

*This opinion is nonprecedential except as provided by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
A24-1322**

State of Minnesota,
Respondent,

vs.

Rashid Hakim Hill,
Appellant.

**Filed July 28, 2025
Affirmed in part and remanded
Connolly, Judge**

Hennepin County District Court
File No. 27-CR-22-25486

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

Mary F. Moriarty, Hennepin County Attorney, Linda M. Freyer, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jenna Yauch-Erickson, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Ross, Judge; and Wheelock, Judge.

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

Appellant Rashid Hakim Hill argues that his convictions of two counts of unlawful possession of firearms must be reversed because respondent State of Minnesota did not provide sufficient circumstantial evidence of appellant's constructive possession of the

firearms. Appellant argues in the alternative that one of his sentences must be vacated under Minn. Stat. § 609.035, subd. 1 (2024), which prohibits the imposition of multiple sentences for offenses arising from a single behavioral incident. In a pro se supplemental brief, appellant alleges a lack of probable cause in the search warrant and a violation of his due-process rights. We affirm appellant's convictions but remand for correction of the warrant of commitment.

FACTS

In December 2022, law enforcement executed a search warrant at a residence. Five people were in the residence: appellant; G.B., another man; two women; and a child. When officers entered the house, appellant came out of the northwest bedroom with one of the women and a child. G.B. said the northeast bedroom was his; when a search of that room produced a gun, he said the gun was his.

The search of the northwest bedroom produced: (1) documents bearing appellant's name, including a vehicle title listing appellant as the buyer and a medical-assistance document with appellant's name and address; (2) the keys to appellant's vehicle in a pair of sweatpants on the floor of the room, where appellant had said the keys would be found; (3) a backpack under the bed; and (4) inside the backpack, a loaded revolver bearing the print of appellant's left index finger, a box of ammunition bearing two prints of appellant's left thumb, one print of his right thumb, one print of his left middle finger, and one print of his left little finger, and a second loaded revolver without fingerprints.

Appellant was charged by amended complaint with two counts of possession of a firearm by an ineligible person. Appellant stipulated to the prior-convictions element of

the charges. At the jury trial, the prosecution called the deputy who had conducted the search and the two forensic scientists who had examined the fingerprints. Appellant did not testify and did not call any witnesses.

The jury found appellant guilty as charged. As to each count, the jury also found that appellant had a prior conviction for an offense in which he or an accomplice possessed or used a firearm. The district court then orally sentenced appellant to a single executed sentence of 60 months in prison. The warrant of commitment, however, states that appellant was sentenced to 60 months in prison on each count.

This appeal follows.

DECISION

Circumstantial evidence supported appellant's constructive possession of the firearms. Constructive possession occurs "where the inference is strong that the defendant at one time physically possessed the [item] or exercised dominion and control over it." *State v. Lozar*, 458 N.W.2d 434, 441 (Minn. App. 1990), *rev. denied* (Minn. Sept. 28, 1990). Circumstantial evidence is "evidence from which the factfinder can infer whether the facts in dispute existed or did not exist." *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (quotation omitted).

An appellate court does

a two-step analysis in reviewing whether circumstantial evidence is sufficient to support a conviction. First, we identify circumstances proved. In identifying the circumstances proved, we defer, consistent with our standard of review, to the jury's acceptance of the proof of these circumstances and rejection of evidence in the record that conflicted with the circumstances proved by the State. In the

second step, we examine the reasonableness of the inferences that may be drawn from the circumstances proved to determine whether there are other rational inferences inconsistent with guilt. If there are other rational inferences that can be drawn from the evidence that are inconsistent with guilt, the conviction should be overturned. But if the proposed hypothesis of innocence is not rational, the conviction should be confirmed.

State v. Beganovic, 991 N.W.2d 638, 654 (Minn. 2023) (quotation and citations omitted).

This court independently considers both “the reasonable inferences that can be drawn from the circumstances proved, when viewed as a whole” and “whether a reasonable inference inconsistent with guilt can be drawn from the circumstances proved, again viewed as a whole.” *Harris*, 895 N.W.2d at 600-01.

The circumstances proved here include that two revolvers were located in the northwest bedroom and the presence of appellant’s fingerprints on one of the revolvers. While appellant concedes that “[o]ne inference from these circumstances proved is that [he] exercised dominion and control” over the firearms, he argues that the circumstances proved show only that he put a single finger on one firearm, and “touching something a single time does not prove dominion and control to the exclusion of all other reasonable possibilities.”

We disagree. The fingerprint on the revolver was not the only circumstance proved that supported the jury’s verdict. Other relevant circumstances proved were that (1) G.B. said the northeast bedroom and the gun found in it were both his; (2) appellant came out of the northwest bedroom with a woman and a child; (3) appellant’s name was on documents in the northwest bedroom; (4) the keys to appellant’s vehicle were in the northwest

bedroom where he said they would be; and (5) a box of ammunition with appellant's fingerprints on it were found in the same backpack containing the firearms. When the guns that were found in a backpack under the bed in appellant's bedroom are added to these circumstances, the hypothesis that appellant was not the owner of the guns found in that room is not reasonable, and we therefore affirm his convictions. *See Beganovic*, 991 N.W.2d at 654 (stating that if “the proposed hypothesis of innocence is not rational, the conviction should be affirmed”).

Appellant argues in the alternative that one of his sentences must be vacated under Minn. Stat. § 609.035, subd. 1, because he was erroneously sentenced on both counts. But although the warrant of commitment, dated May 21, 2024, states that appellant was sentenced to 60 months in prison on each count, the sentencing order, filed on May 22, 2024, states that appellant's executed sentence was 60 months in prison. And the district court orally sentenced appellant “to a 60-month commitment to the Commissioner of Corrections.”

If a warrant of commitment conflicts with an orally pronounced sentence, the oral sentence controls. *State v. Staloch*, 643 N.W.2d 329, 331 (Minn. App. 2002). And the court may correct clerical errors in the warrant of commitment at any time. Minn. R. Crim. P. 27.03, subd. 10.

Here, because the warrant of commitment conflicts with the orally pronounced sentence, the district court's oral pronouncement of a single 60-month sentence controls. And the parties agree, as do we, that under Minn. Stat. § 609.035, subd. 1, only one 60-month prison sentence may be imposed. *State v. Ferguson*, 808 N.W.2d 586, 589 (Minn.

2012) (stating that section 609.035 “generally prohibits multiple sentences, even concurrent sentences, for two or more offenses that were committed as part of a single behavioral incident” (quotation omitted)). As such, appellant was properly sentenced for only one of the offenses for which he was convicted. But because the warrant of commitment conflicts with the orally pronounced sentence and erroneously indicates sentences for both convictions, we remand for the district court to correct the warrant of commitment to reflect the appropriate sentence.

In his pro se brief, appellant argues that there was a lack of probable cause for the search warrant because the basis for the warrant included a warrantless search of a recycling bin located at the curb, which appellant alleges was within the curtilage of his property. This argument is defeated by both United States and Minnesota Supreme Court precedent. *See California v. Greenwood*, 486 U.S. 35, 40-41 (1988) (concluding that an individual does not have a reasonable expectation of privacy in garbage left at the curb for collection and, therefore, the Fourth Amendment does not prohibit the warrantless search and seizure of such garbage); *see also State v. Krech*, 403 N.W.2d 634, 637-38 (Minn. 1987) (holding that refuse left for collection outside the curtilage is not protected by the Fourth Amendment).

Appellant also argues that the information provided by the confidential informant (CI), which was included in the search warrant application, was unreliable. His argument is refuted by the district court’s findings that the CI had previously given reliable information that had been used to make arrests and that the CI’s information had been corroborated by law enforcement. *See State v. Ross*, 676 N.W.2d 301, 304 (Minn. App.

2004) (setting out a CI's previous submission of reliable information and law enforcement's corroboration of a CI's information as factors in determining the reliability of a CI's information). And appellant's challenge to the validity of the ION scan results¹ is not properly before us because his argument relies on general assertions unsupported by caselaw. See *State v. Ali*, 855 N.W.2d 235, 260 n.24 (Minn. 2014) (declining to consider "argumentative assertions without any factual or legal support").

Finally, appellant's argument that his due process rights were violated by the granting of a *Rasmussen* hearing is neither clear nor supported by the record. Therefore, we affirm appellant's conviction but remand for correction of the warrant of commitment.

Affirmed in part and remanded.

¹ Information from an ION scan was used in the search warrant application.