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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1490**

In re the Matter of:

Koumealo Amana,
Respondent,

vs.

Braima Diarra,
Appellant.

**Filed July 21, 2025
Affirmed
Cleary, Judge***

Hennepin County District Court
File No. 27-DA-FA-24-1755

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(for respondent)

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Considered and decided by Larkin, Presiding Judge; Bentley, Judge; and Cleary,
Judge.

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

NONPRECEDENTIAL OPINION

CLEARY, Judge

Appellant Braima Diarra contests a district court decision to grant his wife, respondent Koumealo Amana, an Order for Protection (OFP) against him. First, Diarra argues that the district court abused its discretion by granting the OFP because the incidents of domestic abuse that Amana alleged were too remote in time and those allegations lacked sufficient specificity. Second, Diarra argues that the district court erred by ordering him to pay Amana's mortgage and utilities as part of the OFP. Because the district court properly exercised its discretion on both issues, we affirm.

FACTS

Amana petitioned for an OFP against Diarra in March 2024. In her petition, she alleged that Diarra committed multiple acts of domestic abuse against her. The district court granted a temporary ex parte OFP and held an evidentiary hearing on Amana's petition over the course of multiple days. The district court heard testimony from Amana, Diarra, and their adult daughter.

Amana testified that she is from Togo, Africa. In Togo she met Diarra and married him in 2004. She moved to the United States in 2009 to live with Diarra, with whom she has two daughters. Diarra no longer lives in their home, and Amana intends to divorce him. Amana stated that during their time living together, Diarra abused her multiple times.

First, around May 2009, Diarra burned Amana's breast with a hot clothing iron in their home. Amana was with her daughters at the time. She still has a scar from the incident. The district court admitted a photograph of the scar into evidence.

Second, around Christmas one year, Amana told Diarra that there was no food at home to celebrate the holiday. Diarra became angry and bit her finger. Her children were present when Diarra bit her. Diarra went away with the police. When Diarra returned after being released, he threatened to kill Amana and the children. Afterward, Amana went to a shelter with her children to get away from Diarra. In her petition, Amana listed the date of the incident as January 1, 2019, but testified that the incident took place “around 2012.” Amana later acknowledged the discrepancy and said she was not entirely sure about the date “because the years have gone by.”

Third, while Amana was preparing to go to an evening class at a nearby church, Diarra hit her in the eye with a ceramic cup and caused her to bleed. Later that same day, he hit her in the head. Amana has a scar from the incident, and the district court admitted a photograph of the scar into evidence. On cross-examination, Amana testified that the incident took place sometime around 2012.¹

Fourth, after a family trip to a retail store, Diarra became “really angry” and threatened “to get into a car accident” because one of the children had wanted to buy gummy bears. Amana recalled him saying that “we’re all going to die” and “everything will be over then.” Amana stated that the incident occurred sometime around 2010.

Amana also testified about her financial situation. She stated that although Diarra pays for household expenses, she pays for “all the clothes, all the food,” and home repairs.

¹ Amana also testified regarding a dispute with Diarra in a passport office. However, the district court did not mention that testimony in its order granting an OFP and relied exclusively on information about other incidents.

Diarra had paid for the internet for a while but stopped doing so when Amana got the temporary ex parte OFP. Amana was not working at the time of the hearing because she lost her job after suffering an injury a few months prior. She had no income aside from unemployment benefits.

When the daughter testified, she corroborated each of the incidents of domestic abuse that her mother described. She described Diarra burning Amana on the chest with a hot clothing iron, Diarra biting Amana's finger, Diarra hitting Amana in the head, and Diarra swerving the car and threatening to kill the family after a trip to a retail store when she was about in sixth grade.

When Diarra testified, he asserted that some of the altercations were "money-related, and . . . untrue." He denied ever burning Amana with a hot clothing iron. Regarding the retail-store trip, he asserted that, on the way back, Amana started fighting with him and scratched his face. He denied that there was "any time [he] initiated any assault." Consistent with earlier testimony about the incident in which he bit Amana's finger, the district court admitted a court filing showing that the state charged Diarra with domestic assault stemming from an incident on Christmas Eve of 2012, although the state later dismissed the charge. Regarding the family's financial situation, Diarra stated that he has a job and pays the mortgage and utilities in the home.

After the hearing, the district court filed an order granting Amana's petition for an OFP in July 2024. The district court found that Diarra committed the four acts of domestic abuse that Amana and her daughter described in their testimony. The district court found Amana and the adult daughter credible, but Diarra "less credible," noting that he hesitated

to answer questions and “denied facts that were clear” from the record. By comparison, the district court found “that despite slight [inconsistencies] in [Amana’s] recollection as to timelines or dates of abuse, her recollection of details related to arguments and the location, severity, and result of injuries were clear. [Her] demeanor . . . was sincere and sorrowful.” The district court noted that photographs from the record and the adult daughter’s testimony corroborated Amana’s allegations.

As part of the order, the district court prohibited Diarra from shipping, transporting, possessing, or receiving any firearm. Diarra stated under oath that he did not own firearms. The district court also required Diarra “to pay all mortgage payments and utilities for [Amana’s] home.”

Diarra appeals.

DECISION

On appeal, Diarra first argues that the district court abused its discretion by granting the petition for an OFP because the allegations were too remote in time and lacked specificity. Alternatively, Diarra argues that the district court did not have a legal basis to require him to pay the mortgage and utilities for Amana’s home.

I. The district court did not abuse its discretion by issuing an OFP.

Diarra argues that the district court abused its discretion by issuing the OFP. Under the Minnesota Domestic Abuse Act, a district court may grant an OFP by ruling on a petition alleging domestic abuse. *See* Minn. Stat. § 518B.01, subds. 1, 4-6 (2024). “Domestic abuse” is conduct “against a family or household member by a family or household member” that includes, but is not limited to, inflicting “physical harm, bodily

injury, or assault” or inflicting fear that such harm is imminent. *Id.*, subd. 2(a) (2024). A petitioner bears the burden to demonstrate domestic abuse by a preponderance of the evidence. *Oberg v. Bradley*, 868 N.W.2d 62, 64 (Minn. App. 2015). To demonstrate domestic abuse by a preponderance of the evidence, the petitioner must show that it is more probable than not that domestic abuse occurred. *Id.* at 65.

We review a district court decision to grant an OFP for an abuse of discretion. *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). To identify an abuse of discretion, we review findings of fact for clear error and legal issues de novo. *Ekman v. Miller*, 812 N.W.2d 892, 895 (Minn. App. 2012) (clear error); *Braend ex rel. Minor Child. v. Braend*, 721 N.W.2d 924, 927 (Minn. App. 2006) (de novo).

A. The remoteness-in-time of Amana’s allegations did not preclude an OFP.

Diarra argues that the district court abused its discretion by granting an OFP because, under the OFP statute, domestic abuse cannot be too remote in time. Diarra relies primarily on *Bjergum v. Bjergum*, 392 N.W.2d 604 (Minn. App. 1986). In a variation of this same argument, Diarra also contends that the district court abused its discretion because there was no present intent to inflict harm or to create fear of imminent harm, relying primarily on *Kass v. Kass*, 355 N.W.2d 335 (Minn. App. 1984), *overruled by Thompson*, 906 N.W.2d at 495.

Contrary to Diarra’s arguments, the Minnesota Supreme Court has determined that “[t]he plain language” of the OFP statute “does not require that the ‘physical harm, bodily injury, or assault’ has occurred within a specified time before the petition is filed or be imminent.” *Thompson*, 906 N.W.2d at 499. Given the holding in *Thompson*, Diarra’s reliance on court of appeals cases that require domestic abuse to not be too remote in time, such as *Bjergum* and *Kass*, is misplaced. In fact, the supreme court expressly “overrule[d] *Kass* to the extent that its interpretation of [section 518B.01,] subdivision 2(a)(1) deviates from [its] analysis.” *Id.* at 500.

Nevertheless, Diarra argues that *Thompson* does not control because “it does not apply to situations where the respondent is barred from firearm possession.” He points to language in *Thompson* where the supreme court stated: “The fact that specific temporal language does not appear in [section 518B.01,] subdivision 2(a)(1) suggests that to obtain an ordinary OFP—one that is not granted *ex parte* and does not call for the seizure of the abuser’s firearms—the petitioner need not demonstrate that the danger of physical harm is immediate or imminent.” *Id.* at 499 (emphasis added).

In that portion of the opinion, the supreme court was referring specifically to Minn. Stat. § 518B.01, subd. 6(i). *Id.* Under subdivision 6(i), when the district court restricts a party from possessing firearms, “the court shall determine by a preponderance of evidence if an abusing party poses an imminent risk of causing another person substantial bodily harm.” Minn. Stat. § 518B.01, subd. 6(i).

Under the statutory scheme, the purpose of an imminency finding is for a district court to determine the procedure by which it confiscates firearms from the abusing party. If the district court finds that an abusing party poses an “imminent risk, the court shall order that the local law enforcement agency take immediate possession of all firearms in the abusing party’s possession.” *Id.* If the district court does not find a party poses an imminent risk, “the court shall order the abusing party to transfer any firearms that the person possesses, within three business days, to a federally licensed firearms dealer, a law enforcement agency, or a third party who may lawfully receive them.” *Id.*, subd. 6(g). The diverging procedures for firearm confiscation demonstrate that a district court may restrict firearm access without finding that an abusing party poses an imminent risk of causing another bodily harm.

Here, we first reject any contention on the part of Diarra that an erroneous firearm restriction would render an entire OFP void. Under *Thompson*, a district court may issue an OFP if it determines that domestic abuse occurred by a preponderance of the evidence and by concluding that the relevant circumstances necessitate protection for the petitioner. 906 N.W.2d at 499-500. Second, we conclude that the district court did not abuse its discretion by imposing a firearm restriction without finding that Diarra posed an imminent risk of causing another bodily harm. As we stated, the purpose of an imminency-finding is for the district court to determine the procedure by which it confiscates firearms from the abusing party. *See* Minn. Stat. § 518B.01, subd. 6(i), (g). Here, Diarra represented to the district court that he did not own firearms, thereby negating the need for an imminency-finding.

We conclude that neither the remoteness-in-time of the allegations nor the absence of an imminency-finding precluded the district court from issuing an OFP.

B. Amana’s allegations were sufficiently specific to support an OFP.

Diarra also argues that the district court abused its discretion by granting an OFP because the domestic-abuse allegations lacked specificity. Diarra points specifically to the vagueness and lack of consistency in the record as to when exactly the incidents occurred. He also argues that the allegations did not include sufficient information about location.

To resolve Diarra’s argument, *Thompson* is again instructive. There, the supreme court determined that the district court properly granted an OFP. 906 N.W.2d at 501. First, the supreme court emphasized that the district court heard testimony about “multiple specific incidents of kicking, choking, and slapping.” *Id.* The supreme court noted that the district court found the testimony credible, and based on that testimony, determined that appellant had “mentally, physically, and sexually abused” the petitioner. *Id.* Second, the supreme court noted that the district court considered “the relevant circumstances” of the abuse, “including [its] timing, frequency, and severity[,] . . . as well as the likelihood of further abuse,” before issuing the OFP. *Id.*

Here, like in *Thompson*, Amana detailed “multiple specific incidents” of domestic abuse, including Diarra burning her with a clothing iron, biting her finger, hitting her in the head, and threatening to crash a vehicle that she was in. *See id.* Her adult daughter corroborated each of these incidents in her own testimony. And like in *Thompson*, the district court found both Amana and her daughter credible. *See id.*; *Sefkow v. Sefkow*, 427

N.W.2d 203, 210 (Minn. 1988) (“Deference must be given to the opportunity of the [district] court to assess the credibility of the witnesses.”).

Furthermore, like in *Thompson*, the district court considered the relevant circumstances of the abuse. 906 N.W.2d at 501. In its order, the district court found “that despite slight [inconsistencies] in [Amana’s] recollection as to timelines or dates of abuse, her recollection of details related to arguments and the location, severity, and result of injuries were clear.” This finding has support from the record. Amana and her daughter provided detailed testimony about the abuse. And Amana, contrary to Diarra’s arguments, was specific about the location of the incidents, describing them taking place at home, and in the case of the vehicle-incident, after a trip to a retail store. Finally, although Amana and her daughter were not particularly precise or consistent in identifying when exactly the incidents took place, they still provided some indicia of time throughout their testimony: the hot-iron incident took place around May 2009; the finger-biting incident took place during Christmas-time; the incident where Diarra hit her in the head took place around 2012; and the car-incident occurred approximately when the daughter was in the sixth grade. Diarra does not cite caselaw that requires domestic-abuse allegations to be more specific than what Amana and her daughter provided.

We conclude the evidence was sufficiently specific for the district court to act within its discretion by determining that domestic abuse occurred and that the abuse necessitated an OFP.

II. The district court did not abuse its discretion by ordering Diarra to pay the mortgage and utilities under the OFP.

Alternatively, Diarra argues that the district court erroneously provided Amana with relief that the OFP statute does not permit. Diarra points specifically to the district court ordering him to pay the mortgage and utilities on the home and notes that the district court did not provide this relief in the form of spousal maintenance. *See* Minn. Stat. § 518.552 (2024).

Under Minn. Stat. § 518B.01, subd. 6(a), a district court may provide various forms of relief to an OFP-petitioner including:

(5) on the same basis as is provided in chapter 518 or 518A, establish temporary support for minor children or a spouse, and order the withholding of support from the income of the person obligated to pay the support according to chapter 518A; . . .

(8) award temporary use and possession of property and restrain one or both parties from transferring, encumbering, concealing, or disposing of property[;] . . .

(11) order the abusing party to pay restitution to the petitioner; . . .

(13) order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff or other law enforcement or corrections officer as provided by this section[.]

Relief under subdivision 6 “is within the district court’s discretion,” and district courts “should consider the uniqueness of the remedies available under the statute, as well as the potentially devastating consequences if such relief is not granted.” *Mechtel v. Mechtel*, 528 N.W.2d 916, 920 (Minn. App. 1995). In addition, the supreme court has stressed that OFP proceedings are time-sensitive and do not require detailed

findings of fact that may inappropriately delay relief. *See Baker v. Baker*, 494 N.W.2d 282, 290 (Minn. 1992) (concluding that district courts, when deciding upon custody for children as part of issuing an OFP, need not make particularized findings regarding a child's best-interests under separate state statute).

We conclude that the district court acted within its discretion by requiring Diarra to pay the mortgage and utilities under subdivision 6(a). To be sure, other provisions in subdivision 6(a) expressly authorize similar kinds of relief. For example, subdivisions 6(a)(5) and (11) permit financial relief in the form of spousal maintenance and restitution. And subdivision 6(a)(8) allows district courts to grant possession of property and to restrict "parties from transferring, encumbering, concealing, or disposing of property." But regardless of whether the district court could have ordered similar relief under those provisions, subdivision 6(a)(13) vests the district court with broad authority to "order, in its discretion, other relief as it deems necessary for the protection of a family or household member."

Here, based on the evidence in the record, the district court properly fashioned relief that was necessary to protect Amana. The district court heard testimony that Amana was unemployed, but that she was paying for many of the household expenses. Diarra testified that he has a job and pays the mortgage and utilities. Given the breadth of the district court's discretion, and the time-sensitive nature of providing relief to Amana and her household, we refrain from concluding that the relief in this case was improper because it was outside the statutory framework for spousal maintenance. Because ensuring that Amana can maintain a home is vital to her protection, the district court did not abuse its

discretion by requiring Diarra to continue paying the mortgage and utilities under subdivision 6(a) of the OFP statute.²

Affirmed.

² We emphasize that if financial hardship prevents Diarra from fulfilling his obligations, he may seek to modify the OFP. *See* Minn. Stat. § 518B.01, subd. 11 (2024).