

*This opinion is nonprecedential except as provided by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
A25-1374**

State of Minnesota,
Respondent,

vs.

Jason Leonard Moe,
Appellant.

**Filed August 3, 2026
Affirmed
Ede, Judge**

Beltrami County District Court
File No. 04-CR-24-608

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

David L. Hanson, Beltrami County Attorney, Bemidji, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Julie Loftus Nelson, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Worke, Judge; and Ede,
Judge.

NONPRECEDENTIAL OPINION

EDE, Judge

In this direct appeal from a final judgment, appellant challenges the sufficiency of the evidence to sustain his conviction of first-degree assault—use of deadly force against a peace officer. Appellant argues that respondent failed to prove beyond a reasonable doubt

that he intentionally used his vehicle to collide with a law-enforcement officer's squad car and that the circumstances proved do not eliminate a rational hypothesis that the collision was an accident. We affirm.

FACTS

Respondent State of Minnesota charged appellant Jason Leonard Moe by amended complaint with: first-degree assault—use of deadly force against a peace officer, in violation of Minnesota Statutes section 609.221, subdivision 2 (2022) (Count I); fleeing a peace officer in a motor vehicle, in violation of Minnesota Statutes section 609.487, subdivision 3 (2022) (Count II); and fifth-degree assault—inflicting or attempting to inflict bodily harm, in violation of Minnesota Statutes section 609.224, subdivision 1(2) (2022) (Count III). Moe pleaded guilty to Count III and proceeded to trial on the remaining charges, after which a jury returned guilty verdicts on Counts I and II. The following summary stems from the trial record and is presented with all questions of fact resolved in favor of the jury's verdicts.¹

On March 16, 2024, at about 1:15 a.m., a police officer was on patrol when he observed a vehicle driven by Moe at an intersection for “an extended period of time.” Moe moved into a turn lane, “almost came to a stop, continued forward, almost came to a stop again, and then turned.” The officer suspected that Moe was impaired and initiated a traffic

¹ See *State v. Firkus*, 31 N.W.3d 468, 478 (Minn. 2026) (instructing that, when a conviction rests on circumstantial evidence, appellate courts “apply a two-step test to assess the sufficiency of the evidence,” and that, at the first step, courts “winnow down the evidence presented at trial by resolving all questions of fact in favor of the jury's verdict” (quotation and citation omitted)).

stop. Moe continued to drive slowly through an alleyway before turning onto a highway and accelerating to speeds around 100 miles per hour. The officer activated his squad car lights and siren while pursuing Moe for roughly 15 miles, during which Moe's vehicle traveled within its lane and continued at similarly high speeds.

Additional officers laid down two sets of tire-deflation devices in Moe's path of travel. Although the devices deployed successfully on Moe's vehicle, without causing the vehicle's tires to explode, Moe continued driving. At trial, an officer testified that he had "been involved in between 50 to 100 vehicle pursuits" during his career and that almost half of those incidents involved the successful use of tire-deflation devices. The officer explained that the devices deflate tires in a "slow, controlled manner to prevent a vehicle from operating at very high speeds" and that he had never seen deployment of the devices cause a vehicle to leave the roadway.

Two peace officers positioned their squad cars facing the direction in which Moe was traveling on the opposite shoulder of the highway. The officers' squad car lights were activated. One of the officers—the alleged victim of the first-degree assault charged in Count I—was in a squad car that bore insignias, including "reflective stickers, decals, [and] emergency lights," which identified it as a law-enforcement vehicle.

About a mile after hitting the tire-deflation devices, Moe drove his vehicle towards the alleged victim's squad car "head-on," despite the squad car's location on the opposite side of the highway. As the alleged victim steered into a ditch to avoid being struck, Moe made an abrupt turn in the same direction, ultimately colliding with the alleged victim's squad car. Moe never activated his brake lights after his vehicle went off the road. The

squad car's air bags activated, and the alleged victim sustained injuries, including bruising, cuts, and a burn on his arm. At the time of the incident, there was neither snow nor ice on the roads.

After crashing into the squad car, Moe continued driving up an embankment until he came to a stop at a tree line. Moe was the only occupant in his vehicle and was sitting in the driver's seat. When officers approached, Moe was "belligerent and uncooperative." He refused to exit his vehicle after law enforcement told him he was under arrest, called the officers "f-ckers," accused them of "beat[ing] [him] up," declared that he hated cops, and aggressively fought with them, including by striking an officer in the chest several times with a closed fist.

Moe testified at trial. He said that his sister had recently passed away and that, on the day of the incident, he "was really depressed and [he] just wanted to be alone." Moe claimed that, when he drove over the tire-deflation devices, it became "hard to steer" and to "control the direction [his] pickup was going in." He also stated that, before he drove into the ditch, there were a lot of bright lights that made it difficult for him to see. And Moe asserted that he was not trying to hit the squad car when the collision occurred.

As mentioned earlier, the jury found Moe guilty of first-degree assault—use of deadly force against a peace officer (Count I) and fleeing a peace officer in a motor vehicle (Count II). As to all three counts, the district court entered judgments of conviction. The district court sentenced Moe to 120 months in prison on Count I, consecutive to a stayed sentence of 12 months and one day that the court imposed on Count II. On the charge of fifth-degree assault—inflicting or attempting to inflict bodily harm (Count III), the district

court imposed a jail term of 90 days, concurrent with the sentences the court imposed on Counts I and II.

This appeal follows.

DECISION

Moe challenges the sufficiency of the evidence to sustain his conviction of first-degree assault—use of deadly force against a peace officer.² He contends that the state failed to prove beyond a reasonable doubt that he intentionally used his vehicle to collide with the alleged victim’s squad car and that the circumstances proved do not eliminate a rational hypothesis that the collision was an accident. Moe’s contentions, which focus on the sufficiency of the evidence of his intent, do not merit reversal.

“In a criminal proceeding, under the Due Process Clause of the Fourteenth Amendment to the United States Constitution, the State must prove every element of the offense beyond a reasonable doubt.” *State v. Nyonteh*, 24 N.W.3d 271, 283 (Minn. 2025) (quotation omitted). As relevant here, the elements of first-degree assault—use of deadly force against a peace officer are: (1) that Moe assaulted the alleged victim; (2) that, in assaulting the alleged victim, Moe used deadly force; and (3) that, at the time of the assault, the alleged victim was a peace officer engaged in the performance of a duty imposed by law, policy, or rule. Minn. Stat. § 609.221, subd. 2 (providing that “[w]hoever assaults a peace officer . . . by using . . . deadly force against the officer . . . while the person is engaged in the performance of a duty imposed by law, policy, or rule” is guilty of first-

² In this appeal, Moe does not challenge his convictions of Counts II (fleeing a peace officer in a motor vehicle) and III (fifth-degree assault).

degree assault). Assault includes “the intentional infliction of . . . bodily harm upon another.” Minn. Stat. § 609.02, subd. 10(2) (2022).

When analyzing a sufficiency-of-the-evidence claim, “[t]he applicable standard of review depends on whether the conviction—or . . . the specific element at issue—is supported by direct evidence or circumstantial evidence.” *Nyonteh*, 24 N.W.3d at 283. “Direct evidence is evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption.” *State v. Loveless*, 987 N.W.2d 224, 247 (Minn. 2023) (quotation omitted). “Circumstantial evidence, on the other hand, is evidence from which the factfinder can infer whether the facts in dispute existed or did not exist.” *Id.* (quotation omitted). “If a conviction, or an element of the offense, is based solely on circumstantial evidence, [appellate courts] review the sufficiency of the evidence under a heightened standard of review.” *Id.* “Intent is generally proven by circumstantial evidence.” *State v. Lampkin*, 994 N.W.2d 280, 291 (Minn. 2023); *see also State v. Cruz*, 997 N.W.2d 537, 552 (Minn. 2023) (“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.” (quotation omitted)). “To prove intent, it is permissible for the jury to infer that a person intends the natural and probable consequences of his actions.” *Cruz*, 997 N.W.2d at 552. (quotations omitted).

It is undisputed by the parties that the circumstantial-evidence standard of review applies here. Because the element at issue concerns intent—i.e., that Moe intentionally inflicted bodily harm upon the alleged victim—and because the state relied solely on

circumstantial evidence to prove this element, we agree that the heightened standard applies. *See Nyonteh*, 24 N.W.3d at 283.

We must therefore “apply a two-step test to assess the sufficiency of the evidence.” *Firkus*, 31 N.W.3d at 478. As noted earlier, appellate courts first “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.* (quotations omitted). In identifying the circumstances proved at the first step, appellate courts are “not permit[ted] to re-weigh the evidence and sit, in essence, as a 13th juror.” *Id.* at 479 (quotation omitted). “At the second step, [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.* at 478 (quotations omitted). “During the second step, [appellate courts] do not defer to the factfinder but examine the reasonableness of the inferences.” *Id.* at 483 (quotation omitted). “If the circumstances proved when viewed as a whole, support a reasonable inference that is inconsistent with guilt, the evidence is not sufficient to support the conviction and [appellate courts] must reverse.” *Id.* (quotations omitted). “But [appellate courts] will not reverse a conviction based on mere conjecture.” *Id.* (quotation omitted).

At the first step, as it pertains to the intent element, we discern from the record the following circumstances proved:

- On March 16, 2024, at about 1:15 a.m., a police officer observed Moe operating his vehicle in a manner that caused the officer to suspect Moe was impaired.

- The officer activated his emergency lights and siren to initiate a traffic stop, but Moe continued driving.
- Moe drove onto the highway and reached speeds of around 100 miles per hour while the officer pursued him for about 15 miles, during which Moe never pulled to the side of the road and remained within his lane of travel.
- Notwithstanding that additional officers laid down two sets of tire-deflation devices in Moe's path of travel and that those devices successfully deployed on Moe's vehicle, without causing the vehicle's tires to explode, Moe kept driving.
- In one officer's experience of the successful use of tire-deflation devices in about 25 to 50 vehicle pursuits, the devices deflated tires in a "slow, controlled manner to prevent a vehicle from operating at very high speeds" and did not result in vehicles leaving the roadway.
- Moe travelled around one mile after his vehicle struck the tire-deflation devices to where the alleged victim had positioned his squad car on the opposite shoulder of the highway, facing the direction from which Moe was approaching.
- The squad car's lights were activated and the vehicle bore insignias, including "reflective stickers, decals, [and] emergency lights," which identified it as a law-enforcement vehicle.
- Although the alleged victim's squad car was located on the other side of the road, Moe drove his vehicle directly towards the squad car, "head-on" at a high rate of speed, without activating his brake lights.
- As the alleged victim steered into a ditch to avoid being struck, Moe made an abrupt turn in the same direction and collided with the squad car.
- At the time of the incident, there was neither snow nor ice on the roads.
- Moe continued driving up an embankment until he reached the tree line.
- He was the only person in the vehicle and was sitting in the driver's seat.
- Moe was "belligerent and uncooperative" when officers approached, inasmuch as he refused to exit his vehicle after law enforcement told him he

was under arrest, called them “f-ckers,” accused them of “beat[ing] [him] up,” declared that he hated cops, and aggressively fought with them, including by striking an officer in the chest several times with a closed fist.

- Moe’s sister had recently passed away and, on the day of the incident, he “was really depressed and [he] just wanted to be alone.”

Having identified these circumstances proved,³ we next consider whether the reasonable inferences that can be drawn therefrom, viewed as a whole rather than as discrete, isolated facts, are consistent with the hypothesis that Moe had the requisite intent and inconsistent with any rational hypothesis other than his guilt in that regard. *See id.*

We conclude that, when viewed as a whole, the reasonable inferences that can be drawn from the above circumstances proved are consistent with a rational hypothesis that Moe intentionally struck the alleged victim’s squad car. Moe nonetheless argues that “it is reasonable to conclude that [he] lost control of his vehicle, causing him to swerve off the road into the ditch, and accidentally collide with [the alleged victim’s] squad car.” The state counters that, “while the element of intent was necessarily based on circumstantial evidence, the only *rational* inference was that [Moe] intentionally assaulted [the peace officer].” We agree with the state.

³ In light of the above circumstances proved, Moe’s testimony about his intent—that, when he drove over the tire-deflation devices, it became “hard to steer” and to “control the direction [his] pickup was going in,” that, before he drove into the ditch, there were a lot of bright lights that made it difficult for him to see, and that he was not trying to hit the squad car when the collision occurred—presents a question of fact that conflicts with the jury’s verdicts. We cannot reweigh this testimony. *See id.* at 479. Thus, in winnowing down the evidence at the first step of the circumstantial-evidence standard of review, we must resolve this question of fact in favor of the jury’s verdicts and exclude the foregoing aspects of Moe’s testimony from the circumstances proved. *See id.* at 478.

Because it lacks support in the circumstances proved, Moe's argument largely requires that we either reweigh the evidence or reverse his conviction based on conjecture, neither of which we may do. *See id.* at 479, 483. As much as Moe contends that we may reasonably infer from the circumstances proved that he accidentally collided with the alleged victim's squad car because he was impaired, traveling at a high rate of speed, and the headlights of the two squad cars on scene were glaring, that contention is unavailing. This is because Moe asks us to focus on the aforementioned discrete and isolated facts rather than view the circumstances proved as a whole, as we must. *See id.* at 478. Simply put, it is not reasonable to infer that the collision was an accident given the totality of the circumstances proved, which we will not reiterate here.

In sum, Moe's words and acts, both before and after the incident—as well as the natural and probable consequences of his conduct—are consistent only with the hypothesis that he intentionally inflicted bodily harm on the alleged victim by driving his vehicle into the squad car. *See id.* at 483; *see also Cruz*, 997 N.W.2d at 552. And the circumstances proved are inconsistent with Moe's assertion that the collision was an accident because that hypothesis is not rational. *See Firkus*, 31 N.W.3d at 483. Accordingly, we reject his sufficiency-of-the-evidence challenge to his first-degree assault conviction.

Affirmed.