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Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A11-1076**

State of Minnesota,
Respondent,

vs.

Sayid Ali Noor,
Appellant.

**Filed May 14, 2012
Affirmed
Connolly, Judge**

Olmsted County District Court
File No. 55-CR-10-7435

Lori Swanson, Attorney General, St. Paul, Minnesota; and

Mark A. Ostrem, Olmsted County Attorney, James P. Spencer, Assistant County
Attorney, Rochester, Minnesota (for respondent)

David W. Merchant, Chief Appellate Public Defender, G. Tony Atwal, Assistant Public
Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Larkin, Judge; and Harten,
Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

UNPUBLISHED OPINION

CONNOLLY, Judge

Appellant was convicted of felony second-degree assault with a dangerous weapon and argues that the district court erred when it did not define the word “intentional” for the jury. Because there was no error in the jury instructions, we affirm.

FACTS

On October 3, 2010, officers responded to a disturbance call at an apartment building in Rochester. At the apartment, paramedics tended to a stab wound on A.A.’s neck. When the officer asked who stabbed him, A.A. responded that appellant Sayid Ali Noor stabbed him. A.A. gave multiple statements to the officers identifying appellant and picked him out of a photo lineup. With a description of the suspect, officers located appellant at a bar and arrested him.

Appellant was charged with felony second-degree assault with a dangerous weapon. At the close of trial the district court instructed the jury on the elements of second-degree assault. The court stated, “[a]n assault is the intentional infliction of bodily harm upon another.” Appellant’s counsel did not object to the instruction. Appellant was convicted of felony second-degree assault with a dangerous weapon and was sentenced to 51 months in prison. He challenges his conviction.

DECISION

Appellant argues that the district court erred by failing to provide the jury with a definition of “intentional.” Because appellant did not object to the instruction at trial, this court reviews the instruction for plain error. *See State v. Larson*, 787 N.W.2d 592, 600

(Minn. 2010). “The plain error standard requires that the defendant show: (1) error; (2) that was plain; and (3) that affected substantial rights.” *State v. Strommen*, 648 N.W.2d 681, 686 (Minn. 2002). “An error is plain when it is ‘clear’ or ‘obvious.’” *Id.* at 688. “If those three prongs are met, we may correct the error only if it seriously affects the fairness, integrity, or public reputation of judicial proceedings.” *Id.* at 686. (quotation omitted).

District courts are allowed “considerable latitude” in the selection of language for the jury instructions. *State v. Baird*, 654 N.W.2d 105, 113 (Minn. 2002). “[J]ury instructions must be viewed in their entirety to determine whether they fairly and adequately explained the law of the case.” *State v. Flores*, 418 N.W.2d 150, 155 (Minn. 1988). “An instruction is in error if it materially misstates the law. Furthermore, it is well settled that the [district] court’s instructions must define the crime charged. In accordance with this, it is desirable for the court to explain the elements of the offense rather than simply to read statutes.” *State v. Kuhnau*, 622 N.W.2d 552, 556 (Minn. 2001) (citations omitted).

Appellant contends that the district court’s failure to define “intentional” constituted plain error and that appellant was prejudiced because “the jury was left to guess at what legal definition to apply.” Here, appellant was charged with second-degree assault with a dangerous weapon. The district court instructed the jury as to the elements of second-degree assault stating:

First the [appellant] assaulted [A.A.] An assault is the intentional infliction of bodily harm upon another. Second, [the appellant], in assaulting [A.A.], used a dangerous

weapon. A dangerous weapon is anything designed as a weapon and capable of producing death or great bodily harm or anything else that, in the manner it is used or intended to be used, is known to be capable of producing death or great bodily harm.¹

In *State v. Robinson*, the Minnesota Supreme Court held that the district court did not err when it did not define “intent” in the instructions for third-degree assault. 699 N.W.2d 790, 799-800 (Minn. 2005). The court reasoned that the jury instruction was virtually identical to the *Minnesota Practice* jury instruction and “adequately explain[ed] the elements of . . . assault.” *Id.* Furthermore, “detailed definitions of the elements of the crime need not be given in the jury instructions if the instructions do not mislead the jury or allow it to speculate over the meaning of the elements.” *Peterson v. State*, 282 N.W.2d 878, 881 (Minn. 1979).

Appellant argues that it was necessary for the jury to determine if appellant committed an intentional act and that, because the jury was not given a definition of “intentional,” they were forced to guess at what intentional meant. However, the word “intentional” has a common meaning “and the definition provided by CRIMJIG does not greatly increase the jury’s understanding of the phrase.” *State v. Harlin*, 771 N.W.2d 46, 52 (Minn. App. 2009) (quotation omitted), *review denied* (Minn. Nov. 17, 2009). Accordingly, the district court did not commit plain error.

Affirmed.

¹ This instruction was nearly identical to CRIMJIG 13.10. *See 10 Minnesota Practice*, CRIMJIG 13.10 (2006) (defining the elements of second-degree assault with a dangerous weapon).