

*This opinion is nonprecedential except as provided by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
A22-1504**

State of Minnesota,
Respondent,

vs.

Morayo Surat Hassan,
Appellant.

**Filed October 23, 2023
Affirmed
Connolly, Judge**

Hennepin County District Court
File No. 27-CR-20-9951

Keith Ellison, Attorney General, Kristi Nielsen, Assistant Attorney General, St. Paul, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Roy G. Spurbeck, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Bjorkman, Judge; and Schmidt, Judge.

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

Appellant challenges her conviction for multiple counts of theft by false representation, arguing that the district court abused its discretion in admitting appellant's time sheets into evidence because they were inadmissible hearsay that did not fall under a

hearsay exception. Because we see no abuse of discretion in the admission of the timesheets, we affirm.

FACTS

Appellant Morayo Hassan, now 66, worked three jobs, two of them as a personal care assistant (PCA) at healthcare-service facilities and one as a live-in home health aide. For each job, appellant documented the dates and hours she worked on time sheets that she signed and dated.

The PCA time sheets instructed employees to “[r]eview the completed time sheet for accuracy before signing” and warned them that “[i]t is a federal crime to provide false information on PCA billings for Medical Assistance payment. Your signature verifies the time/services entered above are accurate and the services were performed as specified in the PCA Care Plan.” As a home health aide, appellant was given directives including “DO NOT put on your time sheet the hours you did not work for the client” and “DO NOT say that you are at work or put it on your time sheet that you are at work when you are not at work.” She signed a statement acknowledging that prohibited conduct could result in her suspension or termination.

Between December 1, 2015, and April 4, 2017, appellant reported working the same hours at more than one job. Medicaid Fraud Control Unit (MCFU) investigators executed search warrants on the care facilities that employed appellant, obtained her time sheets, and interviewed her. An amended complaint charged her with two counts of theft by false representation (over \$5,000), one count of theft by false representation (over \$1,000), and one count of theft by false representation (public funds).

One investigator's analysis of the time sheets revealed that, between February 22 and April 4, 2017, the care facilities were overpaid \$3,569.52, of which appellant received \$2,324.78 (Count 1); between June 14 and December 13, 2016, the care facilities were overpaid \$12,568.04, of which appellant received \$8,198.04 (Count 2); between December 29, 2015 and June 1, 2016, the care facilities were overpaid \$8,997.56, of which appellant received \$5,878.84 (Count 3); and on December 1, 2015, the care facilities were overpaid \$444.08, of which appellant received \$289.90 (Count 4). Thus, the facilities were overpaid a total of \$25,579.20, of which appellant received a total of \$16,691.55.

At trial, following the parties' arguments on the issue, the time sheets were admitted into evidence as items seized from businesses during the execution of search warrants and as nonhearsay statements of a party opponent. The jury found appellant guilty on all four counts. The district court sentenced appellant, "in view of [her] age and lack of criminal history," to probation for three years and to pay restitution "dependent upon probation's analysis of [her] ability to pay."

Appellant challenges her conviction, reiterating her argument that her timesheets should not have been admitted into evidence.

DECISION

"Evidentiary rulings rest within the sound discretion of the district court, and we will not reverse an evidentiary ruling absent a clear abuse of discretion." *State v. Ali*, 855 N.W.2d 235, 249 (Minn. 2014). A district court's admission of physical evidence will be affirmed unless it constitutes an abuse of discretion. *State v. Daniels*, 361 N.W.2d 819, 827 (Minn. 1985). The district court abuses its discretion if it acts in an arbitrary or

capricious manner, makes clearly erroneous factual findings, or takes an erroneous view of the law. *Thoresen v. State*, 965 N.W.2d 295, 303 (Minn. 2021). An appellant must establish that the district court abused its discretion. *State v. Amos*, 658 N.W.2d 201, 203 (Minn. 2003).

The district court determined that the written statements of hours and places worked on appellant's PCA timesheets were admissible as statements by a party opponent under Minn. R. Evid. 801(d)(2)(A) ("A statement is not hearsay if . . . [t]he statement is offered against a party and is the party's own statement, in either an individual or a representative capacity.") Appellant herself wrote the relevant statements on her timesheets: she stated when and where she worked, and her signature attested to the truth of those statements. When appellant was shown some of the statements, she agreed that she had filled them out and signed them and that they conflicted, showing her to have worked in more than one place at a particular time.

On appeal, she argues that (1) she did not acknowledge her signature was on all the time sheets; (2) many more timesheets were admitted than those shown to her; (3) the timesheets were not all signed by the recipient of the care or the recipient's responsible party, and the recipients were not called as witnesses; (4) appellant's ID number was wrong on some of the timesheets; and (5) the cumulative effect of these errors was to make them inadmissible under Minn. R. Evid. 801(d)(2). But the timesheets were not admitted to show which patients received the care; they were admitted to show that appellant had reported working at more than one place at one time. None of appellant's arguments pertains to the timesheets' value as evidence of appellant's reporting that she worked in

more than one place at one time. The district court did not abuse its discretion in admitting the timesheets. There is no basis to reverse appellant's convictions.

Affirmed.