

*This opinion is nonprecedential except as provided by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
A24-1786**

State of Minnesota,
Respondent,

vs.

Sanussi Tamsir Bangoura,
Appellant.

**Filed December 22, 2025
Affirmed
Cleary, Judge***

St. Louis County District Court
File No. 69DU-CR-23-2042

Keith Ellison, Attorney General, Timothy Rank, Assistant Attorney General, St. Paul, Minnesota; and

Kimberly J. Maki, St. Louis County Attorney, Duluth, Minnesota (for respondent)

Anders J. Erickson, Johnson Erickson Criminal Defense, Minneapolis, Minnesota (for appellant)

Considered and decided by Bjorkman, Presiding Judge; Cochran, 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NONPRECEDENTIAL OPINION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 challenges his convictions of aiding and abetting second-degree murder by drive-by shooting, aiding and abetting second-degree assault with a dangerous weapon, and reckless discharge of a firearm, arguing that there was insufficient evidence to defeat his self-defense claim or to find him guilty under a theory of accomplice liability and that the prosecutor committed misconduct. We affirm.

FACTS

Appellant Sanussi Tamsir Bangoura had a long-standing dispute with J.M. On August 2, 2023, J.M. was in a church parking lot when Bangoura drove past the parking lot with his roommate, Brandon Williams-Gillard. Bangoura parked his vehicle in the parking lot exit, preventing J.M. from leaving. Williams-Gillard approached J.M. and, while striking the hood of J.M.'s car, challenged J.M. to a fight. J.M. agreed, but requested it occur "down the block."

While in transit to the fight location, J.M. contacted friends to assist in the fight. J.M. arrived at the location, as did four of his friends. Bangoura parked about a block away from J.M. and J.M.'s friends (J.M.'s group).

J.M.'s group walked toward Bangoura's vehicle, and the two groups started yelling challenges at each other. J.M.'s group told Bangoura and Williams-Gillard to exit the car, or they would "pop" the tires. During the altercation, one of J.M.'s friends, C.R.-N., punched Bangoura through an open window. C.R.-N. told police that he punched Bangoura because he saw Bangoura reaching for a gun. Around the same time as the

punch, Bangoura and Williams-Gillard pulled out pistols and started shooting. J.M.'s group ran away. Bangoura continued shooting as they drove away. C.R.-N. video recorded the incident on his cellphone.

Two of J.M.'s friends were hit by bullets; one of whom was killed. Police were unable to recover the firearms, but they did recover 9mm and .40 caliber casings and bullets from the scene and from Bangoura's car. Police also found 9mm and .40 caliber ammunition in Williams-Gillard's bedroom, and a drum magazine for a pistol in Bangoura's bedroom.

When questioned by police, Bangoura first denied involvement. Later, he told police that, because of the threat to "pop" the tires, he believed that someone had a knife, and he shot into the air to scare J.M.'s group away.¹

Respondent State of Minnesota charged Bangoura with aiding and abetting second-degree murder by drive-by shooting, aiding and abetting second-degree assault with a dangerous weapon, and reckless discharge of a firearm.

At trial, Bangoura testified that he believed someone in J.M.'s group had a firearm, and when he heard someone say, "pop [th]em," he thought he was going to be shot. However, on cross-examination Bangoura testified that J.M.'s group never directly mentioned having a gun; they only mentioned fist-fighting. When questioned on why he did not drive away, Bangoura testified, "If I drove forward, I would have hit them. . . . I tried to back up, but [Williams-Gillard] was yelling at me, telling me to stop." On cross-

¹ J.M. told police he possessed a knife during the incident.

examination, Bangoura stated that Williams-Gillard had threatened him in the past and so he was fearful that Williams-Gillard would shoot him if he drove away. The district court granted Bangoura's request for a self-defense jury instruction.

During closing argument, the prosecutor stated:

It does not matter, nor do I have to prove, whose bullet actually killed [P.A.] and whose bullet actually hit [C.R.-N.], because Mr. Bangoura and Mr. Williams-Gillard were acting with the same goal of committing this drive-by shooting They're equal participants, and so they're both charged with aiding and abetting the murder to [P.A.] and the assault on [C.R.-N.]

Bangoura did not object to this statement.

On June 20, 2024, the jury found Bangoura guilty as charged. The district court sentenced Bangoura to 367 months in prison. This appeal followed.

DECISION

I. Sufficiency of the Evidence

Bangoura argues that the evidence was insufficient to negate his self-defense claim or to prove he was guilty of aiding and abetting the offenses. We will evaluate each argument in turn.

A. Self-defense

Bangoura first argues that the dispelling of his self-defense claim was based on circumstantial evidence. However, the Minnesota Supreme Court recently concluded that video recordings are "direct evidence of what they show," and applied the "standard applicable to direct evidence" in reviewing whether there was sufficient evidence to

disprove self-defense. *State v. Blevins*, 10 N.W.3d 29, 40 (Minn. 2024). Because the record in this case includes video footage of the incident, we apply the same standard.

“[I]n cases based on *direct evidence*, [reviewing courts] view the evidence in a light most favorable to the verdict and assume the fact-finder disbelieved any testimony conflicting with that verdict.” *Id.* at 39 (quotation omitted). The verdict will not be overturned if “the fact-finder, acting with regard for the presumption of innocence and the [s]tate’s burden of proof beyond a reasonable doubt, could reasonably conclude that the defendant was guilty.” *Id.*

For a defendant to obtain a self-defense jury instruction, they must first provide sufficient evidence for a reasonable juror to conclude they acted in self-defense. *State v. Baker*, 13 N.W.3d 401, 409 (Minn. 2024). Self-defense elements include: (1) the absence of aggression or provocation from the defendant; (2) the defendant must have an actual and honest belief they are in imminent danger of death or great bodily harm; (3) the defendant’s belief of imminent danger is reasonable; and (4) the defendant’s subjective belief in the inability to retreat is objectively reasonable based on the information available to the defendant at the time force was used. *Id.* Additionally, the degree of force used cannot exceed what a reasonable person would believe to be necessary under the circumstances.² *Id.*

Upon a district court granting a self-defense jury instruction, the burden shifts to the prosecution to dispel the self-defense claim. *Id.* at 408. “[T]he [s]tate may disprove the

² This is not an element of self-defense but a requirement as part of the defense. *Id.*

claim by disproving *any* of the four elements *or* by disproving that the degree of force used was reasonable.” *Id.* at 409 (emphasis added).

Bangoura claims that there was insufficient evidence to determine he was guilty of aiding and abetting second-degree murder by drive-by shooting and aiding and abetting second-degree assault with a dangerous weapon. We disagree. First, the district court granted Bangoura a self-defense jury instruction. Not all defendants obtain this jury instruction. *See State v. Vazquez*, 644 N.W.2d 97, 100 (Minn. App. 2002). And “[w]e presume that juries follow instructions given by the district court.” *State v. Segura*, 2 N.W.3d 142, 167 (Minn. 2024). The jury was aware of Bangoura’s self-defense claim and the state’s burden to disprove it, and it determined the state met its burden disproving self-defense.

Further, there was sufficient evidence to show that Bangoura’s subjective belief that he could not retreat was not objectively reasonable under the circumstances. Bangoura and Williams-Gillard waited while J.M.’s group *walked* to Bangoura’s vehicle from a block away. While testifying, Bangoura indicated that, when J.M.’s group arrived at his car, he still had the opportunity to place the car in reverse and drive away. Bangoura’s claim that he spent time and drove around with Williams-Gillard—a person he feared might kill him—did not persuade the jury; we reject this testimony. *See Blevins*, 10 N.W.3d at 39-40. This evidence is sufficient to show, beyond a reasonable doubt, that Bangoura had multiple chances to flee.

Lastly, there was sufficient evidence to determine that the degree of force Bangoura used exceeded what a reasonable person would believe necessary under the circumstances. Bangoura brought a pistol to a fistfight, started shooting while sitting in a car with the windows down, and continued shooting as they drove away despite J.M.'s group not having guns. This evidence is sufficient for a jury to find, beyond a reasonable doubt, that the force used was excessive. The jury had sufficient evidence to determine, beyond a reasonable doubt, that Bangoura did not act in self-defense.

B. Aiding and Abetting Liability

Bangoura claims that there was insufficient evidence to support his aiding and abetting convictions. Because these convictions were based on circumstantial evidence, we conduct a two-step analysis. *State v. Westrom*, 6 N.W.3d 145, 158 (Minn. 2024). First, the court identifies the circumstances proved, “winnowing down the evidence presented at trial to a subset of facts consistent with the jury’s verdict, and disregarding evidence inconsistent with the verdict.” *Id.* Second, the court independently examines the reasonable inferences drawn from the totality of the proven circumstances. *Id.* at 158-59. “Circumstantial evidence is sufficient only if the reasonable inferences are consistent with the hypothesis that the accused is guilty and inconsistent with any *rational* hypothesis other than guilt.” *Id.* at 159 (emphasis added) (quotation omitted). While the reviewing court will not defer to the jury’s choice between reasonable inferences, reversal will not occur

unless there is a reasonable inference other than guilt. *State v. Stone*, 982 N.W.2d 500, 510 (Minn. App. 2022), *aff'd*, 995 N.W.2d 617 (Minn. 2023).

A person is criminally liable for crimes committed by another, or for any other reasonably foreseeable crimes committed in the pursuance of the intended crime, if the person “intentionally aids, advises, hires, counsels, or conspires with or otherwise procures the other to commit the [intended] crime.” Minn. Stat. § 609.05, subds. 1-2 (2022). The accomplice can be liable without having prior knowledge of the crime, provided they knew that the crime was being committed, and they intended, by their presence or actions, to aid its commission. *State v. Smith*, 901 N.W.2d 657, 662 (Minn. App. 2017), *rev. denied* (Minn. Nov. 14, 2017). The requisite accomplice liability state-of-mind can be inferred from circumstantial evidence, such as being at the scene of the crime, having a close association with the codefendant before and after the crime, lacking objection or surprise to the codefendant’s actions, and flight from the scene with the codefendant. *See, e.g., Segura*, 2 N.W.3d at 156.

A person is guilty of second-degree murder if they cause death while “committing or attempting to commit a drive-by shooting . . . under circumstances other than those described in [first-degree murder].” Minn. Stat. § 609.19, subd. 1(2) (2022). A person is guilty of second-degree assault if they “assault[] another with a dangerous weapon and inflict[] substantial bodily harm.” Minn. Stat. § 609.222, subd. 2 (2022).

Accomplice liability was reviewed in *State v. Atkins*, 543 N.W.2d 642 (Minn. 1996). In *Atkins*, the appellant was involved in robbing a motel owner who was ultimately murdered. 543 N.W.2d at 644. Both Atkins and his codefendant identified the

other as the murderer. *See id.* at 646. Atkins argued that there was insufficient evidence to convict him of murder under a theory of accomplice liability because he was in the getaway car when the victim was shot and did not know his codefendant had a firearm. *Id.* The court recognized that the evidence suggested a bullet was fired at the victim before the appellant chased and physically assaulted him. *Id.* at 647. Thus, regardless of whether the appellant knew his codefendant had a pistol before the robbery, he knew when striking the victim. *Id.* The court also concluded there was evidence to support the inference that the appellant knew the codefendant was armed because there was testimony that the codefendant had been seen with handguns, arrested with a handgun, and had recently shot his thumb off during a different robbery. *Id.* The court concluded there was sufficient evidence to support the accomplice liability conviction. *Id.*

The facts of this case are similar to *Atkins*. Police located two different types of pistol ammunition in Williams-Gillard's room and a large-capacity pistol magazine in Bangoura's room. Bangoura was carrying a pistol during the incident. It would be reasonable to infer that Bangoura knew that Williams-Gillard was carrying a firearm as well. *Cf. State v. Filippi*, 335 N.W.2d 739, 742 (Minn. 1983) ("Common sense indicates that if two people plan a burglary[,], they usually discuss the matter in detail beforehand, including whether or not to carry weapons. The jury could rely on that item of common sense."). Additionally, like *Atkins*, regardless of whether Bangoura knew Williams-Gillard had a firearm or was going to shoot, he knew that Williams-Gillard had a gun when the shooting started and continued to shoot as they drove away. *See Atkins*, 543 N.W.2d at 647. It is reasonable to infer that Bangoura's actions were to aid the shooting, and that death or

great bodily harm were reasonably foreseeable consequences of that crime. There is no reasonable alternative hypothesis to be drawn from Bangoura's actions except that he knew the crime was being committed and he intended to aid its commission. Therefore, there was sufficient evidence to support his aiding and abetting convictions.

II. Prosecutorial Misconduct

Bangoura next argues that the prosecutor committed misconduct by misstating that the state's burden did not require it to establish the principal actor or whose bullets harmed the victims. Because Bangoura did not object at trial, this court analyzes the prosecutorial-misconduct claim under the modified plain-error test. *State v. Patzold*, 917 N.W.2d 798, 806 (Minn. App. 2018), *rev. denied* (Minn. Nov. 27, 2018). If Bangoura can establish an error that is plain, the burden shifts to the state to show that the plain error did not affect appellant's substantial rights. *Id.*

A prosecutor errs when they misstate the law during a closing argument. *Segura*, 2 N.W.3d at 161. However, in this case, the prosecutor did not misstate the law. As previously stated, codefendants are both held liable as the principal when it is impossible to determine whose actions caused the harm. *See Atkins*, 543 N.W.2d at 646-47. This court rejected the same prosecutorial-misconduct argument from Bangoura's codefendant. *State v. Williams-Gillard*, No. A24-1129, 2025 WL 2030626, *9-10 (Minn. App. July 21, 2025), *rev. denied* (Minn. Oct. 15, 2025).³ There, this court recognized:

³ This nonprecedential opinion is used for its persuasive value. Minn. R. Civ. App. P. 136.01, subd. 1(c); *see e.g., Moore v. State*, 945 N.W.2d 421, 430 (Minn. App. 2020), *rev. denied* (Minn. Aug. 11, 2020).

[T]he prosecutor here told the jury that it did not matter whether Williams-Gillard or codefendant [Bangoura] fired the shots that killed [the] victim and injured [C.R.-N.] That explanation captures the essence of the accomplice theory of criminal liability, which makes accomplices criminally liable as principals and permits the prosecution of more than one individual when it is impossible to precisely pinpoint exactly who dealt the critical blow.

Id. at *10.

Like *Williams-Gillard*, the prosecutor’s statement—“It does not matter, nor do I have to prove, whose bullet actually killed [P.A.] and whose bullet actually hit [C.R.-N.], because Mr. Bangoura and Mr. Williams-Gillard were acting with the same goal of committing this drive-by shooting”—reflects the law’s essence and was not a misstatement. The prosecutor did not commit misconduct in closing argument.

Affirmed.