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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1137**

State of Minnesota,
Respondent,

vs.

Deionte Jaewon Parker,
Appellant.

**Filed July 13, 2026
Affirmed
Chutich, Judge***

Stearns County District Court
File No. 73-CR-23-8801

Keith Ellison, Attorney General, Tara Reese Duginske, Assistant Attorney General, St. Paul, Minnesota; and

Janelle Kendall, Stearns County Attorney, St. Cloud, Minnesota (for respondent)

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Considered and decided by Johnson, Presiding Judge; Bond, Judge; and Chutich, Judge.

* Retired justice of the Minnesota Supreme Court, serving as judge of the Minnesota Court of Appeals by appointment pursuant to Minn. Const. art. VI, § 10, and Minn. Stat. § 2.724, subd. 3 (2024).

NONPRECEDENTIAL OPINION

CHUTICH, Judge

Appellant Deionte Jaewon Parker challenges his convictions of second-degree intentional murder and unlawful firearm possession. He contends that the evidence is insufficient to sustain his convictions and that the district court abused its discretion by allowing respondent State of Minnesota to introduce evidence of prior incidents. Because sufficient evidence supports Parker's convictions and the district court acted within its discretion in its evidentiary rulings, we affirm.

FACTS

Parker's convictions stem from an October 2023 shooting at a house party that left one person dead and three others, including Parker, injured. We begin by addressing two incidents that occurred before the October shooting that were admitted as evidence at trial and are at issue in this appeal.

July 15 Altercation

On July 15, 2023, two groups of people were involved in an altercation outside the Red Carpet, a nightclub in St. Cloud. Two participants are related to Parker, and one of these relatives was stabbed during the altercation. Witness #1—one of the October shooting victims—was present during the July 15 altercation and is friends with the person alleged to have stabbed Parker's relative. Witness #1 is also friends with the person who died in the October shooting (the victim). The state presented evidence that Parker was aware of the July 15 stabbing of his relative.

October 15 Encounter

On October 15, 2023, one week before the house-party shooting, the victim was present at the Red Carpet with another person. Parker was also present and encountered the victim inside the Red Carpet. The two began talking. One witness described this conversation as not “like a friendly talk” but not “aggressive.” Parker and the victim walked outside of the Red Carpet together and continued talking. A witness testified that he “got in between” the two men to keep them from fighting. The state introduced a surveillance video, which a law enforcement officer testified showed Parker enter a shooting stance and point finger guns at the victim. The two eventually went off in separate directions without further interaction.

October 22 Shooting

On October 22, 2023, a woman (the host) held a party at her St. Cloud residence. Guests began arriving at around 3:00 a.m. Many persons attended the party, with one witness remarking that “[h]alf of St. Cloud” was there.

Before the party, surveillance video at a gas station captured an image of Parker. In the video, he is shown as having a beard and wearing a red hooded sweatshirt, blue jeans, and black shoes.

Parker does not dispute that he was at the party that night. The victim and witness #1 were also at the party. Witness #1 testified that he called Parker over to him to introduce himself and address rumors about the July 15 altercation. Parker asked witness #1 whether he stabbed anyone during that incident. Witness #1 testified that, at some point during the interaction, Parker pointed a firearm at his chest. Witness #1 stated that he pushed Parker’s

wrist down to get the weapon away from his chest. Parker walked away some time after. The victim, witness #1, and Parker were all inside the home during this encounter, but the victim was not part of this conversation.

At trial, witness #1 was unable to recall what Parker was wearing at the party. Witness #1 testified on cross-examination that he (witness #1) was wearing a red hooded sweatshirt and black pants at the party. On redirect examination, however, he agreed that whatever he was wearing when transported to the hospital was what he was wearing at the party. He further agreed that if there was not a red hooded sweatshirt present at the hospital, he probably was not wearing it at the party. An officer testified that witness #1 was wearing a white shirt when taken to the hospital.

Witness #2, who was standing by the door, testified that there was a commotion inside and several persons were “told to take it outside.” Witness #2 testified that the first of these people to go outside was a tall man with dreadlocks who was wearing a red hooded sweatshirt. Witness #2 first met this man the previous day. Witness #2 later found the Facebook profile of this person and that profile was later linked to Parker. Witness #2 stated that the man in the red hooded sweatshirt was clutching a firearm in his pocket. She testified that she saw the “butt” of the gun.

Witness #2 further testified that, as the man walked outside, he said “to pretty much everybody that was behind him,” “Y’all can die too.” According to witness #2, the victim and witness #1 walked outside after Parker. Witness #2 stated that witness #1 wore a red sweatshirt.

The host was standing by the front door, collecting entry fees from guests. She testified that the victim, whom she knew, left the house to smoke a cigarette. She stated that, shortly after the victim walked outside, a man with dreadlocks, wearing a red hooded sweatshirt, stepped outside. The host did not know this person. That person told the host that he was coming back, and he then walked over to a white car. Surveillance video at the gas station showed that Parker was riding in a white car with three friends before the shooting. And after the shooting, the police found a letter addressed to Parker in the white car.

Contrary to witness #2's testimony, the host testified that the person with dreadlocks was the only person she saw at the party that night who was wearing a red hooded sweatshirt. A law enforcement officer also testified that he reviewed a recording of a call in which Parker stated that he was the only person wearing a red hooded sweatshirt that night.

The host testified that she saw the man in the red hooded sweatshirt walk back from the white car toward the victim, who was standing on a small hill in front of her house. According to the host, the two men were facing each other when the man in the red hooded sweatshirt "cocked [a] gun back." The host, however, stated that she did not actually see a gun. She saw only a dark item in the man's hand and saw the man make a sliding motion that she understood to be cocking a gun back. She then heard the victim say, "I don't give a f--k about none of that sh-t." The host testified that she was "scared" and immediately backed up from the doorway into her house. She further testified, "And once I backed up,

that's when I heard the gun go off." The host did not see the actual shooting. Witness #2 similarly did not observe the shooting.

Witness #1's testimony also addressed the immediate lead-up to the shooting. After the interaction with Parker, witness #1 went outside. Witness #1 was standing close to the door, facing the back of the victim, who was about five to seven steps ahead of witness #1. Witness #1 observed someone in a red sweatshirt walking toward the victim and stated that the victim appeared to be fighting someone. Witness #1 was not sure whether this person was the same person who had allegedly pointed a gun at him earlier. Witness #1 then heard gunfire and ran into the house. While in the house, witness #1 realized that he had been shot in the leg. He heard continued gunfire while he was in the house.

A different witness, witness #3, observed a portion of the shooting. Witness #3 was standing close to the street, near a car that was in front of the house. Witness #3 testified that he observed a person firing gunshots toward the house. According to witness #3, this person was standing "[k]ind of close to [him]," near the sidewalk, when the shooting occurred.

Residential surveillance video captured Parker and others running from the scene of the shooting on foot. One person appeared to be carrying a handgun, and Parker was not wearing the black shoes depicted in the gas-station surveillance video.

Emergency personnel responded to the scene of the shooting. The victim sustained numerous gunshot wounds and died at the scene. Witness #1 was transported to a hospital with a leg wound. A third person was shot. Parker, who had left the scene and did not seek medical treatment, additionally sustained a gunshot wound to his leg.

Post-shooting Investigation

A subsequent law-enforcement investigation gave more insight into the shooting. At least six different firearms were used in the shooting, firing at least 50 bullets. Six cartridge casings were connected to a pistol found in the kitchen of the home. DNA testing linked this pistol to witness #1. Law enforcement recovered one firearm near the victim, in front of the host's home, and testing linked that firearm to five cartridge casings. DNA testing could not exclude the victim as a possible DNA contributor. A third firearm, found on the roof of a nearby house, was linked to seven cartridge casings. DNA testing connected that firearm to another person, A.W. Ammunition components were linked to several firearms that were never recovered.

Critical to the state's theory of the case is a firearm referred to as a Taurus G3c 9mm Luger. Five cartridge casings found at the shooting were linked to this firearm. Four of these cartridge casings were located near a black shoe. These items were found near the sidewalk on the front side of the house. DNA testing of the shoe revealed a major male DNA profile that matched Parker. But the firearm itself was not recovered until July 2024, many months after the October 2023 shooting. Law-enforcement officers recovered the firearm following a domestic dispute in St. Louis Park. Parker's uncle had at one time owned the firearm. Testing of this firearm excluded Parker as a DNA contributor.

An autopsy showed that the victim sustained 18 gunshot wounds. Four bullets were recovered from the victim's body. A Bureau of Criminal Apprehension report stated that these bullets "were identified as having been fired by the same firearm or different firearms manufactured by the same tool in a similar state of wear." This report states that these

bullets are “consistent with a .40 full metal jacket bullet.” The cartridge casings found near the black shoe connected by DNA testing to Parker are 9 mm caliber.

In a recorded phone call a few weeks after the shooting, Parker said that he was nearby listening when law-enforcement officers went to a friend’s house inquiring about Parker’s whereabouts. Parker said that, as soon as the officers left, he “got the f--k up out of dodge.”

Parker’s stepmother testified that, a few days after she found out about the shooting, she picked Parker up from Minneapolis and drove him to St. Cloud. Parker’s stepmother saw a wound on his leg, and Parker explained that he injured himself in a fire and “a stick had lodged in his leg.” Law-enforcement officers obtained a search warrant for her car and recovered various medical supplies, including hydrogen peroxide, pain medication, gauze, and antiseptic liquid.

Law enforcement also investigated phone records associated with Parker. Between 4:11 a.m. and 7:02 a.m. on the morning of the shooting, there were 13 phone calls made between Parker’s phone and another person’s phone. Parker apparently arrived at the party in that person’s car, accompanied by that person. Law enforcement additionally executed a search warrant at Parker’s home, where they recovered a Glock gun case, a single 9 mm Luger bullet, and a Remington Luger 9 mm case that was missing some bullets. No firearms were recovered during this search.

Legal Proceedings

The state charged Parker by amended complaint with: (1) aiding and abetting second-degree intentional murder, in violation of Minn. Stat. § 609.19, subd. 1(1) (2022);

(2) second-degree assault related to the allegation that he pointed a firearm at witness #1, in violation of Minn. Stat. § 609.222, subd. 1 (2022); and (3) unlawful possession of a firearm, in violation of Minn. Stat. § 624.713, subd. 2(b) (2022).

The state filed a notice of its intent to introduce evidence of the July 15 and October 15 incidents as *Spreigl* evidence.¹ Parker objected to the admission of evidence of those incidents. Because the July 15 altercation did not involve acts by Parker, the district court did not admit it as *Spreigl* evidence; rather, it deemed the evidence admissible as relevant evidence under Minn. R. Evid. 402 and 403. The district court additionally deemed admissible the evidence of the October 15 encounter as *Spreigl* evidence.

The district court held a six-day jury trial in February and March 2025. At trial, the state presented evidence of the July 15 and October 15 incidents, and Parker stipulated that he was ineligible to possess a firearm. The jury found Parker guilty of second-degree intentional murder and unlawful firearm possession but found him not guilty of second-degree assault. The district court entered convictions on both counts on which the jury found Parker guilty. The court sentenced him to 480 months in prison for the murder and a concurrent 60-month sentence for the firearm offense. This appeal followed.

¹ The term “*Spreigl* evidence” takes its name from *State v. Spreigl*, 139 N.W.2d 167 (Minn. 1965). *Spreigl* evidence, codified under Minn. R. Evid. 404(b), refers to “evidence of another crime, wrong, or act.” *State v. Rossberg*, 851 N.W.2d 609, 615 (Minn. 2014) (quoting Minn. R. Evid. 404(b)).

DECISION

I. The state presented sufficient evidence to sustain Parker’s convictions.

In challenging the sufficiency of the evidence underlying his conviction of second-degree intentional murder and unlawful firearm possession, Parker argues that the circumstances proved are consistent with a rational hypothesis that he did not kill the victim, as a principal or an accomplice, or possess a firearm.

We begin by addressing the elements of second-degree intentional murder. Although the jury instructions allowed the jury to find Parker guilty as a principal or as an accomplice, we focus our analysis on whether the state provided sufficient evidence of Parker’s guilt as a principal. *See State v. Ezeka*, 946 N.W.2d 393, 407-08 (Minn. 2020) (explaining that, because aiding and abetting is a theory of liability rather than a separate substantive offense, courts need not rely on this theory when a defendant commits the act as a principal). As relevant here, for Parker to be convicted of second-degree intentional murder as a principal, the state was required to prove that Parker “cause[d] the death of [the victim] with intent to effect the death of that person or another, but without premeditation.” Minn. Stat. § 609.19, subd. 1(1).

Regarding the intent element, “with intent to” means “the actor either has a purpose to do the thing or cause the result specified or believes that the act, if successful, will cause that result.” Minn. Stat. § 609.02, subd. 9(4) (2022). “Intent is a state of mind, which generally is proved circumstantially, by inference from words and acts of the actor both before and after the incident.” *State v. Cruz*, 997 N.W.2d 537, 552 (Minn. 2023) (quotation omitted). A jury can infer that the actor “intends the natural and probable consequences of

his actions.” *Id.* (quotations omitted). A jury can likewise infer intent based on the nature of the killing, the shooter’s words and actions before and after the shooting, and the use of a deadly weapon. *See State v. Colgrove*, 996 N.W.2d 145, 152 (Minn. 2023) (nature of killing); *Stiles v. State*, 664 N.W.2d 315, 320 (Minn. 2003) (words and actions); *State v. Geshick*, 168 N.W.2d 331, 332 (Minn. 1969) (deadly weapon). Regarding the causation requirement, “the State must prove the defendant’s acts were a substantial causal factor leading to the death.” *State v. Gatson*, 801 N.W.2d 134, 146 (Minn. 2011) (quotation omitted).

Standard of Review

Appellate review of sufficiency-of-the-evidence challenges depends on whether the evidence underlying a conviction is direct evidence or circumstantial evidence. *State v. Segura*, 2 N.W.3d 142, 155 (Minn. 2024). “[D]irect evidence is evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption.” *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (quotation omitted). In contrast, circumstantial evidence is “evidence from which the fact[-]finder can infer whether the facts in dispute existed or did not exist.” *Id.* (quotation omitted). Because the state did not provide direct evidence of Parker’s guilt of second-degree intentional murder (e.g., testimony from a witness who directly observed Parker shoot at and strike the victim), we apply the circumstantial-evidence test. *See Segura*, 2 N.W.3d at 155.

Appellate courts apply a two-step test for assessing the sufficiency of circumstantial evidence underlying a conviction. *State v. Firkus*, 31 N.W.3d 468, 478 (Minn. 2026).

First, appellate courts “‘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.’” *Id.* (quoting *Harris*, 895 N.W.2d at 600).

This winnowing process recognizes that “the jury is uniquely positioned to assess witness credibility and weigh the evidence, and that jurors may accept some parts of a witness’s testimony while rejecting others.” *Id.* at 480. Relatedly, this test does not mean that “any fact that is hypothetically consistent with the verdict must be included in the circumstances proved regardless of the jury’s unique position to determine the credibility of the witnesses and weigh the evidence before it.” *Id.* at 479. An inference from evidence is not a circumstance proved, meaning that “inference[s] should never be included in the first step of the circumstantial-evidence test.” *Id.* at 483.

At the second step of the circumstantial-evidence test, appellate 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.* In doing so, appellate courts “do not defer to the fact[-]finder but examine the reasonableness of the inferences” independently. *Id.* (quotation omitted). Evidence is insufficient to support a conviction “[i]f the circumstances proved when viewed as a whole, support a reasonable inference that is inconsistent with guilt.” *Id.* (quotations omitted). Appellate courts will not, however, “reverse a conviction based on mere conjecture.” *Id.* (quotation omitted).

Circumstances Proved

Consistent with *Firkus*, we begin by winnowing down the evidence, resolving factual disputes in favor of the verdict. *See id.* at 489. The circumstances proved are as follows:

- On July 15, Parker’s relative was stabbed in an altercation at which the victim’s friend, witness #1, was present. Parker was aware of the incident, and rumors had been circulating about this stabbing.
- On October 15, a week before the shooting, Parker and the victim had an encounter at the Red Carpet. The two were engaged in not “friendly talk,” and Parker went into a shooting stance and pointed “finger guns” at the victim.
- On October 22, Parker attended a house party. Before the shooting, he was observed at a gas station in a white car. After the shooting, a letter addressed to Parker was found in a white car owned by Parker’s friend.
- Before the shooting, surveillance video showed that Parker was wearing a red hooded sweatshirt and black shoes. He was the only person wearing a red hooded sweatshirt at the party.
- The victim and witness #1 were also at the party.
- Witness #1 spoke with a person at the party about the July 15 altercation.²
- There was a commotion inside the house, and several persons were “told to take it outside.”
- Witness #2 observed a person in a red hooded sweatshirt, whom she later identified as Parker, leave the house. She saw the “butt” of a firearm in his pocket. Parker is ineligible to possess a firearm. As Parker headed outside, he said, “Y’all can die too.” The victim and witness #1 additionally left the house.

² Because the jury found Parker not guilty of second-degree assault, we do not include as a circumstance proved that he pointed a gun at witness #1.

- The host observed a man in a red hooded sweatshirt leave her house. This person said that he was coming back. He went to a white car parked on the street and then walked back towards the house and the victim.
- As he approached the victim, the man in the red hooded sweatshirt made a motion that the host believed to be “cock[ing] [a] gun back.” The victim stated, “I don’t give a f--k about none of that sh-t.” These events caused the host to back up into her house, and she then heard a gun go off.
- Shortly thereafter, approximately 50 gunshots were fired. Witness #3 saw a shooter fire from near the sidewalk in front of the house.
- At least four people sustained gunshot wounds. The victim sustained 18 gunshot wounds and died at the scene of the shooting. Each of the gunshot wounds contributed to the victim’s death. It is not possible to tell from the victim’s wounds what position the victim was in when the shooting occurred.
- Residential video footage captured Parker running from the scene of the shooting. The footage showed that Parker was not wearing the black shoes following the shooting.
- At least six different firearms were used in the shooting. One of these firearms was linked to witness #1, one of these firearms was linked to the victim, and one of these firearms was linked to A.W.
- Four discharged cartridge casings were located near a black shoe. DNA testing of this shoe revealed a major male DNA profile belonging to Parker. These four cartridge casings were linked to a firearm owned at some point in time by Parker’s uncle.
- In the hours immediately following the shooting, 13 phone calls were made between Parker’s phone and the phone of a person with whom he was seen before the party. In a phone call with another person a few weeks after the shooting, Parker stated that he was nearby listening when law enforcement asked a friend about Parker’s whereabouts. As soon as the officers left, Parker got “the f--k up out of dodge.” Parker left St. Cloud and went to Minneapolis.
- A few days after the shooting, Parker’s stepmother drove him from Minneapolis to St. Cloud. Parker told her that he was injured by fire and a stick, but bullet fragments were later removed from Parker’s leg. Parker did not go to the hospital for his injury, and law enforcement recovered various

medical supplies from his stepmother's car, including hydrogen peroxide, pain medication, gauze, and antiseptic liquid.

Applying the Circumstantial-Evidence Test

Having identified the circumstances proved, we next address whether they are consistent with guilt. *See id.* at 478, 483. As stated above, the state was required to prove that Parker “cause[d] the death of [the victim] with intent to effect the death of that person or another, but without premeditation.” Minn. Stat. § 609.19, subd. 1(1).

A. The circumstances proved are consistent with guilt.

We conclude that the circumstances proved are consistent with guilt. Regarding the acts that occurred before the shooting, the circumstances proved show that, just one week before the shooting, Parker and the victim had an encounter in which Parker pointed “finger guns” at the victim. Parker attended the party at which the shooting occurred and was the only person wearing a red hooded sweatshirt. At the party, Parker was observed possessing a firearm. While heading outside shortly before the shooting started, he said to the persons behind him, “Y’all can die too.” The host saw Parker walking toward the victim and making a motion that the host described as cocking a gun just seconds before the first shot was fired, which raises a reasonable inference that Parker approached the victim, prepared to use a firearm, and then fired it.³ Witness #3 stated that he observed a person shooting

³ Based on the circumstance proved that Parker was the only person wearing a red hooded sweatshirt, as well as the host's testimony that she saw a person in a red sweatshirt walking toward the victim, and witness #2 later showing to law enforcement a Facebook profile that she identified as belonging to Parker, and which law enforcement connected to Parker, the only reasonable inference is that the person that confronted the victim outside of the house party was Parker.

by the sidewalk, a location consistent with where the black shoe was found. Based on the DNA testing of the shoe and the descriptions of Parker's attire, the only reasonable inference is that Parker wore this black shoe at the party. Many gunshots were fired, and the victim died after sustaining 18 gunshot wounds. Four cartridge casings were found by Parker's shoe, and those casings were linked to a firearm at some point in time owned by Parker's uncle, raising an inference that Parker used that firearm—a deadly weapon—and fired at least four times at the victim. Another cartridge casing was found in the direction that Parker likely fled. Parker learned that law-enforcement officers were looking for him and then got “the f--k up out of dodge,” leaving St. Cloud. Parker did not go to the hospital despite sustaining a gunshot wound.

Considered as a whole, the circumstances proved allowed the jury to reasonably conclude that Parker (1) had a motive to harm the victim based on the July 15 altercation, as evidenced by the October 15 encounter; (2) threatened partygoers by stating “Y’all can die too” shortly before the shooting began; (3) possessed a gun; (4) fired the gun at the victim at least four times from fairly close range; and (5) was conscious of guilt, as shown by his decision to flee and avoid going to a hospital. *See State v. Bias*, 419 N.W.2d 480, 485 (Minn. 1988) (explaining that “evidence of flight suggests consciousness of guilt”). Accordingly, the circumstances proved are consistent with guilt, meaning that they are consistent with a conclusion that Parker intended to cause the victim's death and, by shooting the victim, Parker was a substantial factor in causing the death.

B. The circumstances proved are not consistent with a reasonable hypothesis other than guilt.

We next address whether the circumstances proved are consistent with a reasonable hypothesis other than guilt. Parker argues that there is a reasonable alternative hypothesis that he did not cause the death of the victim with intent to do so.

To support this argument, Parker contends that it is not even a “circumstance proved” that he possessed a gun that night and that a witness’s observation that he “cocked” a gun is inconsistent with the hand motion required before firing a firearm. He additionally raises several inferences from the forensic evidence that he claims show that another shooter caused the victim’s death.

Specifically, he contends that several cartridge casings found near the victim’s body were from a firearm linked to A.W.; that those casings were in a position consistent with the victim’s gunshot wounds; that three wounds to the right of the victim’s body are inconsistent with the sharper angle from which the cartridge casings from the gun that Parker allegedly possessed were found; and that 18 cartridge casings from an unknown firearm were found in a location consistent with the position of the straight backward gunshot wounds that the victim sustained in his torso. He also notes that, based on the location of the cartridge casings in relation to the shoe linked to Parker, the gunshots from the firearm that Parker was alleged to have used could only have been fired directly west, rather than southwest toward the victim.

Parker further argues that flight is not conclusive evidence of guilt. Finally, he claims that admission of evidence from the July 15 and October 15 incidents shed no light

on his motive or intent. Parker asserts that he did not know who stabbed his cousin; that there is no reason that, after the stabbing, he would shoot a friend of witness #1 rather than witness #1 himself; and that he did not make a shooting gesture during the October 15 encounter.

After reviewing the totality of the circumstances proved here, we conclude that the circumstances proved are not consistent with a reasonable hypothesis other than guilt. First, contrary to Parker's assertion, we conclude that it is a circumstance proved that Parker possessed a gun that night. He maintains that witness #2 and the host testified that they never saw a gun in the possession of the person in the red hooded sweatshirt. Witness #2 clearly testified, however, that she did see this person with a gun in his pocket shortly before the shooting, and she later identified Parker as the person wearing a red hooded sweatshirt and possessing a gun from his Facebook account and at trial. Her only confusion at trial stemmed from how to refer to the portion of the firearm that she observed, describing it as the "end" or "butt."

Similarly, although the host did not see the actual gun, she did see the person in the red hooded sweatshirt "cock" a dark item that appeared to be a gun as he approached the victim, just seconds before the first shot rang out. Moreover, a firearm that Parker's uncle owned was involved in the shooting and four discharged casings from that gun were located near where Parker's shoe was found at the crime scene. A fifth casing was found north of the house, in the direction that Parker fled after the shooting. These circumstances proved make Parker's assertion that he did not possess or fire a gun that night an unreasonable inference.

Regarding the presence of other shooters, we note that, although gunshots from at least one other firearm struck the victim,⁴ that other gunshot wounds might have contributed to his death does not mean that the bullets that Parker fired were not a substantial factor in causing the victim's death. The circumstances proved show that no one specific gunshot fired from any particular gun killed the victim; rather, each of the 18 gunshot wounds that the victim sustained contributed to his death. In addition, given the testimony of the host and witness #3 about their observations, the circumstances proved suggest that Parker was the first shooter.

We turn to Parker's argument that the location and trajectory of the victim's gunshot wounds are inconsistent with the location in which he was alleged to have shot the victim. Parker's theory relies on the unreasonable assumption that the victim was only facing north and parallel to the house when he was shot. In fact, testimony from the host suggested otherwise, as she testified that the victim was facing Parker when Parker walked from the street toward the victim and the house.⁵ In addition, the medical examiner testified that it was not possible to determine where the victim was positioned before and during the shooting.

⁴ The four bullets recovered from the victim's body appear to be from a different caliber firearm than the Taurus G3c 9mm Luger that was connected to Parker. Given the many entry and exit wounds on the victim's body, some of the bullets that struck the victim exited his body, meaning that the four bullets that remained in the victim's body could not be a basis to exclude Parker as a shooter.

⁵ Exhibits show that this street is on the east side of the house.

Parker additionally argues that the orientation of the shooter must have matched the orientation of the black shoe, which was found pointing west, meaning that the shooter could not have been shooting southwest at the victim. This hypothesis, however, is untenable for two reasons: (1) it assumes that the shooter's torso was facing the same direction as the black shoe when shots were fired; and (2) it assumes that the black shoe that Parker left behind remained pointed directly west during the entirety of the shooting and was not turned or moved when Parker fled or during the immediate aftermath of the chaotic shooting and emergency response.

Parker's theory does not establish a reasonable inference inconsistent with guilt. *See Firkus*, 31 N.W.2d at 483. That Parker's DNA was not found on the Taurus G3c 9mm Luger is not material given the large gap in time between the October 2023 shooting and the July 2024 recovery of the firearm. Nor is the absence of bullet fragments in the victim's body tied to Parker's firearm meaningful given the number of exit wounds in the victim's body. Additionally, Parker's arguments regarding the angles of bullets shot from the Taurus G3c 9mm Luger are unavailing because the premises upon which they rely—an unmoved shoe that is aligned with the shooter's torso when shots were fired and a completely stationary shooting victim who was facing north—are implausible when considering the totality of the circumstances proved.

Notably, at the second step of the circumstantial-evidence test, we review the circumstances proved “as a whole and not as discrete, isolated facts.” *Id.* The circumstances proved as a whole show that Parker made a threatening gesture at the victim in the days before the shooting; possessed a gun on the night of the shooting; threatened

others at the party with death before leaving the house; approached the victim and was seen cocking what appeared to be a gun just seconds before the first shot was fired; fled the location of the shooting and, later, the city, without receiving medical aid for his gunshot wounds. The circumstances proved further include the presence of cartridge casings linked to the firearm owned by Parker's uncle, which were found by the black shoe linked by DNA and surveillance video to Parker. When considered as a whole, the only reasonable inference is that Parker fired five shots from the firearm owned by his uncle and these shots were a substantial factor in causing the victim's death. These circumstances proved, reviewed in their totality, do not support a rational inference inconsistent with guilt.

In sum, we conclude that sufficient evidence supports Parker's conviction for second-degree intentional murder as a principal. Given this result, which requires a conclusion that the act was carried out using a firearm, and Parker's stipulation that he is ineligible to possess a firearm, we likewise conclude that sufficient evidence supports Parker's unlawful-firearm-possession conviction.

II. The district court acted within its discretion in its evidentiary rulings.

Parker next challenges the district court's decision to allow the state to introduce evidence of the July 15 and October 15 incidents.

Appellate courts "will not reverse an evidentiary ruling absent a clear abuse of discretion." *State v. Ali*, 855 N.W.2d 235, 249 (Minn. 2014). In making an evidentiary ruling, 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. Glover*, 4 N.W.3d 124, 134 (Minn. 2024) (quotation omitted). As the party claiming error, Parker bears "the

burden of showing both the error and the prejudice resulting from the error.” *Holt v. State*, 772 N.W.2d 470, 483 (Minn. 2009) (quotation omitted).

July 15 Altercation

Parker first challenges the district court’s decision to allow the state to present evidence of the July 15 altercation in which his relative was allegedly stabbed in the presence of witness #1, who was a friend of both the October shooting victim and the person alleged to have stabbed Parker’s relative. Parker argues that the altercation was irrelevant and unfairly prejudicial because neither he nor the victim were involved. Rather, he asserts that “[i]t involved persons unknown to Parker assaulting [Parker’s] cousin,” and that Parker did not know who was involved. In support, he cites witness #1’s testimony that Parker asked him if he, witness #1, stabbed the relative. Parker adds that there was no mention that the victim was connected to persons involved in the altercation.

Although the state initially sought to introduce the July 15 altercation as *Spreigl* evidence, the evidence was ultimately admitted under evidentiary rules governing the general admissibility of relevant evidence. *See* Minn. R. Evid. 402, 403. Relevant evidence is ordinarily admissible, Minn. R. Evid. 402, but it “may be excluded if its probative value is substantially outweighed by 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. Evidence is relevant if it has “any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Minn. R. Evid. 401.

The bar for relevance is not high as “Rule 401 adopts a minimal relevancy approach.” *State v. Ture*, 632 N.W.2d 621, 631 (Minn. 2001) (quotation omitted). Regarding the risk of unfair prejudice, “the term prejudice in Rule 403 does not mean the damage to the opponent’s case that results from the legitimate probative force of the evidence; rather, it refers to the unfair advantage that results from the capacity of the evidence to persuade by illegitimate means.” *State v. Mosley*, 853 N.W.2d 789, 797 (Minn. 2014) (quotation omitted).

In granting the state’s motion, the district court explained that the July 15 incident is admissible under rules 402 and 403 because it could “be offered to demonstrate [Parker’s] motive in the case at hand.” The district court explained that Parker’s “relatives were assaulted and stabbed, which occurred while [Parker] was in custody, and the State asserts that it has evidence that [Parker] was informed about this incident.”

Although Parker is correct that the July 15 altercation did not involve him, his absence from that event does not make it irrelevant. The state’s theory was that the altercation provided motivation explaining why Parker wanted to get back at witness #1 and his friends for assaulting Parker’s relatives. At trial, the state presented evidence that the person stabbed that day was Parker’s relative and that Parker knew about the altercation. The evidence of the July 15 altercation therefore helps establish that Parker may have had a desire to retaliate against the person who had stabbed his relative and that person’s associates.

Parker emphasizes that the state failed to present evidence that Parker knew who was involved in the July 15 altercation or that he knew whether the shooting victim was

associated with any of these persons. He cites as support testimony from witness #1 who said that Parker asked him whether he, witness #1, was involved and had stabbed his relative. Witness #1 testified, however, that there were “a lot of rumors going on” about the July 15 stabbing and that he approached the person in the red hooded sweatshirt at the house party to “clear the rumors up.” From that testimony, it could be reasonably inferred that Parker already had an idea about who was involved in the July 15 episode and who were their associates.

Regarding rule 403’s balancing requirement, the evidence of this altercation did not create an unfair risk of prejudice through persuasion by “illegitimate means” so as to require exclusion under rule 403, *id.*, particularly when considering the district court’s broad discretion in making evidentiary rulings, *see State v. Peterson*, 764 N.W.2d 816, 821 (Minn. 2009). Accordingly, the district court acted within its discretion by admitting evidence of the July 15 altercation.

October 15 Encounter

Parker next challenges the admission of the October 15 encounter, arguing that the state failed to present evidence that the encounter was a “bad act.” In support of this argument, Parker contends that witnesses denied that the October 15 encounter was aggressive and that there is insufficient context to determine whether Parker intended his hand gestures to be threatening. He relies on *State v. Gallagher* to argue that gestures can be ambiguous without proper context. 275 N.W.2d 51 (Minn. 1979).

The district court allowed the state to admit evidence of the October 15 encounter as *Spreigl* evidence under Minn. R. Evid. 404(b). Under this rule, the state may introduce

“[e]vidence of another crime, wrong, or act as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.” Minn. R. Evid. 404(b)(1). The state sought to admit evidence of the October 15 encounter as “proof of motive, intent, absence of mistake or accident or fabrication, and modus operandi.” To be admissible under rule 404(b), the act at issue must be wrongful. *See Ture v. State*, 681 N.W.2d 9, 17 (Minn. 2004) (agreeing with district court conclusion “that the evidence was not evidence of bad acts because there is nothing per se wrong with” the acts).

In its pretrial order, the district court explained that “clear and convincing evidence” showed that Parker participated in this October 15 act. The district court noted that surveillance video depicted Parker “being animated during the interaction” and “mak[ing] a motion as if he was shooting the victim.” The district court accordingly allowed the state to present evidence of the October 15 encounter.

After careful review of the evidence, we conclude that it was reasonable for the district court to have interpreted Parker’s conduct as a bad act. In the surveillance video, Parker can be seen raising his hands together and pointing them at the victim, making a motion consistent with shooting a firearm. Additionally, the testimony about the encounter to which Parker refers does not foreclose the possibility that the encounter was aggressive. At trial, one witness, who described the encounter as not “friendly” but not “aggressive,” agreed that he might have told an investigator previously that the men’s conversation was “aggressive talk.” Another witness, Parker’s cousin, agreed that the men were “in each other’s faces” that night and that he got between the two men to keep them from fighting.

The surveillance footage showed a person placing himself between Parker and the victim several times.

Parker further contends that, even if evidence of the October 15 interaction is evidence of a bad act under rule 404(b), the potential for unfair prejudice from its admission outweighed its probative value. The district court, after stating that the “verbal altercation between the victim and [Parker] clearly indicates animosity between them, and it occurred the weekend prior to the homicide,” concluded that the possible “prejudice of the *Spreigl* evidence does not unfairly outweigh the probative value.”

We agree with the district court. “Prejudice” in this context does not include damage to a party’s case “from the legitimate probative force of the evidence.” *State v. Welle*, 870 N.W.2d 360, 366 (Minn. 2015) (quotation omitted). Here, the evidence of threatening behavior by Parker toward the victim on October 15, one week before the shooting, sheds light on the relationship between Parker and the victim and does not seek “to persuade by illegitimate means.” *Id.* (quotation omitted). When considering the district court’s wide latitude in making evidentiary decisions, we conclude that Parker has not met his burden in showing that the district court abused its discretion by admitting evidence of the October 15 encounter.

Affirmed.