

*This opinion is nonprecedential except as provided by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
A24-0900**

State of Minnesota,
Respondent,

vs.

Ahmedfowzi Haji Ismail,
Appellant.

**Filed July 14, 2025
Affirmed
Bratvold, Judge**

McLeod County District Court
File No. 43-VB-23-2605

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

Ryan S. Hansch, McLeod County Attorney, Steven R. Ott, Assistant County Attorney,
Glencoe, Minnesota (for respondent)

Ahmedfowzi Haji Ismail, Shakopee, Minnesota (pro se appellant)

Considered and decided by Bjorkman, Presiding Judge; Bratvold, Judge; and Segal,
Judge.*

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

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

In this direct appeal from the final disposition of a petty-misdemeanor speeding violation, appellant argues (1) the district court erred by relying on “inconsistent and unsubstantiated” testimony from law enforcement and by misrepresenting statements of the prosecuting attorney, (2) his defense was impaired by interpreter errors, and (3) the district court erred by excluding witness testimony and a video recorded by the dash camera in appellant’s vehicle. We conclude that the record evidence supports the district court’s factual findings and that appellant was not prejudiced by interpreter errors or the exclusion of evidence. Therefore, we affirm.

FACTS

Respondent State of Minnesota cited appellant Ahmedfowzi Haji Ismail under Minn. Stat. § 169.14, subd. 2(a)(2) (2022), for speeding in McLeod County. The district court conducted a bench trial over two days, March 28 and May 2, 2024. Ismail was self-represented, and the district court provided a Somali interpreter.

Following the bench trial, the district court issued findings of fact, conclusions of law, and a memorandum. The following summarizes the district court’s findings and other parts of the record relevant to the issues on appeal.

On September 29, 2023, a Minnesota State Highway Patrol trooper was on a routine patrol in a stationary position perpendicular to Highway 212; the posted speed limit was 65 miles per hour. The trooper saw “a white sedan which appeared . . . to be traveling at a high rate of speed.” He “activated his handheld LIDAR device” to get a reading of the

sedan's speed.¹ The LIDAR "obtained several readings on that white sedan . . . which were all between 73 and 82 miles per hour." "There was no distortion or interference occurring that would impact the reading." The trooper "initiated a traffic stop" of the sedan, "identified [Ismail] as the driver," and cited Ismail "for speeding, at 79 in a 65 [mile-per-hour] zone."

On cross-examination by Ismail, the trooper testified that his squad car was equipped with a "forward-facing squad camera" and that it "only captured the violating vehicle as it passed immediately in front of [his] parked patrol car after reaching [his] location." The trooper's squad video was not offered into evidence.

On the first day of trial, the trooper testified to the events described above. The district court asked Ismail what evidence he would like to present. Ismail responded that he intended to call a witness and had evidence "on [his] cellphone." The district court stated that, if Ismail planned to call a witness, "we may need to come back," and noted that the courthouse would close at 4:30 p.m. The state objected to Ismail's proposed exhibits and witness because Ismail provided no discovery in response to the state's request.

The district court continued the trial. The district court added that, if Ismail "intends to offer evidence at that time, he can make sure he's given a copy of it to the prosecutor beforehand." The district court deferred ruling on the state's objection and urged Ismail to

¹ A LIDAR device uses "laser-based speed-measuring technology," which we have described as "eminently sound." *State v. Olson*, 887 N.W.2d 687, 691 (Minn. App. 2016) (quotation omitted). A LIDAR device "measures distance specifically based on the constant speed of light and based on the time it takes for pulsed, infrared light to reflect off the target and return to the device." *Id.* (emphasis omitted).

“promptly” give the state “a copy of anything” he intended to offer as evidence. The district court scheduled day two of the trial for May 2, 2024.

On the second day of trial, Ismail waived his right to remain silent and testified. Ismail “acknowledged driving a white sedan” on September 29, 2023, but “testified that he was not speeding.” Ismail also explained that he could not call the witness who was present for the first day of trial because the witness could not come “to the court today” and he “cannot ask the witness every day to come to court and miss his job.”

Ismail offered into evidence a video recorded by the dash camera on his sedan. Ismail stated that he uploaded his dash-camera video onto the Minnesota Digital Exhibit System (MNDES). The prosecuting attorney objected, explaining that the state had not received the proposed exhibit “despite the fact that [the] office served [Ismail] with another discovery demand.”

The district court asked Ismail to explain why he did not provide the prosecuting attorney with his proposed exhibit. Ismail stated that the prosecuting attorney told him to “send it to the assistant” but that Ismail “was not given any instruction on how to submit” it. Ismail added that he “believe[d] that if [he] put it in MNDES” then the prosecuting attorney “would see” it. Ismail added that he was “sorry” and that he “wanted to submit the evidence, but the problem was [he] couldn’t find a way to submit it to the prosecution.” The prosecuting attorney responded that she had provided Ismail with contact information.

Ismail ended the discussion by saying that he did not “want to spend a lot of time [on] that issue.” After that, Ismail continued with his testimony that he “was not speeding on that day.”

After both parties rested and closing arguments concluded, the district court took the matter under advisement and issued a written decision on May 8, 2024. The district court first made findings based on the testimony of the trooper who stopped Ismail's sedan. The district court found that the trooper used a "'LIDAR' radar device" in his squad car and that the device "was tested and certified to be in working order." The district court found that the LIDAR device "does an internal diagnostic check when activated." And the district court noted that the trooper "maintained a 'log' of the checks on the device; that log reflects that the device was checked and passed a number of days in September 2023," including September 29, 2023.²

The district court explained, second, that it excluded Ismail's dash-camera video because Ismail "had not disclosed that potential exhibit to the State despite the months that had passed since the discovery demand was made; despite his prior representation by counsel and despite the reminder at the March trial date of his need to do so." The district court determined that Ismail's failure to disclose the exhibit prejudiced the state.

² As the district court noted in its memorandum, in a prosecution for speeding, "evidence of the speed as indicated on radar or other speed-measuring device . . . is admissible in evidence" if the officer using the radar has appropriate training and testifies "as to the manner in which the device was set up and operated," there was "minimal distortion or interference," and "the device was tested" when it was set up. Minn. Stat. § 169.14, subd. 10(a) (2024). Section 169.14, subdivision 10, was amended in 2024. *See* 2024 Minn. Laws ch. 127, art. 3, § 49, at 2801. The 2022 version of the subdivision was in effect at the time of Ismail's court trial. *See id.* We cite the most recent version because it was not amended in relevant part. *See Interstate Power Co. v. Nobles Cnty. Bd. of Comm'rs*, 617 N.W.2d 566, 575 (Minn. 2000) (stating that, generally, appellate courts "apply the law as it exists at the time they rule on a case").

The district court determined, third, that “[t]he State has proven beyond a reasonable doubt that [Ismail] committed the offense of speeding in violation of” Minn. Stat. § 169.14, subd. 2(a)(2). In an accompanying memorandum, the district court set out the elements of the speeding violation, noted that the state “was not required to prove” that Ismail “*intended* to speed—merely that he did,” and found that the trooper provided “credible testimony including visual observation and multiple radar readings” that “established Ismail was speeding.” The district court ordered that Ismail “pay a fine in the amount of \$50.”

Ismail appeals.

DECISION

I. The record evidence supports the district court’s finding that Ismail violated the speeding statute.

Ismail makes several arguments about the sufficiency of the evidence and urges us to reverse. To prove that Ismail violated Minn. Stat. § 169.14, subd. 2(a)(2), the state needed to prove that he drove at a speed over 65 miles per hour on a non-interstate expressway or freeway. The state has the burden to prove these elements beyond a reasonable doubt. *State v. Peterson*, 673 N.W.2d 482, 486 (Minn. 2004).

Appellate courts “use the same standard of review in bench trials and in jury trials in evaluating the sufficiency of the evidence.” *State v. Palmer*, 803 N.W.2d 727, 733 (Minn. 2011). Appellate courts evaluate the record “to determine whether the facts and the legitimate inferences drawn from them would permit the [fact-finder] to reasonably conclude that the defendant was guilty beyond a reasonable doubt.” *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016) (quotation omitted). As we review the evidence, “we

must take the evidence in the light most favorable to the prosecution.” *State v. Pulos*, 406 N.W.2d 75, 77 (Minn. App. 1987). Appellate courts also “give great deference to a district court’s findings of fact and will not set them aside unless clearly erroneous.” *State v. Andersen*, 784 N.W.2d 320, 334 (Minn. 2010). “Findings of fact are clearly erroneous if, on the entire evidence,” the appellate court is “left with the definite and firm conviction that a mistake occurred.” *Id.*

Ismail’s three arguments center on the trooper’s testimony. First, Ismail argues that the trooper’s testimony does not support the speeding finding because the state did not provide “video footage or independent witnesses.” He also argues that “[t]he trial court’s reliance on the [trooper’s] uncorroborated and inconsistent testimony violates the principles articulated in Minn. Stat. § 634.04,” which requires corroboration for accomplice liability.

Evidence in the record must support the district court’s decision. *Griffin*, 887 N.W.2d at 263. Competent witnesses are generally allowed to testify based on personal knowledge. Minn. R. Evid. 601, 602. Ismail urges us to look at the rule for accomplice testimony, which is governed by Minn. Stat. § 634.04 (2024) and states that a “conviction cannot be had upon the testimony of an accomplice, unless it is corroborated by such other evidence as tends to convict the defendant of the commission of the offense.” “A witness is an accomplice if the witness could have been indicted and convicted for the crime with which the defendant is charged.” *Staunton v. State*, 784 N.W.2d 289, 297 (Minn. 2010) (quotation omitted).

The evidence supporting the district court’s findings is the trooper’s testimony. The trooper is an eyewitness and testified about his personal knowledge. The trooper is not an accomplice. Therefore, the statutory rule for accomplice testimony does not apply and corroborating evidence is not required. The district court determined, however, that the trooper’s visual estimate of the sedan’s speed was confirmed by several LIDAR readings. Therefore, the trooper’s testimony was corroborated by the LIDAR evidence, even though corroboration was not required.

Second, Ismail argues that “[t]he [trooper’s] credibility is further undermined by procedural failures, such as the lack of dashcam footage” from the trooper’s patrol car, “despite standard practices requiring its use during traffic stops.” We are unpersuaded. The district court determined that the trooper’s testimony was credible. Appellate courts defer to a fact-finder’s credibility determination and do not reweigh evidence. *State v. Al-Naseer*, 788 N.W.2d 469, 473 (Minn. 2010). The trooper also testified that the squad video “only captured the violating vehicle as it passed immediately in front of [his] parked patrol car,” meaning it may not have shown that Ismail was speeding at that exact moment. Given that the district court found that the trooper credibly testified about the limits of the squad-camera video, Ismail’s argument is unavailing.

Third, Ismail argues that the trooper’s testimony was inconsistent because (A) the trooper testified that “the vehicle in question was a ‘white-colored sedan,’” while “the prosecutor incorrectly claimed . . . that the [trooper] identified the vehicle as a ‘white Toyota,’” and (B) “the [trooper] estimated the speed” of the sedan “to be ‘approximately

80 mph” based on his visual estimate, which was “unsupported by radar or Lidar readings.”

The record shows no inconsistency in the identification of the speeding sedan. The trooper testified that Ismail was speeding in a white sedan and identified Ismail as the driver using a driver’s license photo at the scene and then identified Ismail again in court. The prosecuting attorney’s reference to a white Toyota is not inconsistent with the speeding vehicle being a white sedan.

We conclude that the district court’s factual findings about Ismail speeding were not clearly erroneous because they were supported by record evidence, and we are not left with a “definite and firm conviction that a mistake occurred.” *Andersen*, 784 N.W.2d at 334. Thus, the record evidence supported the district court’s determination that Ismail was guilty of a speeding violation beyond a reasonable doubt.

II. The district court did not deny Ismail his right to present a complete defense based on interpreter error.

Ismail contends that the interpreter provided inaccurate translations that hampered his defense. “Due process guarantees in our state and federal constitutions include the right to a fair trial.” *Spann v. State*, 704 N.W.2d 486, 493 (Minn. 2005); *see* U.S. Const. amend. XIV; Minn. Const. art. I, § 7. A defendant also has a constitutional “right to present a complete defense.” *State v. Voorhees*, 596 N.W.2d 241, 249 (Minn. 1999). “But the defendant must still comply with established rules of evidence designed to assure both fairness and reliability in assessing guilt or innocence.” *State v. Munt*, 831 N.W.2d 569, 585 (Minn. 2013) (quotation omitted). Whether someone received a fair trial is a

constitutional question that appellate courts review de novo. *State v. Dorsey*, 701 N.W.2d 238, 249 (Minn. 2005).

When evaluating whether interpreter error denied due-process and fair-trial rights, appellate courts assess “whether the translation of trial testimony was on the whole adequate and accurate.” *State v. Her*, 510 N.W.2d 218, 222 (Minn. App. 1994) (quotation omitted), *rev. denied* (Minn. Mar. 15, 1994). The appellant has the burden to show that a translation was inadequate. *State v. Montalvo*, 324 N.W.2d 650, 652 (Minn. 1982) (noting that appellate courts “cannot presume . . . that the interpreter did not adequately interpret the trial” and concluding that the appellant “failed to meet his burden of proving on appeal that the interpretation was inadequate”). An appellant must also show that any interpreter error resulted in “tangible prejudice from the specific errors,” meaning the errors impacted the appellant’s ability “to present a vigorous defense.” *Her*, 510 N.W.2d at 223.

Ismail argues that the interpreter at his trial “struggled to accurately translate,” “failed to convey” Ismail’s arguments about his dash-camera video and the inconsistencies in the trooper’s testimony, and failed “to fully translate” Ismail’s question about the trooper’s squad video. The state counters that Ismail identifies no errors made by the interpreter and that “the district court undertook great efforts to ensure adequate communication.”

Ismail did not object to the translation or raise interpreter error during the bench trial. Appellate courts “generally will not decide issues which were not raised before the district court.” *Roby v. State*, 547 N.W.2d 354, 357 (Minn. 1996). Therefore, we review this issue for plain error. *See State v. Myhre*, 875 N.W.2d 799, 804 (Minn. 2016) (stating

that appellate courts “review an unobjected-to error . . . under the plain error test,” which requires “(1) that there was an error, (2) the error was plain, and (3) the error affected the defendant’s substantial rights”).

On appeal, Ismail’s claims of interpreter error are vague and not supported by the record. First, that the district court reminded the parties throughout trial to pause for the interpreter and to ask appropriate clarifying questions. Second, we are unable to confirm the accuracy of the interpreter’s whole translation on this record, but no interpreter error or even an inaccuracy is apparent based on our careful review of the record. For example, Ismail argues that the interpreter did not correctly explain his question about the trooper’s squad video. But the trooper responded that his squad-camera video did *not* show Ismail traveling in the left lane or passing other cars. This appears to be a complete and direct answer to Ismail’s question. Ismail also argues that the interpreter failed “to fully translate” but provides no examples of what was not fully translated. We therefore discern no plain error and conclude that Ismail was not denied his right to present a complete defense based on interpreter error.³

III. Ismail was not denied his right to a fair trial.

Ismail argues that the district court violated his right to a fair trial by excluding witness testimony and the dash-camera video from his sedan. As stated above, a defendant is entitled to a fair trial under the Sixth Amendment to the United States Constitution and

³ Ismail also challenges the interpreter’s qualifications. Ismail forfeited this issue because he did not object to the interpreter’s qualifications during trial. *See Roby*, 547 N.W.2d at 357.

article I, section 6 of the Minnesota Constitution, and whether a defendant received a fair trial is a constitutional question that appellate courts review de novo. *Dorsey*, 701 N.W.2d at 249. We address Ismail’s two arguments in turn.

A. Witness Testimony

Ismail argues that the district court abridged his fair-trial rights by excluding the testimony of his witness. The state contends that this argument “is not consistent with the record.”

To raise evidentiary error on appeal, the appellant must object or offer evidence below, and if evidence is excluded, make an offer of proof. *See* Minn. R. Evid. 103(a) (stating that “[e]rror may not be predicated upon a ruling which admits or excludes evidence unless a substantial right of the party is affected” and the party makes a “timely objection” or provides an offer of proof making “the substance of the evidence . . . known to the court”); *State v. Mosley*, 853 N.W.2d 789, 797 n.2 (Minn. 2014) (“[T]o properly preserve a claim that evidence should be excluded under the Minnesota Rules of Evidence, a defendant must timely object and state the specific ground of objection.” (emphasis omitted) (quotations omitted)); *State v. Lee*, 494 N.W.2d 475, 479 (Minn. 1992) (concluding that the appellant “did not properly preserve the claimed errors for review by making an offer of proof”). “Evidentiary rulings rest within the sound discretion of the district court, and we will not reverse an evidentiary ruling absent a clear abuse of discretion.” *State v. Ali*, 855 N.W.2d 235, 249 (Minn. 2014). “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 on record.” *State v. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019) (quotation omitted).

Ismail brought a witness the first day of trial, but the district court continued the trial to a second day because of the lateness of the hour. The district court scheduled the second day of trial, and Ismail did not object. Ismail also did not bring a witness to the second day of trial, did not call a witness, and did not make an offer of proof. Ismail told the district court that the witness was not present because he could not come and Ismail “cannot ask the witness every day to come to court and miss his job.”

A “district court has considerable discretion in scheduling matters and in furthering what it has identified as the interest of judicial administration and economy.” *State v. Hart (In re State)*, 723 N.W.2d 254, 260 (Minn. 2006) (quotation omitted). A district court also has discretion “over the mode and order of presenting evidence so as to make the presentation effective for the ascertainment of the truth.” *State v. Robertson*, 884 N.W.2d 864, 874 (Minn. 2016) (quotation omitted); *see* Minn. R. Evid. 611(a) (“The court shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence . . .”).

In sum, Ismail did not call a witness, the district court did not exclude any witness testimony, and Ismail did not make any offer or proof or object to the trial continuance. We therefore conclude that the district court did not abuse its discretion and did not deprive Ismail of his right to a fair trial.

B. Dash-Camera Video

On the second day of trial, Ismail explained that he had uploaded a video recorded by the dash camera of his sedan to MNDES, but Ismail also admitted that he did not provide the video to the state. The district court determined that Ismail failed to meet discovery requirements and that this failure prejudiced the state; the district court did not receive Ismail's dash-camera video into evidence.

On appeal, Ismail acknowledges that he was "unable to comply with evidentiary submission rules." He also admitted to the district court that he did not produce his dash-camera video to the state. Ismail argues that the district court abridged his fair-trial rights by excluding the video. The state argues that the district court did not abuse its discretion because Ismail did not produce the dash-camera video to the state before trial and admission of Ismail's video would have prejudiced the state.

Self-represented litigants are required to comply with the rules of court procedure and evidence. Minn. R. Gen. Prac. 1.04 ("Whenever these rules require that an act be done by a lawyer, the same duty is required of a self-represented litigant."); *State v. Fellegy*, 819 N.W.2d 700, 704 (Minn. App. 2012) ("[P]ro se litigants are generally held to the same standards as attorneys and must comply with all rules of procedure."), *rev. denied* (Minn. Oct. 16, 2012). Under Minn. R. Crim. P. 9.02, subd. 1, a defendant must, upon request by the prosecutor, disclose discoverable documents and information and "permit the prosecutor to inspect and reproduce them." When a party "fails to comply with a discovery rule or order, the court may, on notice and motion, order the party to permit the discovery,

grant a continuance, or enter any order it deems just in the circumstances.” Minn. R. Crim. P. 9.03, subd. 8.

Precluding evidence because of a discovery violation is a “severe sanction which should not be lightly invoked.” *State v. Lindsey*, 284 N.W.2d 368, 374 (Minn. 1979). When deciding the proper remedy for a discovery violation, the district court should consider “(1) the reason why disclosure was not made; (2) the extent of prejudice to the opposing party; (3) the feasibility of rectifying that prejudice by a continuance; and (4) any other relevant factors.” *Id.* at 373. These are referred to as “the *Lindsey* factors.” *State v. Sailee*, 792 N.W.2d 90, 95 (Minn. App. 2010), *rev. denied* (Minn. Mar. 15, 2011). “The imposition of sanctions for violations of discovery rules and orders is a matter particularly suited to the judgment and discretion of the [district] court,” and appellate courts “will not overturn [a district court’s] ruling absent a clear abuse of discretion.” *Lindsey*, 284 N.W.2d at 373.

First, we conclude that the district court did not abuse its discretion by determining that Ismail violated discovery rules. *See* Minn. R. Crim. P. 9.02, subd. 1. Ismail conceded that he failed to provide his dash-camera video to the state despite the state’s discovery demand and the district court’s reminder to Ismail on the first day of trial. During trial, however, the district court excluded the evidence without discussing any of the *Lindsey* factors. In its written order, the district court stated that it “did not allow the potential exhibit to be played or received, given the failure to disclose and the prejudice that [it] caused the State in the middle of trial.”⁴ This court has determined that a “failure to

⁴ We briefly note that, although the district court did not specifically address the *Lindsey* factors, the record suggests that the district court’s analysis tracks at least two of the

consider the *Lindsey* factors is an abuse of discretion.” *Sailee*, 792 N.W.2d at 94-95 (reversing and remanding after concluding that the district court abused its discretion by failing to “consider alternative ways of rectifying the prejudice to the state from the lack of notice, or the other *Lindsey* factors” when deciding to preclude the appellant’s alternative-perpetrator testimony).

But even if we assume, without deciding, that the district court abused its discretion by excluding Ismail’s dash-camera video, we next consider the effect of this error. We recognize that excluding defense evidence may implicate a defendant’s constitutional rights. *State v. Post*, 512 N.W.2d 99, 102 (Minn. 1994). To conclude that excluding defense evidence is harmless error, this court “must be satisfied beyond a reasonable doubt that if the evidence had been admitted and the damaging potential of the evidence fully realized,” the verdict would be the same. *Id.*

Ismail argues that the dash-camera video shows “that he was not speeding or driving in the left lane as alleged by the [trooper].” Ismail also contends that the dash-camera video would have diminished the trooper’s credibility because it shows that Ismail was not driving in the left lane, even though the trooper testified that he saw the white sedan in the left lane.

Lindsey factors. The district court appears to have effectively considered the first factor—Ismail’s reason for not providing his video to the state—and the second factor—the extent of prejudice to the state. *See Lindsey*, 284 N.W.2d at 373. Because trial had already been continued once, the third factor does not appear to be relevant. *See id.* And finally, Ismail does not suggest that the district court disregarded other relevant factors. *See id.*

These arguments are not persuasive. The trooper testified that the speeding sedan “was initially traveling in the left westbound lane . . . and then moved to the right westbound lane.” Given that the trooper testified that the speeding sedan changed lanes, a video showing that Ismail was driving in the right lane would not contradict the trooper’s testimony.

We conclude that excluding Ismail’s dash-camera video was harmless beyond a reasonable doubt. The trooper testified that he saw Ismail speeding, and the LIDAR readings corroborated that Ismail’s speed ranged between 73 and 82 miles per hour in a 65-mile-per-hour zone. Even if Ismail’s dash-camera video had been admitted into evidence and its “damaging potential” had been “fully realized,” the outcome of this bench trial would have been the same. *Post*, 512 N.W.2d at 102. Therefore, even assuming that the district court abused its discretion by excluding Ismail’s dash-camera video as a discovery sanction, any error was harmless beyond a reasonable doubt.

Affirmed.