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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1455**

State of Minnesota,
Respondent,

vs.

Liban Dahir Mohamed,
Appellant.

**Filed August 24, 2026
Affirmed
Smith, Tracy M., Judge**

Sherburne County District Court
File No. 71-CR-24-557

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

Dawn R. Nyhus, Sherburne County Attorney, George R. Kennedy, Assistant County Attorney, Elk River, Minnesota (for respondent)

Liban Dahir Mohamed, Sartell, Minnesota (self-represented appellant)

Considered and decided by Smith, Tracy M., Presiding Judge; Frisch, Chief Judge;
and Schmidt, Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

In this direct appeal from the judgment of conviction for domestic assault by strangulation, and following a stay of the appeal and remand for postconviction proceedings, appellant Liban Dahir Mohamed argues that (1) the district court erred by

admitting photographs of the victim's claimed injuries because they were not sufficiently authenticated; (2) the district court erred by summarily denying Mohamed's petition for postconviction relief on his claim that his counsel provided ineffective assistance by failing to meaningfully question prospective jurors during voir dire; and (3) in the alternative, that even without an evidentiary hearing, the record demonstrates that Mohamed received ineffective assistance of counsel based on his counsel's performance during voir dire. We affirm.

FACTS

In April 2022, the St. Cloud Police Department responded to a call from a woman, M.G., who reported that she had been assaulted by her husband, Mohamed. While discussing the immediate incident with the responding officer, M.G. reported that she had also been choked and hit by Mohamed in June 2021. M.G. showed the officer photographs on her cell phone that she said depicted her injuries from the June 2021 incident. The photographs displayed a date of June 22, 2021, with times ranging from 10:27 p.m. to 10:31 p.m. The officer used his cell phone to take pictures of M.G.'s phone screen displaying the photographs.

Respondent State of Minnesota charged Mohamed with two counts related to the June 2021 incident: domestic assault by strangulation in violation of Minnesota Statutes section 609.2247, subdivision 2 (2020), and misdemeanor domestic assault – intentional infliction of bodily harm in violation of Minnesota Statutes section 609.2242, subdivision 1(2) (2020).

The case proceeded to a jury trial. During voir dire, numerous potential jurors indicated connections to law enforcement. The district court judge followed up on these comments to varying degrees. Mohamed's counsel also asked follow-up questions to several of these prospective jurors, focusing primarily on the jurors' jobs and families. Five of the prospective jurors who disclosed some connection to law enforcement were selected to hear the case. Only four of those jurors actually deliberated because the fifth was an alternate and was excused before deliberations.

At trial, M.G., M.G.'s father, and M.G.'s brother testified. The officer who responded to M.G.'s 911 call in April 2022 also testified. Mohamed testified in his own defense.

Through the responding officer, the state offered into evidence four of the officer's photographs of M.G.'s phone screen displaying photographs of her injuries. Mohamed objected to the foundation laid for these exhibits. The district court overruled the objection, and the photographs were admitted; the officer also provided testimony about the photographs. During her testimony, M.G. referenced having taken the photographs of her injuries on her cell phone.

The jury returned guilty verdicts on both counts. The district court sentenced Mohamed to one year in prison, stayed for five years. Mohamed appealed, and we granted his motion to stay the appeal and remand to the district court for postconviction proceedings. On remand, Mohamed filed a postconviction petition alleging ineffective assistance of counsel, which the district court denied without an evidentiary hearing. We granted Mohamed's motion to lift the stay of his appeal, and this appeal follows.

DECISION

I. The district court did not abuse its discretion by admitting the photographs.

Mohamed argues that the challenged photographs were not properly admitted because they were authenticated solely by the officer and not by M.G., who took the photographs. Mohamed asserts that “the photographs were admitted without any testimony that the images fairly and accurate[ly] depict[ed] the condition of M.G. on or about the date of the alleged assault in June of 2021” and that the erroneous admission of the photographs was not harmless because the photographs were highly prejudicial. The state responds that the district court did not err because, “even though the officer did not have personal knowledge of M.G.’s injuries, . . . the accuracy of M.G.’s pictures went to the weight of the evidence instead of admissibility.”

“Evidentiary rulings rest within the sound discretion of the district court, and [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). “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. Guzman*, 892 N.W.2d 801, 810 (Minn. 2017). “[A]n appellant who alleges an error in the admission of evidence that does not implicate a constitutional right must prove that there is a reasonable possibility that the wrongfully admitted evidence significantly affected the verdict.” *State v. Peltier*, 874 N.W.2d 792, 802 (Minn. 2016) (quotation omitted).

Minnesota Rule of Evidence 901 governs the authentication of evidence in civil and criminal trials. *See* Minn. R. Evid. 1101(a). It provides that “[t]he requirement of

authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.” Minn. R. Evid. 901(a). Authentication may occur via testimony of a witness with knowledge “that a matter is what it is claimed to be.” Minn. R. Evid. 901(b)(1).

The following foundation was laid by the officer prior to the introduction of the photographs:

A: There were some photographs that I obtained eventually.

Q: And these were photographs of what?

A: Of injuries on [M.G.]’s neck.

Q: And these photographs you understood to be taken via phone?

A: Correct.

Q: And was there any kind of time stamp or any information to support what she was saying?

A: Yes, there was.

Q: And what was that?

A: It was in June of 2021.

Q: So the photographs that you observed on her phone that she said were taken after the assault were consistent with the timeframe that she indicated that it had happened?

A: Yes, they were.

Q: And you took photographs of those photographs?

A: Yes, I did.

Q: And again, you were looking at them on her phone; so it’s a photograph of her phone screen?

A: Correct.

Q: [Officer], I have just handed you four pages, correct?

A: Correct.

Q: And are these pages something you've seen before?

A: Yes, they are.

Q: And in fact, just prior to court you got a chance to look at them, correct?

A: Yes, I did.

Q: Now the pages themselves are basically printed photographs of a person, correct?

A: Yes, they are.

Q: And prior to today and in reviewing these photographs and coming into court, you were already aware of these items, correct?

A: Yes, I was.

Q: Is that because these were items that you photographed in your response to [M.G.]'s face in the photographs she showed you?

A: Yes, these are photographs that I had taken.

Q: Now if you are looking at these four pages of photographs, are they an accurate depiction of what you saw at the time that you were photographing them?

A: Yes, they are.

The district court overruled Mohamed's lack-of-foundation objection and admitted the photographs.

Mohamed's attorney subsequently cross-examined the officer about the photographs.

Q: [Officer], you did not take any formal statements about this in 2022, is that correct?

A: In regards to this incident, I did not.

Q: Okay.

A: Just the information that was provided at that time.

Q: So the first statement that you took regarding the 2021 allegations were on June 6th of 2023?

A: Yes.

Q: The photographs that you took -- or that you provided here are not photographs that you took, is that correct?

A: Correct.

Q: Other than they are photos of photos, is that right?

A: They were photographs that I took of photos that were previously taken on [M.G.]'s phone.

Q: When you first met with [M.G.] in 2022, obviously there wouldn't have been any marks visible by then. It was nearly a year --

A: From this incident, there was not.

Q: And you were not called out in June of 2021, is that correct?

A: I was not, no.

Q: So you wouldn't have seen anything -- you can't tell if those pictures accurately reflect what she looked like on the June of 2021 date?

A: The photos that she showed me were the photos that she told me that --

Q: You have no idea whether those -- what she looked like in June of 2021?

A: I do not.

Q: You had never seen her at that point?

A: I didn't see her in person, no.

Q: Okay. Do you know if it's possible to manipulate phone stamps -- or time stamps on a phone?

A: I'm not aware.

Q: You can't testify with -- from personal knowledge that these photos that you obtained were taken in June of 2021, is that correct?

A: I cannot.

M.G. also referenced the photographs in her direct testimony.

Q: And did you also share with [police] the earlier assault from June of 2021?

A: Yes.

Q: Did you have any photographs from that June 21, 2021 assault?

A: Pictures that I have at the moment?

Q: No. After the June 20 -- 2021 assault, did you have any photographs of your person?

A: Yes.

Q: And specifically, these were photographs of injuries?

A: Yes.

Q: And were you ultimately able to share them with law enforcement?

A: Yes.

Q: And that was during that April of 2022 visit from law enforcement?

A: Yes

In *State v. Stone*, an investigator took photos of a text message exchange on a phone that belonged to a witness. 982 N.W.2d 500, 511 (Minn. App. 2022), *aff'd*, 995 N.W.2d 617 (Minn. 2023). To authenticate the photos, the investigator “testified that he took photos of text messages on [the witness’s] phone and recognized the photos offered into evidence as the photos that he took.” *Id.* This court concluded that the investigator’s testimony “was sufficient to establish that the photos in question were what the state claimed them to be” and that the appellant’s arguments about the state’s failure to establish the identity of the contact who sent the messages or link the contact to the appellant was an argument about the weight, rather than the admissibility, of the evidence. *Id.* (citing *State v. Coy*, 200

N.W.2d 40, 44 (Minn. 1972) (“Except when foundation and probative value are entirely absent, they bear on the weight of the evidence rather than its admissibility”)).

Mohamed argues that this case is distinguishable from *Stone* “based on the presence of other circumstantial evidence of accuracy in that case.” That circumstantial evidence, according to Mohamed, is the fact that in *Stone* the photographs were taken on the same day that the text messages were sent and the same day that the defendant committed the criminal conduct and also that the text messages were on the witness’s phone under a name used by the defendant. But circumstantial evidence of accuracy similarly exists in this case: the photographs on M.G.’s phone display a date and the pictures were of M.G. herself and were shown to the officer on a phone in M.G.’s possession. These circumstances, though not exactly analogous to those in *Stone*, are still sufficient to support “that the photos in question were what the state claimed them to be.” *Id.*

The state also points out that M.G. testified about taking the photos, including the date that they were taken. Mohamed argues that the officer’s failure “to properly authenticate the photographs is not saved by the testimony of M.G.” because “M.G. only testified that she provided photographs to [the officer]” but was not shown the photographs or asked whether they accurately depicted her injuries from the June 2021 incident.

To support their arguments, both parties cite *State v. Newsome*, a nonprecedential opinion in which we saw no abuse of discretion in the admission of photographs taken by a police officer of text messages on the victim’s cell phone when the photographs were introduced into evidence via the officer. No. A13-0206, 2013 WL 6223458, at *6 (Minn. App. Dec. 2, 2013). In *Newsome*, we reasoned that, because there was no evidence that the

text messages were altered and both the officer and the recipient of the text messages testified to their authenticity, the photographs were properly authenticated. *Id.* Mohamed contends that, because M.G. was not shown the photographs and was never asked whether the photographs accurately depicted her injuries after the June 2021 incident, this case is materially different from *Newsome*. We are not convinced.

In *Newsome*, the officer testified that he viewed the text messages on the victim's phone and then called the appellant (the sender) at the number from which the messages were sent. *Id.* at *2. This authentication testimony differs from what was provided in this case, but the factual scenarios are also different. In *Newsome*, the officer could call a number on a victim's phone, whereas, here, the officer could see the date stamps of the photos on M.G.'s phone. In addition, M.G.'s testimony about taking the photographs and showing them to the officer further corroborated the authenticity of the images, even though the images were not shown to M.G. during her testimony.

Again, under Rule 901, the authentication requirement is satisfied by evidence that “a matter is what it is claimed to be.” Minn R. Evid. 901(b)(1). Here, the officer testified that the photographs that were introduced were taken by him of images on M.G.'s cell phone, which bore a date stamp consistent with M.G.'s report of Mohamed's abuse of her in June 2021, and that the photographs were accurate depictions of what he saw on M.G.'s phone when he photographed them. The officer acknowledged that he could not “testify . . . from personal knowledge that these photos that [he] obtained were taken in June of 2021.” But because the officer testified that he took the pictures of M.G.'s phone in April 2022—not that the pictures were taken in June 2021—Mohamed's argument here is a

“weight and not an admissibility argument.” *See Stone*, 982 N.W.2d at 511. In other words, the fact that time had passed between when M.G. took the photos and when the officer took a picture of those photos is an argument about how much weight the jury should give that evidence. Accordingly, the district court did not abuse its discretion by admitting the photographs.

II. The district court did not abuse its discretion by summarily denying Mohamed’s petition for postconviction relief on Mohamed’s ineffective-assistance-of-counsel claims.

In his petition for postconviction relief, Mohamed alleged that his trial counsel was ineffective for several reasons. He pursues only one of those reasons on appeal—specifically, that his counsel failed to conduct reasonable voir dire of jurors who indicated that they or their close friends or acquaintances worked in law enforcement. The district court determined that, even taking the allegations in Mohamed’s petition as true, Mohamed failed to establish that his trial counsel’s performance fell below an objective standard of reasonableness, and it denied the petition without an evidentiary hearing.

Under the postconviction statute, a court must set an evidentiary hearing “[u]nless the petition and the files and records of the proceeding conclusively show that the petitioner is entitled to no relief.” Minn. Stat. § 590.04, subd. 1 (2024). “Although doubts about whether to conduct an evidentiary hearing are resolved in favor of the petitioner, a district court need not hold a hearing when the petitioner alleges facts that, if true, are legally insufficient to grant the requested relief.” *State v. Sardina-Padilla*, 7 N.W.3d 585, 602-03 (Minn. 2024) (quotation omitted). Appellate courts review a summary denial of postconviction relief for an abuse of discretion. *Id.* at 602.

“When evaluating an ineffective assistance of counsel claim, [appellate courts] apply the two-prong test articulated in *Strickland v. Washington*.” *Fields v. State*, 733 N.W.2d 465, 468 (Minn. 2007) (citing *Strickland*, 466 U.S. 668, 687 (1984), and *State v. Lahue*, 585 N.W.2d 785, 789 (Minn.1998) (applying *Strickland* to claims of ineffective assistance of trial counsel)). To succeed, an appellant must prove both prongs: first, that “counsel’s representation fell below an objective standard of reasonableness,” and, second, that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Id.* (quotation omitted).

With respect to the first prong, “[t]here is a strong presumption that a counsel’s performance falls within the wide range of reasonable professional assistance.” *Id.* (quotation omitted). To rebut the presumption that counsel provided effective assistance during jury selection, an appellant must show:

(1) that defense counsel was so inattentive or indifferent during the jury selection process that the failure to remove a prospective juror was not the product of a conscious choice or preference; (2) that a prospective juror expressed bias so strong or unequivocal that no plausible countervailing subjective preference could justify failure to remove that juror; or (3) that there is some other specific evidence clearly demonstrating that counsel’s choice was not plausibly justifiable.

Jama v. State, 756 N.W.2d 107, 114 (Minn. App. 2008).

In denying postconviction relief, the district court determined that the record conclusively established that Mohamed failed to meet the first *Strickland* prong. The district court focused its analysis on the four jurors who were selected and actually deliberated in the case. It reasoned that Mohamed’s allegations failed because “three of the

jurors [D.C., K.U., and A.K.] were asked by the Court if these relationships would affect their ability to be fair, and all three indicated that the relationships would not impact their ability to be fair” and the fourth juror, Juror L.H., while not asked this question by defense counsel, had reported that he had only spoken one time to his neighbor who was in law enforcement. The district court concluded that Mohamed “failed to establish any of the three prongs outlined in *Jama* as it relates to these four jurors.” *See id.*

Mohamed argues that the postconviction court abused its discretion by “grossly understating the number of jurors with connections to law enforcement” when it focused on the four selected jurors with connections to law enforcement rather than the total of ten prospective jurors who reported such connections. But even reviewing the questioning of all ten prospective jurors, we see no abuse of discretion in the district court’s ruling.

Eight of the prospective jurors with law enforcement connections were asked whether they could be fair or impartial despite their connection to law enforcement, and they all affirmed that they could. Mohamed does not argue what additional inquiry his counsel should have made. Rather, Mohamed specifically references only the two remaining prospective jurors, Juror L.H. and Juror M.S., pointing out that neither of them was individually asked whether they could be fair and impartial despite their connections to law enforcement. As noted above, however, L.H.—who was selected for and served on the jury—had spoken only one time with his neighbor who was a law enforcement officer. Mohamed does not explain how his counsel’s performance was deficient given Juror L.H.’s very tangential connection to law enforcement.

As for Juror M.S., she stated that her husband is a sergeant for the Sherburne County Sheriff's Department and her brother and brother-in-law and his wife all work for the sheriff's department in either Sherburne or Wright County. During voir dire, Mohamed's counsel followed up with Juror M.S. as follows:

COUNSEL: And I believe you said your husband works for Sherburne County. He's a patrol sergeant?

JUROR M.S.: Correct.

COUNSEL: Okay, how long has he been with Sherburne County?

JUROR M.S.: I think like around twenty or twenty two years.

COUNSEL: And what do you do when you're not working?

JUROR M.S.: For my kids, their activities. And then I like to read. And we go camping a lot. And then also for a part of my job, I do part of the Stearns County drug treatment court team for them.

COUNSEL: Okay, how long have you been doing that?

JUROR M.S.: That I have been doing for about a year and a half.

COUNSEL: Okay. I have no further questions for the panel, Your Honor.

Mohamed emphasizes that Juror M.S. was never asked whether she could be fair and unbiased despite her extensive connection to law enforcement. But Mohamed does not explain how his trial counsel acted deficiently with respect to Juror M.S. under *Jama*. His allegations do not demonstrate inattentiveness or indifference on his counsel's part or a bias on Juror M.S.'s part that is so strong that there could be no countervailing reason not to remove the juror, nor do they assert any other evidence that would demonstrate that his counsel's performance was unjustifiable. *See Jama*, 756 N.W.2d at 114. Moreover, even if

Mohamed's allegations could satisfy the first *Strickland* prong, his ineffective-assistance-of-counsel claims fail under the second *Strickland* prong because there is no probability that the results of the proceeding would have been different—Juror M.S. was an alternate juror and was excused prior to deliberation.

As a result, under Minnesota Statutes section 590.04, subdivision 1, the postconviction court did not abuse its discretion by determining that Mohamed was not entitled to an evidentiary hearing because he did not allege facts that, if true, were legally sufficient to grant his requested relief of a new trial. *Sardina-Padilla*, 7 N.W.3d at 602-03.

III. The record does not establish ineffective assistance of counsel.

Mohamed argues, in the alternative, that if we find that the district court was not required to hold an evidentiary hearing on Mohamed's claim, we should conclude that the record actually establishes that his trial counsel provided ineffective assistance in questioning prospective jurors and reverse his conviction. But Mohamed relies on the same arguments analyzed above, focusing particularly on alternate Juror M.S., and his arguments fail for the same reasons already given.

Affirmed.