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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0360**

State of Minnesota,
Respondent,

vs.

Dhara Hayi Hassan,
Appellant.

**Filed March 16, 2026
Affirmed in part, reversed in part, and remanded
Harris, Judge**

Hennepin County District Court
File No. 27-CR-23-24863

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

Mary F. Moriarty, Hennepin County Attorney, Shannon M. Harmon, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jenna Yauch-Erickson, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Ede, Presiding Judge; Johnson, Judge; and Harris, Judge.

NONPRECEDENTIAL OPINION

HARRIS, Judge

In this direct appeal from the judgment of conviction for second-degree unintentional murder and possessing a firearm without a serial number, appellant argues that the district court abused its discretion by excluding evidence that would have

corroborated his testimony, excluding his prior consistent statement, and excluding defense witnesses for impeachment purposes. He contends that the cumulative effect of these errors prejudiced his right to a fair trial. Appellant also argues, and the state agrees, that his conviction for possession of a firearm without a serial number must be reversed in light of *State v. Vagle*, 24 N.W.3d 481 (Minn. 2025). With respect to each of the challenged evidentiary rulings, assuming without deciding that the district court abused its discretion, we conclude that any error was harmless beyond a reasonable doubt. And because the cumulative effect did not prejudice appellant's right to a fair trial, we affirm his conviction for second-degree unintentional murder. However, based on *Vagle*, we reverse his conviction for possession of a firearm without a serial number and remand for the district court to correct the warrant of commitment.

FACTS

In November 2023, respondent State of Minnesota charged appellant Dhara Hayi Hassan with second-degree intentional murder without premeditation, second-degree unintentional felony murder, and possession of a firearm without a serial number under Minnesota Statutes sections 609.19, subdivision 1(1), 609.19, subdivision 2(1), and 609.667(3) (2022). By amended complaint, the state added a fourth charge of second-degree assault with a dangerous weapon under Minnesota Statutes section 609.222, subdivision 1 (2022). The matter proceeded to a jury trial. The following summarizes relevant witness testimony at trial and record information about the challenged evidentiary ruling.

Hassan had just wrapped up a 23-hour shift late one night as a caregiver for vulnerable patients. Hassan got in his car, “parked somewhere,” and smoked half of a blunt. Feeling calmer, Hassan began driving home. Hassan was driving through an unfamiliar area in Minneapolis when he “saw a man that was crying out in the street.” Hassan pulled over to see if the man was okay. He learned that the man’s younger brother, who is autistic, was missing. Because he often works with vulnerable children, Hassan decided to help the man locate his brother. Hassan searched for about an hour with no luck.

At around 11:00 p.m., Hassan was driving on West River Parkway and turned “onto an entrance ramp up to Franklin Avenue.” As it turned out, Hassan was driving in the wrong direction in a narrow one-way lane. Hassan was confronted with a minivan, driven by A.C., along with M.B. and R.B. as passengers. Hassan’s sedan and A.C.’s van did not collide but came to a stop within “four to six feet” of each other.

A.C.’s Testimony

According to A.C., Hassan started backing up and then “just stopped.” R.B. then stepped out of the car to explain that he was on the wrong side of the road while M.B. remained in the car. A.C. explained that she had rolled her window down a little bit and heard R.B. say to Hassan, “You’re on the wrong side.” A.C. heard Hassan reply, “What are you going to do about it?” When asked about the tone of the conversation between R.B. and Hassan, A.C. explained that R.B. sounded confused and Hassan seemed aggressive. R.B. eventually called M.B. over to help explain the situation. At this point, R.B. was standing next to Hassan’s driver-side window, Hassan remained in the driver’s

seat, and M.B. was standing in front of Hassan's car.¹ She testified that when Hassan tried opening the door and R.B. went to shut it, she saw "fear in [R.B.'s] eyes." A.C. heard their voices raise and then heard five shots. A.C. witnessed Hassan shoot R.B. from inside his car.

After R.B. was shot, A.C. "pulled off" in her van toward West River Parkway while M.B. ran off. M.B. eventually got back into her van and called 911. A.C. then stopped the van so that M.B. could flag down an officer who they had seen earlier on Franklin Avenue. She testified that when M.B. stepped out of the van to walk toward the officer, Hassan pointed his gun at them again. She did not observe Hassan helping R.B. A.C. added that Hassan was on the phone with one hand while pointing his gun at her and M.B. with his other hand.

M.B.'s Testimony

M.B. testified as follows. On the night of the shooting, A.C. was driving M.B. and his brother, R.B. home in her van. When they turned off Franklin Avenue towards West River Parkway, they encountered Hassan driving down the one-way in the wrong direction. M.B. testified that he, R.B., and A.C. made eye contact with Hassan and, from within the car, gestured him to back up. Hassan eventually stopped at the bottom of the one-way near West River Parkway. Because A.C. could not drive around him, R.B. exited the van, walked up to Hassan's sedan, and asked him to back up. M.B. stated that he couldn't quite hear R.B. asking him this but could tell by R.B.'s gesture. M.B. could not hear Hassan's

¹ A.C. later testified that M.B. was standing next to R.B. when he got shot.

responses. According to M.B., Hassan did not continue backing up after R.B. asked him to; instead, he sat there.

M.B. testified that he observed Hassan's driver-side door open slightly, at which point R.B. yelled, or called over, M.B. M.B. exited the van and approached Hassan's sedan, telling him, "Back up. Hey, back up." Immediately after, M.B. saw R.B. grab the car door and say, "Oh f-ck." M.B. then heard four gunshots go off, followed by R.B. falling to the ground next to him. After R.B. fell to the ground, Hassan exited his car and pointed his gun at him. M.B. quickly walked away from Hassan towards a nearby tree for cover because he feared for his life. M.B. turned around to check on his brother, but Hassan was still pointing his gun at him, so he hid behind the nearby tree. M.B. testified that he told Hassan, "I want to check on my brother," but he was unable to render aid to him.

M.B. later reconnected with A.C. in her van and eventually flagged down a police officer. M.B. testified that neither he nor R.B. made any threats towards Hassan. He affirmed that neither was carrying a gun, a knife, a baseball bat, or any other sort of weapon. He added that R.B. never touched Hassan during the encounter.

Hassan's Testimony

Hassan testified that A.C. drove "very fast and recklessly" in disregard for his life and safety when they first encountered one another in the one-way lane. Hassan tried reversing his car back towards West River Parkway, but A.C. had activated the high beams on the van, and he could no longer see what was in front of him because "the lights were too bright."

Hassan eventually stopped reversing because he saw a curb in his driver's side mirror. Hassan's sedan and A.C.'s van were still directly in front of one another, separated by only a couple of feet. Believing that he was stuck between the curb and A.C.'s van, Hassan rolled his window down and told A.C., "Turn off your high beams. I can't see." Hassan testified that two people then exited the van at the same time. Hassan was scared at this point because he felt that A.C. was driving in reckless disregard of his safety, he felt "stuck in [his] car," and he was being approached by two men. Fearing for his life, Hassan removed a gun from his waistband holster and set it on his lap.²

According to Hassan, R.B. and M.B. told him that he was on the wrong side of the road, and Hassan replied that he could not see. According to Hassan, R.B. and M.B. approached his driver-side window in a "very menacing and aggressive" manner and "started yelling out threats and acting crazy." He told them "to get back." Hassan was sure that one of them said, "Well, you're f-cking dead and you f-cked up" and made other threats that he was going to die. He thought M.B. and R.B. were physically "very big."³ At the time of trial, Hassan testified that he weighed 147 pounds. Hassan believed that they were going to kill him.

² Hassan had a permit to carry a firearm. Hassan testified that the gun was a "Glock 34" and that he purchased parts of the gun online and "pieced it together" years before. There were 17 rounds in the magazine, which Hassan said was a "standard size." He admitted that this gun had no serial number on it.

³ A sergeant testified that M.B. was six-foot-two and weighed 260 pounds. At the time of death, R.B. was five-foot-nine and weighed 221 pounds.

Hassan tried opening his door to escape on foot, but “they slammed the door on [him].” Hassan tried getting out a second time. When Hassan put his foot out of the door, the men “slammed the door on [his] leg.” Hassan was scared and in pain. Hassan “slipped back into the car,” but R.B. tried grabbing Hassan by “reach[ing] over with his right hand.” Hassan felt a pressure on his chest and thought R.B. stabbed him. While R.B. was reaching into Hassan’s car, Hassan fired his gun and shot R.B. in the chest. He thought he shot twice but later learned that he shot four times. R.B. “hit the floor” and M.B. ran away, got back into the van, and A.C. drove around Hassan’s sedan. Hassan claimed that A.C. could have driven around his sedan the whole time.

In addition to Hasssan’s testimony, the jury also heard the 911 calls from Hassan and A.C. after R.B. was shot. Hassan remained on the phone with 911 until emergency services arrived on-scene. To ensure the gun did not misfire, Hassan removed the gun’s magazine, pulled the slide back, and emptied a live round. When officers arrived on-scene, R.B. was still able to speak and told the officers that Hassan shot him. Hassan informed the responding officers that he had a gun on his waist. Hassan was then arrested.

R.B. was taken to the hospital, where he later died of his injuries. The Hennepin County Medical Examiner’s Office determined that R.B.’s cause of death resulted from multiple gunshot wounds. According to his toxicology report, R.B.’s alcohol level was 0.115 grams per decaliter, which is above the legal limit of .08 for driving.

Evidentiary Rulings

Before and during trial, Hassan requested to introduce three pieces of evidence: the first verified that a child was missing in the area that night; the second was the full video

of the statement he gave to police; and the third related to impeaching M.B.'s testimony. The district court denied all three of his evidentiary requests.

First Evidentiary Ruling

To corroborate his testimony and support his credibility, Hassan filed a pretrial motion to allow testimony of the police officers and to introduce their reports relating to his search of the missing child on the night of the incident. Hassan's counsel sought to introduce a police report—or a stipulation that such reports existed—to demonstrate why he was driving in an area he was not familiar with that evening. The state opposed Hassan's motion, arguing that it was not relevant.

The district court denied Hassan's motion. The district court explained that Hassan was permitted to testify about why he was in the area that night, but that allowing the officer testimony or police reports as extrinsic evidence would amount to “bolstering his testimony.”

Second Evidentiary Ruling

During the state's case-in-chief, the prosecutor asked the sergeant about his interview with Hassan, and about certain statements he made to the sergeant after the shooting. Hassan moved to introduce his entire statement given to the sergeant. He argued that the state “opened the door” to introduce the video of his entire statement with the sergeant when it asked about specific statements made by Hassan. The district court denied Hassan's motion and explained that the state was “under no obligation to play the entire statement” and that it could ask any questions regarding Hassan's statement as a statement of a party opponent under Minnesota Rule of Evidence 801(d)(2).

During the defense's case-in-chief, and during Hassan's testimony, Hassan again moved to admit the entirety of his statement, this time as a prior consistent statement pursuant to Minnesota Rule of Evidence 801(d)(1)(B). The district court again denied his motion. It determined that playing the entire statement was not proper because it would "bolster the defendant's credibility by just saying he was consistent on prior times telling people the same thing." The district court noted that certain portions could be admitted under the rule, but only after the witness's credibility has been challenged.

Third Evidentiary Ruling

Before the state called M.B. as a witness, Hassan asked the district court to clarify whether he could ask M.B. about R.B.'s mood on the night of the shooting. Hassan informed the district court that M.B. previously told the county attorney's office that he and R.B. "were going for a drive for [R.B.] to cool off and that he was in a bad mood that day." The district court reiterated its prior ruling that Hassan and R.B.'s "state of mind" were relevant for the jury.

Later that day, on cross-examination, the following exchange occurred between Hassan's counsel and M.B.:

COUNSEL: On that evening, did you get a sense of what [R.B.'s] mood was like?

M.B.: He was in a good mood.

COUNSEL: Was he in a good mood?

M.B.: Yes.

....

COUNSEL: And I don't mean to belabor this point. But do you remember when you spoke to the Hennepin County

Attorney's Office about your testimony a little bit ago and you said [R.B] was in a bad mood that night?
M.B.: I don't recall that.

Hassan did not inquire any further about R.B.'s mood on the night of the incident. Two days later, around 4:30 a.m. on the final day of trial, Hassan's counsel informed the district court and the prosecutor's office that he intended to recall M.B. as a witness that day for impeachment purposes. The state objected, arguing that recalling M.B. was "inappropriate" because, as a victim, he already testified and was subject to cross-examination. The district court indicated there were time constraints based on two of the jurors' schedules, and that it would not continue trial to procure his attendance.⁴ The district court pressed Hassan's counsel on the reasons why he waited until now to recall M.B.:

COURT: Okay. But I guess this is a different issue in my mind. And that is why you are seeking to call him? Are you seeking to call him to try to impeach him again on the same thing you already tried to impeach him on?

COUNSEL: I asked him a question about it, and he gave a different answer than he had a week prior. And I left it there. And then I would like to know -- if I called him as a witness, I could refresh his recollection by showing him a summary. If I -- if he agreed that it would refresh his recollection.

COURT: Right. But you could have done that before. So why would we call him again to do something that you could have done when you cross-examined him?

COUNSEL: Because it's crucial to my client's defense. And he's on my witness list.

⁴ The district court specifically stated that at least two jurors had upcoming business or personal travel plans, and that it would not delay trial because it would prejudice both parties.

THE COURT: I understand he's on your witness list. But he's been subject to, you know, I -- I'm sorry. I was assuming that there was something new that came up that -- or something additional that came up that was necessitating that you -- that caused you to make the decision that you needed to recall him.

The district court denied Hassan's request to recall M.B.

Hassan then requested to call either the intern or the victim-witness assistant to testify that M.B. did, in fact, say that R.B. was in a bad mood and was drunk. Hassan argued that this information was material because it went to M.B.'s "veracity the day he took the stand" and "it goes to the state of mind of [R.B.]," which was relevant to Hassan's claim of self-defense. The district court again denied Hassan's request, finding that impeaching M.B.'s testimony about R.B.'s mood was a "collateral matter" and referenced Minnesota Rule of Evidence 607. The district court also noted that Hassan had other means of impeaching M.B., such as the medical examiner's testimony.

The jury found Hassan guilty of unintentional felony murder and possession of a firearm with no serial number. The district court sentenced Hassan to 162 month's imprisonment for the unintentional second-degree felony murder and a concurrent sentence of one year and one day for the possession of a firearm with no serial number.

Hassan appeals.

DECISION

Hassan argues that the district court made several evidentiary errors during trial, all of which cumulatively prejudiced his right to a fair trial. First, he argues that the district court erred by excluding (1) officer testimony and police reports, (2) his prior consistent statement given in a police interview, and (3) his request to impeach M.B. Hassan also

argues that his conviction for possession of a firearm without a serial number must be vacated under the Minnesota Supreme Court’s recent decision in *Vagle*, 24 N.W.3d at 481. We address each argument in turn.

“Evidentiary rulings rest within the sound discretion of the district court, and we will not reverse an evidentiary ruling absent a clear abuse of discretion.” *State v. Ali*, 855 N.W.2d 235, 249 (Minn. 2014). “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).

I. Assuming without deciding that the district court’s exclusion of officer testimony and police reports about the missing child that evening was an abuse of discretion, it did not prejudice Hassan’s right to a fair trial.

Hassan argues that the district court abused its discretion when it excluded officer testimony and police reports on the grounds that such evidence amounted to “bolstering” testimony. He asserts that the Minnesota Rules of Evidence and Minnesota caselaw contain no prohibition on bolstering testimony. The state argues that this evidence was properly excluded because it was not relevant and constituted inadmissible hearsay.

Hassan was convicted of second-degree unintentional felony murder under Minnesota statutes section 609.19, subdivision 2(1) (2022). A person is guilty of this crime when they “cause[] the death of a human being, without intent to effect the death of any person, while committing or attempting to commit a felony offense.” Minn. Stat. § 609.19, subd. 2(1). Hassan admitted that he shot R.B. but asserted that he did so in self-defense. To prove self-defense, Hassan needed to have shown that (1) he was not the aggressor and did not provoke the offense, (2) he actually and honestly believed that he “was in imminent danger

of death or great bodily harm,” (3) there existed “reasonable grounds for that belief,” and (4) the “absence of a reasonable possibility of retreat to avoid the danger.” *State v. Baker*, 13 N.W.3d 401, 409 (Minn. 2024). After proving these elements, Hassan also needed to show that he used a reasonable degree of force under the circumstances to succeed on a self-defense claim. *Id.*; see *State v. Glowacki*, 630 N.W.2d 392, 399 (Minn. 2001). Hassan represented to the district court that the evidence would show that, while driving home, he was flagged down by a fellow Somali individual who was searching for a missing autistic family member. According to Hassan, he agreed to assist in the search, which required driving through an unfamiliar area of Minneapolis. Hassan initially sought to introduce the police reports documenting the missing-person search or, alternatively, a stipulation that the reports existed. When the state objected, Hassan requested permission to call the responding police officer as a witness in lieu of introducing the reports. Here, the district court acknowledged that the officer testimony and the police reports were “relevant to explain what [Hassan] was doing that night and why he was there.” Thus, the district court could have admitted the officer testimony or the police reports. Yet, it excluded this evidence without providing any other basis for doing so.

The Due Process Clauses of the Minnesota and United States Constitutions guarantee a criminal defendant the right to present a complete defense. See Minn. Const. art. I, § 6; U.S. Const. amend. XIV. Appellate courts “review a district court’s evidentiary rulings for abuse of discretion, even when . . . the defendant claims that the exclusion of evidence deprived him of his constitutional right to a meaningful opportunity to present a complete defense.” *State v. Zumberge*, 888 N.W.2d 688, 694 (Minn. 2017). “An error in

excluding evidence is harmless only if the reviewing court is satisfied beyond a reasonable doubt that if the evidence had been admitted and the damaging potential of the evidence fully realized, a reasonable jury would have reached the same verdict.” *State v. Olsen*, 824 N.W.2d 334, 340 (Minn. App. 2012) (quotation omitted), *rev. denied* (Minn. Feb. 27, 2013). The state bears the burden of establishing that an error was harmless beyond a reasonable doubt. *State v. Johnson*, 915 N.W.2d 740, 745 (Minn. 2018).

The erroneously excluded evidence must create a “reasonable possibility that the verdict might have been different” otherwise. *State v. Blom*, 682 N.W.2d 578, 623 (Minn. 2004) (quotation omitted). “If the verdict actually rendered was surely unattributable to the error, the error is harmless beyond a reasonable doubt.” *Id.* at 622.

Here, the exclusion of officer testimony and police reports about the missing child would not have altered the jury’s guilty verdict. Hassan’s testimony about the missing child was not challenged or even questioned by the state. Moreover, there was strong evidence of Hassan’s guilt, including testimony from A.C., M.B., and Hassan himself. Hassan conceded that he shot R.B., and medical examiners confirmed that the cause of death was from multiple gunshot wounds. Hassan’s testimony also reveals that he withdrew his gun from the holster *before* the confrontation escalated.⁵ And while Hassan maintains that he genuinely feared for his life when M.B. and R.B. approached his car, we discern no prejudice from the exclusion of the missing-child evidence, given that the record

⁵ Hassan testified that he placed the gun on his lap as he watched M.B. and R.B. walk over to his vehicle. After setting the gun on his lap, Hassan told M.B. and R.B. that he could not see; only then, according to Hassan, did M.B. and R.B. “start[] yelling out threats and acting crazy.”

does not support that opening the car door and attempting to flee on foot would have been more dangerous than remaining inside the car. Indeed, Hassan testified that M.B. and R.B. were much bigger and taller than him, with one of the men nearly covering his driver side window. Additionally, the evidence showed that neither M.B. nor R.B. were armed with weapons. And R.B. was in a vulnerable state—he wore a neck brace and had a broken vertebrae. There was also evidence that undermined Hassan’s credibility. For example, Hassan claimed that he got stuck on a curb while reversing his car. But a photo of Hassan’s car, as it was positioned during the confrontation, shows no such curb.

Hassan insists that he was prejudiced because his credibility was “central to the case.” “In cases involving a claim of self-defense . . . the credibility of the defendant is important because the jury must often decide between competing accounts of the events leading up to the crime.” *State v. Hill*, 801 N.W.2d 646, 655 (Minn. 2011). Even if we accept Hassan’s proffered evidence, however, it would do little to establish that he acted in self-defense. Evidence verifying that a child was missing in the area that night does not tend to show that he did not provoke the offense or that he actually and honestly believed he was in imminent danger of death or great bodily harm, particularly given the strength of the evidence proving Hassan’s guilt beyond a reasonable doubt, as discussed above. *See Baker*, 13 N.W.3d at 409.

For these reasons, the exclusion of officer testimony and police reports verifying the missing child was harmless beyond a reasonable doubt and did not prejudice Hassan’s right to a fair trial.

II. Assuming without deciding that the district court’s exclusion of Hassan’s police interview as a prior consistent statement was an abuse of discretion, it did not prejudice his right to a fair trial.

Hassan next contends that the district court abused its discretion when it excluded the one-hour and forty-minute recording of the statement he gave to police as a prior consistent statement. We note at the outset that Hassan’s police statement was not included in this record.

Under rule 801(d)(1)(B), “a witness’s prior statement that is consistent with his trial testimony is admissible as nonhearsay evidence if the statement is helpful to the trier of fact in evaluating the witness’s credibility, and if the witness testifies at trial and is subject to cross-examination about the statement.” *State v. Bakken*, 604 N.W.2d 106, 108-09 (Minn. App. 2000), *rev. denied* (Minn. Feb. 24, 2000). This court noted that, before admitting the statement, “the witness’ credibility must have been challenged, and the statement must bolster the witness’ credibility with respect to that aspect of the witness’ credibility that was challenged.” *Id.* at 109. A witness’s prior consistent statement may bolster credibility by “obviating an improper influence or motive, providing a meaningful context, or demonstrating accuracy of memory.” *Id.*

Here, Hassan met all the elements of the prior-consistent-statement exception to the hearsay rule. First, the state undoubtedly challenged Hassan’s credibility. On cross-examination, the prosecutor questioned Hassan about his ability to see while driving at night without his glasses, his ability to perceive his surroundings after smoking marijuana beforehand, and the differences between his trial testimony and prior statements made to police. Second, there is no indication by the district court or the state that Hassan’s police

statement was not consistent with his trial testimony. Finally, introducing Hassan's police statement would have been helpful to the jury in weighing witness credibility because it could have supported his testimony on cross-examination when the prosecutor challenged his recollection and perception of the events that night and whether he was telling the truth.

We note, however, that under Minnesota Rule of Evidence 103(a)(2), an error based on an evidentiary ruling requires that "the substance of the evidence was made known to the court by offer or was apparent from the context within which questions were asked." Here, the record does not include Hassan's entire statement to the police, and the substance is not "apparent from the context within which questions were asked." Minn. R. Evid. 103(a)(2). Appellate courts will "reverse only if the exclusion of evidence was not harmless beyond a reasonable doubt." *Zumberge*, 888 N.W.2d at 694. However, we do not have sufficient information to determine whether the exclusion of Hassan's entire statement to police affected his "substantial right." Minn. R. Evid. 103(a).

In any event, and as described in the section above, the state presented strong evidence of Hassan's guilt at trial. Therefore, assuming without deciding that the district court erred, the state demonstrated that the error was harmless beyond a reasonable doubt because, had the evidence been admitted, the jury would still have reached the same verdict. *See State v. Post*, 512 N.W.2d 99, 102 (Minn. 1994) (holding that an error is harmless if this court is "satisfied beyond a reasonable doubt that if the evidence had been admitted and the damaging potential of the evidence fully realized, an average jury (i.e., a reasonable jury) would have reached the same verdict.").

III. The district court abused its discretion by denying Hassan’s request to impeach M.B., but it did not prejudice his right to a fair trial.

Hassan argues that the district court violated his right to present a defense by preventing him from recalling M.B. or another witness to impeach M.B.’s testimony about R.B.’s mood on the night of the incident. He claims this was an abuse of discretion because the district court “applied the wrong rule of evidence” by citing Minnesota Rule of Evidence 607 and, seemingly, Minnesota Rule of Evidence 608.⁶ Instead of rules 607 or 608, Hassan contends that his proposed impeachment of M.B. fell squarely within Minnesota Rule of Evidence 613(b).

Under rule 613(b), a party may introduce extrinsic evidence of a prior inconsistent statement by a witness if “the witness is afforded a prior opportunity to explain or deny the same and the opposite party is afforded an opportunity to interrogate the witness thereon, or the interests of justice otherwise require.” Minn. R. Evid. 613(b). The witness “must also be given the opportunity to admit, deny, or explain the inconsistency in order for the statement to be admissible to impeach the witness.” *State v. Graham*, 764 N.W.2d 340, 354 (Minn. 2009) (quotation omitted).

Here, Hassan confronted M.B. about his prior inconsistent statement to the prosecutor regarding R.B.’s mood, which M.B. failed to recollect. *See State v. Martin*, 614 N.W.2d 214, 224 (Minn. 2000) (stating rule 613(b) requires party to lay foundation that

⁶ The state seems to agree, in part, that the district court applied the incorrect rule in explaining its ruling. But it nevertheless maintains that the district court essentially applied a rule 403 analysis by weighing its probative value against “the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” Minn. R. Evid. 403.

statements are “actually inconsistent” or that witness “fail[ed] to recollect” the statement). Hassan also gave M.B. an opportunity to explain or deny his prior statement. But again, M.B. “failed to recollect” his prior statement. Under these circumstances, Hassan met the requirements of rule 613 because M.B. failed to recollect the prior statement. Accordingly, the district court should have permitted Hassan to impeach M.B. Nevertheless, this error was harmless beyond a reasonable doubt because, had the evidence been admitted, the jury would still have reached the same verdict. *See Post*, 512 N.W. 2d at 102. We conclude that it is unlikely that the jury’s verdict would have been different but for the exclusion of Hassan’s proffered impeachment testimony as to M.B.

IV. The cumulative effect of errors did not deny Hassan’s right to a fair trial.

Hassan argues that even if the district court’s evidentiary errors were individually harmless, the errors cumulatively denied his right to a fair trial. He alleges that all three errors were interrelated and affected the same pivotal issue—witness credibility. He claims that, by excluding the entirety of his prior police statement, excluding officer testimony or police reports verifying the missing child in the area that night, and restricting him from recalling M.B. or calling another witness to impeach M.B.’s testimony, the cumulative effect of these rulings undermined his credibility.

There are “rare cases where the errors, when taken cumulatively, have the effect of denying the appellant a fair trial.” *State v. Fraga*, 898 N.W.2d 263, 278 (Minn. 2017) (quotation omitted). “Cumulative error exists when the cumulative effect of the errors and indiscretions, none of which alone might have been enough to tip the scales, operate to the defendant’s prejudice by producing a biased grand jury.” *State v. Smith*, 876 N.W.2d 310,

326 (Minn. 2016) (quotation omitted). When evaluating cumulative-error claims, “we look to the egregiousness of the errors and the strength of the [s]tate’s case.” *Fraga*, 898 N.W.2d at 278. Hassan’s case does not present one of those rare occasions in which the errors cumulatively denied his right to a fair trial.

We are not persuaded that admitting Hassan’s full police statement, allowing the officer testimony or admitting police reports verifying the missing child in the area that night, and allowing Hassan to impeach M.B. would have significantly affected the verdict because the strength of the state’s evidence was overwhelming. The jury heard testimony from M.B., A.C., and Hassan that Hassan shot R.B. multiple times with a firearm. The jury also heard the medical examiner testify that R.B. died from the gunshots fired by Hassan. And to prove self-defense, Hassan needed to have shown that (1) he was not the aggressor and did not provoke the offense, (2) he actually and honestly believed that he “was in imminent danger of death or great bodily harm,” (3) there existed “reasonable grounds for that belief,” and (4) there was no “reasonable possibility” to retreat and avoid the danger. *Baker*, 13 N.W.3d at 409.

Here, Hassan testified that he withdrew his gun *before* the confrontation escalated, likely provoking the encounter. Moreover, he had a reasonable opportunity to retreat and avoid the danger, and his alleged belief of imminent danger of death or great bodily harm was not genuine. For example, Hassan testified that M.B. and R.B. were physically bigger than he was and stood in a “menacing and aggressive” manner outside of his driver-side window. But instead of staying within the safety and confines of his car, Hassan attempted to open his door and flee on foot. Hassan additionally could have simply reversed and

backed out of the one-way lane, despite his mistaken belief that a curb obstructed his car. While the three evidentiary errors could have bolstered Hassan's credibility, none of those errors were detrimental to his self-defense claim, which would have been surely overcome by the strength of the state's case even if all excluded evidence had been admitted.

Viewing all three errors cumulatively, it does not appear that Hassan was denied his right to a fair trial. In conclusion, the district court's allegedly erroneous evidentiary rulings likely had little effect on the jury's guilty verdict. None of the evidence would have materially altered witness credibility or the likelihood that Hassan would have succeeded in establishing that he acted in self defense.

V. Hassan's conviction for possession of a firearm without a serial number must be vacated under *Vagle*.

Hassan lastly argues, and the state agrees, that his conviction for possession of a firearm with no serial number must be vacated under the Minnesota Supreme Court's recent decision in *Vagle*, 24 N.W.3d at 481. When reviewing the sufficiency of the evidence, we must "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). In doing so, we view the evidence in the light most favorable to the verdict. *Id.* at 565.

In *Vagle*, appellant was charged and convicted under Minnesota Statutes section 609.667(3) (2024), which criminalizes the receipt or possession of "a firearm that is not identified by a serial number." *Id.* at 484. Under the statute, "serial number" means "the

serial number and other information required under United States Code, title 26, section 5842, for the identification of firearms.” Minn. Stat. § 609.667(3); *Vagle*, 24 N.W.3d at 484. The supreme court held that the statute criminalizes the possession of a firearm not identified by a serial number “only if federal law requires that the firearm have a serial number.” *Vagle*, 24 N.W.3d at 494. The supreme court determined that federal law did not require Vagle’s gun—a gun that he assembled from parts purchased online—to have a serial number. *Id.* at 482-83, 494.

Here, Hassan assembled his gun from parts he purchased online. He also conceded during testimony that his gun had no serial number. On this record, there is no evidence that the specific gun possessed by Hassan was one that federal law required to have a serial number. As such, Hassan’s conviction for this crime must be vacated. *See State v. Haywood*, 886 N.W.2d 485, 490-91 (Minn. 2016) (adopting a new interpretation of a firearm statute and vacating appellant’s conviction that had been based on the newly interpreted crime).

Affirmed in part, reversed in part, and remanded.