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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0310**

State of Minnesota,
Respondent,

vs.

Pierre Omar Combs,
Appellant.

**Filed March 30, 2026
Affirmed
Bond, Judge**

Hennepin County District Court
File No. 27-CR-24-3789

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

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

Cathryn Middlebrook, Chief Appellate Public Defender, Suzanne M. Senecal-Hill, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Reyes, Presiding Judge; Harris, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

BOND, Judge

In this direct appeal from the judgment of conviction for first-degree drug possession and fourth-degree assault of a peace officer, appellant argues there was insufficient evidence to prove beyond a reasonable doubt that he constructively possessed

the drugs found in the vehicle he was driving. Alternatively, appellant argues the district court abused its discretion when it denied his motion for a mistrial. Appellant raises additional issues in his pro se supplemental brief. We affirm.

FACTS

Respondent State of Minnesota charged appellant Pierre Omar Combs with one count of first-degree possession of a controlled substance and two counts of fourth-degree assault of a peace officer. *See* Minn. Stat. §§ 152.021, subd. 2(a)(3) (2023 Supp.), 609.2231, subd. 1(c)(1) (2022).¹ The case proceeded to a jury trial during which the following evidence was received.

On February 14, 2024, Minneapolis police officer J.S. was conducting surveillance when he observed a white Jeep that appeared to resemble a vehicle that was the subject of an ongoing investigation. The only occupant of the Jeep was the driver, who Officer J.S. described as a heavy-set black male wearing green or teal clothing. As he followed the Jeep, Officer J.S. learned that dispatch had just received a 911 call reporting that a driver of a similar-looking Jeep had brandished a gun. The Jeep parked in an alley and the driver got out and began to talk with two people standing nearby.

After additional officers arrived, law enforcement conducted a high-risk stop of the Jeep's driver, who was eventually identified as Combs. Combs had the key fob to the Jeep

¹ The state also charged Combs with receiving stolen property. *See* Minn. Stat. § 609.53, subd. 1 (2022). During trial, the district court granted Combs's motion for a judgment of acquittal on that charge.

in his pocket. As he was being escorted to a squad car, Combs attempted to break away and he kicked Officer J.S. in the shin.

Officer J.S. ran the Jeep's VIN through a police database and learned that it had been reported stolen about a month earlier. When officers opened the driver-side door, they immediately saw a "large bag with a white rock-like substance" inside the cupholder in the driver's side door pocket, an area that was "readily accessible" to the driver. Later testing confirmed that the substance was 50.14 grams of a mixture containing fentanyl. The fentanyl had an estimated street value of close to \$4,000. According to a police investigator, a person carrying this amount of fentanyl would "Carr[y] it very close to them, if not on them." During an inventory search of the Jeep, officers found two cell phones belonging to Combs and a manila folder in the passenger-side visor containing Combs's personal documents.

When the officers discovered the fentanyl, Combs began hitting his head against the inside of the squad car, yelling "I saw what they pulled out of that car," and "It's over. Kill me now." The officers removed Combs from the squad car for his safety and then called an ambulance. Combs continued to shout that "it [was] over," and kicked backwards repeatedly, hitting one officer in the leg.²

As part of the investigation, a police investigator reviewed Combs's Instagram account and discovered a video of Combs in a vehicle that the investigator believed to be

² In addition to hearing testimony, the jury watched body-worn camera footage of the search of the Jeep and saw photos of the fentanyl and Combs's personal items inside the Jeep.

the Jeep. Combs was wearing a green jumpsuit similar to the one he was wearing on February 14.

The jury found Combs guilty of all three counts. The district court adjudicated Combs guilty on each count and imposed concurrent sentences of 144 months in prison for first-degree possession of a controlled substance and 232 days in jail for each of the fourth-degree assault convictions.

Combs appeals.

DECISION

I. The evidence is sufficient to prove beyond a reasonable doubt that Combs constructively possessed the fentanyl found in the Jeep.

Combs argues that his drug conviction should be reversed because the state's evidence fails to prove beyond a reasonable doubt that he possessed the fentanyl in the Jeep. Due process requires the state to prove every element of a charged crime beyond a reasonable doubt. *In re Winship*, 397 U.S. 358, 364 (1970); *State v. Merrill*, 428 N.W.2d 361, 366 (Minn. 1988); *see* U.S. Const. amend. XIV; Minn. Const. art. I, § 7. When reviewing the sufficiency of the evidence, appellate courts view the evidence in the light most favorable to the verdict and “determine whether, given the facts in the record and the legitimate inferences that can be drawn from those facts, a jury could reasonably conclude that the defendant was guilty of the offense charged.” *State v. Smith*, 9 N.W.3d 543, 564-65 (Minn. 2024) (quotation omitted).

To convict Combs of first-degree controlled-substance crime, the state was required to prove that he knowingly possessed over 25 grams of a mixture containing fentanyl.

Minn. Stat. § 152.021, subd. 2(a)(3). “Possession may be proved through evidence of actual or constructive possession.” *State v. Harris*, 895 N.W.2d 592, 601 (Minn. 2017). Actual possession is proved by showing an individual physically possessed an item. *State v. Florine*, 226 N.W.2d 609, 610 (Minn. 1975). Constructive possession may be proved in one of two ways: (1) by showing that “the police found the [contraband] in a place under the defendant’s exclusive control to which other people normally did not have access” or (2) by showing “that there is a strong probability (inferable from other evidence) that[,] at the time[,] the defendant was consciously or knowingly exercising dominion and control over [the contraband].” *Harris*, 895 N.W.2d at 601; *see also State v. Salyers*, 858 N.W.2d 156, 160 (Minn. 2015) (referring to these as *Florine*’s first and second prong, respectively). “Proximity is an important consideration in assessing constructive possession.” *State v. Smith*, 619 N.W.2d 766, 770 (Minn. App. 2000), *rev. denied* (Minn. Jan. 16, 2001).

Here, Combs was not in actual, physical possession of the fentanyl when police found it in the Jeep. While the parties agree that, to establish the element of possession, the state was required to prove that Combs was constructively possessing the fentanyl, they disagree as to which *Florine* prong should control our analysis. The state urges us to apply the first *Florine* prong, arguing that the Jeep was a place within Combs’s exclusive control to which other people normally did not have access. Combs disagrees, contending that the state had to prove constructive possession under the second *Florine* prong.³ We agree with Combs that, because the Jeep was stolen and there is no evidence showing how long Combs

³ At trial, the state argued primarily that it had proven constructive possession under the second *Florine* prong because Combs had “dominion and control” over the fentanyl.

had been driving it or whether Combs was the only person with access to it, the record does not support a conclusion that the fentanyl was found in a place under his exclusive control. Accordingly, the state was required to prove constructive possession beyond a reasonable doubt by showing that there is a strong probability, inferable from other evidence, that Combs was consciously exercising dominion and control over the fentanyl at the time police found it in the Jeep. *See Harris*, 895 N.W.2d at 601.

When, as here, the state presents only circumstantial evidence to prove an element of the offense, appellate courts apply a two-step analysis to evaluate the sufficiency of circumstantial evidence. *State v. Ulrich*, 3 N.W.3d 1, 11 (Minn. 2024). Under the first step, we “‘winnow down the evidence presented at trial by resolving all questions of fact in favor of the jury’s verdict,’ which results in ‘a subset of facts that constitute the circumstances proved.’” *State v. Firkus*, ___ N.W.3d ___, ___, 2026 WL 517248, at *5 (Minn. Feb. 25, 2026) (quoting *Harris*, 895 N.W.2d at 600). Identifying the circumstances proved in this manner “protects the well-established legal principle that the jury is in a unique position to determine the credibility of the witnesses and weigh the evidence before it.” *Id.* at *6 (quotation omitted).

At the second step, reviewing 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.* at *9 (citing *Smith*, 9 N.W.3d at 565). We independently review the reasonableness of inferences at this second step, without deference to the fact-finder. *Id.* (citing *State v. Isaac*, 9 N.W.3d 812, 818

(Minn. 2024)). We will not reverse a conviction “based on mere conjecture.” *Id.* (quoting *State v. Tschau*, 758 N.W.2d 849, 861 (Minn. 2008)). However, “[i]f 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 we must reverse.’” *Id.* (quoting *Isaac*, 9 N.W.3d at 818).

Winnowing down the evidence presented at trial by resolving all questions of fact in favor of the jury’s verdict, *see id.* at *5, the relevant circumstances proved are as follows. Combs was the driver and sole occupant of a stolen Jeep. Combs had the Jeep’s key fob in his pocket, and his personal effects, including a document and two cell phones, were in the Jeep. A clear bag containing over 50 grams of fentanyl was “readily apparent” in the driver’s side door pocket, an area that would have been easily accessible to the driver. The fentanyl was worth roughly \$4,000 and was in an quantity that a person would not typically leave behind. When Combs saw police remove the bag of fentanyl from the Jeep, he became physically violent and told police, “I saw what they pulled out of the car,” and “It’s over. Kill me now.”

Having identified the circumstances proved, we now 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 [Combs] is guilty and inconsistent with any rational hypothesis other than guilt.” *Id.* at *11. We conclude that the circumstances proved in this case—including that Combs was the driver and sole occupant of the Jeep, the fentanyl was readily accessible in the driver’s side door pocket, Combs’s personal documents and phones were in the Jeep, and Combs’s reaction

when the fentanyl was discovered—are consistent with the reasonable inference that Combs was consciously exercising dominion and control over the fentanyl. *See Smith*, 619 N.W.2d at 770-71 (concluding that the circumstantial evidence was sufficient to prove the defendant’s constructive possession of a firearm in a rental car when defendant was the sole occupant of the car and the firearm was located partially beneath his leg).

Relying on *State v. Sam*, Combs argues that his large stomach prevented him from seeing the fentanyl and, as a result, there is a reasonable hypothesis that the fentanyl belonged to the owner of the Jeep or to someone who was in the Jeep before Combs. 859 N.W.2d 825 (Minn. App. 2015). We reject Combs’s argument for two reasons. First, even assuming that the size of Combs’s stomach is a circumstance proved,⁴ it is not a circumstance proved that Combs’s stomach obstructed his view of the fentanyl in its readily-apparent location next to the driver’s seat. As we explained, we may not reverse a conviction “based on mere conjecture.” *Firkus*, 2026 WL 517248, at *9 (quotation omitted). Furthermore, when determining the reasonableness of inferences, we must consider the circumstances proved not in isolation, but as a whole. *Id.* at *11. Combs’s alternative hypothesis is not reasonable considering the circumstances proved as a whole, which include Combs being the driver and sole occupant of the Jeep, the proximity of the fentanyl to the driver’s seat, and his reaction upon law enforcement’s discovery of the fentanyl.

⁴ The state does not dispute that Combs’s physical stature is a circumstance proved.

Second, *Sam* is inapposite. In *Sam*, the defendant was convicted of possessing methamphetamine found in the glove compartment of the vehicle he was driving. 859 N.W.2d at 829. The vehicle belonged to another individual. *Id.* at 828. We concluded that the circumstantial evidence was insufficient to prove constructive possession because, although the defendant was the driver, the methamphetamine was found in the glove compartment and no “effects identifying the defendant were found near or on the [drugs].” *Id.* at 835-36. Here, unlike *Sam*, Combs was the only person in the Jeep, the fentanyl was in the driver’s side door, and Combs’s personal effects were in the Jeep.

We conclude that the circumstances proved are consistent with the rational hypothesis that Combs constructively possessed the fentanyl by consciously exercising dominion and control over it and are inconsistent with any rational hypothesis other than guilt. Therefore, the evidence is sufficient to sustain Combs’s conviction for first-degree controlled-substance possession.

II. The district court did not abuse its discretion by denying Combs’s motion for a mistrial.

In the alternative, Combs argues that the district court abused its discretion by denying his motion for a mistrial after a police officer testified to inadmissible evidence. A mistrial should be granted only if “there is a reasonable probability that the outcome of the trial would be different if the event that prompted the motion had not occurred.” *State v. Manthey*, 711 N.W.2d 498, 506 (Minn. 2006) (quotation omitted). We review the denial of a motion for a mistrial for abuse of discretion. *Id.* “A district court abuses its discretion

when its decision is based on an erroneous view of the law or is against logic and the facts in the record.” *State v. Guzman*, 892 N.W.2d 801, 810 (Minn. 2017).

On the second day of trial, the state moved to introduce the 911 call that Officer J.S. learned about as he was following the Jeep. The 911 caller reported that a man in a vehicle matching the Jeep’s description had pointed a gun. Combs objected. The district court ruled that the state could introduce evidence that “there was a 911 call reporting a gun and a description of the car and that the description resembled the car that they were already surveilling or following.” The district court denied the state’s request to introduce evidence that the 911 caller reported that the person who pointed the gun was wearing clothes similar to those Combs was wearing, reasoning that the evidence about the 911 call should be limited to providing context for the manner in which the officers detained Combs. With Combs’s agreement, the district court cautioned the jury that the 911 call was being offered for the limited purpose of explaining why Officer J.S. conducted a high-risk stop of Combs after Combs got out of the Jeep.

Despite the district court’s ruling, another officer, Officer A.D., testified that his partner informed him that “there was a 911 call in downtown Minneapolis involving a white Jeep SRT with dark window tint with a heavysset black male wearing all green. And [the male] had pointed a gun.” Outside the presence of the jury, the district court discussed Officer A.D.’s testimony about the 911 call with the parties. The district court explained that it “didn’t interrupt at the time,” but that it would repeat its cautionary instruction to the jury on the 911 call’s limited purpose.

Combs moved for a mistrial, arguing that Officer A.D.’s testimony went beyond the court’s ruling and that the cautionary instruction was insufficient to mitigate the prejudicial effect of the testimony. The district court denied the mistrial motion. The district court determined that, while Officer A.D.’s testimony “specifically went beyond what [it] had ordered,” there was no evidence the state failed to properly prepare its witness. In addition, the district court reasoned that some of the challenged evidence came out through defense counsel’s questioning of other witnesses, including when counsel asked a witness about “Combs’ reaction upon hearing about the gun from the 911 call,” and whether a witness “match[ed] the description of the person in the [911] call.” And the district court noted that it had repeated its “very specific cautionary instruction” that “pretty much directly addresses the potential prejudice.”

On appeal, Combs challenges the district court’s ruling as an abuse of discretion. We agree that, as the district court found, evidence that the 911 caller reported that the person who pointed a gun was “a heavyset black male wearing all green” should not have been admitted because the district court ruled that evidence inadmissible. “But the fact that the jury heard inadmissible testimony does not end our inquiry.” *State v. Jaros*, 932 N.W.2d 466, 472 (Minn. 2019). Rather, we will not reverse a verdict unless Combs establishes that there is a “reasonable possibility that the wrongfully admitted evidence significantly affected the verdict.” *Id.* (stating that “the burden rests on [appellant] to establish a reasonable possibility that the jury would have reached a different verdict had the wrongfully admitted testimony not come in” (quotation omitted)). To determine whether inadmissible testimony significantly impacted the verdict requiring a mistrial, “we

examine the entire record,” reviewing whether “the [s]tate presented other evidence on the issue, as well as whether the district court issued cautionary instructions.” *Id.* at 474 (quotation omitted). We also consider whether the state relied on the challenged evidence in its closing argument. *Id.*

Combs acknowledges that the state did not reference the inadmissible portion of Officer A.D.’s testimony during its closing argument and that the district court gave a cautionary instruction. But Combs asserts that the cautionary instruction was insufficient to mitigate the prejudicial effect of Officer A.D.’s testimony. Analogizing to prior bad-acts evidence, Combs asserts that because the testimony established that Combs “engaged in egregious unlawful conduct by pointing a gun from a vehicle at another person,” the jury must have believed that “he likely also engaged in unlawful conduct by possessing the fentanyl.”

On this record, we see no abuse of discretion in the district court’s decision to deny Combs’s mistrial motion. *See State v. Bahtuoh*, 840 N.W.2d 804, 819 (Minn. 2013) (stating appellate courts review the denial of a mistrial motion for abuse of discretion because “the district court is in the best position to evaluate the prejudicial impact, if any, of an event occurring during the trial”). The district court instructed the jury multiple times that evidence of the 911 call *and its contents* was to be used for the limited purpose of providing context for Officer J.S.’s high-risk stop. We assume that the jury followed the court’s instructions. *See State v. Vang*, 774 N.W.2d 566, 578 (Minn. 2009). The inadmissible testimony that the 911 caller described the driver as a “heavyset black male wearing all green” was “isolated and brief,” consisting of just two sentences in a trial

transcript that otherwise spans hundreds of pages. *See Bahtuoh*, 840 N.W.2d at 819 (concluding that a single inadmissible reference to prior bad-acts evidence over a four-day trial did not warrant a mistrial). Further, as Combs acknowledges, the state did not reference the contents of the 911 call during closing argument. *See Jaros*, 932 N.W.2d at 475 (concluding that the defendant did not meet his burden of establishing a reasonable possibility that the inadmissible evidence significantly affected the verdict in part because the state did not refer to the evidence during closing argument). And finally, the state's evidence was strong. *See supra* section I; *see also Bahtuoh*, 840 N.W.2d at 819 (assessing the strength of the state's evidence in concluding that the district court did not abuse its discretion in denying the defendant's motion for a mistrial).

Combs therefore has not established that there is a reasonable probability that Officer A.D.'s inadmissible testimony significantly affected the verdict. Accordingly, the district court did not abuse its discretion in denying Combs's motion for a mistrial.

III. Combs's pro se arguments do not merit reversal.

In a pro se supplemental brief, Combs argues that we must reverse his convictions or grant a new trial because of Officer J.S.'s "false or misleading" testimony and the "material inconsistencies" between Officer J.S.'s police report, body-camera footage, and trial testimony.

The record shows that Officer J.S. testified that the department had a new handheld camera that he was not entirely sure how to operate and that he believed it was recording when he saw Combs exit the vehicle, as reflected in his report. He testified that when he went to review the footage, it was not there. Officer J.S. speculated that the footage was

either reformatted by another officer before he had a chance to upload it, or that he failed to properly record it due to his unfamiliarity with the camera.

We understand Combs's challenge to be to the sufficiency of the evidence and, more particularly, to Officer J.S.'s credibility. When reviewing the sufficiency of the evidence, appellate courts must view the evidence in the light most favorable to the verdict and assume that the jury believed the state's witnesses. *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016); *see also State v. Jones*, 977 N.W.2d 177, 188 n.4 (Minn. 2022) (rejecting an argument attacking a witness's credibility as "unavailing" under this standard of review). The jury viewed other body-camera footage, heard defense counsel cross-examine Officer J.S. about the lack of footage and the alleged inconsistencies between his written report and his testimony, and ultimately found Combs guilty. We defer to the jury's credibility determinations and do not reweigh the evidence on appeal. *See State v. Olson*, 982 N.W.2d 491, 495 (Minn. App. 2022).

Having carefully reviewed Combs's pro se arguments, we conclude that none provides a basis for relief on appeal.

Affirmed.