

*This opinion is nonprecedential except as provided by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
A24-2032**

State of Minnesota,
Respondent,

vs.

Carlton Chia Djam,
Appellant.

**Filed September 15, 2025
Affirmed in part, reversed in part, and remanded
Larson, Judge**

Hennepin County District Court
File No. 27-CR-23-15832

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

Mary F. Moriarty, Hennepin County Attorney, N. Nate Summers, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Rodd Tschida, Minneapolis, Minnesota (for appellant)

Considered and decided by Larson, Presiding Judge; Bentley, Judge; and Kirk,
Judge.*

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

NONPRECEDENTIAL OPINION

LARSON, Judge

Appellant Carlton Chia Djam challenges his convictions for first-degree sale of a controlled substance under Minn. Stat. § 152.021, subd. 1(1) (2022), and second-degree possession of a controlled substance under Minn. Stat. § 152.022, subd. 2(a)(1) (2022). Because we conclude the state presented sufficient evidence to sustain the verdicts, we affirm in part. But because it was an error to convict Djam of first-degree sale as well as the lesser-included offense of second-degree possession, we reverse and remand for the district court to vacate the second-degree possession conviction—retaining the guilty verdict on that charge without formal adjudication—and to issue a new warrant of commitment consistent with this opinion.

FACTS

Respondent State of Minnesota charged Djam with first-degree sale of a controlled substance under Minn. Stat. § 152.021, subd. 1(1), and second-degree possession of a controlled substance under Minn. Stat. § 152.022, subd. 2(a)(1), following the confiscation of “a white powdery substance” from a suitcase at the Minneapolis-St. Paul International Airport.¹ The alleged controlled substance Djam sold and/or possessed was cocaine. The

¹ The state initially charged Djam with first-degree possession of a controlled substance under Minn. Stat. § 152.021, subd. 2(a)(1) (2022), and fifth-degree sale of a controlled substance under Minn. Stat. § 152.025, subd. 1(1) (2022). However, the state later amended the charges. In his principal brief, Djam argued the state improperly amended the charges on the record without obtaining his waiver of the right to a jury trial. However, Djam later moved to withdraw the jury-waiver issue, and we granted that motion.

case proceeded to a bench trial in June 2024. Four individuals testified: an officer, a detective, a scientist from the Bureau of Criminal Apprehension, and Djam.

Together, the officer and the detective testified as follows. In July 2023, a narcotics dog “alerted to” a suitcase that had just arrived on a flight from Los Angeles as a checked bag. The suitcase had Djam’s name on the tag. The plane ticket associated with the suitcase was “a last-minute booking.” Djam exited the same flight with a backpack and a carry-on roller bag. He retrieved the suitcase from the oversized luggage area.

Afterward, the officer and the detective approached Djam to question him about the suitcase. Djam explained, “The [suitcase] did not belong to him. He did not pack the contents of the [suitcase], and he did not know who gave him the [suitcase] specifically.” Djam said that he was a stylist and was putting on an event in the Twin Cities to sell clothing. The suitcase was locked, and Djam said that he did not have the combination or key to open the suitcase. Djam said that he booked the flight two days earlier and was flying out the next day.

The detective then detained Djam because there were “far too many factors associated with drug trafficking” present for the detective “to just let [Djam] go.” The detective testified that these factors included Djam’s “last-minute booking[.]” for the flight because drug traffickers often do not “know when the narcotics are going to be ready to be picked up.” Likewise, the officer testified that drug traffickers often “book their flights very last minute” and do not “know whose bags they are carrying [or] traveling with.” The detective also explained that law enforcement at the airport target specific states when investigating drug trafficking, including California.

The detective obtained a search warrant. When he opened the suitcase, the detective first observed vintage clothing but then noticed “different hard-sided objects that were sort of hidden inside of . . . a black hoodie” toward the bottom of the suitcase. The first object was a large vacuum-sealed bag containing suspected marijuana. A second vacuum-sealed bag contained multiple prepackaged bags containing smaller amounts of suspected marijuana. The prepackaged bags were blue with a “Yummy” label. When the detective searched Djam’s carry-on roller bag, the detective found “empty commercial marijuana packages” that were identical to those found in the suitcase—blue bags with a “Yummy” label.

The detective continued searching the suitcase and located a third vacuum-sealed bag “buried in a piece of clothing.” Inside, the detective found another bag containing a “powdery, brown substance.” The brown powdery substance was a suspected high-potency derivative of THC.² In addition, inside the same vacuum-sealed bag, and within multiple layers of additional bags and aluminum foil, the detective found two resealable bags “containing a white, powdery substance.” Together, the white powdery substance and resealable bags weighed 56 grams. The district court admitted photographs of the contents of the suitcase and carry-on roller bag as exhibits.

The detective and the officer also offered testimony regarding the typical amounts of cocaine for personal use or sale. The detective testified that a person possessing cocaine

² No evidence was presented at trial that the suspected marijuana or high-potency derivative of THC were tested. But the nature of the substances was not disputed at trial. Therefore, we refer to these substances as marijuana and high-potency derivative of THC.

for personal use typically has “two grams or less,” depending on their duration of travel. In contrast, the officer testified that when a person possesses around 50 grams of cocaine, that amount suggests the person is “dealing it or maybe using it to show off their product.”

Next, the scientist testified regarding the test results for the white powdery substance located in the suitcase. The scientist received two separate bags, each with “a white, rock-like material, [that was a] powdery substance.” The scientist found that the combined weight of the substance was approximately 47.658 grams after he removed the substance from the resealable bags. The substance tested positive for cocaine.

After the state rested its case, Djam testified in his own defense. Djam explained that he is a stylist who lives in Los Angeles but is originally from Minnesota. In July 2023, he flew from Los Angeles to the Twin Cities to help curate a pop-up shopping experience at a hotel with colleagues from Detroit. His girlfriend purchased the ticket for the flight “[a]bout two days” in advance. He usually waits to book flights until closer to an event because his “line of work . . . can be unpredictable.”

Djam described checking the suitcase once he arrived at the Los Angeles airport and bringing the backpack and carry-on roller bag onto the flight with him. Djam testified that he packed the backpack and carry-on roller bag himself, but not the suitcase. According to Djam, he did not know the contents of the suitcase until law enforcement searched it. He explained that, before he left Los Angeles, a colleague asked him to bring some clothing to the Twin Cities, which a friend of the colleague gave to Djam in a suitcase. He stated that this is a typical practice in his profession because “a lot of stuff functions on doing favors for people and having good rapport with more successful stylists, with high-value

clients.” Djam testified that the colleague’s friend placed the suitcase in Djam’s rideshare as he left for the airport. The blue bags with the “Yummy” label that were found empty in the carry-on roller bag and contained marijuana in the suitcase had custom packaging for a “legal cannabis company” that Djam’s friend started. Djam brought the empty blue bags to the Twin Cities in his carry-on roller bag at his friend’s request, explaining that he “didn’t think it was that big of a deal.”

After trial, the district court filed a written order in which it found Djam guilty of first-degree sale of a controlled substance and second-degree possession of a controlled substance. The district court explicitly found Djam’s testimony that he lacked knowledge about the contents of the suitcase not credible. The district court entered convictions on both counts. On the conviction for first-degree sale of a controlled substance, the district court sentenced Djam to 65 months in prison, stayed pending three years of probation. The district court did not sentence Djam on his conviction for second-degree possession of a controlled substance.

Djam appeals.

DECISION

I.

On appeal, Djam argues the state failed to prove beyond a reasonable doubt that he is guilty of first-degree sale of a controlled substance under Minn. Stat. § 152.021, subd. 1(1), and second-degree possession of a controlled substance under Minn. Stat. § 152.022, subd. 2(a)(1). To establish guilt, the state must “prove each element of the

crime charged beyond a reasonable doubt.” *State v. Merrill*, 428 N.W.2d 361, 366 (Minn. 1988).

To prove Djam committed the first-degree-sale offense, the state needed to prove that Djam sold “one or more mixtures of a total weight of 17 grams or more containing cocaine” and that he did so “on one or more occasions within a 90-day period.” Minn. Stat. § 152.021, subd. 1(1). To prove Djam committed the second-degree possession offense, the state needed to prove that Djam “unlawfully possesse[d] one or more mixtures of a total weight of 25 grams or more containing cocaine.” Minn. Stat. § 152.022, subd. 2(a)(1).

Here, Djam argues (1) with respect to both offenses, the state failed to prove that he had actual knowledge of the cocaine in the suitcase; (2) with respect to the first-degree-sale offense, the state failed to prove that he intended to sell the cocaine in the suitcase, and (3) with respect to both offenses, the state failed to demonstrate that the cocaine in the suitcase met the statutory weight thresholds for guilt.

We address each of Djam’s challenges applying the sufficiency-of-the-evidence standard of review. *See State v. Salyers*, 858 N.W.2d 156, 160 (Minn. 2015). To do so, we must first determine whether the state used direct or circumstantial evidence. *See State v. Horst*, 880 N.W.2d 24, 39 (Minn. 2016). Direct evidence is “based on personal knowledge or observation and . . . 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).

If the state relies on direct evidence, we apply “the traditional standard for evaluating the sufficiency of the evidence.” *State v. Jones*, 4 N.W.3d 495, 501 (Minn. 2024). To do so, we “carefully examine the record to determine whether the facts and the legitimate inferences drawn from them would permit the [factfinder] to reasonably conclude that the defendant was guilty beyond a reasonable doubt.” *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016) (quotation omitted). Under the traditional standard, we view the evidence in the light most favorable to the verdict, and we assume the factfinder believed the state’s witnesses and disbelieved any contrary evidence. *State v. Olson*, 982 N.W.2d 491, 495 (Minn. App. 2022).

When the state relies on circumstantial evidence, we apply a heightened two-step standard. *State v. Ortega*, 813 N.W.2d 86, 100 (Minn. 2012). First, we “identify the circumstances proved.” *State v. Silvernail*, 831 N.W.2d 594, 598 (Minn. 2013). The circumstances proved are “a subset of facts” identified “by resolving all questions of fact in favor of the jury’s verdict.” *Harris*, 895 N.W.2d at 600. “[W]e defer to the [factfinder’s] acceptance of the proof of these circumstances” and “assume that the [factfinder] believed the State’s witnesses and disbelieved the defense witnesses.” *Silvernail*, 831 N.W.2d at 598-99 (quotations omitted). Second, we determine if the circumstances proved, in their entirety, “are consistent with guilt and inconsistent with any rational hypothesis except that of guilt,” and “not simply whether the inferences that point to guilt are reasonable.” *Id.* at 599 (quotations omitted). During this step, we do not defer “to the fact finder’s choice between reasonable inferences.” *State v. Andersen*, 784 N.W.2d 320, 329-30 (Minn. 2010) (quotation omitted). The circumstantial evidence the state presents “must form a complete

chain that, in view of the evidence as a whole, leads so directly to the guilt of the defendant as to exclude beyond a reasonable doubt any reasonable inference other than guilt.” *State v. Al-Naseer*, 788 N.W.2d 469, 473 (Minn. 2010) (quotation omitted).

With this standard in mind, we address Djam’s arguments in turn.

A. Knowledge – Both Offenses

Djam argues that the state failed to prove he had actual knowledge that the substance in the suitcase was cocaine. As it relates to both offenses, “[p]ossession crimes require proof that the defendant had actual knowledge of the nature of the substance in his possession.” *State v. Ali*, 775 N.W.2d 914, 918 (Minn. App. 2009), *rev. denied* (Minn. Feb. 16, 2010). The state satisfies the actual-knowledge requirement when it shows “that the defendant was aware that he possessed a controlled substance.” *Id.* at 919. The state need not show that the defendant knew the precise nature or amount of the substance. *See id.* at 918-19. As it did here, the state typically proves actual knowledge with circumstantial evidence, such as by showing the defendant’s “surreptitious manner of . . . receipt and storage of the [substance].” *Id.* at 919.

Under the first step of the circumstantial-evidence test, we evaluate the circumstances proved. Here, the state proved the following at trial: (1) Djam is a stylist who traveled to the Twin Cities to participate in a pop-up shopping experience; (2) Djam’s girlfriend booked him a flight from Los Angeles to the Twin Cities a couple days before the event; (3) Djam packed a backpack and a carry-on roller bag to bring on the flight; (4) Djam checked a suitcase onto the flight; (5) law enforcement was screening the checked baggage from the Los Angeles flight, in part because California is a source state for

narcotics trafficking;³ (6) a narcotics dog “alerted to” a suitcase with Djam’s name on the tag; (7) Djam retrieved the suitcase after he exited the flight; (8) after he spoke with Djam, the detective detained Djam because there were “far too many factors associated with drug trafficking” present; (9) after he obtained a search warrant, the detective found three vacuum-sealed bags inside the suitcase; (10) the first vacuum-sealed bag, which was hidden in a black hoodie, contained marijuana; (11) the second vacuum-sealed bag—also in the hoodie—contained prepackaged bags of marijuana in blue bags with the “Yummy” label; (12) the third vacuum-sealed bag, which was “buried in a piece of clothing” at the bottom of the suitcase, contained a high-potency derivative of THC and, within multiple layers of additional bags and aluminum foil, two resealable bags containing a white powdery substance; (13) inside Djam’s carry-on roller bag, the detective found identical, but empty, blue bags with the “Yummy” label; (14) the white powdery substance tested positive for cocaine; (15) the white powdery substance weighed approximately 47.658

³ Djam argues that we should not consider certain law-enforcement testimony in our sufficiency analysis under *State v. Williams*, 525 N.W.2d 538 (Minn. 1994). There, the supreme court observed the problematic nature of law-enforcement testimony that generalized common behaviors among drug traffickers, including purchasing “airline tickets immediately before flight departure time” and arriving from locations known for drug trafficking. *Williams*, 525 N.W.2d at 546-48. The supreme court concluded that the testimony in *Williams* was “clearly and plainly inadmissible” because it was akin to improper character evidence. *Id.* at 547-48. Here, some of the law-enforcement testimony resembles the inadmissible testimony in *Williams*. But unlike in *Williams*, Djam does not challenge the admissibility of that testimony. Instead, he argues that we should simply exclude the testimony from our sufficiency-of-the-evidence analysis. While we do not condone the admission of this testimony, for sufficiency purposes, we must consider “all the evidence” presented at trial. *See State v. Walker*, 310 N.W.2d 89, 91 (Minn. 1981); *see also State v. Smith*, 9 N.W.3d 543, 560-66 (Minn. 2024) (evaluating evidentiary challenges separately).

grams without the resealable bags; (16) possession of “two grams or less” of cocaine suggests that the owner plans to use the cocaine for personal use; and (17) possession of around 50 grams of cocaine suggests that the owner is “dealing it or maybe using it to show off their product.”

Moving to the second step, we analyze whether the circumstances proved are consistent with guilt. *See id.* We conclude that the evidence permits the reasonable inference that Djam had actual knowledge that the suitcase contained cocaine. Djam checked the suitcase onto the flight, his name appeared on the suitcase’s tag, and he claimed the suitcase at the oversized luggage area. Both the suitcase and the carry-on roller bag contained identical bags with the “Yummy” label. The bags with the “Yummy” label inside the suitcase contained marijuana and were in close proximity to the cocaine. Moreover, the location and packaging of the cocaine inside the suitcase allows for the reasonable inference that Djam understood the nature of the substance inside the suitcase. Specifically, the cocaine was buried in clothing at the bottom of the suitcase inside a vacuum-sealed bag. Within the vacuum-sealed bag, the cocaine was wrapped in multiple layers of bags and aluminum foil and then placed inside two resealable bags. The fact that the cocaine was concealed in this manner implies knowledge regarding the nature of the substance. *See id.*

Djam asserts that even if there is a rational inference that he knew the suitcase contained cocaine, there remains a rational hypothesis other than guilt that someone else packed the suitcase, and he did not know its contents. *See Silvernail*, 831 N.W.2d at 599. We are not persuaded. When we analyze the circumstances proved, we preserve the

factfinder’s credibility determinations. *Harris*, 895 N.W.2d at 600; *see also State v. Barshaw*, 879 N.W.2d 356, 358, 363 (Minn. 2016) (stating that, after a bench trial, we defer to the district court’s assessment of “the credibility of the evidence” in establishing circumstances proved (quotation omitted)). Here, the district court explicitly determined that Djam’s testimony that he did not know the contents of the suitcase was not credible. When we defer to this credibility determination and assume the district court disbelieved any evidence that would support a finding that Djam did not know the contents of the suitcase, the circumstances proved only support the hypothesis that Djam knew the suitcase contained cocaine.

For these reasons, we conclude the state presented sufficient evidence to prove Djam had actual knowledge that the suitcase contained cocaine.

B. Intent to Sell – First-Degree Offense

Next, Djam argues the state failed to prove that he intended to sell the cocaine. As relevant here, “sell” means “to sell, give away, barter, deliver, exchange, distribute or dispose of to another, or to manufacture; or . . . to possess with intent to perform” any of those acts. Minn. Stat. § 152.01, subd. 15a(1), (3) (2022).

A factfinder may infer intent “from a person’s words or actions in light of all the surrounding circumstances.” *State v. Thompson*, 544 N.W.2d 8, 11 (Minn. 1996). As it did here, the state typically proves “[i]ntent to sell or distribute controlled substances . . . with circumstantial evidence” by pointing to “the large quantity of drugs [the defendant] possessed, evidence as to the manner of packaging, and other evidence.” *State v. Porte*, 832 N.W.2d 303, 309 (Minn. App. 2013) (quotation omitted).

We incorporate the circumstances proved from our actual-knowledge analysis. Moving to the second step in the circumstantial-evidence test, we conclude that the circumstances proved are consistent with a rational hypothesis that Djam intended to sell the cocaine and inconsistent with any other rational hypotheses. *See id.* at 310. Djam possessed almost 50 grams of cocaine, an amount that suggests he was “dealing it or maybe . . . show[ing] off [his] product.” The cocaine was found near other controlled substances, including prepackaged marijuana ready for sale. And the cocaine was wrapped within multiple layers of bags and aluminum foil. Thus, the quantity of cocaine, the manner of packaging, and the presence of marijuana prepackaged for sale within the same suitcase, all lead to only one reasonable inference—that Djam intended to sell the cocaine.

For these reasons, we conclude the state presented sufficient evidence to prove Djam intended to sell the cocaine in the suitcase.

C. Weight – Both Offenses

Finally, Djam argues the state failed to prove the weight of the substance that contained cocaine inside the suitcase. As noted above, the state needed to prove that Djam possessed 17 grams of a mixture containing cocaine to sustain the first-degree sale conviction and 25 grams of a mixture containing cocaine to sustain the second-degree possession conviction. *See* Minn. Stat. §§ 152.021, subd. 1(1), .022, subd. 2(a)(1). Djam asserts the state presented muddled testimony on the precise material the scientist weighed, and that the record does not reflect whether the 47.658-gram figure included the resealable bags.

As it is here, scientific testing is often direct evidence of weight. *See Roberts v. State*, 856 N.W.2d 287, 292 (Minn. App. 2014) (noting the “weight of a suspected controlled substance may be proved directly with scientific evidence”), *rev. denied* (Minn. Jan. 28, 2015). Therefore, we apply the direct-evidence test.

Upon our careful review of the record, we conclude the scientist’s testimony provided direct evidence that the white powdery substance that contained cocaine weighed 47.658 grams. The scientist explicitly stated that he weighed the white powdery substance and, prior to weighing the substance, removed it from the resealable bags. Further, the weight determined by the scientist was about nine grams less than when law enforcement weighed the substance with the resealable bags. This discrepancy provides further evidence that the scientist removed the bags when he weighed the substance. Therefore, the state proved beyond a reasonable doubt that the white powdery substance that contained cocaine and was found in the suitcase met the statutory weight thresholds for both charges. *See Ortega*, 813 N.W.2d at 100.

D. Conclusion

For the foregoing reasons, we conclude the state presented sufficient evidence to sustain Djam’s guilt for both first-degree sale and second-degree possession of a controlled substance.

II.

Despite the state having presented sufficient evidence to sustain Djam’s guilt of both offenses, we address sua sponte the lawfulness of the two convictions under Minn. Stat. § 609.04 (2022). *See* Minn. R. Crim. P. 28.02, subd. 11; *State v. Westrom*, 6 N.W.3d 145,

161 (Minn. 2024); *State v. Cruz*, 997 N.W.2d 537, 556 (Minn. 2023); *State v. Hannuksela*, 452 N.W.2d 668, 673 n.7 (Minn. 1990).

Under Minnesota law, a defendant “may be convicted of either the crime charged or an included offense, but not both.” Minn. Stat. § 609.04, subd. 1. “If the lesser offense is a lesser degree of the same crime or a lesser degree of a multi-tier statutory scheme dealing with a particular subject, then it is an ‘included offense’ under [Minn. Stat. §] 609.04.” *State v. Hackler*, 532 N.W.2d 559, 559 (Minn. 1995).

The proper procedure for district courts “when the defendant is [found guilty] on more than one charge for the same act is for the [district] court to adjudicate formally and impose sentence on one count only,” retaining the guilty verdicts on the remaining charges but not formally adjudicating them. *State v. LaTourelle*, 343 N.W.2d 277, 284 (Minn. 1984). However, “[w]hen [the] official judgment order states that a party has been convicted of or sentenced for more than one included offense,” we reverse and remand with instructions to vacate the erroneous conviction. *State v. Pflepsen*, 590 N.W.2d 759, 767 (Minn. 1999); *State v. Crockson*, 854 N.W.2d 244, 248 (Minn. App. 2014), *rev. denied* (Minn. Dec. 16, 2014).

Here, second-degree possession under Minn. Stat. § 152.022, subd. 2(a)(1), is an included offense of first-degree sale under Minn. Stat. § 152.021, subd. 1(1), because “[b]oth offenses arise under different sections of the same controlled-substance statute.” *See State v. Washington*, No. A22-0037, 2023 WL 1097852, at *2 (Minn. App. Jan. 30, 2023); *see also State v. Lester*, No. A17-1248, 2018 WL 3421264, at *4 (Minn. App. July 16, 2018) (concluding second-degree sale of a controlled substance in a school zone is a

lesser-included offense of first-degree aggregated sale of a controlled substance), *rev. denied* (Minn. Sept. 26, 2018)).⁴ Accordingly, we reverse and remand for the district court to vacate Djam’s conviction for second-degree possession—retaining the guilty verdict on that charge without formal adjudication—and to issue a new warrant of commitment consistent with this opinion. *See Pflepsen*, 590 N.W.2d at 767.

Affirmed in part, reversed in part, and remanded.

⁴ These opinions are nonprecedential and, therefore, not binding. We cite nonprecedential opinions only as persuasive authority. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c).