

*This opinion is nonprecedential except as provided by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
A24-1072**

State of Minnesota,
Respondent,

vs.

Chad David Doris,
Appellant.

**Filed August 18, 2025
Affirmed in part, reversed in part, and remanded
Cochran, Judge**

Anoka County District Court
File No. 02-CR-23-5489

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

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Berglund, Baumgartner, & Glaser, LLC, Minneapolis, Minnesota (for respondent)

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Considered and decided by Cochran, Presiding Judge; Reyes, Judge; and Schmidt,
Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

Following a jury trial, appellant was convicted of five offenses: third-degree driving while impaired (DWI) for refusing to submit to chemical testing, felony intent to escape a motor-vehicle tax, driving after license suspension, driving without valid license

endorsement, and driving without motor-vehicle registration. In this direct appeal, appellant argues that (1) the district court abused its discretion by denying his request to strike the entire jury panel, (2) the evidence supporting his conviction of intent to escape motor-vehicle tax was insufficient, and (3) the district court erred by sentencing appellant for multiple offenses arising out of the same course of conduct. While we discern no abuse of discretion in the district court's denial of appellant's motion to strike the entire jury panel, we conclude that the evidence was insufficient to support appellant's conviction of intent to escape a motor-vehicle tax. We also conclude that the district court erred by imposing multiple sentences for certain convictions. We therefore affirm in part, reverse in part, and remand for resentencing.

FACTS¹

In August 2023, a Centennial Lakes peace officer was patrolling Centerville, Minnesota. The officer observed a white garbage truck parked in an area known for criminal activity involving controlled substances. The garbage truck was unmarked, old, and in poor condition, and its registration had expired in 2015. The officer took no action in relation to the garbage truck at that time.

Roughly an hour later, the officer encountered the same garbage truck driving on the road. The officer pulled his squad car behind the garbage truck, activated his lights and siren, and initiated a traffic stop based on the garbage truck's expired registration. After

¹ Because appellant challenges the sufficiency of the evidence supporting one of his convictions, the following facts are sourced from the evidence admitted at trial and framed in the light most favorable to the jury's guilty verdict. *State v. Webb*, 440 N.W.2d 426, 430 (Minn. 1989).

the garbage truck pulled to the side of the road and stopped, the driver exited the truck and identified himself as appellant Chad David Doris. There was no one else in the garbage truck with Doris. Doris informed the officer that he did not have any form of identification but provided his date of birth.

The officer returned to his squad car to confirm Doris's identity. The officer searched a Department of Vehicle Safety (DVS) database and learned that Doris's driver's license was suspended. The officer also discovered that Doris's suspended license lacked the commercial-vehicle endorsement required to drive the garbage truck. Doris told the officer that the garbage truck belonged to his employer, who had directed Doris to drive it. The officer called Doris's purported employer, who stated that Doris had previously worked for the company but was not employed by the company at that time. The officer also determined from the DVS database that the garbage truck had most recently been registered to a business other than Doris's purported employer, but the officer could not verify the current owner.

While the officer was in his squad car, he observed Doris "pacing back and forth and fidgeting a lot" on the side of the road. The officer opted to detain Doris based on his behavior and the discrepancies in his claim about who owned the garbage truck. The officer placed Doris in handcuffs and ushered him into the back seat of his squad car.

The officer then conducted an inventory search of the garbage truck. The officer noticed that the garbage truck's front license plate was equipped with a 2024 registration sticker, even though the truck's registration had not been renewed since 2015. Upon

further investigation, the officer determined that the 2024 registration sticker corresponded to a car belonging to Doris's wife.

While the officer was verifying the sticker's information from a computer in his squad car, Doris started talking to himself in an agitated manner. The officer tried to interrupt Doris, who was seated in the back seat, but Doris did not acknowledge the officer. The officer then noticed that Doris was sweating and talking quickly. And, when the officer finally got Doris's attention, Doris referred to the officer by a name that Doris knew did not belong to the officer. Based on this conduct, the officer suspected that Doris was under the influence of a controlled substance.

Soon after, Doris complained of difficulty breathing and told the officer he was having a heart attack. The officer requested emergency medical assistance, and an ambulance arrived and took Doris to a hospital. The officer applied for a blood-draw search warrant, which was granted while Doris was transported to the hospital. The officer then drove to the hospital where the ambulance had taken Doris. The officer printed a copy of the search warrant from a printer in his squad car. The search warrant authorized either a blood or urine sample.

At the hospital, the officer spoke with Doris and explained the various offenses for which he was arresting Doris. When the officer told Doris that one of the offenses was intentional evasion of a motor-vehicle tax, Doris responded that he had placed the 2024 sticker on the garbage truck's license plate "because it had bad tabs." The officer then presented Doris with the search warrant. Doris refused to supply a blood or urine sample.

Two days later, respondent State of Minnesota charged Doris with third-degree DWI for refusing to submit to chemical testing under Minnesota Statutes sections 169A.20, subdivision 2 (2022), and 169A.26, subdivision 1(b) (Supp. 2023); fourth-degree DWI under Minnesota Statutes sections 169A.20, subdivision 1(2), and 169A.27, subdivision 1 (Supp. 2023); intent to escape a motor-vehicle tax under Minnesota Statutes section 168.35 (2022); driving with a suspended driver’s license under Minnesota Statutes section 171.24, subdivision 1 (2022); driving without a valid vehicle-class endorsement under Minnesota Statutes section 171.02 (2022); and driving an unregistered vehicle under Minnesota Statutes section 168.09, subdivision 1 (2022). Doris pleaded not guilty, and the case proceeded to trial.

Trial

During jury selection, the district court started by asking the jury panel a series of general questions, including whether “anyone kn[e]w the defendant.” The following colloquy ensued:

THE COURT: Does anyone know the defendant, Chad Doris?
PROSPECTIVE JUROR: Kind of.

THE COURT: You kind of do?
PROSPECTIVE JUROR: Professionally. I’m a deputy sheriff
and I had a call for service last night with—

THE COURT: Hold on. Approach, lawyers.

Following a sidebar with the attorneys, the district court dismissed the deputy sheriff from the jury panel. Defense counsel requested that the district court strike the entire jury panel for cause because the deputy sheriff’s response “tainted” the panel by implying that Doris

had “possible criminal contact with law enforcement.” The district court denied Doris’s request and proceeded with jury selection.

Once the jury was selected, the trial commenced. The arresting officer was the only witness to testify. Following the presentation of the evidence, as summarized above, the district court granted Doris’s motion for judgment of acquittal on the fourth-degree-DWI count because the state’s evidence of Doris’s controlled-substance use was purely speculative. The district court submitted the remaining charges to the jury, which found Doris guilty of all counts. Following a sentencing hearing, the district court imposed concurrent sentences on all five convictions.

Doris appeals.

DECISION

Doris asks us to reverse his convictions and remand for a new trial because the district court abused its discretion by denying his motion to strike the jury panel for cause. In the alternative, he contends that the evidence supporting his conviction of intent to escape a motor-vehicle tax was insufficient. Lastly, he raises a challenge to his sentences, arguing that he should have been sentenced on only three of his five convictions because some of the offenses arose from the same behavioral incident.² We address each argument in turn.

² Doris also asserts that the district court abused its discretion by permitting the state to introduce a video recording containing an officer’s statement that the 2024 registration sticker “proved” Doris’s intent to escape tax. Because that evidence relates exclusively to the intent-to-escape-motor-vehicle-tax conviction, which we reverse for insufficient evidence, we need not reach this issue.

I. The district court did not abuse its discretion by denying Doris’s motion to strike the entire jury panel.

Doris first argues that the district court should have struck the entire jury panel rather than just the one panel member based on the panel-member’s answer to a question regarding Doris that was heard by the entire panel. We review the denial of a juror challenge for cause for an abuse of discretion. *State v. Ulrich*, 3 N.W.3d 1, 6 (Minn. 2024). “A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record.” *State v. Guzman*, 892 N.W.2d 801, 810 (Minn. 2017). Our review “of the district court’s determination of juror impartiality is especially deferential” because “a district court is best positioned to judge a juror’s demeanor, as opposed to an appellate court’s review of a cold record.” *Ulrich*, 3 N.W.3d at 6-7 (quotation omitted).³

“The United States Constitution and the Minnesota Constitution guarantee a criminal defendant the right to an impartial jury.” *State v. Fraga*, 864 N.W.2d 615, 623 (Minn. 2015); U.S. Const. amend. VI; Minn. Const. art. I, § 6. This right can be implicated when the jury is exposed to “potentially prejudicial material.” *State v. Cox*, 322 N.W.2d 555, 558 (Minn. 1982). “Prejudicial material” can include “information

³ The parties offer that, by moving to strike the entire jury panel during jury selection, Doris essentially moved for a mistrial. But Doris never expressly moved for a mistrial, and so we frame this issue as the district court’s denial of his motion to strike each member of the jury panel for cause. In any event, the denial of a motion for mistrial is also reviewed for an abuse of discretion. *State v. Manthey*, 711 N.W.2d 498, 506 (Minn. 2006). And in that context, we have similarly said that a district court is in the best position to assess whether a situation “creates sufficient prejudice to deny the defendant a fair trial such that a mistrial should be granted.” *Id.*

introduced into the jury room by a participating juror.” *Id.* “[T]he essence of a violation of a person’s [constitutional] right to an impartial jury is that the jury is affected by information or interference outside the ordinary course of the trial” *State v. Jaros*, 932 N.W.2d 466, 473 (Minn. 2019). “The test for whether a juror can continue to be impartial is whether he or she can lay aside his impression or opinion and render a verdict based on the evidence presented in court.” *State v. Richards*, 552 N.W.2d 197, 210 (Minn. 1996) (quotation omitted).

Doris contends that the district court abused its discretion when it denied his motion to dismiss the jury panel because the response of a potential juror, who happened to be a deputy sheriff, tainted the impartiality of the entire jury panel. During voir dire, the district court asked the panel if anyone knew Doris. The deputy sheriff responded that he “kind of” knew Doris “professionally” and that he “had a call for service last night with—.” At that point, the district court stopped the deputy sheriff from answering further. Doris contends that this response exposed the entire jury panel to prejudicial information. The state counters that the district court did not abuse its discretion in denying Doris’s motion to dismiss the rest of the jury panel because there is no sign that any of the jury members who were ultimately seated were “actually biased due to the [deputy sheriff’s] comment.” We agree with the state.

To succeed on a claim of juror impartiality, the appellant “must demonstrate that at least one juror was actually biased against him,” i.e., “that at least one juror had strong and deep impressions of the case that [they] could not set aside and which would prevent [them] from rendering a verdict based on the evidence presented in court.” *State v. Hallmark*,

927 N.W.2d 281, 300 (Minn. 2019) (quotations omitted). When reviewing a district court’s refusal to replace potentially partial jurors, we consider “the nature and source of the prejudicial material, the number of jurors exposed to it, the weight of the evidence, and the likelihood that curative measures taken were effective.” *Richards*, 552 N.W.2d at 210. Applying these factors here, we conclude that the district court did not abuse its discretion.

Although some factors favor Doris’s position, on balance, the record does not establish that any of the panel members were partial. We first consider the nature and source of the prejudicial material. As the district court pointed out, the deputy sheriff’s comments were “vague,” and the district court cut him off before he could explain the nature of the alleged service call. All that is certain from the comments is that the deputy sheriff “kind of” knew Doris “professionally.” On the other hand, the sheriff deputy’s law-enforcement role may have led the jury panel to place more weight on his comments than those of an average citizen. *See Cox*, 322 N.W.2d at 558 (noting that the character of an officer of the state “carries great weight with a jury” (quoting *Parker v. Gladden*, 385 U.S. 363, 365 (1966))). Based on these countervailing considerations, we conclude that the nature-and-source factor is neutral for purposes of our analysis.

Next, we consider the number of jurors exposed to the prejudicial material. It is undisputed that every member of the jury panel heard the deputy sheriff’s comments about Doris. This factor therefore weighs against the district court’s denial of Doris’s motion to dismiss the jury panel.

The third factor concerns the weight of the state’s evidence. The evidence of Doris’s guilt is strong. Although Doris challenges the sufficiency of the evidence supporting his

conviction of intent to escape a motor-vehicle tax, he does not challenge the state's ample evidence of his guilt of the four other offenses: third-degree DWI for refusing to submit to chemical testing, driving an unregistered vehicle, driving with a suspended license, and driving a garbage truck without proper license endorsement.⁴ This factor favors the district court's denial of Doris's motion.

Lastly, we consider the effectiveness of any curative measures taken. Although the district court gave no curative instruction specific to the deputy sheriff's comments, the district court did quickly cut off the deputy sheriff before he revealed anything incriminating and called the attorneys to the bench for a discussion. The district court also took additional measures to ensure that each jury member remained impartial. During jury selection the district court instructed the panel that they would need to "decide this case solely on the evidence produced in the trial and . . . not on the basis of passion, prejudice, or sympathy." The district court also confirmed that no panel member had "any reason, bias, or prejudice that . . . would prevent [them] from serving as a fair and impartial juror." And during its instructions at the beginning of trial, the district court reiterated that the jury's "decision must be based upon the evidence presented in court" and explained what is, and is not, evidence. Likewise, when instructing the jury at the end of trial, the district court told the jury to consider only the trial evidence and to "disregard anything you have

⁴ Without supporting argument, Doris asserts that the state's evidence of third-degree DWI for refusing to submit to chemical testing was "far from overwhelming." But the record belies this conclusory claim. The state admitted a body-camera recording of the arresting officer's conversation with Doris at the hospital. In the recording, the officer provides Doris with a warrant to test his blood or urine, and Doris refuses to submit to the warrant.

heard or seen elsewhere about this case.” We presume the jury followed these instructions. *State v. Forcier*, 420 N.W.2d 884, 885 n.1 (Minn. 1988). Based on the panel members’ confirmation that they did not have any bias or prejudice that would prevent them from being impartial and the district court’s instructions to the jury, we conclude that the district court effectively ensured that the deputy sheriff’s comments did not cause any of the jurors to be biased against Doris.

In sum, despite the entire jury panel hearing the deputy sheriff’s comments about Doris during voir dire, the record reflects that the comments were vague because the district court cut the deputy sheriff off, the state’s evidence at trial was strong, and the district court ensured that each juror remained impartial. Consequently, balancing the relevant factors, we conclude that the district court did not abuse its discretion by denying Doris’s motion to strike the jury panel.

II. The state’s evidence was insufficient to prove beyond a reasonable doubt that Doris intended to escape a motor-vehicle tax.

Next, Doris argues that the evidence at trial was insufficient to support his conviction of intent to escape a motor-vehicle tax under section 168.35. This argument has merit.

Due process requires the state to prove each element of the charged offense beyond a reasonable doubt. *State v. Beganovic*, 991 N.W.2d 638, 654 (Minn. 2023). To convict Doris under section 168.35, the state was required to prove, in relevant part, that Doris violated or neglected to comply with a transportation law under chapter 168 “with intent to prevent the payment or collection of the proper tax, fee, or lien” on a motor vehicle.

Minn. Stat. § 168.35. At trial, the state argued that Doris violated Minnesota Statutes section 168.36, subdivision 2 (2022), with the intent to escape a motor-vehicle tax. Section 168.36, subdivision 2, prohibits the use of a “number plate or registration certificate upon . . . any motor vehicle except the one for which the same was duly issued.” Reading these statutes together, to convict Doris of violating section 168.35, the state was required to prove that Doris placed the 2024 registration sticker—which was associated with another vehicle—on the garbage truck with the intent to escape a registration tax on the garbage truck.

Doris does not argue that the state failed to prove the underlying offense of placing another vehicle’s registration sticker on the garbage truck in violation of section 168.36, subdivision 2. Rather, he contends that the state failed to prove beyond a reasonable doubt that he did so with the intent to escape tax as required by section 168.35. With that in mind, we turn to our standard of review.

Standard of Review

The supreme court has “adopted two tests for evaluating a sufficiency-of-the-evidence” argument—the traditional test and the heightened two-step test. *State v. Jones*, 4 N.W.3d 495, 500 (Minn. 2024). Under the traditional test, we conduct “a painstaking analysis of the record to determine whether the evidence, when viewed in a light most favorable to the conviction, was sufficient to permit the jurors to reach the verdict which they did.” *Webb*, 440 N.W.2d at 430. Under the heightened two-step test, we consider whether the circumstances proved by the state are “consistent with guilt and inconsistent

with any rational hypothesis other than guilt.” *Loving v. State*, 891 N.W.2d 638, 643 (Minn. 2017) (quotation omitted).

The traditional test applies when a disputed element is proved by direct evidence, while the two-step test applies when a disputed element is proved by circumstantial evidence. *Jones*, 4 N.W.3d at 500. Direct evidence is “based on personal knowledge or observation and . . . , if true, proves a fact without inference or presumption.” *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (quotations omitted). Circumstantial evidence is “evidence from which the factfinder can infer whether the facts in dispute existed or did not exist.” *Id.* (quotation omitted). “Thus, circumstantial evidence always requires an inferential step to prove a fact that is not required with direct evidence.” *Id.*

The parties disagree as to whether we should apply the traditional direct-evidence test or the heightened circumstantial-evidence test to evaluate the sufficiency of the state’s evidence of Doris’s intent to escape a motor-vehicle tax. “Intent is a state of mind, and therefore, it is generally proved circumstantially—by drawing inferences from the defendant’s words and actions in light of the totality of the circumstances.” *Jones*, 4 N.W.3d at 501 (quotation omitted). “[D]irect evidence of intent is rare.” *Id.* (quotation omitted).

The state contends that Doris’s admission in a body-camera recording that he put the 2024 sticker on the garbage truck because its plates “had bad tabs” is sufficient direct evidence of Doris’s intent to escape the registration tax. We disagree. If true, Doris’s admission does not prove without inference or presumption his intent to escape a tax. *See Harris*, 895 N.W.2d at 599. Rather, Doris’s statement proves without inference his

knowledge that the garbage truck's registration was expired and that he placed another vehicle's 2024 sticker on the garbage truck. From this evidence, one still needs to infer that Doris intended to escape the registration tax for the garbage truck by using the 2024 sticker. Doris's statement is therefore not a "rare" example of direct evidence of intent. *Cf. Jones*, 4 N.W.3d at 501 (holding that the defendant's statement about his planned use of a wooden board and averment that he would beat the victim "bloody," which he made to the victim while he was holding the board, were direct evidence of the defendant's intended use of the board). Accordingly, we will apply the two-step heightened circumstantial-evidence test to Doris's challenge to the sufficiency of the evidence.

The first step of the heightened circumstantial-evidence test is to "identify the circumstances proved by the state." *Loving*, 891 N.W.2d at 643. In doing so, we "winnow down the evidence presented at trial by resolving all questions of fact in favor of the jury's verdict, resulting in a subset of facts that constitute 'the circumstances proved.'" *Harris*, 895 N.W.2d at 600 (quoting *State v. Hawes*, 801 N.W.2d 659, 670 (Minn. 2011)). At step two, we independently "determine whether the circumstances proved are consistent with guilt and inconsistent with any rational hypothesis except that of guilt, not simply whether the inferences that point to guilt are reasonable." *State v. Silvernail*, 831 N.W.2d 594, 599 (Minn. 2013) (quotations omitted). During the second step, we give no deference to the jury verdict. *Loving*, 891 N.W.2d at 643. Instead, we "independently examine the reasonableness of all inferences that might be drawn from the circumstances proved." *Id.* (quotation omitted). "To sustain the conviction, the circumstances proved, when viewed

as a whole, must be consistent with a reasonable inference that the accused is guilty and inconsistent with any rational hypothesis except that of guilt.” *Harris*, 895 N.W.2d at 601.

We address each step in turn.

Circumstances Proved

Relevant to Doris’s intent to escape a motor-vehicle tax, the circumstances proved are as follows. On August 21, 2023, Doris was driving a garbage truck that he did not own. The garbage truck’s registration had expired years ago. Because Doris knew that the garbage truck “had bad tabs,” he removed a 2024 registration sticker from his wife’s car and placed it on the garbage truck’s front license plate. According to the officer, one reason that a person might display the incorrect registration information on a vehicle is because they “can’t renew registration for some reason,” which can happen when the person does not own the vehicle or does not have valid insurance on the vehicle.

Doris concedes that a rational inference from these circumstances “might” be that he intended to escape the registration tax. But he argues that there are alternative, rational hypotheses inconsistent with guilt—one being that he placed the 2024 sticker on the garbage truck “so the truck would not draw the attention of law enforcement who would see the seemingly valid tabs and assume they belonged to the truck.” Doris also argues that, based on the officer’s testimony, a reasonable inference is that Doris simply *could not* register the garbage truck because he did not own it or have automobile insurance.

We agree that Doris has established two rational hypotheses inconsistent with a finding that he intended to escape a motor-vehicle tax. As noted above, one circumstance proved is that Doris did not own the garbage truck. And the state introduced no evidence

that Doris drove the truck for an extended period. Doris’s only admission was that he knew that the garbage truck’s registration had lapsed and so he used another vehicle’s registration sticker. A rational hypothesis from these circumstances is that Doris intended only to avoid being detected while driving the garbage truck on August 21 and *did not* have any intent to avoid payment of a tax for the vehicle. Another related, rational hypothesis is that there is no evidence of intent to escape payment of a tax for the garbage truck because Doris did not own the truck and therefore could not register it. *Cf. State v. Hansen*, No. A12-1277, 2013 WL 3491048, at *3 (Minn. App. July 15, 2013) (affirming a conviction of intent to escape a motor-vehicle tax when the defendant admitted that he owned the vehicle and “failed to register the vehicle because it was too expensive”), *rev. denied* (Minn. Sept. 25, 2013).⁵ Both rational, alternative hypotheses are inconsistent with guilt. As a result, the evidence supporting Doris’s conviction of intent to escape a motor-vehicle tax was insufficient.⁶

Having concluded that the evidence of Doris’s intent to escape a motor-vehicle tax is insufficient, “the only ‘just’ remedy . . . is the direction of a judgment of acquittal.” *State v. Clark*, 755 N.W.2d 241, 256 (Minn. 2008) (quoting *Burks v. United States*, 437 U.S. 1, 18 (1978)). We therefore reverse Doris’s conviction of intent to escape a motor-vehicle tax under section 168.35.

⁵ Although not binding, we may cite nonprecedential opinions as persuasive authority. Minn. R. Civ. App. P. 136.01, subd. 1(c).

⁶ We note that the state rests on its direct-evidence argument and makes no alternative argument that the circumstantial evidence was sufficient.

III. The district court erred by imposing sentences for both driving with a suspended license and driving without a valid endorsement.

Lastly, Doris argues that his sentence for driving without a valid endorsement should be vacated because that offense arose out of the same behavioral incident as his driving-after-suspension offense.⁷ We agree that one of these two sentences must be vacated.

Minnesota Statutes section 609.035, subdivision 1 (2022), provides that, in general, “if a person’s conduct constitutes more than one offense under the laws of this state, the person may be punished for only one of the offenses.” In other words, a person can be sentenced for only one offense among multiple offenses that arise out of a single behavioral incident. *State v. Barthman*, 938 N.W.2d 257, 265 (Minn. 2020). “Whether an offense is subject to multiple sentences under [section 609.035] is a question of law, which [appellate courts] review de novo.” *State v. Ferguson*, 808 N.W.2d 586, 590 (Minn. 2012). The state bears the burden of establishing by a preponderance of the evidence that the underlying conduct did not occur as part of a single behavioral incident. *State v. Williams*, 608 N.W.2d 837, 841-42 (Minn. 2000).

The parties do not dispute that the offense of driving with a suspended license and the offense of driving a particular class of vehicle without valid endorsement are both unintentional offenses. Accordingly, they agree that to determine whether Doris’s offenses arose out of the same behavioral incident, we must consider “whether the offenses

⁷ Doris also argues that his sentences for intent to escape a motor-vehicle tax and driving without registration arise from a single behavioral incident. Because we reverse Doris’s conviction of intent to escape a motor-vehicle tax, we need not reach this issue.

(1) occurred at substantially the same time and place and (2) arose from a continuing and uninterrupted course of conduct, manifesting an indivisible state of mind or coincident errors of judgment.” *State v. Bauer*, 776 N.W.2d 462, 478 (Minn. App. 2009) (quotation omitted), *aff’d* 792 N.W.2d 825 (Minn. 2011). The state concedes the first element, limiting our analysis to whether Doris’s licensing offenses arose from an uninterrupted course of conduct. Our inquiry focuses on the person’s conduct, rather than the elements of the offenses. *State v. Johnson*, 141 N.W.2d 517, 522 (Minn. 1966).

Doris contends that his licensing offenses both arise from the “single act of driving the truck on August 21.” Our decision in *State v. Reimer*, 625 N.W.2d 175 (Minn. App. 2001), is instructive as to when multiple driving offenses arise from an uninterrupted course of conduct. In *Reimer*, the defendant was charged with DWI and driving with an expired license. 625 N.W.2d at 176. We affirmed the district court’s imposition of sentences on each count because “driving with an expired driver’s license is a continuing offense that recurs every time appellant drives.” *Id.* at 177. By contrast, we reasoned that a DWI offense takes “place at a particular time and place.” *Id.* (quotation omitted). We observed that “case law in Minnesota does distinguish between continuing offenses and offenses limited in time and place.” *Id.* at 178.

Unlike the offenses in *Reimer*, driving with a suspended license and driving without a valid endorsement are both ongoing offenses that would recur each time Doris drove the garbage truck. *See id.* And these offenses arose from the same “uninterrupted course of conduct”—Doris’s decision to drive the garbage truck without proper licensing. *See Bauer*, 776 N.W.2d at 478 (quotation omitted). We therefore conclude that these offenses

arose from a single behavioral incident. Accordingly, the district court erred by imposing separate sentences.

We are not persuaded by the state’s contention that the offenses do not “manifest an indivisible state of mind” because Doris “could have had a valid driver’s license and still been in violation of the valid endorsement offense.” This argument is misguided because, rather than focusing on Doris’s conduct of driving the garbage truck, the state focuses on the differing elements of the two offenses. The state’s offense-focused approach is not relevant to whether Doris could be *sentenced* for each offense consistent with section 609.035. Instead, it is relevant to whether Doris could be *convicted* of each offense consistent with Minnesota Statutes section 609.04 (2022)—a question that Doris has not raised in this appeal. *Compare State v. Bertsch*, 707 N.W.2d 660, 664 (Minn. 2006) (providing that courts “examine[] the elements of the offense instead of the facts of the particular case” to determine whether a defendant was impermissibly convicted of a lesser-included offense), *with Johnson*, 141 N.W.2d at 522 (“[A]ny test for applying [section 609.035] was clearly intended to emphasize the person’s conduct rather than the offenses committed.” (quotation marks omitted)). The state’s argument is unavailing because it ignores that both offenses arose from an uninterrupted, ongoing course of conduct that manifests Doris’s coincident errors related to driving the garbage truck with a suspended license and without the required license endorsement. *See Bauer*, 776 N.W.2d at 478.

In sum, because Doris’s offense of driving with a suspended license and his offense of driving without a valid endorsement for the garbage truck occurred at substantially the same time and place and arose from an uninterrupted course of conduct, the offenses relate

to a single behavioral incident. The district court therefore should have imposed only one sentence for these convictions. *See* Minn. Stat. § 609.035, subd. 1. We reverse the sentences for these two offenses and remand to the district court for resentencing consistent with the law.

Affirmed in part, reversed in part, and remanded.