

*This opinion is nonprecedential except as provided by  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  
A24-1871**

State of Minnesota,  
Respondent,

vs.

Sadiq Aden Isack,  
Appellant.

**Filed September 2, 2025  
Affirmed  
Reyes, Judge**

Dakota County District Court  
File No. 19HA-CR-22-1128

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

Kathryn M. Keena, Dakota County Attorney, Todd P. Zettler, Assistant County Attorney,  
Hastings, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Michael McLaughlin, Assistant  
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Schmidt, Presiding Judge; Reyes, Judge; and Cochran,  
Judge.

**NONPRECEDENTIAL OPINION**

**REYES, Judge**

Appellant argues that he must be permitted to withdraw his guilty plea to  
unintentional third-degree murder because he entered an inaccurate plea. We affirm.

## FACTS

On January 27, 2021, A.P. called appellant Sadiq Aden Isack and asked him for J.A.'s phone number because he wanted to buy Percocet pills from J.A. Appellant provided J.A. and A.P. with each other's phone numbers. Appellant also sent a text to J.A. stating "this is [A.P.] Serve him right now. He's paying an extra 5." A.P. bought some pills from J.A. and shared them with H.C. sometime between the evening of January 27 and the morning of January 28.

H.C.'s mother found H.C. dead the morning of January 28. An autopsy determined his cause of death as positional asphyxia contributed to by acute fentanyl toxicity.

Respondent State of Minnesota charged appellant with unintentional third-degree murder, in violation of Minn. Stat. § 609.195(b) (2020), under an aiding-and-abetting theory of liability, as set forth in Minn. Stat. § 609.05, subd. 1 (2020) and with third-degree controlled-substance crime, in violation of Minn. Stat. § 152.023, subd. 1(1) (2020). Appellant agreed to plead guilty to unintentional third-degree murder, the state agreed to dismiss the controlled-substance charge, and the parties agreed to a 60-month sentencing cap. Appellant admitted at his plea hearing that: he knew A.P. wanted to buy Percocet pills from J.A. based on A.P.'s call to appellant; he connected A.P. and J.A. via text; he texted J.A. to serve A.P. "right now"; he eventually learned that A.P. bought the pills from J.A. and shared them with H.C.; unbeknownst to him, the pills A.P. bought from J.A. contained fentanyl; H.C. snorted the pills sometime during the evening of January 27 or the morning of January 28, 2021, and died; he learned that a medical examiner concluded that H.C. died from positional asphyxia and had fentanyl in his system; had H.C. not taken the Percocet

pill which contained fentanyl he would not have died from positional asphyxia; appellant had no reason to doubt the medical examiner's conclusions; fentanyl is a Schedule-I controlled substance;<sup>1</sup> appellant's participation in connecting A.P. and J.A. was part of the process of distributing fentanyl to A.P. and H.C.; texting J.A. and J.A. providing the pill to A.P., who provided it to H.C., constituted aiding and abetting the distribution of fentanyl; and J.A.'s distribution of the fentanyl to A.P. caused H.C.'s death. The district court accepted appellant's guilty plea and sentenced him to 60 months in prison.

This appeal follows.

## DECISION

Appellant argues that he entered an inaccurate and therefore invalid guilty plea to unintentional third-degree murder because his admissions did not show that the drug sale between J.A. and A.P. was the proximate cause of the victim's death. We are not persuaded.

A criminal defendant does not have an absolute right to withdraw a guilty plea after entering one. *State v. Mikulak*, 903 N.W.2d 600, 603 (Minn. 2017). An appellant may challenge the validity of their guilty plea in the first instance on direct appeal on the basis that their plea was invalid. *Brown v. State*, 449 N.W.2d 180, 182 (Minn. 1989). A guilty plea is invalid when it is not "accurate, voluntary, and intelligent." *State v. Raleigh*, 778

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<sup>1</sup> Appellant admitted in his plea colloquy that fentanyl is a Schedule-I controlled substance, but it is actually a Schedule-II controlled substance. See Minn. Stat. § 152.02, subd. 3(c)(10) (2020). This misstatement does not affect our analysis.

N.W.2d 90, 94 (Minn. 2010). This court reviews the validity of a guilty plea de novo. *State v. Jones*, 921 N.W.2d 774, 778 (Minn. App. 2018), *rev. denied* (Minn. Feb. 27, 2019).

“For a guilty plea to be accurate, a factual basis must be established on the record showing that the defendant’s conduct meets all [of the] elements of the charge to which he is pleading guilty.” *Barnslater*, 805 N.W.2d at 914. This is typically established when the district court or counsel questions a defendant and they explain what happened in their own words. *Id.*; *Raleigh*, 778 N.W.2d at 94. A guilty plea is accurate if “facts exist from which the defendant’s guilt of the crime charged can be reasonably inferred.” *Nelson v. State*, 880 N.W.2d 852, 861 (Minn. 2016) (quotation omitted). On appeal, a criminal defendant bears the burden of showing that they entered an invalid guilty plea. *Mikulak*, 903 N.W.2d at 603.

The state charged appellant with violating Minn. Stat. § 609.195(b), which provides that a person is guilty of unintentional third-degree murder when, “*without intent* to cause death, [they] *proximately cause*[ ] the death of a human being by, directly or *indirectly*, unlawfully *selling*, giving away, bartering, delivering, exchanging, *distributing*, or administering a controlled substance classified in Schedule I or II.” (Emphases added.) The state charged appellant under an aiding-and-abetting theory under Minn. Stat. § 609.05, subd. 1, which states that, “A person is criminally liable for a crime committed by another if the person *intentionally* aids, advises, hires, counsels, or conspires with or otherwise procures the other to commit the crime.” (Emphasis added.) Further, subdivision 2 of section 609.05 provides that, “A person liable under subdivision 1 is *also* liable for any other crime committed in pursuance of the intended crime if reasonably

foreseeable by the person as a probable consequence of committing or attempting to commit the crime intended.” Minn. Stat. § 609.05, subd. 2 (2020) (emphasis added). Under the aiding-and-abetting statute, the state can expand liability for a crime committed by a principal to their accomplices. *See State v. Ezeka*, 946 N.W.2d 393, 407 (Minn. 2020). The term “principal” refers “to the person who committed the crime” and the term “accomplice” refers to a “person who intentionally aided the principal’s commission of the offense.” *Id.* When a criminal defendant pleads guilty under this theory of liability, they are pleading guilty to and convicted of the underlying substantive crime that they participated in as if they were the principal who committed the crime. *Id.*

**A. Appellant’s factual basis established his principal liability for third-degree unintentional murder.**

Although appellant admitted that his actions constituted aiding and abetting the distribution of fentanyl, we nevertheless conclude that they independently satisfy the offense elements and so establish his guilt for third-degree unintentional murder as a principal. As discussed, a person is guilty of third-degree unintentional murder if they “proximately cause[] the death of a human being by, directly or indirectly, unlawfully selling, giving away, bartering, delivering, exchanging, distributing, or administering” a Schedule-I or -II controlled substance. Minn. Stat. § 609.195(b). Based on appellant’s factual admissions during his plea colloquy, we are satisfied that the district court had a sufficient basis to infer appellant’s guilt. *See Nelson*, 880 N.W.2d at 861.

First, because appellant knew that A.P. sought to buy Percocet from J.A., because appellant provided J.A. and A.P. with each other’s contact information and instructed J.A.

to “Serve [A.P.] right now,” because A.P. obtained what he believed to be Percocet from J.A. as a direct result of appellant’s facilitation, and because the substance actually exchanged included fentanyl, which is a Schedule-II controlled substance, we conclude that appellant’s admissions establish that he indirectly sold or otherwise distributed a Schedule-II controlled substance to A.P.

Second, we also conclude that appellant’s indirect sale of the pills to J.A. was the proximate cause of H.C.’s death. For purposes of section 609.195(b), the phrase “proximate cause” is interpreted to mean “something that had a substantial part in bringing about the individual’s death either directly and immediately or through happenings that follow one after another.” *State v. Schnagl*, 907 N.W.2d 188, 196 (Minn. App. 2017) (quotation omitted), *rev. denied* (Minn. Feb. 28, 2018). Here, appellant admitted that A.P. contacted him on January 27, 2021, for the purpose of purchasing Percocet from J.A. Further, he admitted that A.P. had shared the pills obtained from J.A. with H.C. and that H.C. died as a result of ingesting those pills “sometime between the night of January 27th and the morning of January 28th, 2021.” Because the pills that A.P. obtained from J.A. were shared with and ingested by H.C. shortly after A.P. acquired them, we are satisfied that appellant’s admissions establish that his actions in facilitating the sale of fentanyl to A.P. played a “substantial part in bringing about [H.C.’s] death . . . through happenings that follow[ed] one after another.” *Id.* (quotation omitted).

In sum, we conclude that appellant’s guilty plea was accurate because the factual basis he provided satisfied the elements of third-degree unintentional murder and permitted

the district court to infer his guilt for this offense as a principal. *See Barnslater*, 805 N.W.2d at 914; *Nelson*, 880 N.W.2d at 861.

**B. Alternatively, appellant’s factual basis established his liability for aiding and abetting third-degree unintentional murder.**

We also conclude that appellant’s factual basis adequately established his guilt for third-degree unintentional murder under a theory of aiding-and-abetting liability. Here, appellant intentionally aided a controlled-substance sale between J.A. and A.P. As a result, his intentional aiding in the distribution and sale of a controlled substance makes him liable “for any other crime committed,” such as unintentional third-degree murder, so long as the other crime was reasonably foreseeable. Minn. Stat. § 609.05, subds. 1, 2; Minn. Stat. § 609.195(b); *see State v. Yang*, 774 N.W.2d 539, 562-63 (Minn. 2009) (affirming conviction of first-degree murder under aiding-and-abetting theory when appellant fired shots at group of people and but argued that he fled scene before victim was shot and killed).

At his plea hearing, appellant admitted that his text message to J.A. was part of the process of distributing the fentanyl to A.P. and H.C., that this constituted aiding and abetting the distribution of fentanyl, and that J.A.’s sale of the pills containing fentanyl to A.P. ultimately caused H.C.’s death. Appellant’s admissions show that he aided and abetted the drug sale between J.A. and A.P. and that this sale proximately caused H.C.’s death. These admissions sufficiently established a factual basis for appellant’s liability to unintentional third-degree murder under section 609.195(b) by aiding and abetting under section 609.05, subdivisions 1 and 2. *See Barnslater*, 805 N.W.2d at 914. Because the

unlawful sale of an unregulated Schedule-II narcotic could reasonably result in a person's death, H.C.'s death was a reasonably foreseeable consequence of J.A.'s drug sale to A.P. As a result, appellant is liable under an aiding-and-abetting theory of liability for the unintentional third-degree murder that J.A. committed.

Appellant argues that the causal chain linking appellant's involvement in the drug sale to H.C.'s death was too distant to establish "the proximity needed for liability" and that A.P. "independently convey[ing] the drugs to H.C. without . . . [appellant's] knowledge or involvement" constituted a "superseding and intervening cause" that broke the chain of causation. But under an aiding-and-abetting theory of liability, it is not necessary for appellant to be the direct proximate cause of H.C.'s death. It is enough that he facilitated the drug sale between J.A. and A.P., which proximately caused H.C.'s death. *See* Minn. Stat. § 609.05, subd. 2. Further, section 609.195(b) does not require that appellant intended to cause H.C.'s death. Appellant's argument therefore fails.

Appellant additionally argues that the record fails to establish that he committed unintentional third-degree murder under an aiding-and-abetting theory because the mens rea articulated in section 609.05, subdivision 1, and section 609.195(b) conflict. Section 609.195(b) does not require a person to cause the death of another intentionally, while section 609.05, subdivision 1, requires a person to "intentionally aid[] . . . [another person] to commit the crime."

As previously noted, "[f]or a guilty plea to be accurate, a factual basis must be established on the record showing that the defendant's conduct meets all elements of the charge to which [they are] pleading guilty." *Barnslater*, 805 N.W.2d at 914. Here,

appellant pleaded guilty to aiding and abetting unintentional third-degree murder. While the state cited section 609.05, subdivision 1, in its complaint, it was not required to do so because, even when an appellant is charged under an aiding-and-abetting theory, the appellant pleads guilty to the substantive crime—here, unintentional third-degree murder. *See State v. DeFoe*, 280 N.W.2d 38, 40 (Minn. 1979) (affirming appellant’s conviction of substantive crime of robbery when state’s theory relied on aiding-and-abetting theory and state failed to cite section 609.05 in its complaint); *State v. Segura*, 2 N.W.3d 142, 156 (Minn. 2024) (“Aiding and abetting is not a separate substantive offense. Rather, it is a theory of criminal liability.” (quotation and citation omitted)). The facts that appellant admitted to at the plea hearing were sufficient to establish that he aided and abetted unintentional third-degree murder because he facilitated the drug sale between J.A. and A.P., and an unintended death caused by ingestion of the substance sold was a reasonably foreseeable consequence of that sale. Accordingly, appellant entered an accurate guilty plea, and he is not entitled to withdraw it.

**Affirmed.**