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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1911**

State of Minnesota,
Respondent,

vs.

Daryl Shannon Williams,
Appellant.

**Filed September 21, 2026
Affirmed
Smith, Tracy M., Judge**

Hennepin County District Court
File No. 27-CR-21-22599

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

Mary F. Moriarty, Hennepin County Attorney, Robert I. Yount, Assistant County Attorney,
Minneapolis, Minnesota (for respondent)

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

Considered and decided by Johnson, Presiding Judge; Smith, Tracy M., Judge; and
Bentley, Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

In this direct appeal from the judgment of conviction for attempted second-degree intentional murder, and following a stay and remand for postconviction proceedings, appellant Daryl Shannon Williams argues that (1) the evidence is insufficient to prove

beyond a reasonable doubt that he intended to kill the victim and (2) the district court erred by summarily denying his postconviction petition claiming ineffective assistance of trial counsel. We affirm.

FACTS

The following factual recitation is drawn from Williams’s jury trial and the record of postconviction proceedings.

Background and First Trial

In brief, on the evening of November 20, 2021, police responded to a reported shooting at a Speedway gas station in Brooklyn Park. Officers found the victim, B.B., sitting in his vehicle, bleeding. An officer asked B.B. who shot him, and B.B. responded that it was “Joker.” B.B. was treated for life-threatening injuries resulting from eleven gunshot wounds to his torso and limbs. Law enforcement eventually identified “Joker” as Williams. Respondent State of Minnesota charged Williams with attempted second-degree intentional murder in violation of Minnesota Statutes section 609.19, subdivision 1(1) (2020). The case went to a jury trial, and Williams was convicted and sentenced. Williams appealed. We reversed his conviction, concluding that evidentiary errors cumulatively deprived Williams of a fair trial, and remanded the case for a new trial. *State v. Williams*, No. A22-1573, 2024 WL 1044815, at *10 (Minn. App. Mar. 11, 2024).

Second Trial and Postconviction Proceedings

In the second jury trial, Williams was represented by the same counsel as in his first trial. The state presented testimony from several law enforcement officers, B.B., one of B.B.’s treating physicians, and other witnesses. The state presented exhibits including

surveillance video footage from the Speedway and from Williams's apartment building the day of the shooting. Williams exercised his right not to testify, and the defense called no witnesses. The following is a partial summary of the evidence.

The state called a Brooklyn Park police officer who responded to the scene. The officer testified that, at the scene, B.B. "said Joker shot him" and that B.B.'s consciousness "was diminishing" and "he would respond, but not in great detail by any means." Video from the officer's body-worn camera was played for the jury. Williams's counsel cross-examined the officer. He elicited testimony that B.B. provided no information about the shooter's height, weight, or distinctive physical characteristics and that the officer did not see any white Escalades at the scene, which was the type of vehicle that Williams drove.

The state called a Brooklyn Park police sergeant who responded to the scene. The sergeant testified about the layout of the area around the Speedway, including that there is a restaurant/bowling alley called "Bowlero" across the street. The sergeant described the location of B.B.'s vehicle, which was parked outside the Speedway store, and the shell casings observed in and outside of the vehicle. He testified that witnesses reported that the suspect fled on foot. The sergeant testified that he reviewed the Speedway surveillance video of the incident and described the shooter as wearing a "dark-colored top, lighter-colored bottoms, and white shoes" and a "blue medical-style mask." The sergeant's body-camera footage was introduced into evidence. Williams's counsel cross-examined the sergeant. He elicited testimony that a witness reported seeing a gold van leaving the Speedway as the police were arriving and that the police never located the gold van. He also elicited testimony that the officer had viewed the Speedway surveillance footage but

had noted no distinctive physical characteristics about the shooter such as height, weight, or facial hair in his report.

The state called a Hennepin County Sheriff's Office crime-scene investigator who responded to the scene. The investigator testified about where various cartridge cases and bullets were found at the scene. Williams's counsel cross-examined the investigator, eliciting testimony that the investigator was not told that the shooter had run past a garbage can, where he could have dropped physical evidence, and that the investigator did not take photos of that area.

The state called B.B. to testify.¹ B.B. testified that he was sitting in his car at the Speedway with his window down and he was "rolling up some weed" when he looked up and saw a person walking up close to his vehicle. The person got "right outside of the vehicle" on the driver's side and started shooting him. When asked who shot him, B.B. said, "Well, it was somebody who was supposed to be named Joker. That's what they call him at least. That is what I knew him as." B.B. testified about his relationship with Joker:

PROSECUTOR: And had you been familiar with this individual that you knew as Joker before that date and before the time that you were shot?

B.B.: Yeah.

PROSECUTOR: How were you familiar with that individual?

B.B.: He would be in the same area that I be in. It is just a small community.

PROSECUTOR: Okay. And did you know at that time or prior to the time that you were shot by Joker, did you know his real name at that time?

B.B.: No. I don't really know people's names on the streets like that. I only know street names.

¹ B.B. did not testify in the first trial.

....

PROSECUTOR: Now, you said that you were from the same area or the same community. How many times had you seen this individual that you knew?

B.B.: Over 100 times.

PROSECUTOR: Okay. Prior to the shooting?

B.B.: Over 100 times.

PROSECUTOR: Do you know where that individual who you knew to be Joker where that person typically hung out?

B.B.: Yes.

PROSECUTOR: Where was that?

B.B.: Same area, same gas station, same area.

B.B. testified that he had conversations with Joker before and that they previously had “[s]omewhat of a situation but [he] thought that it was ironed out” and that he “wouldn’t call it like an altercation, more of a misunderstanding.”

B.B. testified that, after he was shot, he retrieved his girlfriend’s gun from the vehicle’s center console and fired some shots in return through the windshield. The shooter ran off and B.B. testified that he did not see the direction that the shooter ran because he “was shot too many times to try to really pay that much attention.”

B.B. testified that he provided a photo to law enforcement during the investigation. There were four men in the photo, and B.B. identified one of the men as Joker. B.B. also said that the vehicle pictured in the photo was Joker’s white Escalade. When asked if he saw Joker in the courtroom, B.B. said “yes” and identified Williams.

B.B. testified that he had seen Joker earlier in the day on November 20, including, apparently, at the Speedway. That testimony unfolded as follows:

PROSECUTOR: Okay. Do you remember specifically on that day prior to when you were shot where it was that you saw him whether it was at a gas station or a store or someplace else?

B.B.: It was all of those places.

PROSECUTOR: Okay. You saw him at various places earlier in the day?

B.B.: Yes. It was all those places. It was everywhere we all hang out at.

PROSECUTOR: And when you say we all hang out at --

B.B.: There is a lot of people that hang out in Brooklyn Park and Brooklyn Center. It's a handful of people that is around there.

PROSECUTOR: Okay. That sort of frequent the same places?

B.B.: Yeah.

B.B. also testified that, when Joker shot him, Joker was wearing "like some tan pants or something like that, cream, tan pants, something like that, black jacket or something like that." B.B. stated that, despite the face mask, he could recognize the shooter:

PROSECUTOR: Was he wearing anything over any part of his face that you recall?

B.B.: The night I got shot?

PROSECUTOR: Yes.

B.B.: Yeah, a black mask.

PROSECUTOR: A mask?

B.B.: Yeah, like a ski mask, not like a COVID mask or nothing like that.

PROSECUTOR: Okay. And what part of his face was covered by the mask that you recall?

B.B.: Probably just his lip area.

PROSECUTOR: Lip area?

B.B.: Yeah, not enough to hide to know who shot me, though.

PROSECUTOR: Did you say not enough --

B.B.: Not enough skin to hide.

PROSECUTOR: Oh, I see. Okay. That was going to be my next question. Did you have -- you were able to see who it was?
B.B.: I seen this man over 100 times. I know what this man looked like. It is like me seeing you over 100 times. I am going to know what you look like. I am going to have a good photographic memory of what you looked like.

PROSECUTOR: Okay. Meaning if you see somebody that many times --

B.B.: You can't forget somebody if you see them over 100 times.

Williams's counsel cross-examined B.B. In response to questioning, B.B. avoided answering questions about his statement at the hospital on November 23 that he was not "100 percent" that the shooter was Joker. Williams's counsel then impeached him with his statement to that effect on the detective's body-worn-camera video. Counsel also attempted to get B.B. to describe when he had seen Williams earlier that day:

DEFENSE COUNSEL: Okay. So on November 20th you are at this Speedway. And the first time that you see this Joker is at what time?

B.B.: Way earlier.

DEFENSE COUNSEL: Like what time?

B.B.: Earlier. I don't know. I don't pay attention to when I see him. It's not like I am not keeping tabs on seeing him at all. I don't got no beef with him or nothing like that to make it seem like I got to keep tabs on another grown man. I am not keeping tabs on him. I am not watching him. I am not doing all that. I am not really like looking at a clock saying, Oh, I seen Joker at this time. That's not what I'm doing.

DEFENSE COUNSEL: And you said that you had seen this person over 100 times?

B.B.: Yes, I have. We stay in the same area. We stay a few blocks away from each other.

Williams's counsel elicited testimony from B.B. that he smoked marijuana daily. Counsel had moved to allow questioning about B.B.'s marijuana usage at the time of the crime, and the district court ruled in favor of Williams. Williams's counsel also elicited testimony that B.B. had no idea of any "beef" with Williams. He also elicited testimony about how little B.B. knew about Joker's life. Williams's counsel also questioned B.B. about what parts of the shooter's face that the "ski mask" covered.

On re-direct examination, the prosecutor asked, "But again, how confident are you that the person that shot you that you saw next to your driver's side door is Joker, who you know to be the defendant in this case?" B.B. responded, "I am 1,000 percent sure. I know who shot me."

The state called a Brooklyn Park detective who was assigned to the case. The detective first spoke with B.B. on November 23 in the hospital. B.B. told the detective that he had seen Joker at the Speedway earlier that day in Joker's "older white Cadillac Escalade." The detective also testified that he met with B.B. again on November 30 after B.B. had been released from the hospital. Then, B.B. again said that Joker shot him. B.B. acknowledged that, in response to Joker shooting him, B.B. accessed his girlfriend's pistol, which was in the vehicle, and shot back at Joker but did not believe that he hit him. B.B. provided the detective with the photo of four men, one of whom B.B. identified as Joker. The detective testified that, after he received this photo from B.B., law enforcement was able to use it to identify the person in the photograph as Williams and thereafter to identify Williams's address and vehicle.

The state presented security video footage from Williams's apartment building. The apartment video shows a person arriving in a white Escalade around 2:30 p.m. on November 20 and, with grocery bags, entering an apartment. The video footage shows a person leaving the same apartment about ten minutes later wearing light jeans, white shoes with a dark stripe design, a light blue shirt with an open blue flannel patterned shirt over it, and an unzipped black jacket with the hood up. The person returns to the white Escalade and drives away. The apartment video also shows a person returning to the same apartment unit early the following morning at 12:11 a.m. wearing a black hooded sweatshirt, dark jeans, and plain white shoes.

A composite Speedway video shows Williams's white Escalade driving up to a gas pump at the Speedway around 5:55 p.m. and Williams, wearing similar clothing to what he was wearing when he left his apartment and a white baseball hat, entering the Speedway store around 5:57 p.m. The second part of the composite video depicts the shooting, which occurred at about 8:15 p.m., from three different camera angles. In the video, the shooter is wearing light jeans, white shoes, a black hooded sweatshirt with the hood up over a white hat, and some sort of face-covering. The video is dark and choppy, and the shooter's face is not clearly visible. The video shows the shooter approaching the driver's side of B.B.'s car and shows B.B., who was in the driver's seat, turn to look at the shooter. The video then shows movements of B.B.'s body, indicating the shooting, and the shooter walking away out of sight.

The detective testified that he compared the security video from Williams's apartment and the Speedway video and "concluded that it was the same person" in the

earlier apartment video and the earlier footage from inside the Speedway. He noted that, in the part of the Speedway video depicting the shooting, “now, the jacket was zipped up and the hood was up, but everything else was consistent.” The detective also testified about searches that law enforcement conducted of Williams’s Escalade and apartment, observing that, except for a white baseball cap, the items of clothing seen in the earlier apartment video and the Speedway video were not found.

The detective also testified about his interview with Williams. According to the detective, when he asked Williams about his whereabouts on November 20, Williams said that he left his apartment at around 4:00 or 5:00, went to the Family Dollar store, came back home, later went to Bowlero for drinks with friends, and returned to his apartment between 11:30 p.m. and midnight. Williams specifically denied going to the Brooklyn Park Speedway that day and denied changing his clothing during that day. The detective also testified that he reviewed security footage from Bowlero but that “the video was very low-quality.” He explained, “It was pixelated, and the colors were distorted to the point where I can’t – could not identify what people were wearing.”

During the detective’s direct testimony, Williams’s counsel obtained favorable rulings on multiple objections. He also cross-examined the detective. He elicited testimony that, when the detective investigated the name “Joker” in the police database, several names were returned—none of which were Williams’s. The detective also agreed that B.B. told the detective that the shooter was masked and said that B.B. believed that the shooter was Joker because that was the only person who had “animosity” with him. The detective also confirmed that B.B. initially denied shooting back at the person who shot him. Williams’s

counsel also elicited from the detective statements that B.B. had made to him about when he saw Joker at the Speedway that appeared to differ from B.B.'s other statements.

The state called a trauma surgeon who treated B.B. on November 20. The surgeon testified that B.B. had 11 separate wounds. His injuries included a perforated small intestine, multiple holes in his bladder, a significant laceration in his lung tissue, a broken rib, a forearm fracture, bruising on his rectum or colon and kidney, and a fracture of his left pelvic bone. B.B. was also diagnosed with hemorrhagic shock. The surgeon stated that he "absolutely" had concerns about whether B.B. would survive. Williams's counsel briefly cross-examined the surgeon.

The jury found Williams guilty. The district court convicted him and sentenced him to 153 months' imprisonment. Williams filed a direct appeal. At Williams's request, we granted a stay of the appeal to permit postconviction proceedings. Williams petitioned for postconviction relief, alleging that his counsel "did not have a reasonable grasp of the evidence or law necessary to the defense at trial" and "failed to recognize or utilize key pieces of evidence." With his petition, Williams submitted only his own one-and-a-half-page affidavit. In his memorandum in support of his petition, Williams stated that he was also relying on certain discovery materials that had been provided to the defense but were not part of the trial record. Williams acknowledged that he was not filing the discovery materials with his petition, explaining that it was "partly to allow for any concerns the state has about privacy." The postconviction court denied Williams's petition without a hearing. We lifted the stay of his appeal and briefing followed. In his appellate briefing, Williams referred to the unfiled discovery materials, as did the state in its responsive brief. Once

informed that these materials were not part of the record on appeal, Williams obtained another stay of the appeal and sought and received supplementation of the record in the district court. The supplemental materials include a police report of the investigation, transcripts of B.B.'s interviews with the police, a transcript of Williams's interview with the police, some video stills, and some video footage that was not part of the video exhibits at trial.

We dissolved the stay, and this appeal follows.

DECISION

Williams raises two arguments. First, he argues that his conviction should be reversed because the state failed to prove beyond a reasonable doubt that he had the intent to kill that is required to convict him of attempted second-degree intentional murder. Second, he argues in the alternative that he is entitled to a new trial, or at least an evidentiary hearing, based on his claims of ineffective assistance of trial counsel. We address each argument in turn.

I. The evidence is sufficient to prove that Williams intended to kill B.B.

Williams argues that the evidence is insufficient to prove that he acted with the intent to kill B.B. To prove that Williams committed attempted second-degree intentional murder in violation of Minnesota Statutes section 609.19, subdivision 1(1), the state must prove that Williams attempted to “cause[] the death of a human being with intent to effect the death of that person or another, but without premeditation.” Attempt means that Williams, “with intent to commit [the] crime, [did] an act which is a substantial step toward, and more than preparation for, the commission of the crime.” Minn. Stat. § 609.17, subd. 1

(2020). Intent is an element of a crime when indicated by the phrase “with intent to.” Minn. Stat. § 609.02, subd. 9(1) (2020). “‘Intentionally’ means that the actor either has a purpose to do the thing or cause the result specified or believes that the act performed by the actor, if successful, will cause that result.” *Id.*, subd. 9(3) (2020). “In addition, . . . the actor must have knowledge of those facts which are necessary to make the actor’s conduct criminal and which are set forth after the word ‘intentionally.’” *Id.*

“When reviewing a question on the sufficiency of the evidence, [appellate courts] view the evidence in the light most favorable to the verdict and assume that the fact finder rejected any evidence inconsistent with the verdict.” *State v. Cruz-Ramirez*, 771 N.W.2d 497, 509 (Minn. 2009) (quotation omitted). “Intent is a state of mind that is usually proved with circumstantial evidence.” *State v. Balandin*, 944 N.W.2d 204, 217 (Minn. 2020). The parties agree, as do we, that the evidence of Williams’s intent was circumstantial.

“When the State presents only circumstantial evidence to prove the elements of premeditation or intent to kill, [appellate courts] 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). The first step requires courts to “‘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.* (quoting *State v. Harris*, 895 N.W.2d 592, 600 (Minn. 2017)). At the second step, appellate courts “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.* (quotations

omitted). “If the circumstances proved when viewed as a whole support a reasonable inference that is inconsistent with guilt, the evidence is not sufficient to support the conviction and [the court] must reverse.” *Id.* at 483 (quotations omitted).

A. Circumstances Proved

At the first step, to identify the circumstances proved, the reviewing court must resolve all questions of fact in favor of the jury’s guilty verdict. *Id.* at 478. This rule protects the principle that, “as the fact-finder, the jury is uniquely positioned to assess witness credibility and weigh the evidence, and that jurors may accept some parts of a witness’s testimony while rejecting others.” *Id.* at 480. “[A] defendant’s alternative version of events is not a circumstance proved.” *Id.* at 482 n.12. Here, the circumstances proved that are relevant to Williams’s intent to kill are as follows:

- B.B. and Williams knew each other and had interpersonal issues in the past.
- B.B. saw Williams earlier in the day on November 20, 2021.
- B.B. was sitting in his car in front of the Speedway on November 20 with the driver’s side window down.
- Williams is the person depicted in the Speedway security footage at the time of the shooting.
- Williams walked past B.B.’s vehicle and then circled back to approach it from behind.
- Williams stopped at the driver’s side door.
- Williams fired a gun at B.B. multiple times from a range of approximately two to three feet away, resulting in eleven injuries.
- Williams shot at a downward angle into B.B.’s vehicle.

- B.B. suffered life-threatening injuries.
- Williams fled the scene immediately after the shooting.

B. Reasonable Inferences Drawn from Circumstances Proved

At the second step, the reviewing court must identify the reasonable inferences that can be drawn from the circumstances proved and determine whether the inferences are consistent with guilt and inconsistent with any rational hypothesis other than guilt. *Id.* at 478. Williams acknowledges that the circumstances proved support an inference that he intended to kill B.B., but he argues that the circumstances proved also reasonably support a hypothesis that he did not intend to kill B.B. Specifically, Williams argues that “[t]he circumstances under which the shots were fired, the nature of the wounds, and the absence of a motive for assaulting—let alone killing—BB, and the fact that BB was not killed, are consistent with the rational hypothesis that the shooter did not intend to kill BB.” Williams contends that, based on the nature of the injuries, “it is reasonable to infer a more limited and specific type of harm, perhaps a message to be sent, that is distinct from intending to end BB’s life altogether.”² The state argues that “[t]here is no rational hypothesis to be drawn from these facts showing that [Williams] lacked intent to kill BB.”

“Intent must generally be proved by inferences from the defendant’s conduct and the surrounding circumstances.” *State v. Chuon*, 596 N.W.2d 267, 271 (Minn. App. 1999), *rev. denied* (Aug. 25, 1999). “Intent is inferred from words and acts of the actor both before and after the incident.” *Balandin*, 944 N.W.2d at 216 (quotation omitted). “A jury may

² Williams also seems to argue that B.B.’s injuries were more severe because the officers left B.B. to pursue leads without first providing him medical attention. But the record lacks evidence on this point, and it is not part of the circumstances proved.

infer a person's intent to kill from the nature of the killing.” *State v. Colgrove*, 996 N.W.2d 145, 152 (Minn. 2023). “And intent can be inferred from the nature and extent of the victim’s wounds.” *Balandin*, 944 N.W.2d at 216. Use of a very dangerous weapon “is circumstantial evidence that is probative of . . . intent to kill.” *State v. Morrow*, 834 N.W.2d 715, 730 (Minn. 2013). In reviewing a jury’s determination that a killing was intentional, the relevant inquiry is not whether the court believes that certain facts in the record are consistent with an unintentional killing. “Rather, the question is, could a reasonable jury conclude beyond a reasonable doubt that, despite [such] facts, the only reasonable inference to be drawn from all the evidence, now viewed most favorably to the state, is one of intentional killing?” *State v. Boitnott*, 443 N.W.2d 527, 532 (Minn. 1989). “In reaching its conclusion, the jury may infer that a person intends the natural and probable consequences of his actions” *State v. Cooper*, 561 N.W.2d 175, 179 (Minn. 1997). “[I]ntent to cause death may be inferred from the manner of shooting.” *Id.*

Appellate courts have found sufficient evidence of intent to kill based on circumstantial evidence in a variety of factual circumstances. In *Cruz-Ramirez*, the supreme court held that there was sufficient evidence to prove intent to kill where the defendant shot at a small group of people from less than ten feet away, continued to shoot as victims fell to the ground, and fled the scene. 771 N.W.2d at 510. In *Balandin*, the supreme court held that where the defendant hit the victim dozens of times with blunt-force objects, attempted to strangle her, and severely cut her, the “brutality and duration of the attack [did] not leave room for any reasonable hypothesis other than this was an intentional killing.” 944 N.W.2d at 217. Additionally, in *Chuon*, we held that the fact that “a single

shot was fired from a moving car, for the sole purpose of retaliating for a challenge against a gang” was sufficient to prove an intent to kill. 596 N.W.2d at 271. In *Colgrove*, the supreme court observed that, “[g]iven the brutal nature and location of [the victim’s] multiple wounds,” there was not a reasonable inference that the defendant was “*only* trying to intimidate or assault [the victim] or the officer” without the purpose to kill. 996 N.W.2d at 155. Similarly, in *Cooper*, the supreme court rejected an argument that, because repetitive shots fired at the victim only struck him below the pelvis, “the only reasonable inference [wa]s that [the defendant’s] intent was solely to ensure” incapacitation. 561 N.W.2d at 179 (quotation omitted).

Williams attempts to distinguish the facts of this case from *Colgrove* and *Cooper*, arguing that both cases involved a completed murder, not an attempted murder. Though *Colgrove* states that intent to kill can be inferred “from the nature of the killing,” 996 N.W.2d at 152, it does not follow that intent to kill may not be proved by such circumstantial evidence unless the victim actually dies. *See Balandin*, 944 N.W.2d at 216 (“[I]ntent can be inferred from the nature and extent of the victim’s wounds.”). And Williams does not otherwise explain why the rationale or analysis changes when an attempted versus a completed murder is involved. Here, B.B.’s injuries were significant, and the surgeon testified that he was “absolutely” concerned that B.B. would die. While it is true that B.B. was not shot near the heart or in the head, he suffered life-threatening injuries to his small intestine and bladder and “a significant pulmonary laceration or a large cut through the lung tissue itself.” As in *Colgrove*, the extent of these injuries does not support an inference that Williams only intended to incapacitate B.B.

Williams also attempts to distinguish this case from *Cruz-Ramirez* because the shooting in that case “occurred during an escalating and violent gang war, and the defendant sprayed gunfire at multiple people and was indicted on a total of eighteen counts for homicide or attempted homicide.” But the supreme court in *Cruz-Ramirez* focused on the defendant’s actions leading up to and during the shooting, noting that the defendant “left a car carrying a semiautomatic weapon,” “asked people what gang they were from and then started shooting even though no one in the group made a statement,” shot at a group less than ten feet away, continued to shoot even as people fell to the ground, and ultimately fled the scene. 771 N.W.2d at 509-10. Some of the same circumstances are present here. Williams approached B.B.’s car from behind, unleashed gunfire at B.B. at close range, continued to shoot even after hitting B.B., and then fled the scene. The fact that the shooting in *Cruz-Ramirez* was gang-related was relevant to the question of premeditation in that case. *See id.* But the absence of a gang connection here, when considering the circumstances proved as a whole, does not support a rational inference that Williams did not intend to kill.

In sum, the only reasonable inference from Williams’s conduct in approaching B.B. as he sat in his car and shooting B.B. multiple times at close range before fleeing, as well as the “nature and extent” of B.B.’s wounds, is that Williams intended to kill B.B. The evidence is thus sufficient to support his conviction.

II. The district court did not abuse its discretion by summarily denying Williams’s petition for postconviction relief.

Williams challenges the decision of the district court to summarily deny his petition for postconviction relief based on his claim of ineffective assistance of counsel.

Generally, the denial of a postconviction petition is reviewed for an abuse of discretion. *Martin v. State*, 969 N.W.2d 361, 363 (Minn. 2022). “A district court abuses its discretion when it has exercised its discretion in an arbitrary or capricious manner, based its ruling on an erroneous view of the law, or made clearly erroneous factual findings.” *Id.* (quotation omitted). Unless the postconviction petition and record “conclusively show that the petitioner is entitled to no relief,” the matter must be set for an evidentiary hearing. Minn. Stat. § 590.04, subd. 1 (2024). Any doubts about whether to hold an evidentiary hearing must be resolved in favor of the petitioner. *Opsahl v. State*, 677 N.W.2d 414, 423 (Minn. 2004). “[A] district court need not hold a hearing when the petitioner alleges facts that, if true, are legally insufficient to grant the requested relief.” *State v. Sardina-Padilla*, 7 N.W.3d 585, 602-03 (Minn. 2024) (quotation omitted). Allegations in a petition “must be more than argumentative assertions without factual support.” *Matakis v. State*, 862 N.W.2d 33, 37 (Minn. 2015) (quotation omitted). “A petitioner for postconviction relief bears the burden of establishing, by a fair preponderance of the evidence, facts that warrant relief.” *Pederson v. State*, 649 N.W.2d 161, 163 (Minn. 2002) (citing Minn. Stat. § 590.04, subd. 3 (2000)).

“Because claims of ineffective assistance of counsel involve mixed questions of law and fact, [appellate courts’] review of decisions by the postconviction court is de novo.” *Opsahl*, 677 N.W.2d at 420. When reviewing a district court’s denial of postconviction relief on a claim of ineffective assistance of counsel, appellate courts “consider the [district] court’s factual findings that are supported in the record, conduct a de novo review of the legal implication of those facts on the ineffective assistance claim, and either affirm

the court’s decision or conclude that the court abused its discretion.” *State v. Nicks*, 831 N.W.2d 493, 504 (Minn. 2013).

Minnesota courts apply the two-prong test articulated in *Strickland v. Washington*, 466 U.S. 668 (1984), to ineffective-assistance-of-counsel claims. *Andersen v. State*, 830 N.W.2d 1, 10 (Minn. 2013). Under the first *Strickland* prong, the appellant must demonstrate that their “counsel’s performance fell below an objective standard of reasonableness.” *Id.* “Counsel acts within that objective standard of reasonableness when the attorney provides the client with the representation by an attorney exercising the customary skills and diligence that a reasonably competent attorney would perform under similar circumstances.” *State v. Bobo*, 770 N.W.2d 129, 138 (Minn. 2009) (quotation omitted). “What evidence to present to the jury, what witnesses to call, and whether to object are part of an attorney’s trial strategy which lie within the proper discretion of trial counsel and will generally not be reviewed later for competence.” *Id.* What defenses to raise is also part of trial strategy that is not second-guessed by appellate courts. *Opsahl*, 677 N.W.2d at 421. Appellate courts maintain a “strong presumption that counsel’s performance was reasonable.” *Andersen*, 830 N.W.2d at 10. Under the second *Strickland* prong, the defendant must show that their counsel’s deficient performance resulted in prejudice, meaning “a reasonable probability exists that the outcome would have been different but for counsel’s errors.” *Id.* Relief may be denied if a petitioner fails to establish one of the *Strickland* prongs. *Petersen v. State*, 937 N.W.2d 136, 140 (Minn. 2019).

Williams’s defense at trial was that he was not the shooter, and his ineffective-assistance-of-counsel arguments here generally rest on the following theories: that B.B.’s

identification of Williams was not credible, that B.B. misidentified Williams as the shooter based on his seeing another white SUV—which was not Williams’s Escalade—at the Speedway at the time of the shooting, that Williams was not known by the nickname “Joker” but instead by the nickname “Money,” that Williams’s change of clothes between when he was seen leaving his apartment and when he returned is explained by the fact that he went to his girlfriend’s house where he kept extra clothing, that Williams was at Bowlero the entire evening, and that the shooter could have been related to the gold van seen driving away from the Speedway after the shooting.

Williams organizes his claims of ineffective assistance of counsel into three categories: (1) inadequate preparation for trial by neglecting evidence potentially important to his defense, (2) incompetent trial skills to achieve his goals at trial, and (3) lack of understanding of evidentiary rules.³ The state argues that appellant’s counsel provided constitutionally adequate representation throughout Williams’s trial.⁴

In the affidavit submitted with his petition, Williams asserts the following. His counsel did not “mention or show” Williams “any other videos from Speedway that had a

³ Williams notes that, nine days after he was sentenced in this case, his counsel was disbarred in Minnesota for participation in fraud and violation of court orders pursuant to a petition that was filed in 2022. *See In re Disciplinary Action Against Marcellus*, 13 N.W.3d 679, 692 (Minn. 2024). Although the disbarment may reflect poorly on counsel’s ethical judgment, Williams does not explain how the disbarment or the underlying conduct impacted this case.

⁴ The state also contends that, because trial counsel made similar choices during Williams’s first jury trial and Williams did not claim ineffective assistance of counsel in his first appeal, his assertion that his lawyer was ineffective in the second trial “creates an inherent contradiction.” The argument is unconvincing. The fact that Williams did not challenge the effectiveness of his counsel’s representation after the first trial is irrelevant to the merits of the ineffective-assistance claim before us now.

different angle of the incident” and “led [Williams] to believe there were no other cameras showing the incident.” Williams told his counsel where he was in Bowlero at the time of the shooting, but counsel told him the video was “no good,” though “it sounded to [Williams] like he did not even watch it” and Williams “never saw any of it.” Williams told his counsel that Williams had “many people” who could testify that his street name is “Money,” but his counsel “never mentioned having the investigator speak to any of them.” Williams’s counsel told him that B.B. was not going to appear at trial and that there was no need to prepare Williams to testify at trial and “promised” him that they “will not lose.” After B.B. showed up to testify, Williams’s counsel told Williams that “he wished [they] had prepared for [Williams] to testify but it was too late.”

With this background, we turn to Williams’s three claimed areas of ineffective assistance of counsel.

A. Preparation for Trial

Williams argues that his counsel was deficient in preparing for trial because he (1) did not review the raw Speedway video; (2) did not review the Bowlero video; (3) did not investigate T.B. as a potential witness who could testify that Williams was at Bowlero during the shooting; and (4) “precluded himself from some evidence or theories” such as an alternative perpetrator in the gold van or the explanation for Williams’s change of clothes “by not filing notices of defense, not interviewing witnesses, or simply not having a plan for admitting helpful evidence.”

First, as to the Speedway video, the district court concluded that “there is no evidence in the record that defense counsel failed to review the Speedway video.” We

discern no error in that conclusion. Williams does not actually assert in his affidavit that his counsel failed to review the entire Speedway video. Instead, his affidavit states that his counsel “did not mention or show” Williams any additional videos. Williams argues that a piece of Speedway video⁵ that was not part of the composite video introduced at trial “shows the shooter going around the white SUV and toward B.B.’s [vehicle].” He suggests that the white SUV—which at trial no one claimed to have believed was Williams’s—must have been the basis for B.B.’s belief that the shooter was Joker. He maintains that his counsel should have used the video footage of that SUV to “test” B.B.’s credibility on cross-examination. The argument is unpersuasive. The SUV in that bit of footage is also visible in the video footage that was introduced at trial and does not provide any new information. Moreover, B.B. testified to seeing Joker at various times throughout the day. Whether to introduce the additional bit of video footage of the shooting to try to impeach B.B. with the theory that his identification of Joker depended on his misidentification of the white SUV was a matter of trial strategy that lay within the discretion of defense counsel, *see Bobo*, 770 N.W.2d at 138, and the decision not to do so provides no evidence that defense counsel did not view the video.

Second, as to the Bowlero video, the district court concluded that, “even accepting that defense counsel did not show the Bowlero video to [Williams], . . . no evidence suggests that defense counsel failed to watch the Bowlero video himself as it related to [Williams’s] claimed alibi.” Again, we see no error. Williams does not assert that the

⁵ Stills from this piece of video are included in the discovery materials that were added to the record during this appeal.

Bowlero video shows him at Bowlero at the time of the shooting. He did not submit any video from Bowlero with his petition, nor did he submit affidavits from anyone who was allegedly with him at Bowlero the evening of the shooting. Moreover, whether to pursue an alibi defense is a matter of trial strategy. *See Opsahl*, 677 N.W.2d at 421.

Third, Williams contends that, based on a police report that was not part of the trial evidence,⁶ his counsel should have called T.B.,⁷ who reportedly said that Williams was at Bowlero that evening. Not only is investigation of this potential alibi a matter of strategy within a lawyer's discretion, *see id.* at 421 ("The extent of counsel's investigation is considered a part of trial strategy."), but Williams submitted no affidavit from T.B. or from anyone else regarding this claim and thus provided no evidence regarding whether and how T.B. would have testified with respect to Williams's location at the time of the shooting.

Fourth, Williams suggests that his counsel should have called Williams's girlfriend as a witness to explain that he changed his clothes at her house. Again, Williams provided no affidavit from his girlfriend to show that she would have provided such testimony. As for the alternative-perpetrator theory of the person in the gold van, Williams asserts that his counsel did not adequately investigate this reference to a vehicle leaving the Speedway after the shooting, but that argument again is a challenge to trial strategy. Courts "are in no position to second-guess counsel's decision to focus [their] strategy on other defenses instead of investigating [other] suspects." *Id.*

⁶ The police report is included in the discovery materials that were added to the record.

⁷ The police report refers to a person who refused to give his last name but who appears to be T.B.

B. Trial

Williams also contends that his lawyer provided objectively unreasonable representation at trial by (1) failing to provide evidence of Williams's alibi, (2) failing to provide evidence that Williams's nickname was "Money," and (3) failing to provide evidence that Williams's missing clothes were at his girlfriend's apartment.

First, Williams's argument about his supposed alibi fails for the reasons discussed above. Williams provided nothing other than an assumption that T.B. or some other acquaintance might have testified that Williams was at Bowlero at the time of the shooting. Williams suggests that he could have taken the stand to testify that he was at Bowlero all evening but that his counsel precluded him from doing so by not preparing him to testify. Whether calling the defendant as his own alibi witness is a good idea is plainly a question of trial strategy. *See id.* Moreover, as the district court rightly observed, "[a] defendant's right to testify is a personal, constitutional right that can only be waived by the defendant" and Williams waived his right here, affirming that he understood his absolute right to testify, decided not to testify "on [his] own accord" and "without any promises from [counsel]." *Cf. State v. Walen*, 563 N.W.2d 742, 751 (Minn. 1997) (explaining that "the petitioner bears the burden of proving that the waiver of his right to testify was not knowing and voluntary").

Second, Williams's argument about his counsel's failure to put in evidence that his nickname was "Money" rather than "Joker" also fails for the same reasons. Williams provided no affidavits from any potential witness other than himself who would testify that his nickname is "Money," not "Joker." His mere assertion that such witnesses exist and

would testify to that nickname is insufficient to show objectively unreasonable performance by his lawyer.

Third, Williams's argument that his lawyer provided ineffective assistance of counsel by not calling his girlfriend as a witness to testify regarding Williams's clothes also fails for lack of any evidentiary support beyond his mere assertion.

C. Evidentiary Rules

Williams next contends that his counsel's insufficient knowledge of evidentiary rules precluded his getting facts into evidence and thus constituted ineffective assistance of counsel. He focuses on two alleged inadequacies: (1) repeatedly engaging in cross-examination of witnesses that went "beyond the scope" of direct examination and (2) failing to understand and respond to the evidentiary bar precluding admission of Williams's self-serving statements in his police interview.⁸

First, Williams cites repeated instances in which the state's beyond-the-scope objections were sustained by the district court. He contends that the sustained objections reflected counsel's "failure to plan for getting facts into evidence." The argument is unpersuasive. Besides making that broad claim, Williams fails to explain how the sustained objections precluded him from getting facts into evidence.

Second, Williams argues that his counsel did not take reasonable action to overcome the evidentiary barrier to introducing his self-serving statements in his police interview during the state's case in chief. The relevant statements by Williams apparently included

⁸ The transcript of Williams's police interview is included in the discovery materials that were added to the record.

that his nickname was “Money,” that he left his clothes at his girlfriend’s place before going home, and that he had no reason to kill B.B. As Williams recognizes, a defendant’s self-serving statements during a police interview are inadmissible hearsay. *See Dolo v. State*, 942 N.W.2d 357, 367 n.9 (Minn. 2020). Williams asserts that his counsel should have countered this problem by having Williams testify to these matters at trial. Again, the argument is unconvincing because whether a defendant testifies is a matter of trial strategy and Williams waived his personal, constitutional right to testify. Williams also contends that “part” of his statement to the police “would arguably have been admissible” to counter the state’s implied characterization of his statement as canned. As Williams argues, caselaw permits parts of a defendant’s out-of-court statement to be admitted contemporaneously with portions admitted by the state when “necessary to correct a misleading or distorted impression of the facts created by the admitted excerpt.” *Id.* at 365. But our review of the record does not convince us that any of Williams’s self-serving out-of-court statements “would arguably have been admissible” as he claims, much less that his counsel provided inadequate representation by not trying to introduce them.

Overall, as described above, during the trial, Williams’s counsel cross-examined the state’s witnesses and made successful objections to opposing counsel’s questions. He challenged B.B.’s credibility on cross-examination, though some of his inability to further impeach B.B. can likely be attributed to B.B.’s resistance to directly answering questions. Counsel challenged the thoroughness of law enforcement’s investigation—for example, by raising the fact that law enforcement did not locate the gold van that was seen leaving the scene. He also challenged the quality and weight of the evidence offered to prove that the

shooter was Williams rather than someone else. And, near the end of his closing argument, Williams's counsel alluded to the fact that there could be another explanation for why Williams changed his clothes before returning home, suggesting that the detective never talked to the woman that Williams was seen with.

On this record, we discern no error in the district court's determination that, even accepting Williams's allegations as true, he failed to establish the first *Strickland* prong of objectively unreasonable representation.⁹ The district court therefore did not abuse its discretion by denying Williams's postconviction petition without an evidentiary hearing.

Affirmed.

⁹ The district court also determined that Williams failed to establish the second *Strickland* prong of prejudice. Because we conclude that Williams failed to meet the first prong, we do not reach the second. *See Petersen*, 937 N.W.2d at 140.