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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1853**

State of Minnesota,
Respondent,

vs.

Jimmy Alexander Gogoi,
Appellant.

**Filed August 24, 2026
Affirmed
Johnson, Judge**

Stearns County District Court
File No. 73-CR-24-9651

Keith Ellison, Attorney General, Lisa Lodin, Assistant Attorney General, St. Paul, Minnesota; and

Janelle Kendall, Stearns County Attorney, St. Cloud, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Gina D. Schulz, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Rasmusson, Presiding Judge; Johnson, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

JOHNSON, Judge

A Stearns County jury found Jimmy Alexander Gogoi guilty of unlawful possession of a firearm and ammunition based on evidence that he possessed a loaded nine-millimeter handgun in his vehicle. We conclude that the evidence is sufficient to support Gogoi's

conviction and that the district court did not plainly err by excluding evidence offered by Gogoi. Therefore, we affirm.

FACTS

During the evening of November 30, 2024, Gogoi was driving his vehicle in the city of St. Cloud, with a front-seat passenger, S.G. Officer Priebe conducted a traffic stop after noticing that the license plates on Gogoi's vehicle were registered to a vehicle of a different make and model. While questioning Gogoi, the officer learned that Gogoi did not have a valid driver's license. Because it was a cold evening, Officer Priebe asked Gogoi to move to the squad vehicle while he conferred with his partner. Gogoi asked to remain standing by his own vehicle, which the officer allowed so long as Gogoi relinquished the key to his vehicle. Gogoi complied by pointing to a carabiner that was clipped to the headrest of the front passenger seat and hanging behind the seat. Attached to the carabiner were numerous keys, including the key fob for Gogoi's vehicle.

Another officer asked S.G. to step out of the vehicle. While conducting a pat search, that officer found methamphetamine and drug paraphernalia on her person. S.G. informed officers that she was a confidential informant with a law-enforcement task force. Law-enforcement officers later determined that S.G. was not assisting the task force at the time of the traffic stop. Nonetheless, the charge filed against her for possession of methamphetamine later was dismissed because of her assistance as a confidential informant in other cases.

After methamphetamine was found on S.G., officers searched Gogoi's vehicle, where they found a locked gun case under the front passenger seat, which was secured by

a cable to the frame of the seat. The locked gun case could not be removed without being unlocked. Officers found the key to the gun case on the carabiner that Gogoi earlier had provided to Officer Priebe. Inside the gun case was a nine-millimeter handgun, loaded with six rounds of ammunition. Because Gogoi previously had been convicted of a drug crime, he was ineligible to possess a firearm or ammunition.

The state charged Gogoi with two counts of unlawful possession of a firearm or ammunition by an ineligible person, in violation of Minn. Stat. § 624.713, subd. 1(2) (2024). The case was tried to a jury on two days in May 2025. The state called four witnesses on the first day of trial. Officer Priebe testified about the traffic stop and the search of Gogoi's vehicle. Three other witnesses testified about DNA testing of the handgun, which was inconclusive.

On the second day of trial, Gogoi called four witnesses. A police officer employed by the city of Willmar testified that he is a member of a drug-gang task force that has used S.G. as a confidential informant. The Willmar officer testified that, in exchange for her services as a confidential informant, S.G. has received financial compensation and has had criminal charges dropped. The Willmar officer also testified that he was not in communication with S.G. on the evening of November 30, 2024, and did not know that she was with Gogoi. Gogoi also called three St. Cloud police officers, two of whom testified about the pat search of S.G. Gogoi did not testify.

In closing arguments, Gogoi's attorney argued that the handgun belonged to S.G., who intentionally planted it in Gogoi's vehicle so that she could receive financial compensation or credit against other criminal charges. The jury found Gogoi guilty of both

charges. The district court imposed a sentence of 60 months of imprisonment. Gogoi appeals.

DECISION

I. Sufficiency of the Evidence

Gogoi's primary argument is that the evidence is insufficient to prove beyond a reasonable doubt that he possessed the loaded handgun that was found under the front passenger seat of his vehicle.

A.

To determine whether evidence is sufficient to support a conviction, this court ordinarily undertakes "a painstaking analysis of the record to determine whether the evidence, when viewed in a light most favorable to the conviction, was sufficient." *State v. Jones*, 977 N.W.2d 177, 187 (Minn. 2022) (quotation omitted). This court "carefully examine[s] the record to determine whether the facts and the legitimate inferences drawn from them would permit the factfinder to reasonably conclude that the defendant was guilty beyond a reasonable doubt of the offense of which he was convicted." *State v. Waiters*, 929 N.W.2d 895, 900 (Minn. 2019) (quotation omitted). "We assume that the jury believed the state's witnesses and disbelieved any evidence to the contrary." *State v. Friese*, 959 N.W.2d 205, 214 (Minn. 2021) (quotation omitted).

The above-described standard of review applies so long as a conviction is adequately supported by direct evidence. *State v. Horst*, 880 N.W.2d 24, 39 (Minn. 2016). 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, 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). A conviction necessarily depends on circumstantial evidence if proof of the offense, or a single element of the offense, is based solely on circumstantial evidence. *See State v. Fairbanks*, 842 N.W.2d 297, 307 (Minn. 2014). In this case, the parties do not dispute that the conviction depends on circumstantial evidence. Accordingly, we apply the standard of review applicable to circumstantial evidence. *See State v. Ulrich*, 3 N.W.3d 1, 11 (Minn. 2024).

If a conviction is based on circumstantial evidence, this court applies a heightened standard of review with a two-step analysis. *State v. Firkus*, 31 N.W.3d 468, 478 (Minn. 2026); *State v. Moore*, 846 N.W.2d 83, 88 (Minn. 2014). At the first step of the circumstantial-evidence analysis, we “identify the ‘circumstances proved.’” *State v. Isaac*, 9 N.W.3d 812, 815 (Minn. 2024) (quoting *State v. McInnis*, 962 N.W.2d 874, 890 (Minn. 2021)). The first step requires this court to “‘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.’” *Firkus*, 31 N.W.3d at 478 (quoting *Harris*, 895 N.W.2d at 600). The winnowing-down process “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 of the analysis, this court “consider[s] 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). At the second step, this court independently examines the reasonableness of the inferences drawn from the circumstances proved. *See id.* This court does not give deference to the jury’s choice among reasonable inferences at this step. *Loving v. State*, 891 N.W.2d 638, 643 (Minn. 2017).

B.

The statute underlying the charged offenses provides that some persons, including persons previously convicted of certain crimes, are prohibited from possessing ammunition or a firearm. Minn. Stat. § 624.713, subds. 1, 1(2). To establish a violation of the statute, the state must prove that a defendant knowingly possessed a firearm or ammunition while prohibited by law from doing so. *Harris*, 895 N.W.2d at 601.

The state may establish a violation of the statute by proving either actual possession or constructive possession. *State v. Salyers*, 858 N.W.2d 156, 159 (Minn. 2015). Actual possession means “actual or physical possession at the time of arrest.” *State v. Florine*, 226 N.W.2d 609, 610 (Minn. 1975). A person may be convicted of unlawful possession of a firearm or ammunition even in the absence of actual possession. *See id.* Under the constructive-possession doctrine, a person may be convicted of a possession offense if “the inference is strong 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 arrest.” *Id.* To establish constructive possession, the state must prove

either (1) that the prohibited item was found “in a place under defendant’s exclusive control to which other people did not normally have access,” or (2) if the prohibited item was found “in a place to which others had access, there is a strong probability (inferable from other evidence) that defendant was at the time consciously exercising dominion and control over it.”

Salyers, 858 N.W.2d at 159 (quoting *Florine*, 226 N.W.2d at 611).

In this case, the parties stipulated that Gogoi was ineligible to possess a firearm or ammunition in November 2024. The issue at trial was whether Gogoi possessed the loaded handgun in the locked gun case that was found under the front passenger seat of his vehicle.

C.

At the first step of the circumstantial-evidence analysis, this court must identify the circumstances proved relevant to the question whether Gogoi possessed the loaded handgun. *See Firkus*, 31 N.W.3d at 478. The relevant circumstances proved are as follows.

On November 30, 2024, Gogoi was driving a vehicle of which he was the registered owner. S.G. was sitting in the front passenger seat. The license plates attached to Gogoi’s vehicle were assigned to a different vehicle. Officer Priebe conducted a traffic stop. The officer requested the key to Gogoi’s vehicle. Gogoi complied by providing Officer Priebe with a carabiner that was clipped to the headrest of the front passenger seat and hanging behind the seat. Attached to the carabiner were several keys, including the key fob to Gogoi’s vehicle. Officers found a locked gun case under the front passenger seat. The gun case was attached by a cable to the frame of the front passenger seat and could not be removed without being unlocked. Officer Priebe found the key to the gun case on the carabiner that Gogoi had provided to him. Officers opened the gun case and found a nine-

millimeter handgun with six rounds of ammunition in the magazine. When she was removed from the vehicle, S.G. was in possession of methamphetamine and drug paraphernalia. S.G. informed officers at the scene of the traffic stop that she was a confidential informant with a law-enforcement task force. For her assistance as a confidential informant, S.G. sometimes received financial compensation and credit against criminal charges. S.G. was not assisting the task force at the time of the traffic stop.

At the second step of the analysis, this court must determine “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.” *Firkus*, 31 N.W.3d at 478 (quotations omitted). Gogoi does not dispute that the circumstances proved are consistent with a rational hypothesis that he is guilty. We agree that the circumstances proved are consistent with the hypothesis that Gogoi is guilty, either because the loaded handgun “was found in a place under defendant’s exclusive control to which other people did not normally have access” or because the loaded handgun “was found in a place to which others had access” and “there is a strong probability (inferable from other evidence) that defendant was at the time consciously exercising dominion and control over it.” *See Salyers*, 858 N.W.2d at 159 (quotations omitted).

At the second part of the second step of the analysis, this court must determine whether there are reasonable inferences from the circumstances proved that are “inconsistent with any rational hypothesis other than guilt.” *Firkus*, 31 N.W.3d at 478 (quotations omitted). Gogoi contends that the circumstances proved allow two reasonable inferences that are consistent with his being not guilty. The first is that S.G. planted the

gun in Gogoi's vehicle so that she could receive financial compensation or credit against pending criminal charges and also attached a different vehicle's license plates to Gogoi's vehicle so that his vehicle would be stopped by a law-enforcement officer. The second alternative theory is that the handgun simply belonged to S.G., who placed it under her seat and was in exclusive possession of it.

Gogoi's hypotheses of innocence are not rational. Gogoi's first alternative theory is not rational because one circumstance proved, based on the Willmar officer's testimony, is that S.G. was not working as a confidential informant at the time of the traffic stop. If a person who sometimes serves as a confidential informant is not participating in an authorized operation, it would not be rational for that person to cause a traffic stop while carrying methamphetamine on her person. Gogoi's second alternative theory is not rational because it does not account for an important circumstance proved: the gun-case key was found on a carabiner that also held the key fob to Gogoi's vehicle. To overcome this circumstance proved, Gogoi suggests that the gun-case key belonged to S.G. but she was "savvy enough" to put it on Gogoi's carabiner. But an appellant "must . . . point to *evidence in the record* that is consistent with a rational theory other than guilt." *State v. Segura*, 2 N.W.3d 142, 158 (Minn. 2024) (emphasis added) (quotation omitted). An appellant "may not rely on mere conjecture to argue that the circumstances proved, as a whole, are consistent with a reasonable hypothesis of [his] innocence." *Id.* (quotation omitted). Gogoi's second alternative theory fails because it relies on speculation, not the circumstances proved.

Gogoi compares this case to *Harris* and to *State v. Sam*, 859 N.W.2d 825 (Minn. App. 2015), two cases in which appellate courts reversed convictions of unlawful possession of a firearm in a vehicle. But both of those cases are distinguishable. In *Harris*, the defendant did not own the vehicle he was driving, and the firearm was found in a place where a lay person might not have seen it. *Harris*, 895 N.W.2d at 602-03. In *Sam* as well, the defendant did not own the vehicle. 859 N.W.2d at 828. In addition, the passenger made furtive movements during the traffic stop, which allowed for a reasonable inference that either the vehicle's owner or the passenger possessed the firearm without the defendant's knowledge. *Id.* at 834-36. In this case, however, Gogoi owned the vehicle, officers saw the locked gun case in plain view, and there is no evidence of furtive movements by S.G. In addition, the existence of a well-secured gun case and the presence of the gun-case key on Gogoi's carabiner precludes a reasonable inference that Gogoi did not knowingly possess the handgun in the locked gun case.

Thus, the circumstantial evidence is sufficient to prove beyond a reasonable doubt that Gogoi constructively possessed the loaded handgun.

II. Hearsay Evidence

Gogoi also argues that he is entitled to a new trial on the ground that the district court erred by excluding evidence he sought to admit in support of his alternative-perpetrator defense. He argues that the district court's rulings violated both the rules of evidence and his constitutional right to present a complete defense.

Before trial, Gogoi attempted to serve a subpoena on S.G. to compel her attendance at trial, but he could not find her. At trial, Gogoi sought to introduce statements S.G. made

to officers at the scene of the traffic stop, both while standing next to Gogoi's vehicle and while sitting in a squad vehicle after receiving a *Miranda* warning. Specifically, Gogoi proffered evidence that S.G. stated that there was a gun under her seat and made other statements concerning Gogoi's responsibility for the gun, his possession of drugs, and her work as a confidential informant.

The state consistently objected to Gogoi's attempts to introduce S.G.'s statements based on the rule against hearsay. Gogoi argued in response to the objections that S.G.'s statements should be admitted under the hearsay exceptions for recorded recollections and statements against interest. *See* Minn. R. Evid. 803(5), 804(b)(3). The district court sustained the state's objections.

On appeal, Gogoi makes two different hearsay-related arguments. He argues for the first time that S.G.'s statements are not hearsay because they were not offered for the truth of the matter asserted. *See* Minn. R. Evid. 801(c). He also argues for the first time that, if the statements were offered for the truth of the matter asserted, they are admissible under the hearsay exception for then-existing state of mind. *See* Minn. R. Evid. 803(3). In response, the state argues that Gogoi did not preserve his appellate arguments because he objected on different grounds in the district court. We agree. Accordingly, we review only for plain error. *See* Minn. R. Crim. P. 31.02.

Under the plain-error test, an appellant is entitled to relief on an issue for which no objection was made at trial only if (1) there is an error, (2) the error is plain, and (3) the error affected the appellant's substantial rights. *State v. Griller*, 583 N.W.2d 736, 740 (Minn. 1998). "An error is plain if it is 'clear' or 'obvious,' which is typically established

‘if the error contravenes case law, a rule, or a standard of conduct.’” *State v. Webster*, 894 N.W.2d 782, 787 (Minn. 2017) (quoting *State v. Ramey*, 721 N.W.2d 294, 302 (Minn. 2006)). If these three requirements are satisfied, the appellant also must satisfy a fourth requirement, that the error “seriously affects the fairness and integrity of the judicial proceedings.” *State v. Little*, 851 N.W.2d 878, 884 (Minn. 2014).

The plain-error rule applies with special force to hearsay evidence. The supreme court has explained the rationale for that approach:

The number and variety of exceptions to the hearsay exclusion make objections to such testimony particularly important to the creation of a record of the trial court’s decision-making process in either admitting or excluding a given statement. The complexity and subtlety of the operation of the hearsay rule and its exceptions make it particularly important that a full discussion of admissibility be conducted at trial.

State v. Manthey, 711 N.W.2d 498, 504 (Minn. 2006). The supreme court concluded in *Manthey* that the statements at issue were not “clearly or obviously inadmissible hearsay” because, “[i]n the absence of an objection, the state was not given the opportunity to establish that some or all of the statements were admissible under one of the numerous exceptions to the hearsay rule.” *Id.*

This case is similar to *Manthey* in that the state was not given an opportunity in the district court to make counter-arguments to Gogoi’s arguments concerning rules 801(c) and 803(3), and the district court was not given an opportunity to determine whether the proffered evidence was admissible under those rules. This is especially so with respect to Gogoi’s argument that S.G.’s statements were not offered for the truth of the matter asserted. *See* Minn. R. Evid. 801(c). That argument is directly contrary to the arguments

Gogoi presented to the district court, which were based on the premise that S.G.'s statements *were* offered for the truth of the matter asserted. Having made such arguments, Gogoi cannot establish on appeal that the district court plainly erred by not admitting his proffered evidence for a reason completely different from and inconsistent with his arguments for their admission.

In addition, Gogoi's argument that S.G.'s statements are plainly admissible under the hearsay exception for then-existing state of mind is without merit. The applicable rule provides:

A statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the execution, revocation, identification, or terms of declarant's will.

Minn. R. Evid. 803(3). A statement is admissible under this exception only if there are "no suspicious circumstances suggesting a motive for the declarant to fabricate or misrepresent his or her thoughts." *State v. DeRosier*, 695 N.W.2d 97, 104 (Minn. 2005). Gogoi cannot satisfy this criterion because his appellate argument is based on the premise that S.G.'s statements were intentionally untruthful and made for the purpose of misleading police officers into suspecting Gogoi, not herself, of possessing contraband. This is a sufficient basis for concluding that Gogoi's evidence was not "clearly or obviously" admissible. *See Manthey*, 711 N.W.2d at 504. Thus, the district did not plainly err by not admitting S.G.'s statements under either rule 801(c) or rule 803(3).

Before concluding, we note Gogoi’s references to his constitutional right to present a complete defense. The United States Supreme Court has held that the right “yields to the application of an evidentiary rule unless the rule ‘infringe[s] upon a weighty interest of the accused and [is] arbitrary or disproportionate to the purposes [the rule is] designed to serve.’” *State v. Pass*, 832 N.W.2d 836, 841-42 (Minn. 2013) (alterations in original) (quoting *Holmes v. South Carolina*, 547 U.S. 319, 324-25 (2006)). But the constitutional right to present a complete defense does not disturb a state trial court’s “ordinary evidentiary rulings,” so long as “the application of evidentiary rules . . . serve[s] the interests of fairness and reliability.” *Crane v. Kentucky*, 476 U.S. 683, 689-90 (1986). Gogoi does not argue that any particular evidentiary rule is arbitrary or disproportionate to its purpose or that its application does not serve the interests of fairness and reliability. Rather, his arguments appear to assume the validity of the rules of evidence governing hearsay. Thus, Gogoi cannot establish a violation of his constitutional right to present a complete defense. *See State v. Tillman*, 33 N.W.3d 221, 246 (Minn. 2026) (concluding that district court’s exclusion of defendant’s proffered evidence on hearsay grounds did not violate constitutional right to present a complete defense); *State v. Nissalke*, 801 N.W.2d 82, 102-03 (Minn. 2011) (same).

Affirmed.