

*This opinion is nonprecedential except as provided by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
A25-1280**

State of Minnesota,
Respondent,

vs.

Clarence Jason Bibbs,
Appellant.

**Filed July 6, 2026
Affirmed
Larkin, Judge**

Hennepin County District Court
File No. 27-CR-24-14222

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

Mary F. Moriarty, Hennepin County Attorney, Matthew D. Hough, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

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

Considered and decided by Larkin, Presiding Judge; Reyes, Judge; and Bratvold, Judge.

NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellant challenges his first-degree assault conviction, arguing that the evidence supporting the conviction was insufficient to sustain the jury's guilty verdict. He also challenges his sentence. We affirm.

FACTS

Respondent State of Minnesota charged appellant Clarence Jason Bibbs with attempted second-degree murder, first-degree assault, second-degree assault, and unlawful possession of a firearm. The state alleged that, on June 22, 2024, Bibbs got into an argument with the victim and shot him multiple times. The case was tried to a jury.

Although the victim did not fully cooperate with the investigation or testify at trial, the victim's mother, KC, did. KC testified that she lived with the victim in an apartment on the fourth floor of the apartment complex where the shooting occurred. There are 12 apartments on that floor, and there are four elevators in the hallway in the center of the floor, with two on each side of the hallway, facing each other. A stairwell is located at each end of the hallway. KC lived at the end of the hallway, and one of the stairwells was across from her apartment.

KC testified that she used to be in a relationship with Bibbs and that they had a dog named Luna. Around the time of the shooting, Bibbs was going out of town, and Bibbs and KC argued because KC did not want to watch Luna. The night before the shooting, Bibbs went to KC's apartment and banged on the door, but KC did not answer. The next day, Bibbs went to KC's place of employment. He asked KC why she had not responded to his communications. KC told Bibbs, "I'm allergic to Luna[,] and . . . I don't want to have anything to do with you." Bibbs replied, "[O]h, you['re] going to watch Luna."

KC testified that Bibbs went to her apartment later that day, and when she answered the door, Bibbs "threw" Luna into the apartment and ran down the stairs. KC texted Bibbs and threatened to take Luna to the dog pound. Around this time, the victim arrived at the

apartment and asked KC why Luna was there. When KC explained the situation, the victim was upset that Bibbs had dropped off the dog without permission. In the past, Bibbs and the victim had occasionally argued with each other, particularly when Bibbs was disrespectful to KC.

The victim called Bibbs and told him to retrieve the dog. The victim then left the apartment with the dog, and KC heard the victim and Bibbs arguing in the hallway a few minutes later. Then KC heard three gun shots. KC stepped into the hallway and saw the victim running towards her and Bibbs running towards the victim. KC heard Bibbs say, “[Y]ou ain’t so tough now, n-gg-.” The victim ran down a stairwell, and Bibbs followed him. KC did not see any shots fired.

The victim collapsed in the lobby of the apartment complex. He was severely wounded, but he survived the shooting. KC went down the stairwell that the victim and Bibbs had used, and she spoke to the victim as he lay on the lobby floor. KC testified that the victim said, “[T]hat n-gg- shot me.” KC testified that the victim did not have a gun when he lived with her, she did not see him with a gun on the day of the crime, and she did not see a gun when she went down the stairwell.

A friend of the victim testified that she was on the phone with the victim when the shooting occurred, that she heard an argument, and that she did not hear the victim make any threats. But she testified that she heard the victim say, “if you going to blow then blow,” which she understood to mean, “[i]f you’re going to shoot then shoot.” Immediately afterward, she heard gunshots.

Investigators did not recover a firearm from the victim or the crime scene. But they recovered three spent cartridge casings and three bullets. A firearms investigator testified and opined that all three bullets were fired from the same firearm.

The state presented video surveillance footage from the crime scene, which showed the following sequence of events. First, Bibbs adjusted a gun near his waist before entering an elevator in the lobby. When the elevator door opened, the victim was standing outside the elevator door, and Bibbs stepped out of the elevator. The victim turned Luna over to Bibbs and walked away. Bibbs placed one foot back in the elevator and then motioned toward the inside of the elevator with his arm. Next, Bibbs pulled his gun from his waist, stepped out of the elevator, crossed the hall, and entered another elevator. Finally, Bibbs appeared to fire his gun as he exited the second elevator while moving toward the victim.

Bibbs testified and claimed self-defense. He said that he was a gang member in his youth, that he believed the victim was also a gang member, and that the victim had threatened him in the past. On the day in question, he knocked on KC's door, and when she answered, Luna ran into the apartment. Bibbs told KC that he was going out of town. After Bibbs drove away, KC texted him and told him she planned to take Luna to the pound, so Bibbs returned to retrieve the dog.

Bibbs testified that, around the time he arrived at the apartment complex, he received a threatening call from the victim, and the victim told Bibbs to come up to KC's apartment to get the dog. Bibbs was carrying a gun when he entered the apartment complex, and he adjusted the weapon near his waist while heading to KC's apartment. Bibbs suspected that the victim might also be armed.

Bibbs testified that when he exited the elevator on KC's floor, the victim was "talking crazy to [him]." The victim handed Bibbs the dog, repeatedly insulted him, and told him not to return to KC's apartment. Bibb testified that the victim was walking away and then turned around and that the victim "went for his firearm." According to Bibbs, he and the victim then stood with their guns drawn and pointed at each other. Bibbs then walked across the hallway—with his gun drawn—to the other elevator and entered it because "it opened up." Bibbs testified that he was only a "few feet" from the victim, and that he observed the victim's finger touch the trigger of his gun, so he shot at the victim. Bibbs testified that he got out of the elevator and continued firing at the victim because the victim "was literally still right there." Bibbs admitted that he fired his gun three times at the victim. Bibbs then followed the victim into the stairwell, explaining "[it's] the exit that I normally take." Bibbs then left the scene because he was nervous about the situation, and he disposed of the gun in a river.

The district court instructed the jury regarding self-defense. The jury found Bibbs not guilty of attempted second-degree murder, guilty of first-degree assault, guilty of second-degree assault, and guilty of unlawful possession of a firearm.

Prior to sentencing, the district court received a presentence investigation report (PSI). The PSI indicated that the presumptive sentence for the first-degree assault was 161 months in prison, with a presumptive sentencing range of 138-192 months. The district court entered judgment of conviction for first-degree assault and sentenced Bibbs to serve 192 months in prison for that offense. The district court also entered judgment of conviction for unlawful possession of a firearm and sentenced Bibbs to serve a concurrent

60-month prison term for that offense. The district court did not enter judgment of conviction for second-degree assault, concluding that it was a lesser-included offense.

Bibbs appeals.

DECISION

I.

Bibbs contends that his “convictions” for first- and second-degree assault must be reversed because the evidence was insufficient to disprove his self-defense claim. Because the district court did not enter judgment of conviction for second-degree assault, we limit our analysis of Bibbs’s sufficiency challenge to the first-degree assault conviction. *See State v. Ashland*, 287 N.W.2d 649, 650 (Minn. 1979) (declining to consider a sufficiency challenge because the district court did not enter judgment of conviction for the challenged offense).

“In Minnesota, a person may act in self-defense if he or she reasonably believes that force is necessary and uses only the level of force reasonably necessary to prevent the bodily harm feared.” *State v. Devens*, 852 N.W.2d 255, 258 (Minn. 2014). The right to self-defense is codified under Minn. Stat. § 609.06, subd. 1(3) (2022), which states that a person may use “reasonable force” if he or she “reasonably believes” that the force is needed to “resist an offense against the person.” The statute has been read to include the following elements:

- (1) the absence of aggression or provocation on the part of the defendant;
- (2) the defendant’s actual and honest belief that he or she was in imminent danger of bodily harm;
- (3) the existence of reasonable grounds for that belief; and
- (4) the

absence of a reasonable possibility of retreat to avoid the danger.

Devens, 852 N.W.2d at 258 (quotation omitted). “Once a defendant meets the burden of going forward with evidence to support a claim of self-defense, the [s]tate bears the burden to disprove, beyond a reasonable doubt, one or more of the four elements.” *Id.* (quotation omitted); *State v. Radke*, 821 N.W.2d 316, 324 (Minn. 2012) (stating that the state need only disprove one of the self-defense elements).

“A finding of guilt can be based on direct or circumstantial evidence.” *State v. Olson*, 982 N.W.2d 491, 495 (Minn. App. 2022). Circumstantial evidence is “evidence from which the [fact-finder] can infer whether the facts in dispute existed or did not exist.” *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (quotation omitted). “In contrast, direct evidence is evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption.” *Id.* (quotations omitted).

When considering a challenge to the sufficiency of the evidence to sustain a conviction, we “carefully examine the record to determine whether the facts and the legitimate inferences drawn from them would permit the jury to reasonably conclude that the defendant was guilty beyond a reasonable doubt of the offense of which he was convicted.” *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016) (quotation omitted). We view the evidence in the light most favorable to the verdict and assume the fact-finder “disbelieved any evidence that conflicted with the verdict.” *Id.* We defer to the jury’s credibility determinations and will not reweigh the evidence on appeal. *State v. Franks*,

765 N.W.2d 68, 73 (Minn. 2009); *State v. Watkins*, 650 N.W.2d 738, 741 (Minn. App. 2002).

We will not disturb a guilty verdict if the jury, acting with due regard for the presumption of innocence and requirement of proof beyond a reasonable doubt, could have reasonably concluded that the state proved the defendant's guilt. *Bernhardt v. State*, 684 N.W.2d 465, 476-77 (Minn. 2004). But if the state relied on circumstantial evidence to prove an element of an offense, we apply a heightened standard of review. *See Harris*, 895 N.W.2d at 601-03 (applying circumstantial-evidence standard to individual element of criminal offense that was proved by circumstantial evidence); *State v. Firkus*, 31 N.W.3d 468, 473 (Minn. 2026) (reiterating the "long-standing two-step circumstantial-evidence test").

The parties disagree regarding the appropriate standard of review. Bibbs applies only the heightened circumstantial-evidence standard. The state argues that it disproved Bibbs's claim of self-defense with direct evidence, including the surveillance-video footage. If direct evidence is sufficient to disprove an element of self-defense, an appellate court need not apply the heightened circumstantial-evidence standard of review. *See State v. Salyers*, 858 N.W.2d 156, 160-61 (Minn. 2015) (determining that there was sufficient direct evidence of constructive possession and that, therefore, there was no need to apply the circumstantial-evidence standard of review). For the reasons that follow, we conclude that the state disproved the duty-to-retreat element of self-defense.

Again, a valid self-defense claim requires the absence of a reasonable possibility of retreat to avoid the danger. *Devens*, 852 N.W.2d at 258 (quotation omitted). Stated

differently, “a person is required to retreat if reasonably possible before acting in self-defense.” *State v. Valdez*, 12 N.W.3d 191, 197 (Minn. 2024). A reasonable opportunity for safe retreat exists if there are “options for escape or avoidance of peril . . . rather than directly confronting” someone. *See State v. Austin*, 332 N.W.2d 21, 24 (Minn. 1983).

Here, the surveillance video shows that after Bibbs took Luna from the victim, Bibbs stepped back into the elevator. But he then got out of the elevator with his gun drawn. And although Bibbs entered another elevator, he got out of that elevator and moved toward the victim while firing at him. The surveillance video provided an observation that allowed the jury to reasonably conclude—without inference or presumption—that Bibbs had a reasonable opportunity to retreat to avoid the alleged danger.

In sum, the direct evidence was sufficient to disprove one element of Bibbs’s self-defense claim beyond a reasonable doubt and, therefore, to sustain the jury’s guilty verdict on the first-degree-assault charge. We therefore do not disturb the verdict.

II.

Bibbs contends that the district court abused its discretion in sentencing him. Specifically, Bibbs complains that the district court imposed the longest presumptive prison sentence allowed under the sentencing guidelines.

The Minnesota Sentencing Guidelines establish presumptive sentences for criminal offenses and seek to “maintain uniformity, proportionality, rationality, and predictability in sentencing.” Minn. Stat. § 244.09, subd. 5 (2022). We generally will not interfere with a sentence that falls within the presumptive range. *State v. Kangbateh*, 868 N.W.2d 10, 14 (Minn. 2015). However, a district court’s sentencing power “is not absolute.” *Id.* We

retain the ability “to determine whether the sentence is inconsistent with statutory requirements, unreasonable, inappropriate, excessive, unjustifiably disparate, or not warranted by the findings of fact issued by the district court.” Minn. Stat. § 244.11, subd. 2(b) (2022).

We review a district court’s sentencing decision for an abuse of discretion. *Kangbateh*, 868 N.W.2d at 14. A district court abuses its discretion by basing its decision on an erroneous view of the law, making a decision that is against logic and the facts in the record, or exercising its discretion in an arbitrary or capricious manner. *Crow v. State*, 923 N.W.2d 2, 9 (Minn. 2019).

In sentencing Bibbs for first-degree assault, the district court explained its reasoning as follows:

In determining what sentence to give in that matter, I do think it’s appropriate to review your criminal history which includes a felony drug offense in 1999, a felony drug offense in 2002, two charges of felony burglary in 2005 and 2007, felony aggravated battery in 2012, possession of first-degree drugs in 2016, prohibited person in possession of a firearm in 2016, and a third-degree assault conviction in 2023. That’s a significant criminal history. Some of those offenses are violent.

You were on parole and on probation at the time of this offense. The victim in this matter did suffer extensive injuries as noted by the state, and the shooting did occur in an occupied building. For those reasons, Mr. Bibbs, I do think it’s appropriate to sentence you to the higher end of the guideline sentence box.

Bibbs argues that the district court should not have considered the “two charges” in 2005 and 2007 because “[n]either charge resulted in a conviction.” Bibbs also argues that the district court should not have considered his “decayed” convictions, his custody status,

or the victim's injuries when selecting a sentence within the presumptive range. As support, Bibbs relies on caselaw that governs sentencing departures. Because the district court imposed a presumptive sentence in this case, such caselaw is inapplicable.

The record shows that the district court heard arguments from counsel and considered all the information presented, including the information in the PSI, before imposing a sentence within the presumptive range. If the record shows that the district court carefully considered and evaluated the testimony and information presented to it, we “may not interfere” with its imposition of a presumptive sentence. *State v. Van Ruler*, 378 N.W.2d 77, 80-81 (Minn. App. 1985). In addition, the district court explained the presumptive sentence that it selected even though—as Bibbs acknowledges—the district court was not required to provide any reason for imposing a sentence within the presumptive range. *State v. Johnson*, 831 N.W.2d 917, 925 (Minn. App. 2013), *rev. denied* (Minn. Sept. 17, 2013).

In sum, we discern no abuse of discretion in the district court's imposition of a presumptive sentence for Bibbs's first-degree assault conviction.

Affirmed.