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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0942**

State of Minnesota,
Respondent,

vs.

Deondre Demetrius Ramsey,
Appellant.

**Filed May 26, 2026
Affirmed
Schmidt, Judge**

Hennepin County District Court
File No. 27-CR-22-18510

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

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

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Considered and decided by Schmidt, Presiding Judge; Johnson, Judge; and Larson,
Judge.

NONPRECEDENTIAL OPINION

SCHMIDT, Judge

Appellant Deondre Demetrius Ramsey challenges his second-degree-assault and
drive-by-shooting convictions, arguing that the district court (1) erred and abused its
discretion by failing to find good cause as to why it must hold his trial outside of the

required six-month time period after his demand under the Uniform Mandatory Disposition of Detainers Act (UMDDA);¹ (2) violated Ramsey’s constitutional right to a speedy trial; and (3) abused its discretion by admitting testimony about Ramsey’s appearance in surveillance footage. We affirm.

FACTS

On September 16, 2022, respondent State of Minnesota charged Ramsey with second-degree assault, alleging that he was involved in a shooting in downtown Minneapolis. On February 8, 2024, Ramsey demanded a speedy trial. The district court scheduled trial for April 1, 2024. In March 2024, the state moved to continue the trial because one of the state’s witnesses—the primary investigator—was on military leave. The district court granted the motion and continued the trial to January 2025.

In April 2024, while Ramsey was in prison on a different conviction, he invoked the UMDDA and requested final disposition of the second-degree-assault charge. During the hearing on Ramsey’s request, the prosecutor argued that the lead investigator’s military leave constitutes good cause to hold the trial outside the six-month UMDDA period. The district court kept the record open to allow the parties to submit additional briefing. After the state filed a supplemental brief, the court issued a written order finding that good cause existed for a continuance. The district court scheduled trial for January 21, 2025.

Ramsey moved to dismiss the case, arguing that the repeated delays violated his right to a speedy trial. The district court denied the motion.

¹ Minn. Stat. § 629.292, subd. 1(a) (2022) (authorizing a person in prison to request final disposition of any pending criminal charges within six months after receipt of the request).

Ramsey’s trial began on February 4, 2025.² The lead investigator, a sergeant with the Minneapolis Police Department, testified that he was working as a mounted patrolman on the night of the shooting. He testified that he heard two gunshots, responded to the shooting, and led the investigation, including interviewing Ramsey about the events on the evening of the shooting. The sergeant obtained surveillance footage from a city-owned camera and from a restaurant adjacent to where the shooting occurred.

When testifying about the city’s surveillance footage, the sergeant called attention to a man wearing a black-and-yellow Pittsburgh Pirates jersey with the number “8” on the back. The man tried, and failed, to open the door of a parked car, and later got into the car’s driver’s seat. The sergeant testified—based on two flashes seen in the video—that the man fired two gunshots from the car before driving away.

The sergeant testified that the restaurant’s surveillance footage showed the man who got into the vehicle entering a restaurant. Ramsey objected to the sergeant’s statement, but the district court overruled Ramsey’s objection. The sergeant further testified that he believed “this person entering the [restaurant] . . . was the same [person wearing a] Pirates jersey that [he saw] later on outside of the [restaurant.]”

The sergeant explained that two different men wearing black-and-gold Pirates jerseys with the number “8” on the back entered the restaurant about ten minutes apart on the night of the shooting. The sergeant twice specified that the man that entered the restaurant at 12:50 a.m. was “the male in the Pirates jersey that got into the silver vehicle”

² The trial was rescheduled to February 3, 2025 to accomodate defense counsel’s schedule.

from which the gunshots were fired. Ramsey again objected to this testimony, but the district court overruled his objection. The sergeant testified that, like the man who got into the silver car from which the shots were fired, the man in the Pirates jersey who entered the restaurant at 12:50 a.m. was “bigger” and wore “stone-washed jeans,” a gold necklace, and a Pirates hat with “a Velcro or a button strap.” The sergeant testified that the other man in a Pirates jersey who entered the restaurant at 12:40 a.m. was tall and slender, wearing black pants and a Pirates hat.

The sergeant testified about interviewing Ramsey, during which he admitted that he was the man depicted in a photograph wearing a Pirates jersey and a gold necklace entering the restaurant at 12:50 a.m. Based on that interview, the sergeant testified that Ramsey was the person who entered the car from which the shots were fired.

After the sergeant’s testimony, the district court dismissed the jury and engaged in a lengthy exchange with the attorneys about Ramsey’s objections. When the jury returned, the court gave the following instruction: “you have heard testimony from [the sergeant] regarding his opinion and identification. That testimony is being provided to you for context regarding the sergeant’s investigation, and I’m instructing you that you must draw your own conclusion about who may be depicted in the videos.” Before closing arguments, the court gave another instruction, telling the jury to “draw your own conclusions based on all the evidence on who might be in any of the videos that are in evidence at this time.”

The jury returned guilty verdicts on both charges. The district court entered a conviction for the drive-by-shooting offense and sentenced Ramsey to 96 months in prison.

Ramsey appeals.

DECISION

I. The district court did not err in finding good cause under the UMDDA to continue the trial.

Under the UMDDA, a person in a Minnesota prison “may request final disposition of any” pending criminal charges against them in the state. Minn. Stat. § 629.292, subd. 1(a). The law ensures the “prompt disposition of untried charges for the benefit of prisoners so as to not inhibit their ability to secure certain privileges or participate in various rehabilitative programs.” *State v. Mikell*, 960 N.W.2d 230, 242 (Minn. 2021).

A person invoking the UMDDA must send a request to the commissioner of corrections or their designee who then delivers the request to the district court and the prosecuting attorney. Minn. Stat. § 629.292, subds. 1(a), 2, 2(b) (2022). Then, “[w]ithin six months after the receipt of the request and certificate by the court and prosecuting attorney, or within such additional time as the court for good cause shown in open court may grant, the prisoner or counsel being present, the indictment or information shall be brought to trial.” *Id.*, subd. 3 (2022). If the person is not brought to trial within six months, the court loses jurisdiction and must dismiss the case with prejudice. *Id.* The statute does, however, allow a district court to extend the six-month period for good cause shown.³ *Id.*

Ramsey contends that the district court (1) violated the UMDDA by granting a continuance in a written order, and (2) abused its discretion in determining that good cause existed to grant the continuance. We address each argument in turn.

³ The six-month period may also be extended if “the parties . . . stipulate for a continuance[.]” Minn. Stat. § 629.292, subd. 3.

A. The district court did not err in making its ruling in a written order.

Ramsey argues the district court violated the UMDDA by making its good-cause determination in a written order, rather than in open court, in violation of the Minnesota Supreme Court’s decision in *State v. Letourneau*, 6 N.W.3d 73 (Minn. 2024). We disagree.

In *Letourneau*, the supreme court addressed whether the district court abused its discretion by finding good cause for a continuance under the UMDDA. 6 N.W.3d at 77. In its opinion, the supreme court noted that “[n]othing in the [UMDDA] requires formal findings, conclusions, or even a written order related to a good cause determination; all that is required, as relevant here, is a ‘good cause’ finding by the district court.” *Id.* The supreme court included a footnote at the end of that quoted sentence, which reads:

The court must find in open court in the presence of the defendant that there is good cause as to why the defendant cannot be brought to trial within the 6-month time period set forth in the Act. *See* Minn. Stat. § 629.292, subd. 3. We conclude here that good cause existed for continuing the trial date for approximately 1 month. We stress, however, that a good cause determination by the district court permits only the minimum delay necessary under the circumstances.

Id. at n.3.

Ramsey relies on the first sentence in footnote 3 to contend that the district court needed to make the good cause determination in open court with the defendant present. But the question of whether a district court must make the good cause finding in open court with the defendant present was not before the supreme court. Instead, the supreme court’s analysis was limited to the district court’s good cause finding. *Id.* at 77-79. We determine that the first sentence of the supreme court’s footnote was not essential to the holding in

the opinion and, thus constitutes dicta and is “not binding in subsequent cases.” *See Sheehy Lee v. Kalis*, 19 N.W.3d 186, 193 & n.9 (Minn. 2025) (defining dicta as any “expression[] in a court’s opinion [that] go[es] beyond the facts before the court” and is, therefore, “not essential to the court’s holding.” (quotation omitted)). Accordingly, we limit our consideration of Ramsey’s argument to the plain language of the UMDDA when deciding whether the “open court” requirement was satisfied. Minn. Stat. § 629.292, subd. 3.

The UMDDA requires the prosecutor to make the “good cause” showing “in open court” with the defendant or counsel present. *Id.* The district court’s decision to grant a continuance does not need to be made “in open court.” *Id.* Indeed, the thrust of the law—and the supreme court’s interpretation of the statute in *Letourneau*—is that a district court must make a “good cause” finding when granting a continuance beyond the UMDDA timeline. *Id.*; *Letourneau*, 6 N.W.3d at 77. Our careful review of this record demonstrates that the statutory requirements were satisfied.

Here, the state made a showing of good cause in open court with Ramsey and his defense attorney present. During the August-2024 hearing on Ramsey’s UMDDA request, the prosecutor explained that the sergeant who investigated the cause would be on military leave through the end of the year. After the state made its good cause showing in open court, the district court—without objection—allowed both parties to submit additional authority and argument and took the matter under advisement. After the prosecutor submitted additional material, the district court made its good-cause finding in a written order. We conclude that the district court acted consistently with the UMDDA’s requirements and did not err by making its good-cause determination in a written order.

B. The district court did not abuse its discretion in determining that good cause existed to grant a continuance.

Ramsey next argues that the district court abused its discretion when it found good cause existed to grant the continuance. We review a district court's grant of a continuance for an abuse of discretion. *Letourneau*, 6 N.W.3d at 77.

The supreme court has identified the “unavoidabl[e] unavailab[ility]” of “a key witness” for the state as an example of good cause for a delay. *Mikell*, 960 N.W.2d at 251; *see also State v. Hamilton*, 268 N.W.2d 56, 62 (Minn. 1978) (affirming a district court's finding of good cause where the police department had difficulty “locating crucial witnesses”). Here, given that the sergeant was the state's primary investigator, the district court was well within its discretion when it found that the sergeant's military leave constituted good cause for delay. *Mikell*, 960 N.W.2d at 251.

II. The district court did not deprive Ramsey of his right to a speedy trial.

Ramsey argues that the district court violated his constitutional right to a speedy trial.⁴ We review this issue de novo. *State v. Osorio*, 891 N.W.2d 620, 627 (Minn. 2017).

Both the United States Constitution and the Minnesota Constitution guarantee a criminal defendant the right to a speedy trial. U.S. Const. amend. VI; Minn. Const. art. I, § 6. When a defendant has been denied a speedy trial, “the only possible remedy is dismissal of the case.” *Osorio*, 891 N.W.2d at 627 (quotation omitted). This is because

⁴ The UMDDA analysis is a separate statutory right from a defendant's constitutional speedy-trial right. *Mikell*, 960 N.W.2d at 243-33 (holding that the factors for analyzing a constitutional speedy-trial argument do not apply to a UMDDA violation). Thus, we separately analyze Ramsey's constitutional argument regarding his right to a speedy trial.

“[t]he right to a speedy trial is as fundamental as any of the rights secured by the Sixth Amendment.” *State v. Windish*, 590 N.W.2d 311, 315 (Minn. 1999) (quotations omitted).

When considering speedy-trial challenges, we apply the test articulated in *Barker v. Wingo*, 407 U.S. 514 (1972). See *State v. Widell*, 258 N.W.2d 795, 796 (Minn. 1977). *Barker* requires us to weigh the following factors: “(1) the length of the delay; (2) the reason for the delay; (3) whether the defendant asserted [their] right to a speedy trial; and (4) whether the delay prejudiced the defendant.” *State v. Taylor*, 869 N.W.2d 1, 19 (Minn. 2015) (quotation omitted). These factors must be considered together with no single factor being necessary “to the finding of a deprivation of the right to a speedy trial.” *Windish*, 590 N.W.2d at 315 (quotations omitted).

A. The first *Barker* factor triggers a presumption that the district court violated Ramsey’s right to a speedy trial.

The first *Barker* factor is “the length of the delay, [which] is a triggering mechanism which determines whether further review is necessary.” *Id.* “A delay that exceeds 60 days from the date of [a speedy trial] demand raises a presumption that a violation has occurred[.]” *Taylor*, 869 N.W.2d at 19. “If the delay is presumptively prejudicial, we must consider the extent to which the delay stretches beyond the bare minimum needed to trigger judicial examination”—i.e., 60 days—“because the presumption that pretrial delay has prejudiced the accused intensifies over time.” *Osorio*, 891 N.W.2d at 628 (quotations omitted); see also *Mikell*, 960 N.W.2d at 250 (“[T]he longer a delay stretches on and intensifies, the less likely we are to find a delay justified by other factors and the more likely we are to find a speedy trial violation.”).

Ramsey requested a speedy trial on February 8, 2024. His trial began 362 days later. Accordingly, we must analyze the other *Barker* factors and we do so with a presumption that the district court violated Ramsey’s right to a speedy trial. *Taylor*, 869 N.W.2d at 19.

B. The second *Barker* factor weighs in Ramsey’s favor.

The “key question” for the second *Barker* factor “is whether the government or the criminal defendant is more to blame for th[e] delay.” *Id.* (alteration in original) (quotations omitted). Nearly the entire 362-day delay between Ramsey’s demand for a speedy trial and the start of trial was attributable to the unavailability of a witness for the state. Ramsey’s defense counsel was responsible for a small fraction of the delay when his conflict resulted in the trial being rescheduled from January 21, 2025 to the week of February 1, 2025. Responsibility for the delay, therefore, is assigned to the state. *Id.*

After assigning responsibility, we next consider the party’s reason for the delay. *Id.* A “deliberate attempt to delay the trial in order to hamper the defense should be weighted heavily against the government.” *Id.* at 20 (quotations omitted). A “neutral reason[s] such as negligence . . . weigh less heavily.” *Id.* (quotations omitted).

Here, nearly all of the delay was due to the lead investigator’s unavailability due to the sergeant being on a leave of absence due to his military service. The supreme court has held that a delay, for good cause, that was attributable to the state due to a witness’ unavailability weighed “against a speedy trial violation.” *Id.*

In *Taylor*, the supreme court analyzed circumstances of a 16-month delay between the indictment and the first day of trial. *Id.* at 19. The trial also began over 100 days after defendant made a speedy-trial demand. *Id.* The unavailability of the state’s witness

occurred before the defendant requested a speedy trial. *Id.* The district court, however, had ruled that there was good cause to grant a continuance. *Id.*

Here, Ramsey made his speedy trial demand before the district court granted a continuance, for good cause, due to the witness' unavailability. We, therefore, conclude that the second *Barker* factor weighs in Ramsey's favor. But, as the United States Supreme Court has held, "different weights should be assigned to different reasons." *Barker*, 407 U.S. at 531. The state's delay was not "[a] deliberate attempt to delay the trial in order to hamper [Ramsey's] defense." *Osorio*, 891 N.W.2d at 628 (first alteration in original) (quotation omitted). Thus, we weigh this factor only slightly in Ramsey's favor.

C. The third *Barker* factor weighs in Ramsey's favor.

The third *Barker* factor—whether the defendant asserted their right to a speedy trial—requires us to consider whether and how the defendant asserted their right to a speedy trial. *Mikell*, 960 N.W.2d at 252. We view a defendant's speedy-trial demand "in the light of [the defendant's] other conduct," *United States v. Loud Hawk*, 474 U.S. 302, 314 (1986), and look for signals indicating the seriousness of the demand—for example, "the frequency and force of [the] demand." *Mikell*, 960 N.W.2d at 252 (quotation omitted).

Ramsey made two demands for a speedy trial. His initial speedy-trial demand and a second demand when he requested final disposition of the second-degree-assault charge pending against him under the UMDDA. *See Letourneau*, 6 N.W.3d at 75 (characterizing the UMDDA as "allow[ing] incarcerated individuals to demand the speedy disposition of any pending criminal charges"). Because Ramsey unequivocally demanded a speedy trial twice, this factor weighs in his favor.

D. The fourth *Barker* factor weighs strongly against Ramsey.

Whether the delay prejudiced the defendant requires us to consider three interests: “(1) preventing oppressive pretrial incarceration; (2) minimizing the anxiety and concern of the accused; and (3) preventing the possibility that the defense will be impaired.” *Windish*, 590 N.W.2d at 318 (quotations omitted). The third interest is the most serious. *Id.* This is so because “the inability of a defendant adequately to prepare [their] case skews the fairness of the entire system.” *Doggett v. United States*, 505 U.S. 647, 654 (1992) (quoting *Barker*, 407 U.S. at 532).

“If a defendant is already in custody for another offense, . . . the first two [kinds of prejudice] are not implicated.” *Taylor*, 869 N.W.2d at 20. The state accurately notes that, regardless of the continuance in this case, Ramsey would have been in custody for a separate offense. Ramsey does not dispute this contention.

Nonetheless, Ramsey argues that the delay precluded him from accessing in-custody programming that would have otherwise been available to him. We are unaware of any authority that has held that the lack of access to in-custody programming constitutes “oppressive pretrial incarceration” under the first *Barker* factor.

Ramsey also argues that he suffered anxiety from being moved from prison to jail on two occasions to appear for in-person hearings. Our caselaw dictates that Ramsey’s anxiety for having to appear in court “only slightly” weighs in his favor. *See State v. Cham*, 680 N.W.2d 121, 125 (Minn. App. 2004) (concluding that the defendant “suffered anxiety by having to appear again and again for a trial that never happened,” but that it “only slightly” weighed in the defendant’s favor), *rev. denied* (Minn. July 20, 2004).

We now turn our attention to the third, and “most serious,” factor: whether the defendant’s defense was impaired. *Windish*, 590 N.W.2d at 318. Courts have identified two subtypes of prejudice within the third factor: presumptive and actual prejudice. *Osorio*, 891 N.W.2d at 631-32. Presumptive prejudice recognizes that “excessive delay presumptively compromises the reliability of the trial in ways that neither party can prove or . . . identify.” *Id.* at 632 (quotation omitted). While “presumptive prejudice cannot alone carry a [speedy-trial] claim without regard to the other *Barker* criteria . . . it is part of the mix of relevant facts, and its importance increases with the length of delay.” *Id.* (quotation omitted). Actual prejudice refers to demonstrable “impediments to the ability of the defense to make its own case,” *Taylor*, 869 N.W.2d at 20 (quotation omitted)—for example, if the delay resulted in the loss of evidence or the unavailability of a material witness for the defense. *Osorio*, 891 N.W.2d at 631; *Mikell*, 960 N.W.2d at 254.

Ramsey failed to show that the delay caused any impediment to his ability to wage a defense. He does not raise any questions about witnesses’ memory or assert that the delay caused witnesses to become unavailable. *E.g.*, *Taylor*, 869 N.W.2d at 20 (stating typical “prejudice is suggested by memory loss by witnesses or witness unavailability”); *Mikell*, 960 N.W.2d at 254 (giving little weight to defendant’s argument that the “delay in getting his case to trial” prejudiced his defense because “it was possible the witness would be much more difficult to find because [defendant] knew him only from jail and the witness was no longer in custody”). Ramsey also does not identify any evidence that was lost due to the delay. *E.g.*, *Osorio*, 891 N.W.2d at 631 (analyzing defendant’s argument that delay resulted in loss of evidence). Nor does he allege that the state gained any strategic

advantage by the delayed trial. *E.g., Taylor*, 869 N.W.2d at 20 (“Notably, there is no allegation that the delay was manufactured by the State . . . in order to gain a tactical advantage[.]” (quotation omitted)). Given the lack of demonstrable prejudice to Ramsey’s ability to put on a defense, this factor weighs strongly against Ramsey.

On balance, we conclude that the district court did not deprive Ramsey of his right to a speedy trial because Ramsey suffered no actual prejudice to his ability to raise a defense. *See, e.g., State v. Jones*, 392 N.W.2d 224, 235-36 (Minn. 1986) (holding that even though first three *Barker* factors weighed in defendant’s favor, a seven-month delay did not violate defendant’s right to a speedy trial because there was no demonstrable prejudice to his defense); *State v. Strobel*, 921 N.W.2d 563, 577 (Minn. App. 2018) (“Although three of the four *Barker* factors weigh in favor of finding a speedy-trial violation, those factors are substantially outweighed by the complete lack of prejudice resulting from the brief pretrial delay in this case.”), *aff’d on other grounds*, 932 N.W.2d 303 (Minn. 2019).

III. The district court did not abuse its discretion in admitting the sergeant’s surveillance-footage testimony.

Ramsey argues that the district court abused its discretion when it admitted, over his objection, the sergeant’s testimony that identified Ramsey in the surveillance video as the person in stone-washed jeans who entered the silver car from which shots were fired. We review the district court’s evidentiary ruling for an abuse of discretion. *State v. Ali*, 855 N.W.2d 235, 249 (Minn. 2014). “A defendant who claims the [district] court erred in admitting evidence bears the burden of showing the error and any resulting prejudice.” *State v. Kennedy*, 585 N.W.2d 385, 389 (Minn. 1998) (quotation omitted).

Minnesota Rule of Evidence 701 allows a lay witness to provide “testimony in the form of opinions or inferences” so long as those opinions and inferences are “rationally based on the perception of the witness” or “helpful to a clear understanding of the witness’[s] testimony or the determination of a fact in issue.” Ramsey argues that because the sergeant did not witness the shooting, the sergeant’s testimony effectively “amounted to an impermissible expression of opinion . . . that Ramsey was guilty of the charged offenses.” The state contends that the sergeant did not opine on whether he believed that Ramsey was the shooter, but instead “offered his opinion on the visible characteristics of [Ramsey’s] appearance,” which is permissible under rule 701.

We have concluded in numerous nonprecedential decisions that a law enforcement officer may testify as to their opinion and observations about surveillance footage.⁵ But we have also held that a law enforcement officer, who did not witness the charged crime, cannot testify that the defendant was the individual who committed the crime.⁶

⁵ See, e.g., *State v. Williams*, No. A22-1573, 2024 WL 1044815, at *8 (Minn. App. Mar. 11, 2024) (concluding district court did not plainly err when admitting an officer’s testimony that the person depicted in the video “was the same person who appear[ed] in [other] security-camera video” and that the person in both videos was the defendant); *State v. Clement*, No. A14-1646, 2015 WL 4393559, at *4-5 (Minn. App. July 20, 2015) (concluding district court did not plainly err when it admitted an officer’s testimony “that he observed appellant concealing merchandise on [surveillance] video” and “that he observed nothing indicating that any other patron in the video should be considered a suspect” because testimony “was rationally based on [the officer’s] perception of the video, and was helpful to the jury’s clear understanding of his testimony regarding the investigation”), *rev. denied* (Minn. Oct. 20, 2015).

⁶ See, e.g., *State v. Hogetvedt*, 623 N.W.2d 900, 915-16 (Minn. App. 2001) (reversing and remanding where officer testified he told victim he “believed it was [defendant] that assaulted her” because the testimony was “particularly harmful” and “prejudicial”) *rev. denied* (Minn. App. May 29, 2001).

Here, the sergeant testified about an interview with Ramsey after he was arrested. During the interview, Ramsey identified himself in a still-shot from the surveillance video as the individual entering the restaurant at 12:50 a.m. In the photograph, Ramsey was wearing a Pirates jersey and a gold necklace.

Ramsey's admission placed him at the scene just over one hour before the shooting. It also distinguished him from the other man wearing a Pirates jersey who entered the restaurant that same night. And other surveillance footage presented to the jury showed that the man who later got into the silver car from which the muzzle flashes came was wearing a Pirates jersey *and* a necklace.

Given Ramsey's admission and the clear surveillance video evidence, we discern no abuse of discretion in the district court's admission of the sergeant's testimony.

Affirmed.