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**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-0868**

State of Minnesota,
Respondent,

vs.

Dustin Lee Redwine,
Appellant.

**Filed April 13, 2020
Affirmed
Bjorkman, Judge**

St. Louis County District Court
File No. 69HI-CR-18-242

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

Mark S. Rubin, St. Louis County Attorney, Duluth, Minnesota, Stacey Sundquist, Assistant
County Attorney, Hibbing, Minnesota (for respondent)

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

Considered and decided by Slieter, Presiding Judge; Johnson, Judge; and Bjorkman,
Judge.

UNPUBLISHED OPINION

BJORKMAN, Judge

Appellant challenges his conviction of unlawful possession of a firearm, arguing that the district court (1) erred by denying his request for a competency examination without giving proper weight to the evidence presented and (2) abused its discretion by requiring him to wear a stun-belt restraint during trial. We affirm.

FACTS

Appellant Dustin Redwine was charged with unlawful possession of a firearm in March 2018.¹ Eleven days before trial, defense counsel requested a competency examination under Minn. R. Crim. P. 20.01 based on Redwine’s recent hospitalization for “ingest[ing] a number of chemicals.” Counsel explained that Redwine told her the hospital conducted a psychological evaluation and recommended he be committed and start anti-psychotic medication. The prosecutor objected, and the district court denied the motion.

After a trial, during which Redwine was required to wear a stun belt under his clothes, a jury found him guilty. The district court sentenced Redwine to 60 months’ imprisonment. Redwine appeals.

DECISION

I. The district court duly considered Redwine’s competency motion.

A defendant has a due-process right not to be tried or convicted of a criminal charge if he is legally incompetent. *State v. Curtis*, 921 N.W.2d 342, 346 (Minn. 2018). A

¹ Redwine was also charged with two counts of receiving stolen property, but the state dismissed the charges mid-trial.

defendant is incompetent if mental illness or cognitive impairment renders him unable to rationally consult with counsel, understand the proceedings, or participate in his defense. Minn. R. Crim. P. 20.01, subd. 2. Conversely, a defendant is competent if he “has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and has a rational as well as factual understanding of the proceedings against him.” *Bonga v. State*, 797 N.W.2d 712, 718 (Minn. 2011) (quotation omitted).

If the prosecutor or defense counsel, “at any time, doubts the defendant’s competency,” they “must make a motion challenging competency.” Minn. R. Crim. P. 20.01, subd. 3. Presented with such a motion, the district court must determine whether “reason exists to doubt the defendant’s competency,” and if so, must suspend the proceedings for “an examination of the defendant’s mental condition” and a hearing. *Id.* In making that determination, the court should consider “the aggregate of the evidence,” including the defendant’s irrational behavior, his demeanor before the court, and any prior medical opinion on competency. *Bonga*, 797 N.W.2d at 719.

On appeal from denial of a competency examination, the issue is not whether the defendant was competent to stand trial but whether the district court “should have conducted further inquiry.” *Id.* at 718 (quotation omitted). We review de novo whether the district court “gave proper weight to the evidence produced.” *Curtis*, 921 N.W.2d at 346 (quotation omitted).

The record demonstrates that the district court considered the evidence of Redwine’s competency in the aggregate. First, the court considered whether Redwine’s hospitalization for ingesting “chemicals” indicated irrational behavior. As the district court

found, defense counsel presented no evidence as to what chemicals Redwine used or how they bore on his mental state. Rather, defense counsel merely relayed Redwine's statement that the hospital conducted a psychological examination and recommended medication and civil commitment. The prosecutor refuted all aspects of defense counsel's presentation, clarifying that Redwine was not treated in the mental-health ward, noting there was no documentation of a psychological evaluation, and stating there was no pending civil-commitment proceeding. And the prosecutor asserted that Redwine's actions were evasive "tactics," not a mental-health crisis, pointing to his past hospitalization for ingesting methamphetamine after being charged with witness tampering. The district court weighed this evidence and determined that Redwine's ingestion of chemicals and resulting hospitalization did not suggest incompetence.

Second, the district court considered Redwine's demeanor in court. Between the filing of the complaint in March and defense counsel's late November motion, Redwine appeared in court at least six times, including two previous hearings with the judge who presided over the competency hearing. At this hearing, shortly before defense counsel raised the competency issue, Redwine cogently engaged with the court regarding the status of a domestic-abuse no-contact order. The district court found that Redwine had participated in his defense and rationally consulted with both the court and his counsel during his court appearances. And the court expressly determined that Redwine "regularly and consistently demonstrated a sophisticated and intelligent understanding of the proceedings against him."

On this record, we are satisfied that the district court conducted sufficient inquiry and gave proper weight to the evidence presented concerning Redwine's competency.

II. The district court did not abuse its discretion by requiring Redwine to wear a stun-belt restraint during trial.

A defendant must not be subjected to physical restraint while in court unless the restraint is "necessary to maintain order or security." Minn. R. Crim. P. 26.03, subd. 2. In determining whether restraint is justified, a court should consider various factors, such as the seriousness of the present charge, the defendant's temperament and past record, any threats to harm others or cause a disturbance, and the adequacy and availability of alternatives. *State v. Shoen*, 578 N.W.2d 708, 713 (Minn. 1998). If the court finds a restraint justified, it must state its reasons on the record. Minn. R. Crim. P. 26.03, subd. 2. We review a district court's decision to require a defendant to wear restraints for abuse of discretion. *State v. Chambers*, 589 N.W.2d 466, 475 (Minn. 1999).

Redwine argues that the district court abused its discretion by ordering him to wear the stun belt without considering "the appropriate factors." We agree that the court's explanation that it would require the belt "for security purposes" was terse. But even if the court erred by failing to state its reason for finding the restraint was justified, we are not persuaded that the error warrants reversal.

Error in ordering a defendant to wear a restraint does not require reversal unless it prejudiced the defendant. *State v. Shoen*, 598 N.W.2d 370, 377 (Minn. 1999). "[F]or erroneous restraints to have any prejudicial effect at all, the jury first must be aware that the defendant is wearing a restraint." *Id.* at 378. Redwine asserts that the jury could see

the stun belt because defense counsel told the district court, in objecting to its use, that “if [he] moves at all, you can see it.” But the record indicates that defense counsel suggested and the district court implemented a precautionary measure to keep the restraint from the jury’s view: the trial participants would not stand for the jury. Nothing in the record suggests that anyone deviated from that procedure during the two-day trial, that the procedure affected Redwine’s choice not to testify, or that the jury nonetheless observed the restraint. On this record, Redwine is not entitled to relief based on the use of a courtroom restraint.

Affirmed.