

*This opinion is nonprecedential except as provided by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
A24-1584**

State of Minnesota,
Respondent,

vs.

Jared James Sprowls,
Appellant.

**Filed July 21, 2025
Affirmed
Bond, Judge**

Steele County District Court
File No. 74-CR-24-286

Keith Ellison, Attorney General, Thomas R. Ragatz, Assistant Attorney General, St. Paul, Minnesota; and

Robert J. Jarrett, Steele County Attorney, Owatonna, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Hannah B. Laub, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Slieter, Presiding Judge; Worke, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

BOND, Judge

In this direct appeal from the judgment of conviction for threats of violence, obstruction of legal process, and disorderly conduct, appellant argues that his threats-of-

violence conviction should be reversed for insufficient evidence. Appellant also challenges the district court's denial of his requests for a voluntary-intoxication jury instruction and to reduce or waive the fine and public-defender copayment. Because the evidence was sufficient to support appellant's threats-of-violence conviction, appellant was not entitled to a voluntary-intoxication instruction, and the district court acted within its discretion when it imposed a \$1,000 fine and \$75 public-defender copayment, we affirm.

FACTS

On February 18, 2024, there was an altercation between appellant Jared James Sprowls and police officers. Respondent State of Minnesota subsequently charged Sprowls with threats of violence in violation of Minn. Stat. § 609.713, subd. 1 (2022), obstruction of legal process in violation of Minn. Stat. § 609.50, subd. 1(2) (2022), and disorderly conduct in violation of Minn. Stat. § 609.72, subd. 1(3) (2022). The case proceeded to a jury trial, during which the jury saw approximately 20 minutes of body-worn camera footage depicting the following undisputed events.¹

During the early morning hours of February 18, 2024, law enforcement responded to a domestic-disturbance call at Sprowls's home. Sprowls had two roommates, one of whom had called the police to report a domestic incident between the second roommate and the second roommate's girlfriend. While en route to Sprowls's house, police were informed that a firearm might be present.

¹ Sprowls does not challenge his conviction for disorderly conduct in this appeal. Accordingly, we only set out the facts relevant to the threats-of-violence and obstruction-of-legal-process convictions.

Officers Plein and Katz entered the home and called out for the second roommate. The front door opened onto a landing, from which a staircase went down to Sprowls's bedroom and up to the living room, kitchen, and additional bedrooms. From the landing, the officers saw the roommate who had called the police upstairs and, within seconds after entering, they saw Sprowls downstairs. Sprowls, who spent the evening drinking and socializing with friends, was intoxicated and had been asleep in his bedroom when police arrived.

Sprowls asked the officers, "Who the f-ck are you?" Officer Plein saw Sprowls reach for his waistband and, fearing Sprowls had a weapon, drew his service weapon in a "low-ready" position, meaning that his weapon was pointed at the area in front of Sprowls. Swearing and using an aggressive tone, Sprowls repeatedly asked why the police were in his home and told them not to shine their flashlights in his eyes. Officer Plein tried to calm the situation, explaining to Sprowls that police were responding to a call about a possible assault and they were not there for him. Sprowls walked upstairs and into the kitchen, still swearing at the officers. Sprowls's roommate told Sprowls to sit down, warning him "Don't go to jail tonight." Sprowls responded, "Nuh uh, why the f-ck they coming up in my home for?" Officer Plein again explained that there was a call about a possible assault.

Sprowls walked toward Officer Plein with his forearm raised, cursing and appearing angry. Officer Plein considered Sprowls to be displaying "prefight indicators." When Sprowls appeared to lean forward toward Officer Plein and was within a few inches of him, Officer Plein grabbed Sprowls's forearm and restrained him on the ground. Sprowls

shouted, “Why are you on me?” and “I’m gonna f-cking kill you.” Officer Plein instructed Sprowls to calm down, but Sprowls continued to shout, swear, and physically resist.

Officer Plein eventually released his hold on Sprowls and stood him up. Sprowls, who remained handcuffed, refused Officer Plein’s suggestion to sit down and instead paced around the kitchen, repeatedly asking why police were in his home without his consent or a warrant. Sprowls kicked a chair and stated, “motherf-cker, I wish I could kill your ass” and “I wish I was back in Cali, I could just blast your ass away with a shotgun for entering my home without consent, without a f-cking warrant.” Sprowls shouted and swore at the officers throughout this encounter. The officers eventually arrested Sprowls.

In addition to the body-worn camera evidence, Officer Plein testified and described the interaction with Sprowls. Officer Plein testified that he had been injured by handcuffed suspects in the past and he feared that Sprowls, who showed several signs of aggression, would follow through on his threats, particularly because there was a possible firearm in the house. Sprowls testified that he had been heavily intoxicated and had little to no awareness of what happened that night.

The jury found Sprowls guilty. The district court sentenced Sprowls to a year and a day for threats of violence, stayed execution of the sentence, and placed Sprowls on probation for three years. The district court imposed a \$1,000 fine, which it specified could be satisfied through prosocial programming hours, and a \$75 surcharge and \$75 public-defender copayment.

Sprowls appeals.

DECISION

I. The evidence is sufficient to prove beyond a reasonable doubt that Sprowls's statements to officers constituted a threat of violence within the meaning of Minn. Stat. § 609.713, subd. 1.

Sprowls challenges the sufficiency of the evidence for his threats-of-violence conviction. Specifically, Sprowls asserts that (1) the evidence failed to prove that there was a reasonable apprehension that he would act in accordance with his threats to kill Officer Plein, (2) the evidence failed to prove that he acted in reckless disregard of the risk that his statements would cause extreme fear, and (3) the statements “I wish I could kill your ass” and “I wish I was in Cali, I could just blast your ass away with a shotgun” were not threats because they did not communicate an intent to injure.

Due process requires the state to prove every element of a charged crime beyond a reasonable doubt. *In re Winship*, 397 U.S. 358, 364 (1970); *State v. Merrill*, 428 N.W.2d 361, 366 (Minn. 1988); *see* U.S. Const. amend. XIV; Minn. Const. art. I, § 7. When reviewing the sufficiency of the evidence, appellate courts “carefully examine the record to determine whether the facts and the legitimate inferences drawn from them would permit the jury to reasonably conclude that the defendant was guilty beyond a reasonable doubt of the offense of which he was convicted.” *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016) (quotation omitted). We view the evidence in the light most favorable to the verdict and assume the fact-finder believed the state's witnesses and disbelieved contrary evidence. *State v. Moore*, 846 N.W.2d 83, 88 (Minn. 2014).

A person may be convicted of threats of violence if, as relevant here, he “threatens, directly or indirectly, to commit any crime of violence with purpose to terrorize another

. . . or in a reckless disregard of the risk of causing such terror.” Minn. Stat. § 609.713, subd. 1. “A threat is a declaration of an intention to injure another or his property by some unlawful act.” *State v. Schweppe*, 237 N.W.2d 609, 613 (Minn. 1975). “Terrorize means to cause extreme fear by use of violence or threats.” *Id.* at 614. “Reckless disregard” is “when the defendant makes the violent threat while consciously disregarding a substantial and unjustifiable risk that the defendant’s words or actions will cause terror.” *State v. Mrozinski*, 971 N.W.2d 233, 236 (Minn. 2022). A statement constitutes a threat when it “would have a reasonable tendency to create apprehension that its originator will act according to its tenor.” *Schweppe*, 237 N.W.2d at 613 (quotation omitted).

Here, the state charged Sprowls with a single count of threats of violence based on Sprowls’s statement to Officer Plein while restrained on the kitchen floor, “I’m gonna f-cking kill you,” and his statement while walking around the kitchen handcuffed that “I wish I could kill your ass,” and “I wish I was back in Cali, I could blast your ass away with a shotgun.”² Sprowls challenges the sufficiency of the evidence on three elements: whether there was a reasonable apprehension that he would act in accordance with his threat, whether his threats were made in conscious disregard of causing extreme fear, and whether his “I wish” statements communicated an intent to injure. We address each element in turn.

² The jury’s guilty verdict did not differentiate between Sprowls’s statements.

Reasonable Apprehension

The crime of threats of violence requires proof that the defendant’s communication, viewed in context, would create a “reasonable apprehension that the defendant [would] carry through with or act on the threat.” *Mrozinski*, 971 N.W.2d at 239. The parties dispute the standard that applies to our review of evidence proving the reasonable-apprehension element. Sprowls argues that the heightened circumstantial-evidence standard of review applies.³ The state argues that we should apply the direct-evidence standard of review.⁴ We assume without deciding that the reasonable-apprehension element relies on circumstantial evidence and accordingly we will apply heightened scrutiny under the circumstantial-evidence standard of review.

Under the two-step circumstantial-evidence standard of review, we first identify the “circumstances proved” by “resolving all questions of fact in favor of the jury’s verdict” and “disregard[ing] evidence that is inconsistent with the jury’s verdict.” *State v. Colgrove*, 996 N.W.2d 145, 150 (Minn. 2023) (quotations omitted). In the second step of the analysis, we evaluate the reasonableness of the inferences that may be drawn from the circumstances proved without deference to the jury’s choice from among them. *State v. Harris*, 895 N.W.2d 592, 601 (Minn. 2017). “To sustain the conviction, the circumstances proved,

³ Circumstantial evidence is “evidence from which the factfinder can infer whether the facts in dispute existed or did not exist.” *State v. Metcalfe*, 13 N.W.3d 704, 710 (Minn. App. 2024) (quotation omitted).

⁴ Direct evidence is based on personal observation that, if true, proves a fact without inference or presumption. *Metcalfe*, 13 N.W.3d at 710.

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.” *Id.*

The circumstances proved are not in dispute. Police responded to a domestic-disturbance call at Sprowls’s home and were advised that a firearm might be present. When police entered the home, Sprowls had just woken up and was intoxicated. Throughout the approximately 20-minute encounter, Sprowls was confrontational and aggressive, shouting and swearing at the officers, and demanding to know why they were in his home. When Sprowls’s roommate suggested he sit down and not “go to jail tonight,” Sprowls responded, “Nuh uh,” and refused to sit down. Officer Plein tried to deescalate the situation and told Sprowls multiple times that they were not there for him. After Sprowls approached Officer Plein with his forearm raised while telling him to “shut the f-ck up,” Officer Plein restrained Sprowls on the floor and handcuffed him. Sprowls physically resisted, screamed, and stated to Officer Plein, “I’m gonna f-cking kill you.” A few minutes later, after kicking a chair, Sprowls stated, “motherf-cker, I wish I could kill your ass” and “I wish I was back in Cali, I could just blast your ass away with a shotgun for entering my home without consent, without a f-cking warrant.” Sprowls repeatedly asked why the police were in his home, and Officer Plein explained multiple times that police were responding to a domestic disturbance call related to Sprowls’s roommate. Officer Plein testified that he believed Sprowls would follow through on his threats. We conclude that these circumstances support a rational inference that Sprowls’s words and conduct created a reasonable apprehension that he would act on his threats.

Sprowls's argument appears to focus on the second step of the circumstantial-evidence test. Sprowls argues that the circumstances proved are consistent with a rational hypothesis that his words and conduct did not create a reasonable apprehension that he would follow through on his threats because Sprowls was physically restrained on the floor at the time he made the first threat to kill Officer Plein and he was handcuffed when he made the second threat. Sprowls does not point us to any authority, and we have found none, that establishes there can be no reasonable apprehension that a person will follow through on their threat to kill if the person is physically restrained at the time of the threat. Furthermore, we must consider the circumstances proved as a whole, not in isolation. *State v. Hawes*, 801 N.W.2d 659, 669 (Minn. 2011). The circumstances proved show that Sprowls was aggressive and confrontational and that he engaged in threatening physical conduct at multiple points. Even while restrained on the floor and handcuffed, Sprowls kicked and physically resisted Officer Plein's commands to calm down. Officers knew there might be a firearm in the house. Officer Plein testified that he believed Sprowls would follow through on his threats and that he had been injured by persons in handcuffs. These circumstances are inconsistent with any reasonable inference other than guilt: namely, that Officer Plein reasonably apprehended that Sprowls would act on his threats to kill. *See Mrozinski*, 971 N.W.2d at 239 (stating that the reasonable-apprehension element requires proof that the defendant will "carry through with or act on the threat").

Sprowls also argues that there was no reasonable inference that he would follow through on his threats because he was merely expressing transitory anger. We have recognized that the statement "I am going to kill you" might indicate "anger, or frustration

without an intent to kill.” *State v. Bjergum*, 771 N.W.2d 53, 56 (Minn. App. 2009). “[I]t is not the purpose of the statute to authorize grave sanctions against the kind of [threat] which expresses transitory anger.” *State v. Jones*, 451 N.W.2d 55, 63 (Minn. App. 1990) (quotation omitted), *rev. denied* (Minn. Feb. 21, 1990). Sprowls’s transitory-anger argument focuses on the evidence showing that he was intoxicated, angry, and frustrated. But, as we have explained, Sprowls’s interaction with the police lasted 20 minutes. Throughout the encounter, he was continually hostile and confrontational. He cursed, shouted, and made two separate statements threatening to kill the police officers in his home. Deferring to the jury’s acceptance of the circumstances proved, as we must, we cannot conclude that Sprowls’s threatening statements were expressions of mere transitory anger.

In sum, the circumstances proved establish that the only reasonable inference from Sprowls’s statements that he would kill Officer Plein and that he wished he was in California so he could “blast” officers with a shotgun is that the statements created a reasonable apprehension that Sprowls would act on the threats.

Reckless Disregard

Sprowls argues that the evidence failed to prove that his statements were made in reckless disregard of the risk of terrorizing Officer Plein. As noted, a defendant acts in “reckless disregard” if “the defendant makes [a] violent threat while consciously disregarding a substantial and unjustifiable risk that the defendant’s words or actions will cause terror.” *Mrozinski*, 971 N.W.2d at 236. To cause terror means “to cause extreme fear by use of violence or threats.” *Schweppe*, 237 N.W.2d at 614; *see also id.* at 240

(explaining that, to convict a person of threats of violence, the state must prove that the threat was made “in conscious disregard of a substantial and unjustifiable risk that [the] words or conduct will cause extreme fear”). The parties agree that we should apply the circumstantial-evidence standard of review to the reckless-disregard element.

Sprowls argues that the circumstances proved support the reasonable inference that he was too intoxicated to consciously disregard a substantial and unjustifiable risk that his words would cause extreme fear. But the jury watched the body-camera evidence and saw Sprowls’s words and actions. By finding Sprowls guilty, the jury rejected Sprowls’s testimony that he was unaware of the risk that his words and actions would cause terror or extreme fear because he was intoxicated and had just woken up. *See State v. Dick*, 638 N.W.2d 486, 492 (Minn. App. 2002) (affirming threats-of-violence conviction because the defendant’s “contention that he lacked the requisite intent to commit terroristic threats because he was intoxicated was clearly rejected by the jury”), *rev. denied* (Minn. Apr. 16, 2002). As we have explained, the circumstances proved include that Sprowls, while intoxicated, was also awake, moving about his house, and communicating with the officers throughout the approximately 20-minute encounter. We conclude that the circumstances proved do not support a reasonable inference that Sprowls was too intoxicated to make his statements while consciously disregarding the substantial and unjustifiable risk that they would cause extreme fear.

True Threat

Finally, Sprowls argues that his statements wishing that he could kill the officers were not true threats because the statements did not communicate an intent to injure.

Sprowls compares this case to *State v. Olson*, in which we reversed a defendant's threats-of-violence conviction because we concluded that the defendant's statements to a police officer did not constitute a threat as a matter of law. 887 N.W.2d 692, 697 (Minn. App. 2016).

In *Olson*, the defendant stated to a police officer, "It is no wonder people are killing you guys. . . . I truly hope that you are one of the cops that gets their head blown off." *Id.* at 696. We held that these words did not constitute a threat because they were neither a direct nor indirect threat to injure someone. *Id.* at 697. The circumstances here are readily distinguishable. Unlike the defendant in *Olson*, Sprowls expressed a personal wish to kill, stating, "I wish I could kill your ass" and "I wish I was back in Cali, I could just blast your ass away with a shotgun." Viewed in the light most favorable to the verdict, and considering the entirety of Sprowls's words and conduct, we conclude that Sprowls's statements wishing that he could kill the officers were threats within the meaning of Minn. Stat. § 609.713, subd. 1, because they communicated an intent to injure.

In sum, we conclude that the circumstantial evidence proved beyond a reasonable doubt that Sprowls made threats of violence in reckless disregard of the risk of causing terror in violation of Minn. Stat. § 609.713, subd. 1.

II. The district court did not abuse its discretion by denying a jury instruction on voluntary intoxication.

Sprowls argues that the district court abused its discretion by denying his request for a jury instruction on voluntary intoxication with respect to both the threats-of-violence and the obstructing-legal-process charges. "District courts are allowed considerable

latitude in the selection of language for jury instructions.” *State v. Ihle*, 640 N.W.2d 910, 916 (Minn. 2002). We review a district court’s refusal to give a requested jury instruction for an abuse of discretion, “focusing on whether the refusal resulted in error.” *State v. Torres*, 632 N.W.2d 609, 616 (Minn. 2001).

Jury instructions must “fairly and adequately explain the law of the case.” *Ihle*, 640 N.W.2d at 916. A party “is entitled to an instruction on his theory of the case if there is evidence to support it.” *Torres*, 632 N.W.2d at 616. Minnesota law provides that, “[i]f the crime charged has a specific intent as an element and if intoxication is offered by the defendant as an explanation for his actions, then the court must give an instruction on intoxication.” *State v. Lindahl*, 309 N.W.2d 763, 766 (Minn. 1981); *see also* Minn. Stat. § 609.075, subd. 1 (2022) (“[W]hen a particular intent or other state of mind is a necessary element to constitute a particular crime, the fact of intoxication may be taken into consideration in determining such intent or state of mind.”). Thus, to receive a requested voluntary-intoxication jury instruction: “(1) the defendant must be charged with a specific-intent crime; (2) there must be evidence sufficient to support a jury finding, by a preponderance of the evidence, that the defendant was intoxicated; and (3) the defendant must offer intoxication as an explanation for his actions.” *Torres*, 632 N.W.2d at 616.

The district court denied Sprowls’s requested jury instruction because it determined that obstruction of legal process and threats of violence were not specific-intent crimes. On appeal, the state does not contest that Sprowls was intoxicated and Sprowls offered his intoxication as the reason for his actions. The parties dispute only the first element, whether obstructing legal process and threats of violence are specific-intent crimes.

An offense is a general-intent crime “[w]hen a statute simply prohibits a person from intentionally engaging in the prohibited conduct.” *State v. Fleck*, 810 N.W.2d 303, 308 (Minn. 2012) (citing 1 Wayne R. LaFave, *Substantive Criminal Law* § 5.2(e) (2d ed. 2003) (explaining that general intent requires an “intention to make the bodily movement which constitutes the act which the crime requires”)). A general-intent crime requires the state to prove that the defendant committed the prohibited act volitionally or deliberately, as opposed to accidentally. *See id.* at 310-12. “It is not necessary that [the offender] intend the resulting harm or know that his conduct is criminal. So long as the offender has voluntarily done the act, the crime has been committed.” *State v. Wilson*, 830 N.W.2d 849, 853 (Minn. 2013) (quoting 9 Henry W. McCarr & Jack S. Nordby, *Minnesota Practice—Criminal Law & Procedure* § 44.3 (4th ed. 2012)).

A specific-intent crime, on the other hand, requires a mental state “above and beyond any mental state required with respect to the actus reus of the crime.” *Fleck*, 810 N.W.2d at 308 (quoting LaFave, *supra*, § 5.2(e)). “[A] specific-intent crime requires ‘an intent to cause a particular result.’” *Id.* (quoting McCarr & Nordby, *supra*, § 44.3).

Obstructing Legal Process

The crime of obstruction of legal process occurs, as relevant here, if a person “intentionally . . . obstructs, resists, or interferes with a peace officer while the officer is engaged in the performance of official duties.” Minn. Stat. § 609.50, subd. 1(2). As Sprowls acknowledges, we have addressed whether obstructing legal process is a general-

intent crime in nonprecedential opinions.⁵ In *State v. Serrano*, we determined that obstructing legal process is not a specific-intent crime because the statute “merely prohibits appellant from engaging in the prohibited conduct of obstructing, resisting or interfering with a peace officer during the performance of official duties.” No. A14-0887, 2015 WL 2456982, at *2 (Minn. App. May 26, 2015). And in *State v. Dodds*, we similarly concluded that obstruction of legal process is a general-intent crime because the statute requires only the intent to do the prohibited act. No. A08-0261, 2009 WL 1046356, at *5 (Minn. App. Apr. 21, 2009), *rev. denied* (Minn. July 22, 2009). Because obstructing legal process was not a specific-intent crime, the defendant was not entitled to a voluntary-intoxication jury instruction. *Id.* Though nonprecedential, the reasoning of *Serrano* and *Dodds* are persuasive, and we follow those cases here. Therefore, we conclude that obstructing legal process under Minn. Stat. § 609.50, subd. 1(2), is a general-intent crime.

Sprowls asserts that the inclusion of the word “intentionally” in the statute necessarily makes the crime one of specific intent; otherwise, Sprowls argues, the word “intentionally” is meaningless. We disagree. The legislature’s use of the word “intentionally” in the obstruction-of-legal-process statute denotes that the offense is a general-intent crime. *Fleck*, 810 N.W.2d at 308 (“When a statute simply prohibits a person from intentionally engaging in prohibited conduct, the crime is considered a general-intent crime.”); *Dodds*, 2009 WL 1046356, at *5 (“Obstructing legal process is a general-intent crime because the only intent required is the intent to do the very act which is prohibited—

⁵ We cite nonprecedential opinions for their persuasive value. See Minn. R. Civ. App. P. 136.01, subd. 1(c).

acting in a manner that obstructs, resists, or interferes with a peace officer while the officer is engaged in the performance of official duties.”).

Sprowls urges us to follow *State v. Bjork*. In *Bjork*, we stated, “The crime of obstructing arrest/legal process requires a specific intent to obstruct, resist, or interfere with a peace officer while the officer is engaged in the performance of official duties.” No. A06-809, 2007 WL 2363834, at *3 (Minn. App. Aug. 21, 2007), *rev. denied* (Minn. Nov. 13, 2007). We decline Sprowls’s invitation. *Bjork* did not involve the question of whether obstructing legal process is a specific or general-intent crime. Instead, our description of obstructing legal process in *Bjork* was made in the context of considering whether the defendant’s multiple offenses are part of a single behavioral incident under Minn. Stat. § 609.035 (2002). *Id.* Thus, *Bjork* is not persuasive authority. *City of St. Paul v. Eldredge*, 788 N.W.2d 522, 527 (Minn. App. 2010) (recognizing that nonprecedential cases not involving the same legal issue as the case on appeal may not be persuasive authority), *aff’d*, 800 N.W.2d 643 (Minn. 2011). Further, the language Sprowls relies on from *Bjork* is dicta. *Dodds*, 2009 WL 1046356, at *5 (rejecting *Bjork*’s statement that obstructing legal process requires specific intent as dicta); *see also State v. Hess*, 684 N.W.2d 414, 421 n.6 (Minn. 2004) (“Considerations made in a judicial opinion that are unnecessary to the decision in the case are dicta.”).

Because obstruction of legal process is a general-intent crime, the district court did not abuse its discretion when it determined that Sprowls was not entitled to a jury instruction on voluntary intoxication.

Threats of Violence-Reckless Disregard

Sprowls also argues that he was entitled to a voluntary-intoxication instruction on the threats-of-violence charge. In *Bjergum*, we held that threats of violence-reckless disregard is not a crime of specific intent, and as a result, an instruction for voluntary intoxication was not warranted. 771 N.W.2d at 54. As a precedential opinion, *Bjergum* “is binding authority for this court.” *State v. Chauvin*, 955 N.W.2d 684, 695 (Minn. App. 2021), *rev. denied* (Minn. Mar. 10, 2021). Therefore, under *Bjergum*, the district court did not err by denying Sprowls’s request for a voluntary-intoxication instruction on the threats of violence-reckless disregard count.

Sprowls asks us to overrule *Bjergum* based upon the United States Supreme Court decision in *Counterman v. Colorado*, 600 U.S. 66 (2023). “We will only overrule our precedent if provided with a compelling reason to do so.” *Ariola v. City of Stillwater*, 889 N.W.2d 340, 356 (Minn. App. 2017) (citing *Fleegeer v. Wyeth*, 771 N.W.2d 524, 529 (Minn. 2009)), *rev. denied* (Minn. Apr. 18, 2017). In *Counterman*, a First Amendment case, the Supreme Court held that, to ensure conformity with the First Amendment in a criminal prosecution for repeatedly communicating with another person in a manner causing emotional distress, the recklessness standard requires the state to prove that the “defendant consciously disregarded a substantial risk that his communications would be viewed as threatening violence.” 600 U.S. at 69. Minnesota law already requires that, to convict a person of threats of violence-reckless disregard, the state must prove that the threat was made “in conscious disregard of a substantial and unjustifiable risk that [the] words or conduct will cause extreme fear.” *Mrozinski*, 971 N.W.2d at 240. We therefore disagree

with Sprowls that *Counterman* provides a “compelling reason” to overrule *Bjergum*. To the extent that Sprowls argues that *Counterman* necessitates a change to existing Minnesota law, that is a task reserved for the Minnesota Supreme Court. See *Tereault v. Palmer*, 413 N.W.2d 283, 286 (Minn. App. 1987) (“[T]he task of extending existing law falls to the supreme court or the legislature, but it does not fall to this court.”).

We therefore conclude that the district court did not abuse its discretion by denying a jury instruction on voluntary intoxication on the charges of obstructing legal process and threats of violence-reckless disregard.

III. The district court did not abuse its discretion by imposing a \$1,000 fine and public-defender copayment as part of Sprowls’s sentence for threats of violence.

Lastly, Sprowls argues that the district court abused its discretion by imposing a \$1,000 fine and a \$75 public-defender copayment for his threats-of-violence conviction. Sprowls asserts that the district court misinterpreted the law to require more evidence than was necessary before reducing or waiving the fee and public-defender copayment.

The “legislatures have extremely broad discretion in defining criminal offenses, and in setting the range of permissible punishments for each offense.” *Miller v. One 2001 Pontiac Aztek*, 669 N.W.2d 893, 898 (Minn. 2003) (quotation omitted). Under Minnesota law, the maximum fine for a threats-of-violence conviction is \$10,000. Minn. Stat. § 609.713, subd. 1. The district court is required to impose a minimum of 30% of the maximum fine. Minn. Stat. § 609.101, subd. 4(1) (2022). The district court “may reduce the amount of the minimum fine to not less than \$50” if, among other reasons, “the defendant qualifies for the services of a public defender or the court finds on the record

that the convicted person is indigent or that immediate payment of the fine would create undue hardship for the convicted person.” Minn. Stat. § 609.101, subd. 5(b) (2022). We review the district court’s imposition of a fine for an abuse of discretion. *See State v. McLaughlin & Schultz, Inc.*, 397 N.W.2d 9, 11 (Minn. App. 1986).

Here, the district court considered Sprowls’s arguments that he was indigent and was experiencing financial hardships but it expressed concern that it did not have current or accurate financial information. The district court noted that Sprowls, who was not given an executed prison sentence, was likely employable and it allowed Sprowls the option of satisfying the fine with prosocial programming hours in lieu of monetary payment. Contrary to Sprowls’s argument, Minn. Stat. § 609.101, subd. 5(b), neither requires a district court to reduce a fine to \$50 whenever a defendant is represented by the public defender nor prohibits a district court from considering whether it has current and accurate financial information. The district court’s decision to impose a \$1,000 fine was well within its discretion.

Sprowls also challenges the district court’s imposition of the \$75 public-defender copayment. A defendant “shall” pay \$75 for public-defender services unless that copayment is reduced or waived by the district court. Minn. Stat. § 611.17(c) (2022). Sprowls argues that the district court should have waived the public-defender copayment because the copayment interfered with his right to counsel under the Sixth Amendment. U.S. Const. amend. VI; *see also* Minn. Const. art. I, § 6. Sprowls did not raise this argument to the district court. Appellate courts generally do not “consider issues raised for the first time on appeal, even constitutional questions of criminal procedure.” *State v.*

Hughes, 758 N.W.2d 577, 582 (Minn. 2008). We thus decline to address Sprowls’s argument that the copayment impaired his constitutional right to counsel because he raised it for the first time before our court. *See State v. Vasko*, 889 N.W.2d 551, 559 n.6 (Minn. 2017).

Affirmed.