

*This opinion is nonprecedential except as provided by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
A24-0110**

State of Minnesota,
Respondent,

vs.

Terrion Lamar Sherman,
Appellant.

**Filed December 30, 2024
Affirmed
Reyes, Judge**

Ramsey County District Court
File No. 62-CR-20-1405

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

John J. Choi, Ramsey County Attorney, Anna R. Light, Assistant County Attorney,
St. Paul, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Roy G. Spurbeck, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Reyes, Presiding Judge; Bratvold, Judge; and Larson,
Judge.

NONPRECEDENTIAL OPINION

REYES, Judge

Appellant argues that his conviction of second-degree intentional murder must be reversed because the state failed to prove beyond a reasonable doubt that he intended to murder his girlfriend. We affirm.

FACTS

The following facts are based on the evidence presented at appellant Terrion Lamar Sherman's stipulated-evidence trial. *See* Minn. R. Crim. P 26.01 subd. 3. In February 2020, police dispatch received a call from a male, R.F., who lived in an apartment complex in St. Paul. R.F. told dispatch, "Um, I'm gonna be honest with you, there's a guy beating the sh-t out of his girlfriend right now. I need somebody to come up. . . . I hear him saying he's going to kill someone." Upon their arrival to the apartment complex, R.F. directed Officer L. and Officer C. (the responding officers) to the apartment from which the sounds were emanating. While standing outside of the apartment door, the responding officers heard a child crying and a male voice yelling, "Stay down boy" and "stomp on that b---h head." They knocked on the door several times but received no response. They kicked the door in when they could no longer hear the child crying, concerned that the child was injured. Upon entry, the officers saw appellant covered in blood, with a bloodied knife within his arms' reach, standing next to his girlfriend, Abigail Simpson. Simpson lay nude, face down in a pool of blood, and did not appear to be breathing. Appellant's two-year-old nephew, whom appellant and Simpson were babysitting for the night, was standing next to Simpson but did not appear to be injured. Appellant continued yelling while Officer S. and Officer J., two other officers who had arrived later at Simpson's apartment, placed him in handcuffs. While appellant was being handcuffed, the responding officers performed a sweep of Simpson's apartment to confirm that there were no other individuals inside. Medical personnel who later arrived at Simpson's apartment pronounced her dead at the scene.

While being transported to the Ramsey County Law Enforcement Center by Officer R., appellant continued yelling and began kicking the back passenger-side window of the squad car until it shattered. At the hospital, appellant said, “I had to kill that motherf--king dog” and “I punched her head off.” A nurse examining appellant notified Officers R. and M. of an injury to appellant’s hand. While Officer M. took photos of the injury to appellant’s hand, appellant asked, “[I]s there teeth in there?”

The Ramsey County Medical Examiner ruled Simpson’s death a homicide and concluded that her cause of death was multiple traumatic injuries received during the assault. A subsequent autopsy determined that Simpson sustained 32 sharp-force injuries and multiple blunt traumatic injuries.

Respondent State of Minnesota charged appellant with second-degree intentional murder without premeditation for Simpson’s death. In March 2020, a psychiatrist declared appellant mentally incompetent to stand trial.¹ A psychologist later found appellant competent to stand trial in early November 2022.² The district court found appellant competent to stand trial on November 14, 2022, based on a psychological evaluation.

In June 2023, the parties agreed to a stipulated-evidence trial under Minn. R. Crim. P. 26.01 subd. 3(a). The stipulated exhibits included, among other evidence, the transcript of the 911 call of Simpson’s neighbor R.F. who reported hearing a male beating his

¹ In October 2018, a psychologist found appellant incompetent to stand trial in two prior cases that were charged in August 2018. At that time, the psychologist assigned appellant a provisional diagnosis of substance-induced psychotic disorder.

² The psychologist assigned appellant a provisional diagnosis of unspecified schizophrenia disorder spectrum and other psychotic disorder, and synthetic cannabis-use disorder.

girlfriend and heard the male voice say he was going to kill someone; video from the body-worn camera of the responding officers; video from the body-worn cameras of Officers R. and M., who spoke with appellant as he was being examined at the hospital; officers' interviews with two of Simpson's neighbors; the provisional autopsy report; and the final autopsy report.

The district court found appellant guilty of second-degree intentional murder and second-degree felony murder. In a detailed and well-reasoned opinion, the district court discussed the evidence it relied on in finding that appellant intended to murder Simpson, including the nature of Simpson's injuries, appellant's statements to officers and medical personnel, and the sounds which emanated from Simpson's apartment. The district court also found that appellant treated Simpson with particular cruelty, which supported an upward departure, and sentenced appellant to 480 months in prison. This appeal follows.

DECISION

Appellant argues that the state did not prove beyond a reasonable doubt that he possessed the requisite intent to kill Simpson because he told Simpson that he loved her earlier that day, and the circumstances proved do not preclude a reasonable inference that Simpson's murder was the result of an unintentional third-degree assault. We are not persuaded.

A criminal defendant is guilty of second-degree intentional murder if the state proves that the defendant acted "with intent to effect the death of that person." Minn. Stat. §§ 609.19, subd. 1(1), 609.17, subd. 1 (2018). The phrase "[w]ith intent to" is defined by statute as when "the actor either has a purpose to do the thing or cause the result specified

or believes that the act, if successful, will cause that result.” Minn. Stat. § 609.02, subd. 9(4) (2018). Intent is a state of mind that is generally proved by circumstantial evidence. *State v. Irby*, 967 N.W.2d 389, 396 (Minn. 2021). Intent may be inferred from events occurring before and after the crime, *State v. Rhodes*, 657 N.W.2d 823, 840 (Minn. 2003), and can be inferred from the nature and extent of the victim’s wounds. *State v. Raymond*, 440 N.W.2d 425, 426 (Minn. 1989) (concluding fatal cuts that severed victim’s vein and artery, in addition to multiple stab wounds, showed intent to cause death); *see also Wolfe v. State*, 293 N.W.2d 41, 42 (Minn. 1980) (concluding state provided sufficient evidence of defendant’s intent to kill when he stabbed victim with long blade in chest), *State v. Cooper*, 561 N.W.2d 175, 179 (Minn. 1997) (concluding state proved intent when Cooper shot at victim twelve times as he was crawling away).

Appellate courts apply a two-step analysis to review the sufficiency of circumstantial evidence. *State v. Silvernail*, 831 N.W.2d 594, 598 (Minn. 2013). The first step is to identify the circumstances proved. *Id.* at 599. The circumstances proved are “only those circumstances that are consistent with the verdict.” *Id.* “The second step is to determine whether the circumstances proved are consistent with guilt and inconsistent with any rational hypothesis except that of guilt.” *Id.* (quotations omitted). The appellate court independently considers the reasonable inferences that can be drawn from the circumstances proved when viewed as a whole. *State v. Harris*, 895 N.W.2d 592, 601 (Minn. 2017). “Circumstantial evidence must form a complete chain that, in view of the evidence as a whole, leads so directly to the guilt of the defendant as to exclude beyond a reasonable doubt any reasonable inference other than guilt.” *State v. Al-Naseer*,

788 N.W.2d 469, 473 (Minn. 2010) (quotations omitted). An appellate court uses “the same standard of review in [court] trials and in jury trials in evaluating the sufficiency of the evidence.” *State v. Palmer*, 803 N.W.2d 727, 733 (Minn. 2011).

We first consider the circumstances proved by the state at trial which show appellant’s intent to kill Simpson. The circumstances proved include:

- Appellant and Simpson were in a relationship.
- Appellant and Simpson brought appellant’s two-year-old nephew to Simpson’s apartment to stay the night.
- Appellant smoked synthetic marijuana, known as K2, at Simpson’s apartment earlier that evening and prior to the killing.
- Appellant believed that Simpson was cheating on him and that she was a man.
- Simpson’s neighbor R.F. called 911 and told police dispatch that “some dude is beating-beating the sh-t out of his girl right now” and “it’s gone beyond physical . . . I hear him saying he’s gonna kill someone.”
- Simpson’s neighbor B.O., who lived below her, gave statements to two investigating officers that they heard banging, yelling, and the walls shaking and heard a male say, “This b-tch gonna die.”
- Simpson’s neighbor C.J., who lived across from her, gave statements to an investigating officer that they heard an intense argument and that they were about to call the police when it got worse, but the first two responding officers had already arrived.
- The responding officers heard a male yelling and repeatedly saying “stomp on that b-tch head” followed by loud thumps and a child crying while they were standing outside of Simpson’s apartment door.

- The responding officers heard the male yell “boy don’t move. Boy your a-- better stay there or I’m going to kill you.”
- The responding officers heard the male yell again “stomp on that b-tch head,” followed by loud thumping; then heard the male yell, “f-ck that b-tch” and then said, “stomp on that b-tch’s head again.”
- After knocking and announcing their presence several times with no response, the responding officers broke down Simpson’s apartment door when they could no longer hear the child crying.
- Upon entering the apartment, the responding officers saw appellant, covered in blood, kneeling next to Simpson’s body and a bloody knife within his reach.
- Simpson was nude, unresponsive, lying in a pool of blood, and was later pronounced dead at the scene.
- Appellant’s nephew was standing next to Simpson’s body with blood on his face, torso, and pants but did not appear to be injured.
- Appellant continued shouting while being handcuffed by officers.
- Two investigating officers saw blood on the walls, ceiling, furniture, and radiator. The blood spatter appeared to be consistent with Simpson’s head being bashed against the radiator.
- The autopsy report revealed that Simpson suffered 32 sharp force wounds to her face, scalp, and neck; significant bruising throughout her body; significant swelling in her face; two black eyes; and her front teeth were broken out with lacerations to her gums.
- Upon arrival to the hospital, appellant told Officer R., “Stay there boy. That’s what I said to that dog right before I killed

that motherf--ker.” Appellant also told a nurse that he “punched her face in.”

- While Officer M. took a photo of an injury on appellant’s hand, appellant asked, “[I]s there teeth in there?”

These circumstances proved by the state, when viewed as a whole with all reasonable inferences from those circumstances, show appellant’s intent to murder Simpson and are consistent with appellant’s guilt. The statements from Simpson’s neighbors to police dispatch and later to two investigating officers; the responding officers’ observations of appellant covered in blood standing next to Simpson’s nude, lifeless body as she lie in a pool of her own blood; the repetitive and forceful nature of the injuries to Simpson’s body; and appellant’s repeated, voluntary, inculpatory statements lead directly to appellant’s intent to murder Simpson and are consistent with his guilt.

Appellant argues that he could not have possessed the intent to kill Simpson because he said he loved her earlier that day. But this not a rational inference inconsistent with guilt.

Appellant further argues that the circumstances proved do not preclude an inference that Simpson’s murder was not intentional and that instead the death was the unintentional product of a third-degree assault.

State v. Balandin, 944 N.W.2d 204, 217 (Minn. 2020) is instructive. There, the Minnesota Supreme Court affirmed Balandin’s second-degree murder conviction and held that the circumstances proved by the state established Balandin’s intent to kill the victim. *Id.* Specifically, the supreme court highlighted that the evidence presented by the state proved Balandin’s intent because he hit the victim “dozens of times with different blunt

force objects, resulting in a large cut on the victim's head as well as a brain injury," and noted that the state's evidence showed that the victim had multiple ligature marks on her face and neck. *Id.* The supreme court further underscored how the brutality and the duration of the attack "did not leave room for any other reasonable hypothesis" other than that victim's murder was an "intentional killing." *Id.*

The state presented similar evidence here. The circumstances proved support the inference that appellant bashed Simpson's head into the radiator and that he stabbed Simpson more than 30 times in her neck and face. When the circumstances proved are viewed as a whole, a fact-finder could not reasonably infer that appellant's conduct that resulted in Simpson's death was anything but intentional. Like in *Balandin*, the brutal attack appellant inflicted upon Simpson did not leave room for reasonable hypothesis other than that appellant intended to kill her. *See* 944 N.W.2d, at 217. The circumstances proved form a complete chain that led the district court to find appellant's intent to kill Simpson and does not reasonably lead to the conclusion that Simpson's killing was the product of an accidental third-degree assault. *See Al-Naseer*, 788 N.W.2d 469 at 473.

The record before us shows that the state also proved appellant's intent to kill victim with direct evidence. As previously discussed, appellant's statements about punching Simpson's face in as well as the nature and number of wounds on her body are direct evidence of his intent to kill her. *See State v. Horst*, 880 N.W.2d 24, 40 (Minn. 2016) (concluding that state proved defendant's intent to kill victim because it presented evidence of defendant's statements to other individuals stating that she wanted victim dead).

We therefore conclude that the state presented sufficient evidence to show appellant's intent to murder Simpson.

Affirmed.