

*This opinion is nonprecedential except as provided by  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  
A24-1193**

State of Minnesota,  
Respondent,

vs.

Abdirahman Hussein Farah,  
Appellant.

**Filed June 2, 2025  
Affirmed  
Chutich, Judge\***

Sherburne County District Court  
File No. 71-CR-22-171

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

Kathleen A. Heaney, Sherburne County Attorney, George R. Kennedy, Assistant County Attorney, Elk River, Minnesota (for respondent)

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

Considered and decided by Slieter, Presiding Judge; Frisch, Chief Judge; and  
Chutich, Judge.

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\* Retired justice of the Minnesota Supreme Court, serving as judge of the Minnesota Court of Appeals by appointment pursuant to Minn. Const. art. VI, § 10, and Minn. Stat. § 2.724, subd. 3 (2024).

## **NONPRECEDENTIAL OPINION**

**CHUTICH**, Judge

Following a jury trial, appellant Abdirahman Hussein Farah was convicted of fourth-degree assault against a correctional officer. Farah challenges his conviction asserting that respondent State of Minnesota presented insufficient evidence to prove beyond a reasonable doubt that he inflicted demonstrable bodily harm on the officer. Because we conclude that the state presented sufficient evidence to establish demonstrable bodily harm, we affirm.

### **FACTS**

The state presented the following evidence at trial. On September 25, 2021, K.C., a correctional officer with the Minnesota Department of Corrections, was working in a living unit at a correctional facility in St. Cloud. K.C. was accompanied by Sergeant J.V. That afternoon, K.C. and J.V. were at their station in the unit, seated behind a platform desk about three-steps high.

J.V. testified that Farah, an inmate in the unit, approached the desk after returning from a work shift. Farah asked to enter his cell. Because the cell doors in the unit were closed, J.V. denied Farah's request and asked him to sit down until the cell doors were opened. Farah complied. He then reapproached the desk and this time asked K.C. if he could be let into his cell. K.C. told Farah that the cell doors were still closed and asked him to take a seat.

J.V. further testified that, after K.C. asked Farah to sit down, Farah used his fist to strike K.C. in the face. J.V. did not see the punch connect but "the noise that the contact

made was without a doubt a fist to skin.” K.C. and J.V. jolted out of their chairs and stood up. According to J.V., K.C. did not say or do anything to antagonize Farah. Farah then “aggressively came onto the podium and continued to attack” K.C.

At this point, K.C. recalled being pinned against the desk by Farah. Farah held K.C. in a bear hug with his lower back pinned against the desk so that K.C. was bent backward over the desk. K.C. attempted to push Farah away from him but Farah would not release him. After J.V. tried but failed to separate K.C. and Farah, J.V. called for help. It took several additional officers to break Farah’s hold on K.C.

Following the assault, K.C. sought medical attention at the correctional facility, visited an emergency room in St. Cloud, and followed up with his primary doctor. K.C. testified that he had “a bunch of marks on [his] face” and “multiple” bruises on his lower back. The marks on his face consisted of red scrapes and slight bruising on his eye. K.C. testified that the bruising and the red marks became much more noticeable after a day or two. And when K.C. looked in the mirror, he was able to see his injuries.

The state charged Farah with felony fourth-degree assault in violation of Minnesota Statutes section 609.2231, subdivision 3(1) (2020). The matter proceeded to a jury trial in February 2024.

In addition to the testimony of the two officers, the state also introduced video surveillance from the facility that captured the attack. The district court received the exhibit, and the jury viewed the video. The video showed Farah sitting at a table, in front of the desk where K.C. was stationed, for over 30 seconds. Farah got up, walked to the desk, and punched K.C. Farah stepped back for several seconds and then reapproached

K.C. to throw another punch. He can be seen throwing several punches throughout the video. The video also shows that Farah climbed up into the officers' workspace and wrestled with K.C. until additional officers arrived.

Farah testified in his defense and disputed injuring K.C. He claimed that he asked K.C. a couple times to unlock the cells because he needed to use the bathroom. Farah said that when he approached the desk a third time, K.C. responded, "Sit the f--k down. I'm not going to tell you again."

Farah testified that he then leaped up and tried "to connect with [K.C.'s] face" but missed because the desk was too high. He claimed that K.C. assumed "a boxer stance" and said, "What are you waiting for, tough guy? Come on. Let's go."

Farah further testified that he wrestled with K.C. and had him in a bear hug. He conceded that he was trying to attack K.C. and that he threw several punches during the assault. But Farah did not believe that he hurt K.C., nor did he notice any injuries on K.C.

After the jury returned a guilty verdict, the district court convicted Farah of felony fourth-degree assault. The district court sentenced Farah to 12 months and 1 day in prison, consecutive to the sentence that he was already serving. Farah appeals.

## **DECISION**

Farah challenges his conviction of fourth-degree assault, arguing that the evidence presented by the state was insufficient to prove that he inflicted demonstrable bodily harm. He specifically contends that the evidence was insufficient because the state failed to prove that K.C.'s injuries were seen or could have been seen by another person. Farah claims

that, without this evidence, the harm he inflicted was bodily harm,<sup>1</sup> and not the “demonstrable bodily harm” required to elevate the assault of a correctional officer to a felony.

When considering Farah’s claim of insufficient evidence, “we must make a painstaking review of the record to determine whether the evidence and reasonable inferences drawn therefrom, viewed in the light most favorable to the verdict, were sufficient to allow the jury to reach its verdict.” *State v. Pendleton*, 706 N.W.2d 500, 511 (Minn. 2005). A verdict will not be overturned “if the jury, acting with due regard for the presumption of innocence and for the necessity of overcoming it by proof beyond a reasonable doubt, could reasonably conclude that a defendant was proven guilty of the offense charged.” *Bernhardt v. State*, 684 N.W.2d 465, 476-77 (Minn. 2004) (quotation omitted). Moreover, we “assume that the jury believed the witnesses whose testimony supports the verdict” and disbelieved contradictory evidence. *Pendleton*, 706 N.W.2d at 512.

The state charged Farah with violating Minnesota Statutes section 609.2231, subdivision 3(1). That statute provides that whoever assaults a correctional officer while the officer is performing a duty imposed by law, policy, or a rule and “inflicts demonstrable bodily harm,” is guilty of a felony. Minn. Stat. § 609.2231, subd. 3(1);<sup>2</sup>

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<sup>1</sup> Bodily harm is defined by statute as “physical pain or injury, illness, or any impairment of physical condition.” Minn. Stat. § 609.02, subd. 7 (2020).

<sup>2</sup> Minnesota Statutes section 609.2231, subdivision 3(1), provides in pertinent part that a defendant is guilty of a felony if they commit “assault[] . . . and inflict[] demonstrable bodily harm” against “an employee of a correctional facility . . . while the person is engaged in the performance of a duty imposed by law, policy, or rule.”

*cf.* Minn. Stat. § 609.2231, subd. 1(b) (“Whoever physically assaults a peace officer is guilty of a gross misdemeanor.”).

“Demonstrable bodily harm” is not defined by statute, but we approved a jury instruction defining demonstrable as “capable of being perceived by a person other than the victim.” *State v. Backus*, 358 N.W.2d 93, 95 (Minn. App. 1984). In a later nonprecedential but persuasive opinion, we looked to the dictionary to provide additional definitions of demonstrable. *See State v. Gratz*, No. A10-781, 2011 WL 781107, at \*4 (Minn. App. Mar. 8, 2011).<sup>3</sup> There, we defined demonstrable as something that was “‘obvious or apparent.’” *Id.* (quoting *The American Heritage College Dictionary* 370 (3d ed. 1997)). We defined an injury that was “‘obvious’” as being “‘easily perceived or understood.’” *Id.* (quoting *The American Heritage College Dictionary* 943 (3d ed. 1997)). And “an ‘apparent’ injury is one that is ‘readily seen; visible.’” *Id.* (quoting *The American Heritage College Dictionary* 65 (3d ed. 1997)). In *Gratz*, we specifically rejected the argument that proving demonstrable bodily harm required evidence that someone other than the victim actually saw the injury. *See Gratz*, 2011 WL 781107, at \*3.

The appellant in *Gratz*, as Farah does here, argued on appeal that the state failed to prove that he inflicted demonstrable bodily harm on a sergeant because the state did not offer evidence that the sergeant’s injury was perceptible to someone other than the sergeant. *Id.* We concluded that “the state was not required to prove that [the sergeant’s] injury was in fact *observed* by someone else.” *Id.* Instead, to uphold the conviction of

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<sup>3</sup> *See* Minn. R. Civ. App. P. 136.01, subd. 1(c) (“Nonprecedential opinions . . . are not binding authority . . . but nonprecedential opinions may be cited as persuasive authority.”).

felony fourth-degree assault, “the state was required to show that [the sergeant] suffered ‘demonstrable bodily harm,’ harm that was *capable* of being perceived by someone else, not that the harm was *viewed* by someone else.” *Id.*

The sergeant in *Gratz* testified that he observed swelling at the knuckle joint of his pinky finger. *Id.* at \*1. We determined that “[t]he reasonable inference drawn from this testimony is that anyone else comparing [the sergeant’s] hands would have noticed the swelling too.” *Id.* at \*3. And applying the applicable dictionary definitions, we concluded that the sergeant’s injury “was demonstrable because it was visible; because the injury was visible, it was capable of being perceived by another.” *Id.* at \*4. We therefore affirmed appellant’s conviction. *Id.*

Following the reasoning of our persuasive opinion in *Gratz*, we conclude that the state was required to prove, beyond a reasonable doubt, that K.C.’s injuries were capable of being perceived by someone else. Viewing the direct evidence in the light most favorable to the conviction—including the video surveillance from the correctional facility, as well as testimony by the two correctional officers—we also conclude that the record is sufficient to support the element of demonstrable bodily harm. After twice asking to enter his cell Farah reapproached the desk and punched K.C. in the face. The noise “the contact made was without a doubt a fist to skin.” Farah stepped away from the desk for several seconds and then reapproached K.C. to throw another punch. K.C. testified that Farah held him in a bear hug, pinning his lower back against the desk while Farah bent him backward over the desk.

K.C. testified that following the assault he had “a bunch of marks on [his] face” and “multiple” bruises on his lower back. He stated that the marks on his face consisted of red scrapes and slight bruising on his eye and that the bruising and the red marks became more apparent a day or two following the assault. And K.C. was able to see the injuries when he looked in the mirror. Because K.C.’s testimony establishes that his injuries were demonstrable—obvious or apparent and visible—this evidence sufficiently proves that his injuries were capable of being perceived by someone else. *See id.* We therefore conclude that the record sufficiently supports Farah’s conviction of felony fourth-degree assault because he inflicted demonstrable bodily harm against K.C.

**Affirmed.**