

*This opinion is nonprecedential except as provided by  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  
A25-0773**

State of Minnesota,  
Respondent,

vs.

Joseph Daniel Shaabneh,  
Appellant.

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

Hennepin County District Court  
File No. 27-CR-22-16135

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

Mary F. Moriarty, Hennepin County Attorney, Mark V. Griffin, 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 Worke, Presiding Judge; Ross, Judge; and Bratvold, Judge.

**NONPRECEDENTIAL OPINION**

**WORKE**, Judge

Appellant challenges his conviction of possession of a firearm by an ineligible person, arguing that his out-of-state conviction did not disqualify him from possessing a

firearm and the district court improperly prevented him from presenting an entrapment defense. We affirm.

## FACTS

In August 2022, police received information from a confidential reliable informant (CRI) that a male was waving a gun at traffic. The CRI followed the individual, relaying his location to the police. Police officers arrived at the location and found appellant Joseph Daniel Shaabneh. Police discovered and removed a handgun from Shaabneh.

Shaabneh has a 2008 felony conviction for drug possession in Colorado. Respondent State of Minnesota charged Shaabneh with possession of a firearm by an ineligible person. Shaabneh moved the district court to dismiss the charge for lack of probable cause and to suppress the gun.

During an omnibus hearing, Shaabneh stated that he wanted to raise an entrapment defense. The district court told Shaabneh that to submit an entrapment defense, he would need to waive his right to a jury trial on the issue, and then the district court would conduct either an omnibus hearing or an evidentiary hearing on the matter. Shaabneh responded that he thought he was at an omnibus hearing and was raising the entrapment defense.

The district court told Shaabneh to inform the state and the district court of the facts supporting his entrapment defense. Shaabneh asserted that his truck had been stolen, and that the CRI, whom he *believed* to be L.C.,<sup>1</sup> lured him downtown to retrieve the truck.

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<sup>1</sup> At no time during the omnibus hearing did the state or the court disclose the identity of the CRI. Shaabneh stated he knew that the CRI was L.C. because “only two people . . . knew [he] was downtown that night.”

Shaabneh stated that L.C. knew that he kept “a firearm in [his] home for home protection,” and led him downtown for the police to arrest him.

The district court told Shaabneh that those facts did not indicate entrapment because “the issue isn’t [whether] they [guided] you to a spot where you could be arrested, the issue is [whether] they entrap you by telling you [to] bring a gun, or hold this gun, or do something else with regard to the gun.” Shaabneh added the fact that L.C. told him that the people who had his truck were “armed.” The district court then concluded that Shaabneh had “at least a callable [sic] claim of entrapment.”

The district court judge then indicated that it would not retain the matter because the judge was switching assignments. The district court judge directed Shaabneh to provide the state with a written notice of intent to raise the entrapment defense, as required by the rules of criminal procedure.

At a pretrial hearing before the different district court judge, Shaabneh asserted that his Colorado conviction did not disqualify him from possessing a firearm under Minnesota statutes, and he reasserted his entrapment defense. The district court concluded that (1) Shaabneh’s Colorado conviction met the statutory definition of a crime of violence, which disqualified him from possessing a firearm, and (2) after reviewing the record, Shaabneh failed to meet his requisite burden for the entrapment defense. Shaabneh did not waive his right to a jury trial on the entrapment issue.

A jury found Shaabneh guilty as charged. The district court sentenced Shaabneh to 36 months in prison. This appeal followed.

## DECISION

### *Entrapment Defense*

Shaabneh argues that the district court erred by preventing him from raising an entrapment defense. When a district court rejects an entrapment defense at an omnibus hearing, we review its factual findings for clear error and its legal conclusions de novo. *State v. Garcia*, 927 N.W.2d 338, 343 (Minn. App. 2019).

A criminal defendant has a constitutional right to present a complete defense at trial. *State v. Cruz*, 997 N.W.2d 537, 548 (Minn. 2023). However, that right is not absolute; the court may limit a defendant's arguments to prevent jury confusion. *State v. Atkinson*, 774 N.W.2d 584, 589 (Minn. 2009).

“[A]n entrapment defense exists where the government has lured the accused into committing an offense which he otherwise would not have committed and has no intention of committing.” *State v. Johnson*, 511 N.W.2d 753, 754-55 (Minn. App. 1994) (quotation omitted), *rev. denied* (Minn. Apr. 19, 1994). A defendant asserting an entrapment defense must choose to submit the defense to the jury or the court. Minn. R. Crim. P. 9.02, subd. 1(6)(a). To submit the entrapment defense to the court, the defendant must first waive their right to a jury trial on the matter. *Id.*, subd. 1(6)(b). The district court must advise the defendant of the jury-trial right, and the defendant must waive the right personally, in writing, or on the record in open court, after consulting with counsel. Minn. R. Crim. P. 26.01, subd. 1(2). The defendant must make the waiver knowingly, voluntarily, and intelligently, based on the unique facts and circumstances of the case. *State v. Little*, 851 N.W.2d 878, 882 (Minn. 2014). An entrapment defense is presumed to

go to the jury unless indicated by the defendant. *State v. Ford*, 276 N.W.2d 178, 179 (Minn. 1979).

Here, the district court told Shaabneh that he must waive his jury-trial right before he could submit the entrapment defense to the court for a determination. However, Shaabneh did not waive his jury-trial right at that time. Instead, he told the district court that he thought the current hearing was an omnibus hearing, and he wanted to submit the issue to the court. Similarly, at the subsequent pretrial hearing, there was no discussion of waiving any jury-trial right. Based on the record, we cannot conclude that Shaabneh knowingly, voluntarily, and intelligently waived his right to a jury trial on the entrapment defense. The district court erred in restricting Shaabneh from raising the entrapment defense to the jury.

We must next determine whether the district court's constitutional error is harmless beyond a reasonable doubt. *State v. Smith*, 876 N.W.2d 310, 331 (Minn. 2016). To successfully raise an entrapment defense, the defendant bears an initial burden of showing, by a preponderance of the evidence, that law enforcement induced their actions. *Cruz*, 997 N.W.2d at 550. This proffer is viewed in the light most favorable to the defendant. *See id.* If a defendant meets this burden, the state must prove beyond a reasonable doubt that the defendant was predisposed to commit the crime. *Id.*

Shaabneh did not meet his proffer burden. Even if we presume, without deciding, that the CRI was L.C., and L.C. did persuade Shaabneh to travel downtown to repossess his vehicle, Shaabneh failed to show that L.C. induced him to possess a firearm. To the contrary, Shaabneh admitted several times to possessing the firearm for "prophylactic"

purposes before any interaction with L.C. In other words, Shaabneh possessed the firearm illegally before any inducement *could have* occurred. Had Shaabneh brought the same assertion with evidence at trial, and the district court declined to give an entrapment instruction to the jury, that decision would not have been erroneous. Thus, the district court’s error was harmless beyond a reasonable doubt.

### ***Crime of Violence***

In his pro se supplemental brief, Shaabneh argues that the district court erred by concluding that his Colorado conviction barred him from possessing a firearm under Minnesota law.<sup>2</sup> Because the issue involves statutory interpretation, we review it de novo. *See State v. Martin*, 941 N.W.2d 119, 124-25 (Minn. 2020) (reviewing de novo whether an out-of-state offense is equivalent to a Minnesota offense).

In Minnesota, a person is ineligible to possess a firearm if they were convicted of a “crime of violence.” Minn. Stat. § 624.713, subd. 1(2) (2022). “[C]rime of violence includes crimes in other states or jurisdictions which would have been crimes of violence . . . if they had been committed in this state.” *Id.* In other words, if an out-of-state crime meets the same elements for a Minnesota crime of violence, it is also a crime of violence for the purposes of section 624.713, subdivision 1(2). *See Martin*, 941 N.W.2d at 124 (analyzing whether predatory offender registration was required in Minnesota based on out-of-state conviction).

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<sup>2</sup> Shaabneh argues that the jury lacked sufficient evidence to support the conviction because his Colorado conviction was not a “crime of violence” under Minnesota law. However, whether a crime constitutes a crime of violence is a legal determination; thus, the issue is for the court to determine. *See Underwood v. State*, 25 N.W.3d 26, 39 n.16 (Minn. 2025).

Shaabneh has a felony conviction in Colorado for drug possession. He does not argue that the Colorado crime does not have the same or similar elements as a Minnesota felony drug-possession conviction that constitutes a crime of violence. Instead, Shaabneh asserts that Colorado’s criminal law has changed, and drug possession is no longer a crime; consequently, the “amelioration doctrine” requires that his 2008 conviction be evaluated under current Colorado law. Shaabneh misunderstands the amelioration doctrine.

Shaabneh has a drug-possession conviction from 2008 in Colorado. He fails to identify which amendment to Colorado law he relies upon. We will presume that he is referring to a change nearest to his conviction date. An amendment in 2010 removed “simple possession from [Colorado Revised Statutes,] section 18-18-405 and recodif[ied] it as section 18-18-403.5.” *See People v. Gonzales*, 415 P.3d 846, 849 n.2 (Colo. App. 2017). This change occurred approximately two years after Shaabneh’s conviction. The amelioration doctrine does not apply in this case. Our supreme court has stated that the amelioration doctrine does not apply if final judgment has been entered before the criminal-law amendment takes effect. *See State v. Loveless*, 987 N.W.2d 224, 238 (Minn. 2023). The district court did not err by concluding that Shaabneh’s Colorado conviction qualified as a “crime of violence” in Minnesota, making him ineligible to possess a firearm.

**Affirmed.**