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Minn. Stat. § 480A.08, subd. 3 (2016).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A17-1643**

State of Minnesota,
Respondent,

vs.

Bruce Alan Baker,
Appellant.

**Filed April 30, 2018
Affirmed
Halbrooks, Judge**

Chippewa County District Court
File No. 12-CR-17-331

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

David M. Gilbertson, Chippewa County Attorney, Montevideo, Minnesota (for
respondent)

Bruce Alan Baker, Dawson, Minnesota (pro se appellant)

Considered and decided by Reilly, Presiding Judge; Halbrooks, Judge; and
Schellhas, Judge.

UNPUBLISHED OPINION

HALBROOKS, Judge

Appellant challenges his petty misdemeanor conviction of careless driving, arguing
that his rights were violated because the district court did not inform him that he could

oppose the state's request for a continuance and because the district court abused its discretion by denying his subsequent request for a continuance. We affirm.

FACTS

Appellant Bruce Baker was pulled over by a deputy sheriff on May 25, 2017, after a concerned citizen called 911 to report that she had observed Baker driving erratically. Baker was charged with careless driving under Minn. Stat. § 169.13, subd. 2 (2016). The state certified the charge as a petty misdemeanor.

A court trial was originally scheduled for September 6, 2017, but Baker, pro se, made a timely request to remove the assigned judge. A new judge was assigned, and the court trial was rescheduled for September 14. The prosecutor then asked that the trial be rescheduled based on prior notice that he was going to be on vacation that week. Baker did not oppose this request, and the district court rescheduled the trial for October 5.

On September 25, Baker requested that the trial be rescheduled for “around Nov. 15” so that he could continue to prepare for trial. The prosecutor opposed Baker's request for a continuance on the grounds that witnesses had been notified, subpoenas had been served, and the case had been on the calendar for trial since early August. The district court denied Baker's request.

At trial, the concerned citizen, the deputy, and Baker testified. The district court found Baker guilty of careless driving and imposed a \$100 fine. This appeal follows.

DECISION

Baker asks that we overturn his conviction on two grounds. He first asserts that his constitutional rights were violated because the district court did not advise him that he

could oppose the state's request for a continuance. Whether a district court's actions violate a defendant's constitutional rights is a question of law that we review de novo. *State v. Tate*, 682 N.W.2d 169, 174 (Minn. App. 2004), *review denied* (Minn. Sept. 29, 2004).

In support of his argument, Baker relies on *Miranda v. Arizona*, 384 U.S. 436, 467-68, 473, 86 S. Ct. 1602, 1624, 1627 (1966). But *Miranda* addresses an individual's rights applicable to a custodial interrogation, which is not at issue here. *Miranda* does not impose an affirmative duty on a district court to educate a pro se defendant on the nuances of pretrial motions. Rather, we hold pro se litigants to the same standards as attorneys. See *State v. Larson*, 520 N.W.2d 456, 464 (Minn. App. 1994), *review denied* (Minn. Oct. 14, 1994). We conclude that Baker's rights were not violated in this matter.

Second, Baker contends that the district court erred by denying his request for a continuance. We review a district court's denial of a request for a continuance for an abuse of discretion. *State v. Miller*, 488 N.W.2d 235, 239 (Minn. 1992). And we look to "the circumstances surrounding the requested continuance and whether the denial was so prejudicial in the preparation of an adequate defense as to materially affect the outcome of the trial." *Id.* (quotation omitted). Baker argues that he needed more time to research, investigate leads, and prepare for trial. And he asserts that the outcome at trial would have been different had he been given a continuance to do so. But Baker provides no examples of evidence that he could have obtained through further investigation; nor does he explain what "leads" he had. Baker had more than four months to prepare for trial, and he has not shown that this was insufficient or that the outcome at trial would have been different had the district court granted his motion. We conclude that the district court acted within its

discretion by denying Baker's request for a continuance made approximately ten days before trial.

Affirmed.