

*This opinion is nonprecedential except as provided by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
A25-0153**

State of Minnesota,
Respondent,

vs.

Aaron Michael Armstrong,
Appellant.

**Filed December 22, 2025
Affirmed
Larson, Judge**

Stearns County District Court
File No. 73-CR-23-210

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

Renee N. Courtney, St. Cloud City Attorney, James P.A. Morrighan, Assistant City Attorney, St. Cloud, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Suzanne M. Senecal-Hill, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Larson, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

LARSON, Judge

Appellant Aaron Michael Armstrong challenges his conviction for gross-misdemeanor driving while impaired (DWI). In his primary brief, Armstrong argues he is

entitled to a new trial because he did not validly waive his right to counsel. Armstrong raises additional arguments in his self-represented supplemental brief. We affirm.

FACTS

The state charged Armstrong with two counts of third-degree DWI under Minn. Stat. §§ 169A.20(1)(1), 20(1)(5) (2022). Armstrong appeared without counsel at his initial appearance and told the district court that he would “[p]ossibly hire or represent [himself].”

At a status conference six months later, the district court asked whether Armstrong had applied for a public defender, advised him of the option, and offered to put him under oath to determine whether he qualified. When Armstrong declined and exhibited confusion, the district court explained the income requirements.

At a subsequent status conference, Armstrong informed the district court that he sought legal aid at the law library but would proceed “pro se.” The district court confirmed with Armstrong that he intended to represent himself. Armstrong responded affirmatively.

At the next status conference, the district court asked Armstrong if he intended to represent himself. When Armstrong replied yes, the district court reiterated that Armstrong had a right to an attorney and that, if he met certain income requirements, he could qualify for a public defender. Armstrong said he understood. He then stated that he wanted a jury trial and mentioned having “side counsel” to help him. The district court advised Armstrong of the difficulties of representing himself in a jury trial and noted that Armstrong would have to follow court rules and statutes during the process. The district court encouraged Armstrong to hire an attorney.

At a contested omnibus hearing, after discussing the scope of the issues raised by Armstrong, the district court explicitly confirmed that he was waiving his right to counsel. Armstrong also mentioned he was “kind of educated” with aspects of the proceeding because of his past involvement with the legal system, including a prior DWI charge in Ohio.

At a pretrial hearing, the district court again asked whether Armstrong intended to hire an attorney. Armstrong said he hoped to hire an attorney but did not know if he could afford one. The district court then described, in detail, the general procedures for jury trials, and Armstrong’s rights and responsibilities. The district court also, again, encouraged Armstrong to consult an attorney or possibly hire one before his jury trial. Later in the hearing, the district court reminded Armstrong that conducting a jury trial while self-represented was challenging and that Armstrong would need to give a firm answer on whether he intended to represent himself.

At a settlement conference, the district court confirmed that Armstrong was self-represented. The district court then informed Armstrong that he had the right to stipulate to a prior conviction—used to enhance the current charge—so the information would not be presented to the jury. The district court told Armstrong that an attorney could help him with this process and help him protect his rights. The district court then explained that, during the jury trial, the judge is an “independent magistrate” who determines disputes between the parties and would not be able to assist him in the process. Continuing, the district court told Armstrong he had the right to represent himself but reiterated that Armstrong’s rights might not be fully protected because he did not know what he needed

“to do to protect those rights.” Armstrong told the district court he understood. Armstrong mentioned that he would like some assistance but could not afford an attorney. The district court then, again, explained the public-defender qualification process. Armstrong responded that he might qualify but he had previous difficulty with attorneys. After further discussion, the district court offered to get Armstrong the paperwork for a public defender to complete at the hearing, but Armstrong declined. Thereafter, the following exchange occurred:

THE COURT: So what you’re telling me is that you don’t want a lawyer?

ARMSTRONG: Yes, Your Honor.

THE COURT: Again, sir, I would advise you to think carefully about that. I’ll give you what you want and if that’s your desire, you can proceed without an attorney, but there may be more rights you’ll not be able to protect like you weren’t prepared today to protect that other one because you’re not familiar with them. That’s a choice you need to make. Are you telling me you wish to represent yourself even though you may not be able to fully protect your rights under these circumstances?

ARMSTRONG: Yes, Your Honor.

THE COURT: Okay. All right. Well, understand that you are declining the opportunity to associate counsel both by application for the public defender and by hiring private counsel and that you are demanding your constitutional right to represent yourself, which you certainly have.

At a pretrial hearing, the district court once again confirmed that Armstrong was representing himself. During a discussion, Armstrong indicated he would like “some kind of counsel, like a sidebar counsel” but otherwise wanted to represent himself. The district

court said that it would appoint advisory counsel but could not guarantee that advisory counsel would be available for trial. The district court then clarified whether Armstrong wished to represent himself; Armstrong responded affirmatively. The district court again reminded Armstrong that he had the right to an attorney and that if he could not afford one and qualified for the public defender, the district court would appoint an attorney to represent him. The district court also confirmed that Armstrong had been advised “repeatedly on the record” and that his desire to represent himself remained unchanged. The district court then asked again if Armstrong wanted to represent himself, and Armstrong responded, “Yes, Your Honor.” Again, the district court reminded Armstrong that self-representation is difficult at a jury trial and informed him that, if advisory counsel was available, he could consult with them during the trial. Before ending the hearing, the district court asked Armstrong, “your demand today is to represent yourself at trial?” Armstrong responded, “Yes, Your Honor.”

At a motion hearing held before the jury trial, the district court again advised Armstrong that he had the right to be represented by counsel. The district court further advised that Armstrong still might qualify for a public defender. The district court, again, reiterated the ways an attorney could assist him given their knowledge of the law and procedures. The district court further reminded Armstrong that he would need to comply with those rules and procedures. The district court also addressed Armstrong’s motion to

suppress his blood-test results.¹ After taking testimony from law enforcement, the district court denied Armstrong's motion, finding that Armstrong received the appropriate advisory under Minn. Stat. § 171.177 (2022).

Armstrong then appeared, self-represented, for the jury trial with advisory counsel. The jury found Armstrong guilty of both counts. The district court entered a conviction on one count. *See* Minn. Stat. § 609.04, subd. 2 (2022).

Armstrong appeals.

DECISION

On direct appeal, Armstrong challenges his conviction on several grounds. Armstrong argues in his primary brief that he did not validly waive his right to counsel. And in his supplemental brief, Armstrong argues that (1) the district court improperly denied his motion to suppress and (2) the state violated *Brady v. Maryland*, 373 U.S. 83 (1963), when it did not introduce certain evidence at trial.² We first address the issue raised in Armstrong's primary brief and then address the arguments in his supplemental brief.

I.

Armstrong asserts that he is entitled to a new trial because he did not validly waive his right to counsel. The United States and Minnesota Constitutions guarantee a criminal defendant the right to counsel. U.S. Const. amends. VI, XIV; Minn. Const. art. I, §§ 6-7.

¹ Armstrong challenged the sufficiency of the implied-consent advisory under Minn. Stat. § 169A.51, subd. 2 (2022), on the ground that he could not read the search warrant without his glasses, a fact that was not in evidence.

² Armstrong raises several other claims in his supplemental brief but offers no legal support or argument. Claims that are not supported by legal arguments or citations to legal authority are forfeited. *State v. Reek*, 942 N.W.2d 148, 165-66 (Minn. 2020).

Any waiver of that right must be knowing and intelligent. *State v. Rhoads*, 813 N.W.2d 880, 885 (Minn. 2012). If a defendant knowingly and intelligently waives the right to counsel, the defendant “must be allowed to represent himself despite his lack of the legal ability to conduct a good defense.” *State v. Thornblad*, 513 N.W.2d 260, 262 (Minn. App. 1994). The district court has a duty to ensure a valid waiver of the right to counsel. *State v. Hawanchak*, 669 N.W.2d 912, 914 (Minn. App. 2003) (quotation omitted).

“We review a finding that a defendant validly waived his right to counsel for clear error.” *State v. Bonkowske*, 957 N.W.2d 437, 440 (Minn. App. 2021) (citation omitted). “When the facts are undisputed, however, the question of whether a waiver-of-counsel was knowing and intelligent is a constitutional one that is reviewed de novo.” *Rhoads*, 813 N.W.2d at 885. “An invalid waiver and the corresponding denial of the right to counsel are ‘structural error[s]’ that require reversal.” *State v. Gant*, 996 N.W.2d 1, 6-7 (Minn. App. 2023) (quoting *Bonga v. State*, 765 N.W.2d 639, 643 (Minn. 2009)).

Armstrong argues that the district court failed in its obligation to ensure that Armstrong had full knowledge and understanding of his right to counsel. Where, as here, a defendant is charged with a “gross misdemeanor punishable by incarceration,” waiver of the right to counsel can be “in writing or on the record,” and requires only that the district court be satisfied that the waiver “is voluntary and has been made by the defendant with full knowledge and understanding of the defendant’s rights.” Minn. R. Crim. P. 5.04, subd. 1(3). The more specific advisements required in Minn. R. Crim. P. 5.04, subd. 1(4), apply only to cases involving felony charges. To ensure a defendant knowingly, voluntarily, and intelligently waives their right to counsel, a district court should advise the

defendant “of the dangers and disadvantages of self-representation” to establish that the defendant makes the “choice . . . with eyes open.” *State v. Camacho*, 561 N.W.2d 160, 173 (Minn. 1997) (quotation omitted).

Here, the record shows that at the first appearance and every hearing prior to the jury trial, the district court raised Armstrong’s right to counsel. At each hearing, Armstrong informed the district court that he intended to represent himself. The record demonstrates that the district court offered several times to aid Armstrong in determining whether he qualified for a public defender. Armstrong repeatedly refused. And the district court gave Armstrong extensive warnings about the difficulties of representing himself. And after each warning, the district court would ask Armstrong if he still intended to represent himself, and he consistently responded, “Yes, Your Honor.” We conclude the district court fulfilled its obligation to advise Armstrong “of the dangers and disadvantages of self-representation.” *See id.*

Armstrong argues in the alternative that, even if the district court fulfilled its advisory obligations, the record nonetheless demonstrates that he did not knowingly and intelligently waive his right to counsel. For support, Armstrong relies on our decision in *Gant*.³ In *Gant*, we evaluated four factors when assessing whether a defendant had waived his right to counsel in the absence of a procedurally valid waiver: (1) the defendant’s “previous representation by counsel;” (2) the availability of “standby counsel”; (3) the

³ We note that *Gant* involved a sentencing hearing for a felony-level offense. *Gant*, 996 N.W.2d at 7. Thus, the defendant was subject to the more specific advisories required in Minn. R. Crim. P. 5.04, subd. 1(4).

“district court[’s] engagement” with the defendant; and (4) the defendant’s “prior experience” with the criminal-justice system. 996 N.W.2d at 8-11.

First, we are not persuaded by Armstrong’s implication that the district court provided a procedurally invalid waiver. As described above, the rules of criminal procedure do not require a comprehensive on-the-record inquiry where, as here, the defendant was charged with gross-misdemeanor offenses. Instead, rule 5.04, subdivision 1(3), only requires that the district court be “satisfied that [the waiver] is voluntary and has been made by the defendant with full knowledge and understanding of the defendant’s rights.” For the reasons set forth above, we conclude the district court made the necessary inquiries to evaluate that Armstrong fully understood his rights.

Second, even if we apply *Gant*, we conclude Armstrong validly waived his right to counsel. Regarding the first factor, the record shows that Armstrong obtained advice from legal aid on two issues relevant to his case. With respect to the second factor, although he did not have the constitutional right to “standby counsel,” the district court provided Armstrong with advisory counsel throughout the jury trial. On the third factor, the district court exhibited extensive engagement with Armstrong on this issue, advising him both of his right to representation and the difficulties of being self-represented. And with respect to the last factor, Armstrong had prior experience with the criminal-justice system, including a previous DWI charge in Ohio, and expressed familiarity with the legal process and prior interactions with attorneys on the record in this case.

For these reasons, the record demonstrates that Armstrong’s waiver was knowing and intelligent, and we conclude Armstrong validly waived his right to counsel.

II.

In his supplemental brief, Armstrong raises two arguments: (1) the district court improperly denied his motion to suppress and (2) the state violated *Brady* when it did not introduce certain body-camera footage. We address each argument in turn.

Armstrong first asserts that the district court improperly denied his motion to suppress blood-test evidence on the basis that he was not read the implied-consent advisory under Minn. Stat. § 169A.51, subd. 2. We review whether an implied-consent advisory violates a defendant's due-process rights de novo. *Magnuson v. Comm'r of Pub. Safety*, 703 N.W.2d 557, 561 (Minn. App. 2005). A blood or urine test may be conducted pursuant to a search warrant. Minn. Stat. § 169A.51, subd. 3 (2022). When directed to perform a blood or urine test pursuant to a search warrant, “the person must be informed that refusal to submit to a blood or urine test is a crime.” Minn. Stat. § 171.177, subd. 1.

Here, the district court denied Armstrong's motion to suppress on the basis that he received the appropriate advisory under section 171.177. To reach this decision, the district court considered Armstrong's argument that he could not read the search warrant without his glasses, even though that fact was not in evidence. The district court rejected Armstrong's argument and observed that the advisory under section 171.177 is the applicable standard when the facts of the case involve a blood or urine test pursuant to a search warrant. We agree with the district court's determination that Armstrong received the appropriate implied-consent advisory, and the district court correctly denied his motion to suppress.

Armstrong argues second that the state violated *Brady* when it “suppressed evidence.” Armstrong appears to conflate *Brady*’s disclosure requirements with an obligation to present evidence at trial.⁴ *Brady* only requires that the state provide favorable evidence to the defendant; it does not dictate the evidence the state must introduce at trial. *See Pederson*, 692 N.W.2d at 459 (providing that “evidence at issue must be favorable to the accused, either because it is exculpatory, or it is impeaching” to satisfy one of the *Brady* factors) (citing *Strickler v. Greene*, 527 U.S. 263, 281-82 (1999)).

For these reasons, we are not persuaded that the arguments made in the supplemental brief warrant relief.

Affirmed.

⁴ The state introduced a video exhibit at a pretrial hearing, and the video was admitted into evidence, but the video was not presented at trial. The state is not required to present all evidence in its possession to a jury, only such evidence as is necessary to prove each element of the offenses charged. *See Pederson v. State*, 692 N.W.2d 452, 459-60 (Minn. 2005); *see also State v. Williams*, 593 N.W.2d 227, 234-35 (Minn. 1999) (providing that state’s duty to disclose and present evidence is limited to material evidence relevant to case and necessary to ensure fair trial).