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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1543**

State of Minnesota,
Respondent,

vs.

Lex Phaengdara,
Appellant.

**Filed September 28, 2026
Affirmed in part and reversed in part
Bentley, Judge**

Nobles County District Court
File No. 53-CR-23-1040

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Considered and decided by Johnson, Presiding Judge; Smith, Tracy M., Judge; and
Bentley, Judge.

NONPRECEDENTIAL OPINION

BENTLEY, Judge

After a jury trial, the district court convicted appellant of one count of conspiracy to
commit aggravated controlled-substance crime in the first degree and one count of first-

degree possession of 50 grams or more of methamphetamine. Appellant argues that the state's evidence was insufficient to convict him of either count. We conclude that the evidence was sufficient to prove the conspiracy count but insufficient to prove the possession count. We therefore affirm in part and reverse in part.

FACTS

An investigation into the alleged conspiracy unfolded following a traffic stop in Worthington. After observing driving infractions, a police officer stopped a vehicle driven by alleged co-conspirator J.K. While the officer was checking J.K.'s license and registration, appellant Lex Phaengdara arrived and was told to stay in his car. Suspecting additional criminal activity, the officers executed a canine sniff of the exterior of the vehicle J.K. was driving. After the dog alerted, J.K. and his passenger were told that they could wait in Phaengdara's car while officers searched the vehicle or they could leave and be contacted later. They left the scene with Phaengdara. In the search of the vehicle, officers located a black ski max, wound sealer, and a "blue and black AR platform rifle." Both J.K. and his passenger were ineligible to possess firearms, so J.K. was located and arrested.

That same day, officers applied for and were granted a search warrant for J.K.'s residence. During the search, officers located in relevant part: an empty Glock G44 pistol case; a different Glock pistol with a loaded magazine; a ballistic vest; a variety of additional firearm parts and accessories; ammunition; a recent receipt for firearm-related purchases from a local sporting goods store; and the title for the vehicle that was searched, which listed Phaengdara and a third party. Additionally, in a car parked in the garage, officers found "six pounds of suspected marijuana, a Taurus 1911 pistol chambered in 45 caliber,

and approximately 15,000 rounds of ammunition in the calibers 223-, 38-, 45- and 12-gauge shotgun.” Officers “did not find any rifles chambered in 223 or a shotgun and . . . did not find any pistols in 38 caliber.” An officer obtained surveillance footage from the local sporting goods store, which showed two individuals—J.K. and J.P., Phaengdara’s brother. The officer knew that J.P., like J.K., was ineligible to possess firearms or ammunition.

Officers then applied for a search warrant for J.P.’s residence. At the time, J.P. lived with his and Phaengdara’s mother, stepfather, stepsister, stepbrother, and brother M.P. In the garage, police located and opened a safe, which contained “a white crystal substance . . . believed to be methamphetamine,” as well as “miscellaneous ammunitions [and] firearm parts.” After searching the safe, officers searched a crawl space accessible from the garage where they found various bags and suitcases piled in one corner. The crawl space had a dirt floor, and Phaengdara’s mother and stepfather both testified that they did not store anything down there because water would sometimes come in. In one bag, a Coach purse, there were two pistols—a Glock G44 and a G42—with ammunition. The serial number of the G44 matched the number on the empty pistol case found in J.K.’s residence. In the other bags, officers found additional firearms, multiple bags of suspected methamphetamine, ammunition, suspected marijuana, and some documents connected to different individuals involved in the case. For example, there was mail for J.P., as well as a blank check in Phaengdara’s name. Officers also located a receipt from an online retailer showing that J.K. ordered a firearm part to be shipped to Phaengdara’s address.

Seeing that J.K. had shipped firearm parts there, officers applied for a search warrant for Phaengdara’s residence, which was granted. During that search, the police found

“several firearms[,] . . . evidence . . . of marijuana, [a] vacuum sealer, [and] several different firearms parts.” Inside a safe there were also two Coach receipts linked to J.K. One of the firearm parts that officers located matched the part that J.K. ordered from the online retailer to be shipped to Phaengdara’s address.

Between the three searches, police seized 17 firearms and sent them to the Minnesota Bureau of Criminal Apprehension (BCA) for DNA testing. They also sent two bags of suspected methamphetamine found at J.P.’s residence—the bag found in the safe and one of the bags found in the crawl space. Both samples were weighed, with the sample from the safe weighing 98.073 plus or minus .006 grams and the sample from the crawl space weighing 109.811 plus or minus .006 grams. Both were positively identified as methamphetamine. Phaengdara’s DNA was on the bag of methamphetamine from the safe and on the Glock G42 from the Coach bag in the crawl space.

Respondent State of Minnesota charged Phaengdara with one count of conspiracy to commit aggravated controlled substance crime in the first degree, in violation of Minn. Stat. § 152.021, subd. 2b(1) (2022), and one count of first-degree possession of 50 grams or more of methamphetamine, in violation of Minn. Stat. § 152.021, subd. 2(a)(1) (2022).

During a three-day trial, the jury heard testimony of many witnesses, including law enforcement, forensic scientists from the BCA, and family members of the various alleged co-conspirators. One BCA scientist testified about the process of testing and weighing the methamphetamine. Another scientist explained her process for swabbing and collecting samples from items that were submitted for DNA testing, including the bag containing methamphetamine found in the safe at J.P.’s and the different firearms that were seized.

A third forensic scientist testified about conducting the DNA testing. She stated that she found a mixture of three individuals' DNA on the grip of the Glock 42 that was in the crawl space, with the major profile matching Phaengdara. Explaining further, the scientist stated that "[t]he probability is greater than one hundred billion times more likely if . . . Phaengdara and two unknown unrelated individuals are the source of that DNA than if three unknown unrelated individuals were the source," which is the greatest statistical probability reported by the BCA. The scientist reported that the DNA did not match any of the other alleged co-conspirators—J.K., J.P., or M.P. She also testified that a mixture of DNA from two individuals was on the bag of methamphetamine from the safe, with the major profile matching Phaengdara. She identified a statistical weight of "greater than a hundred billion times more likely if [Phaengdara] and an unknown unrelated individual are the source of that DNA than if two unknown unrelated individuals are the source of that DNA. The scientist identified weaker evidence of Phaengdara's DNA on the Glock 22.

On cross-examination, the scientist acknowledged that she had no way of knowing whether any contamination of the items occurred when police were collecting the items. She also stated that the transfer of DNA from one surface, like a counter, to an item, like a bag, is possible and that there is no way to determine through testing if that happened because you cannot tell from testing how or when the DNA was deposited. At the same time, the scientist testified that higher quantities of DNA suggest that "a lot of their DNA got on that item, or they were in contact with that item for a long time . . . as opposed to when you just have a very small amount of someone's DNA, it's more difficult to say how that maybe got there." But she further testified that "we never truly know how the DNA

got onto an item” and that you could “possibly” get a strong sample even from a transfer from one surface to another.

The jury also heard a recording of a phone conversation between Phaengdara and J.K. that took place on the day that J.K.’s residence was searched and while J.K. was in jail. That conversation included the following exchange:

J.K.: What happened now?

PHAENGDARA: They served a warrant to search your girl’s crib.

J.K.: D--n, I knew that was gonna happen.

PHAENGDARA: Well...

J.K.: I knew that was gonna happen. That’s what I was talking about, about how they did my dad, you know?

PHAENGDARA: Yeah.

....

J.K.: Well, did anything like, do you know if anything came up or anything?

....

PHAENGDARA: It’s literally going on right now.

J.K.: F--k. You didn’t...help her get ready for [my daughter’s] birthday party or nothing?

PHAENGDARA: I didn’t bro. I f---ing forgot.

J.K.: F--kin-A cuz.

PHAENGDARA: I came home. I came home and I just, you know, talked on the phone for a bit and I passed out.

J.K.: So now what? F--ked?

PHAENGDARA: I don’t know . . .

J.K.: There was a rose that I got my daughter.

PHAENGDARA: Yeah?

J.K.: Yeah. That’s what I was trying to tell y’all to . . . I don’t know just make sure she has a good birthday, you know?

PHAENGDARA: Yeah.

....

J.K.: . . . can you understand Lao a bit . . . ?

PHAENGDARA: I don't.

J.K.: Well the issue is that, remember the fire? I was supposed to . . . I didn't end the fire. We didn't have a bonfire . . . for the order. I wanted to order some firewood probably for my daughter if you could . . . that was it too. I think we got some firewood outside, just need the pit. That's what I need you to order. But I don't know what to do no more.

PHAENGDARA: Be patient bro.

An officer who listened to the conversation testified that, when executing the warrant for J.K.'s residence, there were no indications of a birthday party or a bonfire and that the conversation about the birthday was "likely coded language" because people know that the phone call is recorded. He explained:

[I]t's not common for people to come out and just say flat out like what specifically they would want someone to do. Like if they wanted someone to hide evidence or anything for them, they won't come out and say what the evidence is. They'll use a code word for it.

The jury was instructed on both counts. The instruction on the possession count included that the state may prove either actual or constructive possession and either exclusive or joint possession. Phaengdara was found guilty on both counts. The district court entered convictions on both counts and sentenced Phaengdara to 86 months in prison on the conspiracy conviction.

Phaengdara appeals.

DECISION

Due process requires the state to prove every element of a charged crime beyond a reasonable doubt. *In re Winship*, 397 U.S. 358, 364 (1970); *State v. Merrill*, 428 N.W.2d

361, 366 (Minn. 1988); *see* U.S. Const. amend. XIV, § 1; Minn. Const. art. I, § 7. Phaengdara challenges the sufficiency of the evidence presented on both of his convictions. Before turning to those arguments, we explain the applicable standard of review.

When analyzing a sufficiency-of-the-evidence claim, “[t]he relevant standard of review depends on whether the factfinder . . . reached its conclusion of law based on direct or circumstantial evidence.” *State v. Petersen*, 910 N.W.2d 1, 6 (Minn. 2018). 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. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (quotation omitted). Circumstantial evidence is “evidence from which the factfinder can infer whether the facts in dispute existed or did not exist.” *Id.* (quotation omitted).

When circumstantial evidence was used to prove an element of a crime, appellate courts apply a two-step test. *State v. Firkus*, 31 N.W.3d 468, 478 (Minn. 2026). Under the first step, 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.* (quotations omitted). This step is intended to protect the principle that “the jury is in a unique position to determine the credibility of the witnesses and weigh the evidence before it” and that it “is free to accept part and reject part of a witness’s testimony.” *Id.* at 479 (quotations omitted). But inferences “should never be included in the first step” because they are not circumstances proved. *Id.* at 483. Then, for the second step, we “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.* We do not defer to the fact-finder at this step but instead “independently assess the reasonableness of the inferences of guilt and not guilt.” *Id.* at 484. We also will not reverse a conviction “based on mere conjecture.” *State v. Tschau,* 758 N.W.2d 849, 861 (Minn. 2008).

Here, the parties agree that the state relied on circumstantial evidence to prove the elements challenged on appeal, so we apply the heightened two-step standard.

I

We begin with the conspiracy conviction. Phaengdara was convicted of a conspiracy under Minnesota Statutes section 609.175, subdivision 2 (2022), to violate Minnesota Statutes section 152.021, subdivision 2b(1). Section 152.021, subdivision 2b(1) provides:

A person is guilty of aggravated controlled substance crime in the first degree if the person violates subdivision 1 . . . or subdivision 2 . . . and the person or an accomplice sells or possesses 100 or more grams . . . of a mixture containing the controlled substance at issue and:

(1) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm[.]

Phaengdara alleges that the state failed to meet its burden to prove the existence of a conspiracy between Phaengdara and his alleged co-conspirators to violate that provision. Specifically, he argues that “[t]he State did not present evidence that [Phaengdara’s] association with [J.K.] and his family members resulted in him forming an agreement to possess the methamphetamine found.” He contends that the evidence is consistent with him

having an association with others who are engaged in criminal activity and that an association is not enough to prove conspiracy.

To prove the conspiracy element, the state had to establish that Phaengdara entered “(1) an agreement between two or more people to commit” the above-defined crime, and that there was “(2) an overt act in furtherance of the conspiracy.” *State v. Kuhnau*, 622 N.W.2d 552, 556 (Minn. 2001). “Proof of a formal agreement to commit a crime is not required, but there must be evidence that objectively indicates an agreement between the parties to commit a crime.” *State v. Tracy*, 667 N.W.2d 141, 146 (Minn. App. 2003). An agreement may be inferred. *State v. Pinkerton*, 628 N.W.2d 159, 164 (Minn. App. 2001), *rev. denied* (Minn. July 24, 2001).

Turning to the first step of our circumstantial-evidence review, we identify the following circumstances proved:

- While driving, J.K. and another individual were stopped by police.
- J.K. was ineligible to possess a firearm or ammunition.
- During the traffic stop, Phaengdara arrived.
- Upon learning that police were going to search the stopped vehicle, Phaengdara drove J.K. and the other individual away from the scene.
- When searching the vehicle, officers found a black ski mask, wound sealer, and a firearm.
- J.K. was arrested for possessing the firearm.
- In a search of J.K.’s home, officers found firearms, ammunition, receipts for firearm-related purchases from a local sporting goods store, and a pistol case.

- A receipt from an online retailer showed that J.K. ordered a firearm part to be shipped to Phaengdara's residence.
- Officers found the title to the car that had been searched. Phaengdara and a third-party were listed on the title.
- Surveillance video footage from the local sporting goods store showed J.K. and J.P. making purchases when they were ineligible to possess firearms or ammunition.
- There were items listed on the sporting goods store receipts that were not located in J.K.'s residence.
- During the search of J.K.'s house, while J.K. was in jail, J.K. and Phaengdara spoke on the phone.
- J.K. asked Phaengdara questions about the search.
- J.K. asked Phaengdara if he helped set up for his daughter's birthday.
- When Phaengdara told J.K. that he forgot to help "set up for" J.K.'s daughter's birthday party, J.K. exclaimed "F--kin'-A cuz. . . . So now what? F--ed?"
- During the call, J.K. asked Phaengdara if he spoke Lao.
- When Phaengdara said he did not speak Lao, J.K. responded by saying, "Well the issue is that, remember the fire? . . . I didn't end the fire. We didn't have a bonfire for the order. I wanted to order some firewood probably for my daughter if you could I think we got some firewood outside, just need the pit. That's what I need you to order."
- During the search of J.K.'s residence, there was no evidence of a birthday party or bonfire.
- An officer who had listened to the call believed that the conversation was "likely coded language."
- Phaengdara's brothers—J.P. and M.P.—lived together with other family members.

- When executing a search warrant at the family residence, police opened a safe located in the garage and found ammunition, firearm parts, and a plastic bag with methamphetamine.
- The methamphetamine weighed 98.073 plus or minus .006 grams.
- The bag containing the methamphetamine was swabbed and tested for DNA, and Phaengdara was identified as the major profile.
- In a crawl space accessible from the garage, law enforcement located multiple piled-up bags containing additional firearms, firearm accessories, ammunition, and multiple bags of suspected methamphetamine.
- The crawl space was dirt and sometimes got wet so the homeowners, Phaengdara's mother and stepfather, did not store things there.
- One of the multiple bags of suspected drugs tested positive for methamphetamine and weighed 109.811 plus or minus .006 grams.
- One of the bags contained a blank check in Phaengdara's name.
- The bags also contained documents in J.K. and J.P.'s names.
- The stash under the crawl space included a Coach bag containing two Glock pistols—a G42 and a G44. The serial number on the G44 matched the serial number on the Glock pistol case found at J.K.'s residence.
- Phaengdara's DNA matched the major profile of the DNA mixture found on the grip of the G42.
- Phaengdara's mother and stepfather never saw strangers bringing things into their home.
- During the execution of a search warrant at Phaengdara's house, police located marijuana and several firearm parts.
- Inside a gun safe, they also found receipts linked to J.K. for a Coach bag.
- They also found the firearm part that J.K. ordered online and sent to Phaengdara's residence.

- It was “greater than one hundred billion times more likely” that Phaengdara was one of the sources of the DNA on the smaller bag of methamphetamine and the G42 pistol than if unknown, unrelated individuals were the source of that DNA.
- Higher quantities of DNA can suggest that “a lot of their DNA got on that item, or they were in contact with that item for a long time” and that a major profile “refer[s] to the quantity of DNA within that specific sample. That there would be more DNA coming from that person than the other . . . people within that sample.”

Having determined the circumstances proved, we turn to the second step of the circumstantial-evidence test—whether the circumstances proved and any reasonable inferences that can be drawn from them are consistent with guilt and inconsistent with any rational hypothesis other than guilt. *Firkus*, 31 N.W.3d at 483.

Phaengdara concedes that the circumstances proved are consistent with an inference of guilt, so the question is whether the circumstances proved are inconsistent with any rational hypothesis other than guilt. *Id.* Phaengdara asserts that “the State failed to disprove the reasonable theory that [he] was associated with [J.K.] and his family members but never formed an agreement with [J.K.] to possess the methamphetamine.” In other words, Phaengdara argues that a rational hypothesis still exists that there was no actual agreement to possess methamphetamine between Phaengdara and his alleged co-conspirators. We disagree.

We acknowledge Phaengdara’s point that “mere association with a person engaged in illegal activity does not make a person a conspirator,” *Pinkerton*, 628 N.W.2d at 164, but when we look at the circumstances proved “as a whole and not as discrete, isolated facts,” *Firkus*, 31 N.W.3d at 478, there is more than “mere association,” *Pinkerton*, 628 N.W.2d at 164. The circumstances proved include that Phaengdara’s DNA was found on a

bag of methamphetamine in a safe in the garage of his family's residence. In a crawl space accessible from that same garage, officers found a blank check in Phaengdara's name and a firearm with Phaengdara's DNA. They also found additional methamphetamine and suspected methamphetamine, firearms, firearm accessories, and items linked to J.K. and J.P. Some firearm parts were mailed to Phaengdara's residence, even though they were purchased by J.K. And at key moments in the investigation, Phaengdara showed up or communicated with J.K., including at the traffic stop and during the phone call that involved "likely coded language." The commingling of firearms, methamphetamine, and other evidence with ties to Phaengdara, together with the close communication and coordination between members of the conspiracy leads us to conclude that the only reasonable inference from the circumstances proved is guilt.

Phaengdara argues that it is reasonable to infer that he did not touch any of the methamphetamine; and if he did not touch the methamphetamine, it is reasonable to infer that there was no conspiracy to possess that substance. He maintains that the state did not prove how the DNA got onto the bag in the safe and failed to rule out the possibility that the DNA was transferred to the bag from another surface. Alternatively, he posits that "even if [he] did transfer his DNA onto the bag at some point by touching the bag, that does not mean he formed an agreement with another person to possess the methamphetamine."

Considering the circumstances proved in their totality, *see Firkus*, 31 N.W.3d at 478, we are not persuaded that Phaengdara's proposed alternative hypotheses are reasonable. The forensic scientist testified with a high degree of statistical likelihood that

Phaengdara's DNA was the major DNA profile on the bag and explained that a higher quantity of DNA can lead one to infer that someone had more prolonged contact with an item. It is not reasonable to infer that Phaengdara's DNA was transferred onto the bag, in light of all the circumstances proved linking Phaengdara to other evidence discovered in the same spaces as the methamphetamine in the crawl space and his close communication with J.K. about the investigation. And, for the reasons explained, the DNA on the bag, together with the rest of the circumstances proved, lead to one conclusion: there was a conspiracy to possess the methamphetamine.

The evidence is sufficient to support Phaengdara's conviction for conspiracy to violate Minnesota Statutes section 152.021, subdivision 2b(1). We therefore affirm Phaengdara's conspiracy conviction.

II

Phaengdara was also convicted of possessing methamphetamine under Minnesota Statutes section 152.021, subdivision 2(a)(1). That statute provides that "[a] person is guilty of a controlled substance crime in the first degree if: (1) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing cocaine or methamphetamine[.]" Minn. Stat. § 152.021, subd. 2(a)(1). For this count, the state relies only on the 98-gram bag, found in the safe, that tested positive for Phaengdara's DNA.

Phaengdara challenges the sufficiency of the evidence on the element of possession. The state may prove possession by establishing either actual or constructive possession. *State v. Barker*, 888 N.W.2d 348, 353 (Minn. App. 2016). "Actual possession, also referred to as physical possession, involves 'direct physical control.'" *Id.* (quoting *Jacobson v.*

Aetna Cas. & Sur. Co., 46 N.W.2d 868, 871 (Minn. 1951)). In contrast, application of the constructive-possession doctrine is appropriate “where the state cannot prove actual . . . possession at the time of [seizure] but where” there is a strong inference “that the defendant at one time physically possessed the substance and did not abandon his possessory interest in the substance but rather continued to exercise dominion and control over it up to the time of the” seizure. *State v. Florine*, 226 N.W.2d 609, 610 (Minn. 1975). To prove constructive possession, the state must show either “that the police found the substance in a place under defendant’s exclusive control to which other people did not normally have access,” or, if police found the item “in a place to which others had access,” that “there is a strong probability (inferable from other evidence) that defendant was at the time consciously exercising dominion and control over it.” *Florine*, 226 N.W.2d at 611; *see also State v. Smith*, 619 N.W.2d 766, 770 (Minn. App. 2000) (“Essentially, the constructive possession doctrine permits a conviction where the state cannot prove actual possession, but the inference is strong that the defendant physically possessed the item at one time and did not abandon his possessory interest in it.”), *rev. denied* (Minn. Jan. 16, 2001).

On appeal, the state does not assert a theory of actual possession and maintains that, “[b]ecause the bag of methamphetamine was not found on [Phaengdara’s] person, the question here is whether the evidence produced at trial proved beyond a reasonable doubt that he constructively possessed those items.” It is apparent that the methamphetamine was not found “in a place under defendant’s exclusive control to which other people did not normally have access.” *Florine*, 226 N.W. 2d at 611. At the very least, the individuals who

lived at the house—including co-conspirators J.P. and M.P.—had access to the garage, and the state has not asserted or presented evidence that Phaengdara alone could access the interior of the safe. We therefore look only at whether “there is a strong probability (inferable from other evidence)” that Phaengdara was “consciously exercising dominion and control over” the methamphetamine in the safe at the time of the search. *Id.*

The circumstances proved for this count are the same as those listed in the previous section, so we turn to the second step of the circumstantial-evidence test. We must determine whether the circumstances support only one rational hypothesis—that Phaengdara constructively possessed over 50 grams of methamphetamine. *See Firkus*, 31 N.W.3d at 483. Phaengdara does not dispute that the circumstances proved are consistent with a reasonable inference of guilt but argues that the evidence is consistent with a rational hypothesis that Phaengdara “previously possessed the plastic bag” but “did not have a possessory interest in the methamphetamine at the time it was found.”¹ The state argues that the circumstances proved are consistent only with the theory that Phaengdara possessed the methamphetamine, stashed it and other items in the garage, and continued to exercise dominion and control over it at the time it was found.

Phaengdara’s position is more compelling. Contrary to the state’s assertion, one could view the circumstances as a whole and rationally conclude that someone else stashed the safe in the garage, that someone else put the bag of methamphetamine in the safe, that another person had dominion and control over the methamphetamine at the time of the

¹ In his brief, Phaengdara proposes other available rational hypotheses. But because we conclude that this theory calls for reversal, we do not reach the other theories.

search, or some combination of these hypotheticals. The circumstances proved establish that Phaengdara did not live at the residence where the items were found and that his co-conspirators J.P. and M.P. resided there. It is reasonable to infer that J.P. or M.P. stashed the safe in their garage and had dominion and control over it at the time of the search. Also, the DNA of an unknown individual was identified on the bag containing the methamphetamine, which could lead to a reasonable inference that that individual placed the bag in the safe or had access to it. Considering the circumstances proved as a whole, it is reasonable to infer that Phaengdara touched the bag containing methamphetamine at one time but had ceded his possessory rights to the bag and its contents to another individual by the time of the search. Phaengdara therefore may not have constructively possessed the methamphetamine contained within the bag.

Even though the state does not defend the conviction under a theory of actual possession, we have an obligation to decide cases in accordance with the law. *See State v. Fortner*, 989 N.W.2d 368, 375 (Minn. App. 2023) (“[A]ppellate courts are not bound by the parties’ agreements or concessions on legal issues.”). Nevertheless, we are persuaded that the evidence is also insufficient to establish beyond a reasonable doubt that Phaengdara had actual possession of 50 grams or more of methamphetamine at some time before the search. Considering the circumstances proved in their entirety, including that another individual’s DNA was on the bag, they allow for the reasonable possibility that, even if Phaengdara possessed the bag at some point, the other individual possessed the bag at the time it reached a weight of 50 or more grams. It follows that Phaengdara may not have actually possessed 50 grams or more of methamphetamine.

Because there are rational hypotheses consistent with a conclusion other than guilt, we conclude that the state presented insufficient evidence to sustain Phaengdara's conviction for possession of methamphetamine. His conviction under Minnesota Statutes section 152.021, subdivision 2(a)(1), is therefore reversed.

Affirmed in part and reversed in part.