

*This opinion is nonprecedential except as provided by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
A25-1626**

Abdulwahid Hassan Hedo, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed June 8, 2026
Affirmed
Larson, Judge**

Hennepin County District Court
File Nos. 27-CR-22-14757; 27-CR-22-14304

Cathryn Middlebrook, Chief Appellate Public Defender, Chang Lau, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

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

Considered and decided by Schmidt, Presiding Judge; Johnson, Judge; and Larson, Judge.

NONPRECEDENTIAL OPINION

LARSON, Judge

Appellant Abdulwahid Hassan Hedo challenges a postconviction court's decision to deny his petition for postconviction relief. Because we conclude the state presented

sufficient evidence to sustain Hedo's convictions and any error in the district court's jury instructions was harmless, we affirm.

FACTS

The following facts were elicited at a jury trial. Hedo and his mother (mother) had a strained relationship, and mother did not want Hedo at her house for safety reasons. Specifically, Hedo had sent mother multiple threatening text messages.¹ Some of the messages included threats to use a firearm.

On July 21, 2022, mother was traveling to the police department when she received a security-camera notification. Concerned that the notification might indicate that Hedo was at the house, mother called her neighbor, P.E.M. (neighbor). Mother's house is to the north of neighbor's house, with a community path running behind the two houses. While neighbor was in her car, neighbor kept mother on the phone and drove around mother's house. When doing so, neighbor did not see Hedo, but she observed that someone had removed a window screen. Neighbor ended the call with mother. Neighbor then drove back to her house.

After the call ended, mother arrived at the police department. A police officer then called neighbor, asked if she saw Hedo, and advised her it was a dangerous situation. The police officer asked neighbor to call the police department if she saw Hedo. Around this time, law-enforcement officers were dispatched to the scene.

¹ When searching his cell phone, law enforcement confirmed that Hedo had sent the messages.

Shortly after the police officer's phone call, neighbor looked out the window and saw Hedo walking down the community path away from the neighborhood. Neighbor called and informed mother, and mother asked neighbor to see if Hedo had left the neighborhood. Neighbor exited her house, stepped onto the sidewalk, and saw Hedo standing at the front door of mother's house. Neighbor felt "startled" and jumped back toward her house. She then "heard a gunshot" (the single gunshot), ran into her house, and told mother on the phone that Hedo "had just shot at [her]." Mother handed her phone to a police officer, who instructed neighbor to get to a safe place inside her house. While lying on her bathroom floor, neighbor heard glass breaking, vehicles moving into her yard, and additional gunshots. Neighbor feared for her safety.

At the same time, law enforcement arrived at the scene. Officer H.R. (officer), sergeant R.C. (sergeant), and a third police officer approached mother's house. While responding, sergeant learned Hedo had made threats toward law enforcement. The three officers took a tactical position along the community path. While in the tactical position, officer and sergeant heard the single gunshot. Sergeant believed they "took fire" and that Hedo "shot at" them. In response, sergeant retrieved a bulletproof shield from the squad car and returned to the tactical position.

Officer then observed Hedo walking toward the tactical position while holding a black, small-caliber handgun. Hedo raised the handgun toward the tactical position, and in response, officer fired his firearm toward Hedo. Hedo then fired his handgun three or four times toward the tactical position while running backward to mother's house. Both

officer and sergeant feared for the safety of themselves, the other officers, and community members.

Eventually, Hedo was taken into custody. Law enforcement transported Hedo to a hospital for medical treatment. There, Hedo admitted that he shot at law enforcement with a .40-caliber handgun. And when asked whether he wanted restraints put on the easy or hard way, Hedo responded, “[T]he hard way because I already shot at the cops today.”

Physical evidence retrieved from the scene included a black, .40-caliber handgun, a discharged .40-caliber cartridge on the steps leading to the front door of mother’s house, and multiple other discharged .40-caliber cartridges inside mother’s house. Almost every window in mother’s house was broken, and there were “defects consistent with projectiles damaging various things in the house.” Forensic analysis confirmed that Hedo’s DNA was on the retrieved handgun and that the discharged cartridges were fired from that handgun.

Respondent State of Minnesota charged Hedo with two counts of first-degree assault against a peace officer under Minn. Stat. § 609.221, subd. 2 (2020), for acts relating to officer (count I) and sergeant (count II), and one count of second-degree assault under Minn. Stat. § 609.222, subd. 1 (2020), for acts relating to neighbor (count III).² On the last day of trial, the state requested a transferred-intent jury instruction; Hedo objected. The district court granted the state’s request and instructed the jury on the doctrine of transferred intent for count I and count II.

² Before trial, the district court granted the state’s motion to try these counts simultaneously.

The jury returned guilty verdicts on all counts. The district court entered convictions on all counts and sentenced Hedo to a 120-month prison term for count I, a 120-month prison term for count II to run concurrently to count I, and a 36-month prison term for count III to run consecutively to count I and count II.³

Hedo did not file a direct appeal but timely⁴ petitioned for postconviction relief on two grounds: (1) the state presented insufficient evidence to prove he committed count III (second-degree assault against neighbor) and (2) the district court materially misstated the law when it offered the transferred-intent jury instruction for count I (first-degree assault against officer) and count II (first-degree assault against sergeant). In August 2025, the postconviction court denied Hedo’s petition.

Hedo appeals.

DECISION

Hedo challenges the postconviction court’s decision to deny his petition for postconviction relief. We review a postconviction court’s decision to deny a postconviction petition for an abuse of discretion. *Pearson v. State*, 891 N.W.2d 590, 596 (Minn. 2017). “A postconviction court abuses its discretion when it has exercised its

³ Before trial, the district court granted Hedo’s request to include the lesser-included offense of unlawful discharge of a firearm within a municipality under Minn. Stat. § 609.66, subd. 1a(a)(3) (2020). The jury returned a guilty verdict on that count, and the district court entered a conviction but did not impose a sentence. Hedo does not challenge that conviction on appeal.

⁴ The district court sentenced Hedo on March 27, 2023, and Hedo submitted his postconviction petition on March 21, 2025. See Minn. Stat. § 590.01, subd. 4(a) (2024) (providing that a postconviction petition must be brought within two years of the final disposition of the case).

discretion in an arbitrary or capricious manner, based its ruling on an erroneous view of the law, or made clearly erroneous factual findings.” *Id.* (quotation omitted). Hedо argues the postconviction court abused its discretion because he was entitled to relief on two bases: (1) the state presented insufficient evidence to sustain count III (second-degree assault against neighbor) and (2) the district court materially misstated the law when it offered the transferred-intent jury instruction for count I (first-degree assault against officer) and count II (first-degree assault against sergeant). We address each argument in turn.

I.

Hedo first argues the postconviction court abused its discretion when it denied his postconviction petition on the basis that the state presented sufficient evidence to sustain his conviction on count III (second-degree assault against neighbor). To prove Hedо committed second-degree assault, the state needed to prove beyond a reasonable doubt that Hedо “assault[ed]” neighbor “with a dangerous weapon.” Minn. Stat. § 609.222, subd. 1; *see also State v. Jones*, 4 N.W.3d 495, 499 (Minn. 2024). As relevant here,⁵ assault means “an act done with intent to cause fear in another of immediate bodily harm or death” (assault-fear). Minn. Stat. § 609.02, subd. 10(1); *State v. Fleck*, 810 N.W.2d 303, 308 (Minn. 2012).

⁵ Assault can also mean the “attempt to inflict bodily harm upon another” (assault-harm). Minn. Stat. § 609.02, subd. 10(2) (2020). Because we conclude the state presented sufficient evidence to prove Hedо intended to cause neighbor to fear immediate bodily harm or death, we do not address Hedо’s argument that the state failed to prove beyond a reasonable doubt that he attempted to cause neighbor bodily harm.

On appeal, Hedo contends the state did not prove beyond a reasonable doubt that he intended to cause neighbor to fear immediate bodily harm or death. Because Hedo challenges the sufficiency of the evidence, we must first determine whether the state used direct or circumstantial evidence to prove this element. *See State v. Horst*, 880 N.W.2d 24, 39 (Minn. 2016). Direct evidence is evidence “based on personal knowledge or observation and . . . 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).

Here, the parties assert, and we agree, that the state used circumstantial evidence to prove Hedo intended to cause neighbor to fear immediate bodily harm or death. *See State v. Irby*, 967 N.W.2d 389, 396 (Minn. 2021) (stating that intent is a state of mind and is frequently proven with circumstantial evidence). Accordingly, we apply the two-step circumstantial-evidence test. *State v. Ulrich*, 3 N.W.3d 1, 11 (Minn. 2024).

Under the first step of the circumstantial-evidence test, we “‘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.’” *State v. Firkus*, 31 N.W.3d 468, 478 (Minn. 2026) (quoting *Harris*, 895 N.W.2d at 600). Identifying the circumstances proved in this manner “protects the well-established legal principle that the jury is in a unique position to determine the credibility of the witnesses and weigh the evidence before it.” *Id.* at 479 (quotation omitted). At 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.* at 483. We independently review the reasonableness of the inferences without deference to the factfinder. *See id.* (quoting *State v. Isaac*, 9 N.W.3d 812, 818 (Minn. 2024)). We will not reverse a conviction “based on mere conjecture.” *Id.* (quoting *State v. Tschew*, 758 N.W.2d 849, 861 (Minn. 2008)). However, “[i]f 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 we must reverse.” *Id.* (quoting *Isaac*, 9 N.W.3d at 818).

Beginning with the first step, after winnowing down the evidence presented at trial and resolving all fact questions in favor of the jury’s verdict, the state proved the following: (1) before July 21, 2022, Hedo sent mother threatening text messages; (2) on July 21, 2022, mother asked neighbor to check her house after receiving a security-camera notification because mother was worried Hedo may be at her house; (3) neighbor drove around mother’s house and saw a window screen had been removed; (4) a police officer advised neighbor it was a dangerous situation; (5) shortly thereafter, neighbor looked out the window and observed Hedo walking on the community path; (6) neighbor called mother, and mother asked neighbor to step outside to see if Hedo had left the neighborhood; (7) neighbor exited her house, stepped onto the sidewalk, and looked at mother’s house; (8) neighbor saw Hedo standing at the front door of mother’s house, which startled neighbor and caused her to jump backward toward her house; (9) neighbor then heard the single gunshot, ran into her house, and told mother on the phone that Hedo “had just shot

at [her]”; (10) mother handed the phone to a police officer who instructed neighbor to get to a safe place inside her house; (11) neighbor ran to her upstairs bathroom; (12) while lying on the bathroom floor, neighbor heard glass breaking, vehicles moving into her yard, and additional gunshots; (13) officer and sergeant heard the single gunshot; (14) after Hedo was taken into custody, law enforcement found a single, .40-caliber cartridge on the steps leading to the front door of mother’s house; (15) law enforcement also found a .40-caliber handgun inside mother’s house; (16) a forensic scientist tested the .40-caliber handgun and determined Hedo’s DNA was on the handgun; (17) a forensic scientist determined the .40-caliber handgun fired the single .40-caliber cartridge found on the steps leading to front door of mother’s house; and (18) after the incident, almost every window in mother’s house was broken, and there were “defects consistent with projectiles damaging various things in the house.”

Moving to the second step, Hedo concedes that the circumstances proved are consistent with guilt. But Hedo asserts that there is an equally reasonable inference that he fired the single gunshot with the intent to damage the house, not with the intent to cause neighbor fear. For this inference, Hedo observes that (1) neighbor did not testify that Hedo pointed his gun at her; (2) the state offered no testimony from which the jury could infer the direction of the single gunshot; and (3) the sergeant offered conflicting testimony that he believed the single gunshot was aimed at the tactical position. We are not persuaded.

First, taking the facts in the light most favorable to the verdict, there is evidence from which the jury could infer the direction Hedo fired the single gunshot. The single gunshot occurred immediately after neighbor observed Hedo standing at the front door of

mother's house, a .40-caliber cartridge was found on the step leading to the front door, and neighbor stated contemporaneously over the phone that Hedo shot at her. Second, even if sergeant's testimony inserted some uncertainty regarding the direction Hedo fired the single gunshot, we must resolve all fact questions in favor of the jury's verdict. *See Firkus*, 31 N.W.3d at 479-80 (reiterating the jury's role as the "sole judge of credibility" and that the jury is "free to accept part and reject part of a witness's testimony") (citations omitted). As such, we assume the jury disbelieved sergeant's testimony that Hedo fired the single gunshot toward the tactical position. Thus, taking the facts in the light most favorable to the verdict, we conclude the circumstances proved support only one reasonable inference—that Hedo intended to cause neighbor to fear bodily harm or death when he fired the single gunshot.

For these reasons, we conclude the state presented sufficient evidence to prove Hedo intended to cause neighbor to fear immediate bodily harm or death. Accordingly, the postconviction court did not abuse its discretion when it denied Hedo's postconviction petition on this basis.

II.

Hedo argues second that the postconviction court abused its discretion when it denied his postconviction petition on the basis that the district court properly offered a transferred-intent instruction for count I (first-degree assault against officer) and count II (first-degree assault against sergeant). For support, Hedo observes that no Minnesota appellate case has applied transferred intent to an assault-fear conviction. *See State v.*

Carter, No. A16-2056, 2018 WL 313077, at *3 (Minn. App. Jan. 8, 2018) (noting “no Minnesota appellate caselaw has applied transferred intent to an assault-fear conviction”).⁶

“The decision to give a requested jury instruction lies in the discretion of the [district] court and will not be reversed absent an abuse of that discretion.” *State v. Palubicki*, 700 N.W.2d 476, 487 (Minn. 2005). A district court enjoys “considerable latitude in selecting jury instructions, including the specific language of those instructions.” *State v. Schmeichel*, 30 N.W.3d 791, 795-96, (Minn. 2026) (quoting *State v. Peltier*, 874 N.W.2d 792, 797 (Minn. 2016)). Moreover, an improper jury instruction does not require a new trial if the error was harmless. *State v. Kuhnau*, 622 N.W.2d 552, 558 (Minn. 2001). An erroneous jury instruction is harmless only if it can be said, beyond a reasonable doubt, that the error had no significant impact on the verdict. *Id.* at 558-59.

Here, we need not decide whether the district court abused its discretion when it gave the transferred-intent instruction because any error was harmless. In *State v. Hough*, a defendant fired seven bullets into a house with several people inside, only intending to scare one person. 585 N.W.2d 393, 396-97 (Minn. 1998). Following a bench trial, the district court applied the doctrine of transferred intent to conclude that Hough assaulted all the individuals in the house. *Id.* We reversed, concluding that transferred intent could not be applied to unintended victims who did not suffer harm. *Id.* at 395. The supreme court reversed our decision and upheld the convictions. *Id.* at 397. The supreme court concluded

⁶ This opinion is nonprecedential and, therefore, not binding. We cite nonprecedential opinions only as persuasive authority. See Minn. R. Civ. App. P. 136.01, subd. 1(c).

that “the doctrine of transferred intent [was] not necessary to resolve th[e] case.” *Id.* at 395. It reasoned:

While the [district] court referred to the doctrine of transferred intent when it convicted [the defendant] for the assaults against [the other individuals], the findings of the [district] court support the conclusion that [the defendant] acted with intent to cause fear of immediate bodily harm or death to all of the occupants of the home. In effect, the [district] court convicted [the defendant] because it found that [he] intended the natural and probable consequences of his actions.

Id. at 396.

We applied similar reasoning in *Carter*. 2018 WL 313077, at *1. There, following a bench trial, the district court convicted Carter of first- and second-degree assault-fear after he fired a gun toward a group of civilians and police officers. *Id.* To do so, the district court relied on the doctrine of transferred intent. *Id.* at *2. On appeal, appellant argued the district court erred when it applied the doctrine of transferred intent. *Id.* at *3. Relying on *Hough*, we concluded that “the doctrine of transferred intent was not necessary to resolve th[e] case” and analyzed appellant’s intent “by examining the natural and probable consequences of his actions.” *Id.* (citing *Hough*, 585 N.W.2d at 395). After noting that Carter was aware bystanders were present when he fired his gun toward the group of civilians, and he “‘knew, or should have known’ that he would cause fear in the other bystanders,” we concluded the natural and probable consequences of firing into a crowd of people is that those within range will fear immediate bodily harm or death. *Id.* at *4. In doing so, we reasoned that “[w]e cannot excuse Carter’s behavior simply because he claims

that he only intended to cause fear in [victim] when the natural and probable consequences of his actions support a finding of intent.” *Id.* at *5.

Here, like in *Hough* and *Carter*, we conclude the doctrine of transferred intent was not necessary to resolve this case. The evidence here, as in *Hough* and *Carter*, establishes that, following the single gunshot, Hedo approached the tactical position and raised his handgun toward the law-enforcement officers. This action caused officer to discharge his firearm. And, thereafter, Hedo fired his handgun three or four times toward the tactical position where both officer and sergeant were located. Thus, even if Hedo only intended to cause officer to fear immediate bodily harm or death, he also “knew or should have known” that he would cause fear in sergeant, who was within the line of fire. *See State v. Rieck*, 286 N.W.2d 724, 727 (Minn. 1979) (affirming consecutive sentences for aggravated assault against multiple individuals inside a home because the defendant “knew, or should have known, that there would be multiple victims” in the home).

Because the record shows that Hedo acted with the requisite intent to cause fear of immediate bodily harm or death against sergeant, we conclude that any error in the district court offering the transferred-intent jury instruction had no significant impact on the jury’s guilty verdict and was harmless beyond a reasonable doubt. Accordingly, we conclude the postconviction court did not abuse its discretion when it denied Hedo’s postconviction petition.

Affirmed.