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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1676**

State of Minnesota,
Respondent,

vs.

Jamaal Terrance Tanna,
Appellant.

**Filed June 8, 2026
Affirmed
Bentley, Judge**

McLeod County District Court
File No. 43-CR-24-350

Keith Ellison, Attorney General, Jacob Campion, Assistant Attorney General, St. Paul, Minnesota; and

Ryan Hansch, McLeod County Attorney, Glencoe, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, John Patrick Monnens, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bentley, Presiding Judge; Wheelock, Judge; and Larson, Judge.

NONPRECEDENTIAL OPINION

BENTLEY, Judge

On remand from the Minnesota Supreme Court, we revisit appellant’s argument that his conviction for controlled-substance crime in the first degree—possession, in violation of Minnesota Statutes section 152.021, subdivision 2(a)(1) (Supp. 2023), must be reversed

because the state did not offer sufficient evidence to prove the weight element of the crime beyond a reasonable doubt. Again, we affirm.

FACTS

The underlying facts of this case are summarized in their entirety in our prior decision. We summarize here only the facts central to the issue on remand.

Appellant Jamaal Terrance Tanna was stopped by Deputy K. while driving in Glencoe.¹ After asking Tanna to step out of his vehicle for sobriety testing, Deputy K. observed a plastic bag in Tanna's pocket. When Deputy K. asked about the bag and requested that Tanna remove his hands from his pockets, Tanna refused to comply and attempted to run around the passenger side of the car and away from Deputy K.

Deputy M., another officer on the scene, attempted to help Deputy K. subdue Tanna. During the struggle, Deputy K. saw Tanna put a small plastic bag in his mouth and noticed that the bag "was fully into his mouth and there was chewing going on and that white substance or crystal substance was falling from his mouth." Deputy M. also saw Tanna "chewing" with "stuff falling out that was white" that the deputy believed was methamphetamine. Sometime during the struggle, the small plastic bag came out of Tanna's mouth. Eventually, the officers were able to handcuff Tanna.

After Tanna was sitting up, Deputy K. "was able to see the chewed plastic bag on the ground with a large amount of . . . crystalline substance." Describing the scene, he

¹ We refer to the testifying police officers as Deputy K. and Deputy M. instead of their full names in accordance with our rules of public access. *See* Minn. R. Pub. Access to Recs. of Jud. Branch 8, subd. 2(b) (recommending that appellate opinions limit disclosure of witness identities "to what is necessary and relevant").

testified, “[t]here [were] crystals scattered throughout the grass where we were, some still in the bag and some back by the car,” and “[t]here was also blood mixed in, saliva mixed in, with the crystals and the [chewed] bag.” When he searched Tanna, Deputy K. found a second “small clear [plastic bag] with a white crystal powder substance inside [of it]” (evidence bag 1). Officers suspected Tanna may have ingested some of the substance, so an ambulance was called. He still “had some white substance around his mouth.”

During that time, Deputy M. took pictures of the suspected methamphetamine on the ground and on Tanna’s car and then, with the assistance of other officers who had arrived, he “collect[ed] larger chunks and other pieces off the ground.” Some of the substance blew away in the wind as they tried to collect it. Deputy M. testified that the officers collected as much as they could but were “unable to collect all of it” and “stomped” on what remained, “trying to get it into the ground as much as [they] could.” The officers were concerned because substance remaining in the grass was a “safety . . . situation.” Later, while searching a backpack found in the backseat of Tanna’s car, Deputy M. also collected a “large bag” containing suspected methamphetamine (evidence bag 2).

Before sending the collected white substance to the Bureau of Criminal Apprehension (BCA) for testing, the substance collected from the ground was combined in an evidence bag (evidence bag 3) and Deputy M. “attempted to pull out as much of the grass and gravel [as he] could” from it.

Respondent State of Minnesota charged Tanna with nine counts, but at the center of this appeal is only one of those counts, a first-degree controlled-substance charge for possessing 50 grams or more of methamphetamine. Minn. Stat. § 152.021, subd. 2(a)(1).

The case went to trial, and the state offered numerous exhibits including body-worn and squad camera footage, photos of the scene, the three evidence bags with white substances, and the BCA reports. The state also offered multiple witnesses including the officers who were on the scene and the BCA employees who handled the evidence. Most important here, the BCA forensic scientist responsible for testing the collected white substances testified about the process for weighing and testing the bags he received. He explained that, according to BCA policy, he tested only to the highest achievable statutory threshold, which was determined here to be 50 grams. He testified that he first weighed and tested the substance in the bag found in the backpack, evidence bag 2. His report shows that it was positive for methamphetamine and weighed 35.687 grams. He then tested the bag of substance collected from the ground, evidence bag 3, which was also positive for methamphetamine and weighed 15.381 grams. Because those two bags totaled 51.068 grams, reaching the 50-gram threshold, the BCA analyst did not weigh or test the bag found on Tanna after his arrest, evidence bag 1. The forensic scientist's report and testimony identified the uncertainty of measurement in the weight as plus-or-minus 0.004 with a standard confidence level of 95%.

The forensic scientist acknowledged during his testimony that evidence bag 3 contained debris that could not be entirely separated from the substance. When asked how much the debris may have impacted the weight, he replied, "I can't give an exact number, . . . but I didn't feel it had—A few blades of grass don't weigh very much." He then further reiterated that "[t]here was nothing" in the sample "that [he] thought would significantly alter the weight" and that he believed it was "an accurate weight" of

methamphetamine. On cross-examination, he acknowledged that the presence of blood or saliva could affect the weight, but he denied seeing either of those fluids in the bag.

The jury found Tanna guilty of all nine counts. The judge sentenced Tanna to 102 months' imprisonment for the first-degree controlled-substance possession count.

Tanna appealed, and in our initial consideration of his appeal, we affirmed. Tanna petitioned for review to the Minnesota Supreme Court, which granted the petition in part, vacated our sufficiency-of-the-evidence determination, and remanded to this court to reconsider the issue in light of *State v. Robinson*, 517 N.W.2d 336, 338-39 (Minn. 1994), and *State v. Olhausen*, 681 N.W.2d 21, 28-29 (Minn. 2004).

DECISION

Due process requires the state to prove every element of a charged crime beyond a reasonable doubt. *In re Winship*, 397 U.S. 358, 364 (1970); *State v. Merrill*, 428 N.W.2d 361, 366 (Minn. 1988); *see also* U.S. Const. amend. XIV; Minn. Const. art. I, § 7. Tanna was convicted under Minnesota Statutes section 152.021, subdivision 2(a)(1), which provides that a person is guilty if they “unlawfully possess[] one or more mixtures of a total weight of 50 grams or more containing . . . methamphetamine.” Tanna challenges the sufficiency of the evidence on the weight element, arguing that the bits of debris in evidence bag 3 allow for a reasonable conclusion that the methamphetamine itself weighed less than 50 grams.

When analyzing a sufficiency-of-the-evidence claim, the “relevant standard of review depends on whether the factfinder . . . reached its conclusion of law based on direct or circumstantial evidence.” *State v. Petersen*, 910 N.W.2d 1, 6 (Minn. 2018). Direct

evidence is “evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption.” *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (quotation omitted). Circumstantial evidence is “evidence from which the factfinder can infer whether the facts in dispute existed or did not exist.” *Id.* (quotation omitted).

In “reviewing the sufficiency of direct evidence, we painstakingly review the record to determine whether that evidence, viewed in the light most favorable to the verdict, was sufficient to permit the jurors to reach the verdict that they did.” *State v. Segura*, 2 N.W.3d 142, 155 (Minn. 2024) (quotation omitted). In contrast, when circumstantial evidence was used to prove an element of a crime, “we apply a two-step test to assess the sufficiency of the evidence on those elements.” *State v. Firkus*, 31 N.W.3d 468, 478 (Minn. 2026). Under the first step, we “winnow down the evidence presented at trial by resolving all questions of fact in favor of the jury’s verdict, which results in a subset of facts that constitute the circumstances proved.” *Id.* (quotation omitted). Then, for the second step, “we consider whether the reasonable inferences that can be drawn from the circumstances proved, when viewed as a whole and not as discrete, isolated facts, are consistent with the hypothesis that the accused is guilty and inconsistent with any rational hypothesis other than guilt.” *Id.* (quotation omitted).

Here, we assume without deciding that the circumstantial-evidence standard applies because the parties briefed it that way, and even applying the cases identified by the supreme court in its order remanding the case, the evidence is sufficient under the heightened two-step standard.

Before we identify the circumstances proved, we take a moment to address *Robinson*, 517 N.W.2d 336. In *Robinson*, the supreme court rejected the state's attempt to prove the total weight of a mixture containing a controlled substance by weighing all of the bags that were seized but testing only a random sample of them. 517 N.W.2d at 339. The court reasoned, "The weight of the mixture is an essential element of the offense charged; like every other essential element, it must be proven by the state and proven beyond a reasonable doubt." *Id.* It further noted that "there seems to be no good reason why a sufficient quantity of the mixture should not be scientifically tested so as to establish beyond a reasonable doubt an essential element of the crime charged." *Id.*

When we identified the circumstances proved relevant to the weight element in our prior opinion, we included the presence of evidence bag 1, which was untested. Considering *Robinson*, we understand that to have been an error. *See id.* at 338-40. We therefore omit evidence bag 1 from the circumstances proved on remand.

With that understanding, the circumstances proved are as follows.

Officers saw Tanna put a small plastic bag containing a white substance into his mouth and chew. That white substance fell out of his mouth and onto the ground and his car. Officers picked up as much of the spilled substance as possible, but they could not pick up all of it. Some had to be "stomped" into the ground, and some blew away in the wind. Before sending the substance collected from the ground—evidence bag 3—to the BCA, Deputy M. tried to remove as much debris as possible. The BCA forensic scientist saw a few blades of grass in evidence bag 3 but observed that "[a] few blades of grass don't weigh very much" and "[t]here was nothing" in the sample that "would significantly alter the

weight.” The forensic scientist did not see any blood or saliva in the bag. The substance in evidence bag 3 tested positive for methamphetamine and weighed 15.381 grams, plus-or-minus 0.004. The forensic scientist reported a 95% confidence level. The forensic scientist believed that the weight he calculated was an accurate weight of the methamphetamine. Officers found a bag containing a substance—evidence bag 2—in Tanna’s car. The substance in evidence bag 2 tested positive for methamphetamine and weighed 35.687 grams, plus-or-minus 0.004, with the same 95% confidence level.

Tanna does not dispute that the circumstances proved are consistent with a reasonable inference that he possessed 50 grams or more of methamphetamine. He argues instead that the circumstances proved are also consistent with a rational hypothesis other than guilt—that debris impacted the weight of the substance in evidence bag 3, such that Tanna possessed a total of less than 50 grams. We disagree that Tanna’s alternative hypothesis is reasonable.

The Minnesota Supreme Court recently reiterated in *Firkus* that it is uniquely within the province of the jury to determine the credibility of expert testimony. 31 N.W.3d at 479. Here, the jury heard the forensic scientist testify that he saw only a few blades of grass in evidence bag 3, that in his opinion the debris did not significantly impact the weight, and that he was confident that the weight reached, 15.381 grams, was an accurate weight as to the amount of methamphetamine. The jury was free to determine that his testimony was credible, *id.*, and conclude that there was no debris in evidence bag 3 that would significantly alter the weight. *See id.* at 487 (assuming that that jury determined that a law enforcement officer’s testimony was credible). Assuming the jury found the forensic

scientist's testimony credible, Tanna does not point to anything in the circumstances proved that supports a rational hypothesis that Tanna possessed less than the threshold 50 grams. *Id.* at 478.

Olhausen further supports our conclusion that the circumstances proved do not lead to a rational hypothesis other than guilt. 681 N.W.2d at 28-29. Even if we could reasonably infer, despite the forensic scientist's testimony, that the blades of grass or other debris weighed at least 1.068 grams—such that the controlled substance in evidence bag 3 weighed less than 14.313 grams and the total amount of methamphetamine did not reach the 50-gram threshold—the circumstances proved in their entirety still do not support a reasonable inference that Tanna possessed less than 50 grams of methamphetamine at the time he was stopped.

In *Olhausen*, police coordinated an undercover deal to purchase a pound of methamphetamine from Olhausen, but he fled in his car and threw the alleged methamphetamine out the car window. *Id.* at 23-25. The substance was never found. *Id.* at 24-25. Olhausen brought a sufficiency-of-the-evidence challenge because the substance was never scientifically tested or weighed. *Id.* at 25. The supreme court affirmed the jury's guilty verdict and held that when a defendant "prevent[s] more thorough testing" of a controlled substance through their conduct, circumstantial evidence may be used to prove the identity and quantity of the untested substance. *Id.* at 28-29.

Here, similar to the defendant in *Olhausen*, Tanna attempted to discard the substance that would later be collected and put into evidence bag 3 by putting the bag containing it into his mouth and chewing it. Because of that conduct, some of the substance

could not be collected, tested, or weighed. Officers were unable to pick all of it up off the ground, his car, and the road and instead had to stomp it into the ground out of safety concerns; some blew away in the wind as officers were trying to collect it; and there was some visible white substance around Tanna's mouth, with officers suspecting that he may have ingested some additional quantity of it. The spilled substance that the officers could collect was placed in evidence bag 3 and tested positive for methamphetamine.

The state argues that here, consistent with *Olhausen*, the substance that could not be weighed because of Tanna's actions may be considered and precludes any reasonable inference other than guilt. Tanna acknowledges that it "may be the case" that some amount of methamphetamine was lost in the struggle, but he asserts that this should not negate that the state did not meet its obligation to test all of the substance it recovered. But whether the state should have tested everything it collected as evidence is not the question on appeal. The question is whether the circumstances proved by the state support only one reasonable inference—that Tanna possessed 50 grams or more of methamphetamine. And we agree with the state's assertion that, because Tanna prevented the collection and testing of additional substance that would have been placed in evidence bag 3, the circumstantial evidence, including officer testimony, photos, and videos, may be used to prove the identity and quantity of that additional substance that remained on the ground, on Tanna's car, around his mouth, and that he ingested. *Id.* Considering the circumstances proved in their entirety, *Firkus*, 31 N.W.3d at 478, the only reasonable inference is that the substance that was not weighed as a result of Tanna's actions was methamphetamine and weighed as

much as, if not more, than any debris in evidence bag 3, such that Tanna possessed a total weight of 50 grams or more of methamphetamine.

In sum, the cases that the supreme court directed us to consider on remand lead us to the same conclusion as our prior decision—the evidence was sufficient to sustain the jury’s guilty verdict for first-degree controlled-substance crime, in violation of Minnesota Statutes section 152.021, subdivision 2(a)(1).

Affirmed.