This opinion is nonprecedential except as provided by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
A25-2186

State of Minnesota,
Respondent,

vs.

Abdirisaq Adosh Elmi,
Appellant.

Filed November 9, 2026
Affirmed
Connolly, Judge

Hennepin County District Court
File No. 27-CR-24-23320

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

Mary F. Moriarty, Hennepin County Attorney, Robert I. Yount, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Kathryn J. Lockwood, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Rasmusson, Presiding Judge; Connolly, Judge; and Reyes, Judge.

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

In this direct appeal from his conviction of gross-misdemeanor harassment, appellant argues that the district court abused its discretion in admitting a previously

excluded audio recording as rebuttal evidence based on its erroneous determination that appellant had "opened the door" to the admission of the evidence. We affirm.

FACTS

Respondent State of Minnesota charged appellant Abdirisaq Adosh Elmi with felony threats of violence and gross-misdemeanor harassment after he allegedly made numerous harassing phone calls to his estranged wife (wife) and threatened her during an uninvited appearance at her residence. At trial, after the jury was sworn but before opening statements, a break was taken during which the prosecutor learned from wife that she "has on her cell phone all the recordings of all of [appellant's] threats to her throughout a given period of time." The prosecutor disclosed this information to appellant's counsel and then explained to the district court that body-worn camera footage from the night of the alleged offenses showed wife telling law enforcement that she had prior recordings of appellant threatening her, but that respondent had not requested the recordings and wife had not previously provided them. The prosecutor also stated that she "has no intention of entering [the recordings] into evidence." The district court then granted appellant's request to exclude the recordings during respondent's "case in chief," but ruled that the admission of the recordings would be revisited if appellant "opened the door."

During trial, wife testified that she was still legally married to appellant but that they were divorced "religiously" and living apart. According to wife, she did not want appellant to know where she was living, but he discovered her residence. Wife then claimed that, on October 7, 2024, appellant called her almost 50 times and showed up at her residence and started banging on the door while she was on the phone talking to her friend. Wife testified

that appellant called her a "ho," said she should be "stoned," and threatened her physically if he saw wife with any of his sisters.

While wife was on the phone with her friend and appellant was banging on the door and yelling, wife's friend called 911. Law enforcement then arrived at the scene and spoke with wife. Although appellant had left the scene, he called wife while wife was talking with law enforcement and officers directed wife to answer the phone. During the phone call, which was recorded on an officer's body-worn camera and admitted into evidence, appellant called wife names like "ho[]" and "b-tch," stated that "[t]hey used to stone people like you," accused her of cheating on him, and warned wife to stay away from his sisters and family or "it will get so nasty."

Wife told law enforcement that appellant's conduct made her feel "scared," and she testified to the same. Wife also told officers that appellant would call her and say that he was going to "stab" her and that she has phone recordings in which appellant said that he would send girls to stab her. Wife's statements to police were recorded on an officer's body-worn camera and admitted into evidence.

After respondent rested, appellant waived his right to testify and called the lead investigator for the case. The investigator testified that wife told law enforcement that appellant had been to her residence a day or two before October 7, 2024, but law enforcement did not obtain or request surveillance footage to verify her claim. The investigator also testified that she knew that wife told police on October 7, 2024, that she had recordings on her phone of appellant making threats in the past, but that law enforcement did not attempt to obtain the recordings.

Appellant rested after calling the investigator, and respondent called a victim witness coordinator as a rebuttal witness. During the testimony of the victim witness coordinator, the district court, over appellant's objection, admitted a clip of one of the recordings from wife's phone as Exhibit 4, concluding that appellant "open[ed] the door" by asking the investigator whether law enforcement gathered evidence beyond what was obtained on October 7, 2024. The recording was then played for the jury and, in the recording, wife accused appellant of threatening to "send girls to stab" her, which he denied, but he admitted that wife "make[s him] turn into someone [he] is not."

The jury found appellant guilty of gross-misdemeanor harassment and not guilty of felony threats of violence. Appellant subsequently filed numerous pro se motions, including a motion that the district court construed as "a motion for a new trial consistent with Minn. R. Crim. P. 26.04, subd. 1." The district court denied appellant's motion for a new trial and later imposed a stayed 364-day sentence for the harassment offense and placed appellant on probation for two years. This appeal follows.

DECISION

Appellant challenges the district court's admission of Exhibit 4.[1] "Evidentiary rulings rest within the sound discretion of the [district] court and will not be reversed absent

[1] Respondent construes appellant's argument "to be challenging the district court's denial of his motion for a new trial" and contends that it "does not understand [a]ppellant to be raising any independent evidentiary claims," and that appellant "forfeited those claims by declining to object to the admissibility of Exhibit 4 at trial." But this is a direct appeal from the judgment of appellant's conviction of gross-misdemeanor harassment and appellant's brief focuses on the alleged trial error related to the admission of Exhibit 4. Moreover, the record reflects that appellant objected to the admission of Exhibit 4 because, after the prosecutor offered "Exhibit 4 into evidence," the district court responded by stating,

a clear abuse of discretion. On appeal, the appellant has the burden of establishing that the [district] court abused its discretion and that appellant was thereby prejudiced." *State v. Amos*, 658 N.W.2d 201, 203 (Minn. 2003) (citation omitted).

"Opening the door occurs when one party, by introducing certain material, creates in the opponent a right to respond with material that would otherwise have been inadmissible." *State v. Bailey*, 732 N.W.2d 612, 622 (Minn. 2007) (quotation omitted). "The doctrine is essentially one of fairness and common sense, based on the proposition that one party should not have an unfair advantage and that the fact[-]finder should not be presented with a misleading or distorted representation of reality." *Id.* (quoting *State v. Valtierra*, 718 N.W.2d 425, 436 (Minn. 2006)).

Appellant argues that he did not open the door to the admission of Exhibit 4 because his questioning of the investigator "did not create a false or misleading impression that needed to be corrected by the contents of Exhibit 4." But assuming, without deciding, that the district court erred in admitting Exhibit 4, we conclude that appellant is not entitled to relief because he cannot meet his burden to show that he was prejudiced by any error in the admission of the exhibit. *See State v. Matthews*, 800 N.W.2d 629, 633 (Minn. 2011) (stating that an appellate court will not reverse a conviction over erroneously admitted evidence unless there is a "reasonable possibility" that this evidence "significantly affected the verdict" (quotation omitted)). Four factors guide our analysis in making this decision:

"Objection is noted. It is received." As such, appellant has not forfeited his challenge to the district court's decision to admit Exhibit 4.

"(1) the manner in which the party presented the evidence, (2) whether the evidence was highly persuasive, (3) whether the party who offered the evidence used it in closing argument, and (4) whether the defense effectively countered the evidence." *State v. Smith*, 940 N.W.2d 497, 505 (Minn. 2020). Strong evidence of guilt undermines the persuasive value of wrongly admitted evidence. *Matthews*, 800 N.W.2d at 634.

Here, the persuasive value of the recording was fairly high because, in the recording, wife accused appellant of threatening to "send girls to stab" her and appellant said that wife "make[s him] turn into someone [he] is not." But to the extent that the prosecutor referenced Exhibit 4 in closing arguments, the reference was minimal. Moreover, the evidence against appellant in support of the harassment charge was strong. Wife testified that she did not want appellant to know where she was living, appellant discovered her residence, and appellant showed up at that residence on October 7, 2024, after calling her nearly 50 times that day. Wife also testified that, when appellant was at her residence banging on her door, he was yelling, calling her a "ho," saying that she should be "stoned," and threatening her physically if he saw wife with any of his sisters. And wife testified that appellant's conduct made her feel "scared."

In addition to wife's testimony, body-worn-camera video of wife's statements to police and her phone conversation with appellant while officers were present were admitted into evidence. During wife's conversation with appellant that was recorded on an officer's body-worn camera, appellant called wife names like "ho[]" and "b-tch," stated that "[t]hey used to stone people like you," accused her of cheating on him, and warned wife to stay away from his sisters or "it will get so nasty." And in her statements to police, wife told

officers that appellant had previously called her and said that he was going to "stab" her and that she has phone recordings in which appellant said that he would send girls to stab her.

Finally, the record reflects that the jury acquitted appellant of the more serious felony, threats-of-violence charge. In cases like this, when evidence of guilt is strong and the jury acquitted the defendant of one charge, this court has concluded that there was no prejudice from the erroneous admission of evidence. *See State v. Reese*, 446 N.W.2d 173, 177-78 (Minn. App. 1989) (determining that there was no prejudice from admission of evidence when defendant was acquitted of primary felony charge), *rev. denied* (Minn. Nov. 15, 1989); *see also State v. Clayborne*, 404 N.W.2d 385, 388 (Minn. App. 1987) (holding that the defendant was not prejudiced by evidence of past bad acts against the victim where the defendant was acquitted of one of the charges against him and the references to the prior acts were relatively brief), *rev. denied* (Minn. May 28, 1987). Accordingly, we conclude that any error in the admission of Exhibit 4 was harmless.

Affirmed.