

*This opinion is nonprecedential except as provided by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
A24-0261**

In the Matter of:

Ifrah Khalif, petitioner,
Respondent,

vs.

Sharmake Mohamed,
Appellant.

**Filed December 30, 2024
Affirmed
Smith, Tracy M., Judge**

Ramsey County District Court
File No. 62-DA-FA-23-559

Ifrah Khalif, St. Paul, Minnesota (pro se respondent)

Amber S. Johnson, Johnson Criminal Defense, Minneapolis, Minnesota (for appellant)

Considered and decided by Smith, Tracy M., Presiding Judge; Bratvold, Judge; and
Larson, Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

Appellant challenges the district court's grant of an order for protection (OFP), arguing that the OFP is based, in part, on inadmissible hearsay evidence and that certain findings are based on the district court's extra-record knowledge and are not supported by the record. We affirm.

FACTS

This case involves an OFP that was granted following an incident between appellant Sharmake Mohamed and respondent Ifrah Khalif. The following facts are taken from documents in the record and the evidentiary hearing held in this matter.¹

Mohamed and Khalif started a romantic relationship around 2017 to 2018. On June 12, 2023, Khalif filed a petition for an OFP against Mohamed. In her petition, Khalif alleged that Mohamed committed domestic abuse against her on May 16, 2023. Following Mohamed's request, the district court held an evidentiary hearing.

Khalif and Mohamed both testified at the hearing.² Khalif gave the following version of events. On the night of May 16, Mohamed attempted to rape Khalif and choked her. He threatened Khalif with a knife and cut her in two different places. Khalif received three injuries—two on her side and one on her throat. Khalif called the police, who responded to her home and arrested Mohamed. Because of her pain, Khalif sought medical treatment at a hospital, where providers evaluated her and prescribed medication.

At the hearing, Khalif presented an exhibit containing her medical records from the night of the incident. She testified that, with assistance, she printed the records from her online patient portal account and that the exhibit was a true and accurate copy of the records that she printed. Khalif offered the exhibit into evidence, and Mohamed objected. His

¹ Khalif did not file a brief in this appeal. Pursuant to court rules, we decide this appeal on the merits. *See* Minn. R. Civ. App. P. 142.03.

² Khalif and Mohamed each called one other witness; those testimonies were not discussed by the district court and, therefore, do not play a role in this appeal.

counsel stated, “Other than the hearsay exception for some of the statements that might be in this summary that Ms. Khalif made, there is not proper foundation for the other information in this document.” The district court admitted the medical records.

Khalif’s medical records stated, in part:

Brief HPI: This is a 33 year old female signed out to me by Dr. O’neil. . . .

Significant Events prior to my assuming care:
Patient assaulted today. Imaging pending at this point.
Can discharge if imaging negative. Husband is currently in jail.

. . . .

Impression:

1. Assault ICD-10-CM Y09

Plan:

The patient does not want to wait for the results of her imaging. I did discuss that I am concerned there may be a life or limb threatening injury. She understands this and is able to repeat this back to myself.

The medical records also contained two reports of imaging tests that were conducted. One report was for “CT SOFT TISSUE NECK W CONTRAST” and stated: “INDICATION: Neck pain. Choking. Traumatic injury.” It also stated: “FINDINGS: Motion degraded exam. . . . VESSELS: Vascular structures of the neck are grossly patent.” The other report was for “XR SHOULDER RIGHT G/E 3 VIEWS” and stated: “INDICATION: Right shoulder pain, status post assault.”

Khalif also offered, and the district court admitted into evidence, the police report from the night of the incident. The report noted that an officer who responded to the incident observed “visible signs of injuries on [Khalif’s] right hip”—“a small red area that appeared to be[] bruising and several small scratch marks.”

When he testified, Mohamed gave the following version of events. Mohamed and Khalif had an on-and-off relationship from March 2018 to May 2023. On May 16, 2023, Khalif asked him to come over to her apartment because she was not feeling well. At the apartment, Khalif tried to force Mohamed into getting married culturally. She threatened him that his life would be miserable if he did not do it, and she called friends who told him that if he did not pay the traditionally required money to marry that he would “regret it” because they knew people from South African gangs with members in the United States. After Mohamed refused to pay the money to marry her, Khalif threatened him with a knife. Mohamed left the apartment and called the police. He told the police that he took the knife away from Khalif, threw it away, and then left Khalif’s apartment. He testified that Khalif claimed that he assaulted her in order to keep him hostage so that he could pay her bills and give her money.

At the end of the evidentiary hearing, the district court made its findings and ruling on the record. It stated that it found Khalif “not particularly credible” because her answers were evasive and she had likely filed a false police report with respect to a separate incident that occurred after the May 16 incident. The district court also stated that it did not find Mohamed “very credible either,” noting that Mohamed minimized the context of his relationship with Khalif and that Mohamed’s version of events on the night of the incident

was “difficult to accept.” Nevertheless, the district court found that there was sufficient evidence to find physical harm based on Khalif’s medical records, her call to the police, and the police report. The district court granted Khalif’s petition for an OFP.

Mohamed appeals.

DECISION

Appellate courts review a district court’s decision to grant an OFP under an abuse-of-discretion standard of review. *Thompson v. Schrimsher*, 906 N.W.2d 495, 500 (Minn. 2018). “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.” *Id.* (quotation omitted).

Under the Domestic Abuse Act, Minnesota Statutes section 518B.01 (2022), a district court may grant an OFP against a person who has engaged in “domestic abuse.” Minn. Stat. § 518B.01, subds. 4-6. “Domestic abuse” includes the infliction of “physical harm” committed against a person with whom the actor is in a significant romantic relationship. *Id.*, subd. 2(a)(1), (b)(7). The person requesting an OFP has the burden of proving that domestic abuse occurred by a preponderance of the evidence. *Oberg ex rel. Minor Child v. Bradley*, 868 N.W.2d 62, 64 (Minn. App. 2015). A preponderance of the evidence is established when the evidence shows that it is “more probable that the fact [in question] exists than that the contrary exists.” *Id.* at 65 (quoting *City of Lake Elmo v. Metro. Council*, 685 N.W.2d 1, 4 (Minn. 2004)).

Mohamed asserts two arguments in challenging the OFP. First, he argues that the district court improperly admitted Khalif’s medical records because they were hearsay and they lacked foundation under the business-records exception to the hearsay rule. *See* Minn.

R. Evid. 803(6). Second, he argues that, even if the medical records were properly admitted, the district court abused its discretion by relying on extra-record knowledge—specifically, the district court’s own understanding of the medical terminology used in Khalif’s medical records—and by making findings that are unsupported by the record. We address each argument in turn.

I. The district court’s admission of the entire exhibit of medical records was harmless error.

The Minnesota Rules of Evidence apply in OFP hearings. *See* Minn. R. Evid. 1101 (providing that the rules of evidence apply to all court proceedings except where otherwise provided); *see also Oberg*, 868 N.W.2d at 65 (reviewing whether, during an OFP hearing, evidence was properly admitted under the rules of evidence). “Rulings [in domestic abuse proceedings] on the admissibility of evidence lie within the district court’s discretion, and this court will not disturb an evidentiary ruling unless it is based on an erroneous view of the law or is an abuse of that discretion.” *Aljubailah v. James*, 903 N.W.2d 638, 644 (Minn. App. 2017).

The district court has “broad discretion when ruling on evidentiary matters.” *Doe 136 v. Liebsch*, 872 N.W.2d 875, 879 (Minn. 2015). Even when a district court makes an erroneous evidentiary ruling, a complaining party is not entitled to reversal unless the party demonstrates that the error was prejudicial. *Kroning v. State Farm Auto. Ins. Co.*, 567 N.W.2d 42, 46 (Minn. 1997). “An evidentiary error is prejudicial if it might reasonably have . . . changed the result of the trial.” *George v. Est. of Baker*, 724 N.W.2d 1, 9 (Minn. 2006).

Under the rules of evidence, “[h]earsay’ is a statement, other than one made by the declarant while testifying . . . , offered in[to] evidence to prove the truth of the matter asserted.” Minn. R. Evid. 801(c). Hearsay is generally inadmissible unless it falls within an exception under the rules of evidence. Minn. R. Evid. 802. Medical records may be admissible under the business-records exception to the hearsay rule. *See* Minn. R. Evid. 803(6); *see also In re Welfare of Child. of J.K.T.*, 814 N.W.2d 76, 79 (Minn. App. 2012) (applying rule 803(6) to medical records). “Business records are admissible under the business-records exception if the custodian or another qualified witness can testify that the records were “(1) made by a person with personal knowledge of the matters recorded and a business duty to report accurately or from information transmitted by a person with such knowledge, (2) made at or near the time of the recorded event, (3) kept in the course of a regularly conducted business activity, and (4) made as part of the regular practice of that business activity.” *In re Child of Simon*, 662 N.W.2d 155, 160 (Minn. App. 2003); *see* Minn. R. Evid. 803(6). A foundational requirement for the admission of evidence is that the evidence must be authenticated or identified, which can occur through testimony if the person is familiar with the evidence in question. Minn. R. Evid. 901(a), (b)(1).

Mohamed argues that the district court abused its discretion in admitting the medical records under the business-records exception because Khalif did not satisfy the four foundational requirements of rule 803(6). He also argues that Khalif could not lay proper foundation under any other hearsay exception because, as a non-English speaker who had received assistance to print off the documents, Khalif could not testify as to whether the

documents that she offered had been altered in any way, suggesting that Khalif could not authenticate the documents under rule 901(a).

We agree with Mohamed that Khalif failed to lay the foundation necessary to admit the medical records under rule 803(6). Khalif did not and could not testify regarding the four foundational requirements of the rule. Admission of the entire exhibit was therefore an abuse of discretion. *See Simon*, 662 N.W.2d at 160-61 (holding that a social worker could not introduce letters prepared by the child’s therapist under rule 803(6) because the social worker was not familiar with the therapist’s business practices).

Error in admitting an exhibit, however, is not grounds for reversal absent prejudice. *Kroning*, 567 N.W.2d at 46. Mohamed argues that admission of Khalif’s medical records was prejudicial because the district court relied on the records to determine whether physical harm, and thus domestic abuse, occurred on May 16. Mohamed cites the district court’s statement that the evidence was “fairly balanced” between Mohamed’s and Khalif’s testimonies but the medical records “tilt[ed] the balance to allow [Khalif] to prove her case by a preponderance of the evidence.” Mohamed also points to specific statements that the district court highlighted from the medical records, including when the district court stated, “There is an indication, neck pain, choking, traumatic injury And then the indication . . . right shoulder pain, status post assault.”

But, in objecting to admission of the exhibit, Mohamed’s counsel made an exception for “some of the statements that might be in this summary that Ms. Khalif made.” In other words, Mohamed did not challenge the foundation for admitting statements in the medical records made by Khalif herself, presumably because a hearsay exception exists for

statements made for purposes of medical diagnosis or treatment, including statements describing symptoms and pain and the causes therefor. *See* Minn. R. Evid. 803(4). As Mohamed observes in his filing before this court, and as seems evident from context, the information listed as “indications” likely came from Khalif herself, and those statements described pain and cause. Mohamed did not make any other objection to the admission of those statements, including any objection under rule 901(a). Thus, while admission of the entire exhibit might have been erroneous, we cannot say that its admission was prejudicial since Mohamed did not appear to object to parts of the exhibit and those parts supported the district court’s determination.

In addition, the district court did not rely solely on the medical records in reaching its determination. The district court found that Khalif had proved physical harm because there was evidence that Khalif called the police and because of the police report, which noted that the officer had observed physical injury to Khalif’s body.

On this record, we conclude that the evidentiary error in admitting the entire exhibit of medical records was not prejudicial and, as a result, reversal is not warranted on that basis.

II. The district court did not rely on extra-record knowledge or make factual findings that are unsupported by the record.

Next, Mohamed argues that, even if the medical records were properly admitted, the district court abused its discretion by relying on its own interpretation of the medical terminology in Khalif’s medical records to determine that physical harm occurred and that the finding is unsupported by the record.

In its oral findings, the district court cited several statements from the medical records. It cited the “indications” discussed in the previous section and the phrases “motion degraded exam” and “vascular structures of the neck are grossly patent,” which are from Khalif’s first test result. Mohamed argues that, by citing that language, the district court must have relied on extra-record knowledge of those medical terms. Moreover, he argues, the district court’s understanding of those terms was incorrect. Thus, he concludes, the district court abused its discretion.

We are not persuaded. After the district court cited those phrases, Mohamed’s counsel asked the district court to reconsider its ruling. The district court responded that the medical records would have been stronger evidence if Khalif had “call[ed] somebody . . . to explain,” but the district court went on to state that it made its finding in support of the OFP based on “other evidence that the police were called and police reports and so forth that something happened.”

The district court’s finding of domestic abuse is well supported by the evidence in the record. Khalif testified that, on the date of the incident, Mohamed choked her, cut her with a knife, and attempted to rape her. And, although the district court did not find Khalif particularly credible, it did find that other information in the record supported her petition for an OFP. That other information included the fact that Khalif called the police that night and the police report, which included the fact that the responding officer observed signs of injury to Khalif’s body. In addition, the parts of the medical records that reflected Khalif’s own report of injury and pain that night also support the district court’s determination.

Because Mohamed has not shown prejudicial error and because the district court's findings are supported by the record, the district court did not abuse its discretion by granting the OFP.

Affirmed.