Although S.C. inadvertently hit Hassan during the initial struggle for the car key, the record does not reveal an objective basis for Hassan to believe that S.C. would harm him when she later attempted to retrieve her car key.

Absence of a Reasonable Means of Retreat

Lastly, we examine whether the state disproved that Hassan lacked a reasonable means of retreat. "Generally, the law requires that a person retreat if reasonably possible before acting in self-defense." *State v. Devens*, 852 N.W.2d 255, 258 (Minn. 2014). Nothing in the record suggests that Hassan lacked the ability to retreat from the scene before striking S.C. "[r]eally hard" in the face. To the contrary, an eyewitness testified that when Hassan swung at S.C., S.C. was "on the front driver's side, kind of reaching in to grab her keys" and that Hassan "had the back door of the driver's side open and he was

standing in that doorway.” Moreover, Hassan had left the scene and returned prior to hitting S.C. the second time. That evidence disproves, beyond a reasonable doubt, that Hassan lacked a reasonable means to retreat or otherwise avoid the conflict.

In conclusion, the state needed to disprove just one element of Hassan’s self-defense claim beyond a reasonable doubt. *See State v. Radke*, 821 N.W.2d 316, 324 (Minn. 2012) (“[T]he [s]tate need only disprove beyond a reasonable doubt at least one of the elements of self-defense.”). When the evidence is viewed in a light most favorable to the verdict, the state met its burden. The postconviction court therefore did not abuse its discretion in denying Hassan’s petition.

Affirmed.