

*This opinion is nonprecedential except as provided by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
A25-0198**

State of Minnesota,
Respondent,

vs.

Kevin Stephen Ryan,
Appellant.

**Filed February 17, 2026
Affirmed
Wheelock, Judge**

Ramsey County District Court
File No. 62SU-VB-23-4691

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

Douglas R. Biglow, Vadnais Heights City Attorney, Erickson, Bell, Beckman, and Quinn
PA, Roseville, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Sean Michael McGuire, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Reyes, Presiding Judge; Larkin, Judge; and Wheelock,
Judge.

NONPRECEDENTIAL OPINION

WHEELOCK, Judge

Appellant challenges his convictions for driving with a revoked license and driving
with expired registration, arguing that the evidence was insufficient to support the
convictions. Alternatively, appellant argues that the district court erred because it failed to

obtain a valid waiver of counsel and improperly considered appellant's jail credit when determining his sentence. We affirm.

FACTS

Respondent State of Minnesota charged appellant Kevin Stephen Ryan with driving with a revoked license, failing to obey a traffic-control device, and driving a vehicle with expired registration. We recount the facts as presented in evidence at the jury trial.

In April 2023, a law enforcement officer was on duty and driving on Interstate 35E when he noticed a vehicle in the E-ZPass express lane without a passenger. When the officer pulled the vehicle over, he saw that the vehicle had expired registration and discovered Ryan driving the vehicle without a passenger and without an E-ZPass transponder in violation of traffic laws regarding E-ZPass express lanes. *See* Minn. Stat. § 160.93, subd. 4 (2022) (stating that “[n]o person may operate a single-occupant vehicle in a designated high-occupancy vehicle lane or dynamic shoulder lane except in compliance with the requirements of the commissioner”). Because Ryan did not have his license with him, the officer obtained Ryan's name and birth date and confirmed his identity by accessing a copy of his driver's license photo via computer in his squad car. The computer also showed Ryan's driving record and that Ryan's driver's license was revoked. The officer issued Ryan a citation for driving with a revoked license, failing to obey a traffic-control device, and driving a vehicle with expired registration.

Ryan mailed a letter to the district court soon after, requesting a court date regarding his citations and a speedy trial. The district court's administrative hearing office responded that he would need to make an arraignment appearance to make any motions to the court.

An arraignment was scheduled for November 15, 2023, and Ryan failed to appear. The district court issued a warrant due to his failure to appear.

In December 2023, Ryan appeared before the district court for the first time at an arraignment; he introduced himself on the record and stated, “Kevin Ryan, representing myself.” The district court then advised Ryan that, if he wanted to continue to represent himself, he would “have to familiarize [himself] with the rules of court and the rules of procedure and maybe even evidence” as the proceedings continued. The district court then went on to describe the charges against Ryan, informing him he was charged with driving after revocation of his license, failing to obey a traffic-control device by driving in the E-ZPass express lane without a passenger, and driving with expired registration. When the district court asked him how he wished to continue, Ryan pleaded not guilty and made a speedy-trial request on the record. Ryan also raised a constitutional argument on the record before the district court regarding the Minnesota Department of Public Safety (DPS).

Ryan appeared in court again in March 2024. The district court asked Ryan if he wanted to apply for a public defender, and Ryan stated, “Oh, I did not apply, no.” He then requested a hearing on his motion “to have the public safety cease and desist the publishing of [his] records.” In his motion, Ryan alleged errors in DPS’s record keeping and challenged the constitutionality of the agency and its actions. The district court responded by scheduling the hearing and telling Ryan that he needed to file what issue or issues he was contesting prior to the hearing.

The motion hearing occurred in July 2024. At the hearing, Ryan filed a petition to proceed pro se.¹ The district court identified the charges against him and explained that Ryan's arguments about DPS improperly keeping his records were not properly before the court because the hearing concerned Ryan's criminal case relating to the allegation that he operated a motor vehicle while his license was revoked. The district court also informed Ryan that, at the hearing, it would not address Ryan's constitutional challenges to DPS and that, if he wanted to provide evidence that DPS was keeping records improperly, he could call them in to testify.

The state offered that, if Ryan had a valid driver's license and could show proof of current registration, it would move to dismiss the charges for driving with a revoked license and expired registration. Ryan did not agree to the state's offer and instead continued to express his dissatisfaction with DPS. Ryan requested a blank subpoena to obtain his driving records and withdrew his speedy-trial demand because he sought a continuance to obtain his records.

In October 2024, Ryan appeared for a pretrial hearing. During the hearing, Ryan told the district court that he needed another subpoena because the last one was sent to the Minnesota Department of Vehicle Services (DVS) instead of DPS. The district court observed that it previously had asked the Ramsey County Public Defender's Office to provide limited representation to assist Ryan with completing the subpoena, but Ryan refused their help. Ryan asserted that he still did not have the records he needed to present

¹ Ryan filed a second petition to proceed pro se on January 13, 2025, the first day of his jury trial.

his case and again requested a blank subpoena that he could submit to DPS himself. The district court issued an order to the criminal division court administration to provide Ryan with a subpoena issued to DPS to enable Ryan to obtain his driving records from DPS.

A jury trial on all three of the charges against Ryan took place from January 13 to 16, 2025. On the first day of trial, the district court thoroughly reviewed the entirety of Ryan's petition to proceed pro se on the record and concluded that Ryan made a knowing and intelligent waiver of his right to counsel. Ryan told the district court that he had represented himself "numerous" times in the past, including at a jury trial. Ryan agreed to include all his offenses for determination by jury trial, including his citation for improperly using the E-ZPass express lane, which was a petty misdemeanor.² The district court granted Ryan a brief continuance on the second day of trial to review his options for an affirmative defense.

On the third day of trial, the state moved to enter Ryan's driving record into evidence. The district court noted that, "[u]nder Minnesota law when you have an agency document that is certified, that is authenticated. So this doesn't need anybody to come into court today to say this is what it says it is." Ryan initially objected to the admission of the entire record; however, when the district court later inquired whether he wanted a full or redacted version of the record to be admitted, he requested that the full record be admitted.

The state called its sole witness, the officer who stopped Ryan. The officer testified that he pulled Ryan over because he was driving in the E-ZPass express lane without a

² There is no right to jury determination of petty-misdemeanor charges. Minn. R. Crim. P. 23.05, subd. 1.

passenger in the vehicle, the registration was expired for the vehicle that he was driving, the officer identified Ryan by viewing his license photo via the computer in the squad car, and online records showed that Ryan's license was revoked. The officer was provided the exhibit containing Ryan's driving record and testified that it was the DPS certified driving-record summary for Ryan. After the prosecutor presented the record to the officer, the officer confirmed, "I don't see any evidence here that he had a valid license at the time of the stop."

During cross-examination, Ryan asked the officer about several topics that were not relevant to his charges, including who funded his shifts as a trooper, the visibility of the signs in the E-ZPass express lane, safety concerns of traffic stops at different times of rush hour, and the officer's prior education. The state objected, and the district court interjected, multiple times based on the relevancy and scope of Ryan's questioning.

On the fourth day of trial, Ryan testified in his own defense. During his testimony, Ryan talked about the day he received the citation and testified that he was in the E-ZPass express lane "based on safety" because he was trying to avoid another car, that he did not have an E-ZPass lane transponder, and that he did not have his license on him when he was pulled over. The state's only question on cross-examination was to confirm that Ryan's current address was the same as was listed on his driving record.

The jury found Ryan guilty of all three charges.³ During sentencing, the prosecutor noted that the state was agreeable to the imposition of a probationary sentence if Ryan was

³ Ryan appeals only his convictions for driving after revocation and driving with expired registration.

willing to get a valid driver's license through DPS and that, if he was unwilling to do so, it was requesting a five-day sentence. Ryan at first confirmed that he would be willing to get a valid driver's license but then went on to talk about his continued problems with DPS and DVS and why he believed probation would not help him with his issues with the agency. Ryan continued:

If you would like to take your punishment from me, I would say just—well, let's execute five days just to clear anybody's ire. To satisfy the State, I will go turn myself in on Friday afternoon and then Wednesday morning, I will go on my merry way, and that should satisfy everyone I served my time. And I just—I don't see how exchanging money with you is going to help you or the state.

The prosecutor then addressed the district court and noted that it did not seem Ryan was willing to follow through with getting his driver's license in a manner that would be required by DPS and was therefore not amenable to probation. The district court agreed with the state:

I just am not confident that you're—that you'll abide by what they say in order to get your license reinstated and what my concern is that that is going to be a back and forth with probation, a back and forth with you, and I am concerned—and especially with the history of revocations that we have here, other pending cases, that I agree that with regard to these particular charges, I do not believe that you are amenable to probation and completing the process, especially since you've had a revoked license for a while and haven't gone through the steps that you needed to to get it reinstated.

The district court imposed a \$100 payable fine for Ryan's petty-misdemeanor charge, a five-day sentence for misdemeanor driving after revocation, and a five-day sentence for

misdemeanor driving with expired registration, to run concurrently so that Ryan would serve only five days total.

The district court then realized that Ryan had 11 days of jail credit and immediately modified the sentence by imposing a 16-day executed sentence, explaining that its intention was for Ryan to serve five days and that it had been mistaken about Ryan's jail credit.

Ryan appeals.

DECISION

I. The evidence presented at trial was sufficient to support Ryan's convictions.

Ryan argues that there was insufficient evidence to support his convictions for driving with a revoked license and without valid vehicle registration. Ryan argues that the officer's testimony was insufficient evidence to support his convictions and that there was no evidence to show that he was given notice of his license revocation.

"Direct evidence is evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption." *State v. Jones*, 4 N.W.3d 495, 501 (Minn. 2024) (quotation omitted). A witness's testimony about what they saw or heard is direct evidence. *State v. Brazil*, 906 N.W.2d 274, 278 (Minn. App. 2017), *rev. denied* (Minn. Mar. 20, 2018). "In contrast, circumstantial evidence is defined as evidence from which the factfinder can infer whether the facts in dispute existed or did not exist. Accordingly, circumstantial evidence always requires an inferential step to prove a fact that is not required with direct evidence." *Jones*, 4 N.W.3d at 501 (quotations omitted).

The standard of review that appellate courts apply when evaluating the sufficiency of the evidence depends on whether direct or circumstantial evidence supports the element

of the offense being challenged on appeal. *Id.* at 500. The supreme court has “adopted two tests for evaluating a sufficiency-of-the-evidence claim.” *Id.* When a conviction is supported by direct evidence, we apply the traditional test: “whether, given the facts in the record and the legitimate inferences that can be drawn from those facts, a jury could reasonably conclude that the defendant was guilty of the offense charged.” *Id.* at 501-02 (quotation omitted). When a conviction is supported by circumstantial evidence, we apply a heightened two-step test. *Loving v. State*, 891 N.W.2d 638, 643 (Minn. 2017).

The first step of the heightened circumstantial-evidence test is to “identify the circumstances proved by the State.” *Id.* 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.’” *State v. Harris*, 895 N.W.2d 592, 600 (Minn. 2017) (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 consider the sufficiency of the evidence for each challenged conviction in turn.

A. The evidence was sufficient to prove Ryan’s guilt of driving with a revoked license.

Pursuant to Minn. Stat. § 171.24, subd. 2 (2022), to prove that Ryan was guilty of driving after license revocation, the state had to prove that Ryan was operating a motor vehicle with a revoked license and that he was given notice, or reasonably should have known, of the revocation. Ryan first argues that his license was not revoked and that, even if it was, he did not receive notice of the revocation and was therefore unaware of the status of his license. Thus, Ryan asserts insufficient evidence as to both elements of the offense.

The state relied on direct evidence—the officer’s testimony—to establish that Ryan was operating a motor vehicle with a revoked license and on circumstantial evidence—Ryan’s driving record—to prove that Ryan reasonably should have known of his license revocation.

1. The evidence was sufficient to prove that Ryan was operating a motor vehicle with a revoked license.

To prove the first element of the offense of operating a motor vehicle with a revoked license—that Ryan was operating his vehicle in April 2023 and his license was revoked on that date—the state relied on the testimony of its sole witness, the officer, and Ryan’s driving record. Because witness testimony and the driving record are direct evidence, we review “whether the facts in the record and the legitimate inferences drawn from them” would allow the jury, giving due regard to the presumption of innocence and the state’s burden of proof, “to reasonably conclude that the defendant was guilty beyond a reasonable doubt.” *State v. Al-Naseer*, 788 N.W.2d 469, 473 (Minn. 2010) (quotations omitted). We view the evidence in the light most favorable to the verdict, *Bernhardt v. State*, 684 N.W.2d

465, 477 (Minn. 2004), and assume that the jury believed the state’s witnesses, *State v. Foreman*, 680 N.W.2d 536, 538 (Minn. 2004). Finally, we give due regard to the jury’s role of weighing witness credibility. *Al-Naseer*, 788 N.W.2d at 473.

The officer testified that he pulled Ryan over on April 18, 2023, because Ryan was driving in the E-ZPass express lane without a passenger in the vehicle. The officer further testified that, when he pulled Ryan over, he used the computer system in his squad car to view Ryan’s driver’s license photo and could also see his driving record and the status of his license. The officer said that Ryan’s driving-record status showed that his license was revoked. The district court admitted Ryan’s driving record into evidence, and during his testimony, the officer identified it as a certified driving-record summary for Ryan. The prosecutor then asked if the record confirmed what the officer discovered about Ryan’s license status during the stop on April 18, 2023. The officer stated, “I don’t see any evidence here that he had a valid license at the time of the stop.”

The uncorroborated testimony of a single credible witness may be sufficient to support a conviction. *Foreman*, 680 N.W.2d at 539. And this direct evidence of the officer’s personal knowledge of Ryan’s driving conduct and of Ryan’s driving record, as well as the record itself, is sufficient to prove that Ryan was operating a motor vehicle with a revoked license. *See State v. Kerkhoff*, 377 N.W.2d 81, 82 (Minn. App. 1985) (holding that an officer’s testimony that appellant’s license was revoked by checking with DPS was sufficient evidence to support a driving-after-revocation conviction).⁴

⁴ Ryan argues that the officer’s testimony regarding Ryan’s driving record is hearsay because the information came from an “unknown declarant.” However, the record is

2. The evidence was sufficient to prove that Ryan reasonably should have known of his license revocation.

To prove the second element of the offense of operating a motor vehicle with a revoked license pursuant to Minn. Stat. § 171.24, subd. 2(2)—that Ryan was given notice of or reasonably should have known of the revocation—the state relied on circumstantial evidence. Thus, we apply the heightened two-step review to consider the sufficiency of the evidence as to the second element.

Subdivision 7(a) of section 171.24 addresses the notice required to be given to a person for an effective license revocation, providing that “[n]otice of revocation . . . is sufficient . . . if mailed by first class mail to the person’s last known address or to the address listed on the person’s driver’s license.” *See* Minn. Stat. § 171.24, subd. 7(a) (2022). Thus, to establish that the person was given notice of revocation, proof only that the notice was mailed in accordance with the provisions of subdivision 7(a) is required. Evidence of actual receipt of the notice is not necessary to support a conviction. *See State v. Green*, 351 N.W.2d 42, 44 (Minn. App. 1984) (holding that actual receipt of notice is not required to meet due process).

admissible as a public record. *See* Minn. R. Evid. 803(8) (providing for the admission of otherwise inadmissible hearsay evidence contained in a public record concerning “matters observed pursuant to duty imposed by law as to which matters there was a duty to report”); *see also State v. Davis*, No. A12-1190, 2014 WL 801605, at *4 (Minn. App. Mar. 3, 2014) (stating that an officer’s testimony regarding DVS records used during a routine traffic stop was admissible because of the public-records exception to the hearsay rule), *rev. denied* (Minn. Apr. 28, 2015). Nonprecedential opinions, like that in *Davis*, are not binding authority, but they can be persuasive when, as here, they present similar facts. *See* Minn. R. Civ. App. P. 136.01, subd. 1.

Ryan argues that, because his driving record did not establish how service of notice was provided and the state did not call anyone to testify about it, the state failed to prove that he had been given notice of his license revocation, and thus, the evidence was insufficient to convict him.

As to notice, Ryan's driving record contains two entries on January 3, 2020, stating that a "Notice of Withdrawal" was "issued to driver whose driving privilege will be withdrawn." We agree with Ryan that these entries do not establish how the notices of the revocation of his license were sent to him and that they do not prove that these notices were "mailed by first class mail to the person's last known address or to the address listed on the person's driver's license, as set forth in subdivision 7(a) of section 171.24. Thus, the state did not prove that Ryan was given notice.

But Ryan fails to account for the statutory language allowing the state to prove, in the alternative, that he reasonably should have known that his license was revoked. *See* Minn. Stat. § 171.24, subd. 2(2). Such knowledge is usually proved through circumstantial evidence. *See Al-Naseer*, 788 N.W.2d at 474 (noting that knowledge, or "state of mind," is generally proved through circumstantial evidence). Here, the state relied on Ryan's driving record, which contains additional entries that are relevant to Ryan's knowledge of his license revocation, to establish that he should have known his license was revoked.

Ryan's driving record includes, after the January 3, 2020 entries for "Notice of Withdrawal," an entry showing that Ryan was convicted for "DRIVING AFTER REVOCATION." The violation dates for those charges are October 2, 2021, and November 14, 2021, and the conviction date for both offenses is March 31, 2022. Ryan's

driving record also has an entry on August 31, 2022, for an out-of-state conviction for “EXPIRED OR NO NON-COMMERCIAL DRIVER LICENSE OR PERMIT,” which has a violation date of June 23, 2022, and a conviction date of August 23, 2022. Therefore, Ryan’s driving record shows that he was cited and convicted multiple times for driving with a revoked license *after* the notices of revocation were sent to him on January 3, 2020, and *before* the date of the offense at issue here. We thus apply the circumstantial-evidence test to this evidence as it relates to Ryan’s knowledge of his revoked license.

The first step of the heightened two-step test for circumstantial evidence is to “identify the circumstances proved.” *Silvernail*, 831 N.W.2d at 598. Here, the circumstances proved at Ryan’s trial are as follows:

- Ryan’s driving record contains two entries on January 3, 2020, stating that a “Notice of Withdrawal” was “issued to driver whose driving privilege will be withdrawn.”
- Ryan’s driving record contains entries reflecting that Ryan was convicted on March 31, 2022, for “DRIVING AFTER REVOCATION” on two separate dates: October 2, 2021, and November 14, 2021.
- Ryan’s driving record contains an entry dated August 31, 2022, reflecting that Ryan was convicted in out-of-state proceedings on August 23, 2022, for committing the offense of “EXPIRED OR NO NON-COMMERCIAL DRIVER LICENSE OR PERMIT” on June 23, 2022.
- The officer pulled Ryan over on April 18, 2023, and when he did, the computer system in his squad car showed Ryan’s driving record and that Ryan’s license was revoked.

The second step of the circumstantial-evidence test requires us to determine whether the circumstances are consistent with the hypothesis that the defendant is guilty and

inconsistent with any rational hypothesis other than guilt. *Al-Naseer*, 788 N.W.2d at 473-75. Even if Ryan did not actually receive the notices that are listed on his driving record, it was reasonable for the jury to conclude that Ryan reasonably should have known his license was revoked after he received three citations for and was convicted of driving after his license was revoked or without a license. The citations and convictions all occurred before the April 18, 2023 citation at issue in this case.

The circumstances proved are consistent with the hypothesis that Ryan knew or should have known that his license was revoked at the time he was driving in April 2023, and the circumstances proved are inconsistent with any other rational hypothesis other than guilt. The evidence supports the jury's conclusion that Ryan was either on notice or reasonably should have known his license was revoked because his driving record showed mailed notices to his address, he had been convicted of driving-after-revocation and driving-without-a-license offenses multiple times by April 18, 2023, and he was stopped and cited for driving while revoked, suspended, or withdrawn multiple times.

Because the evidence was sufficient to prove both elements of the offense, it supports Ryan's conviction for driving with a revoked license.

B. The evidence was sufficient to support Ryan's conviction for driving without motor-vehicle registration.

Pursuant to Minn. Stat. § 168.09, subd. 1 (2022), any motor vehicle operating on a public street or highway must be registered with the state. Operating a motor vehicle without registration is a misdemeanor offense. Minn. Stat. § 168.36, subd. 1 (2022).

Ryan challenges the sufficiency of the state's evidence proving the vehicle he was operating had expired registration at the time he was pulled over. Ryan asserts that the officer's testimony at trial regarding the registration was hearsay because it was vague and the officer "did not identify the source of the information."

As noted above, however, the state offered direct evidence through the officer's testimony at trial that, when he pulled Ryan over, the officer saw that the vehicle Ryan was driving had expired registration. And, as the uncorroborated testimony of a single credible witness may be sufficient to support a conviction and we assume that the jury believed the state's witness, *Foreman*, 680 N.W.2d at 538, the officer's testimony adequately supports Ryan's conviction for driving with expired registration.

II. The district court properly found that Ryan made a knowing, intelligent, and voluntary waiver of counsel.

Ryan asserts that the district court did not obtain his waiver of counsel until July 1, 2024, and argues that the district court erred by not securing a waiver when the proceedings began in December 2023. Ryan asserts that, because of this, he was deprived of asserting evidentiary and constitutional challenges on the record for his defense. Ryan further argues that the missed deadlines for defenses he repeatedly told the district court he wanted to make "should have been a bright orange warning sign indicating that Ryan's self-representation was not working."

Criminal defendants have a constitutional right to counsel as well as a right to choose self-representation. *State v. Worthy*, 583 N.W.2d 270, 279 (Minn. 1998); see U.S. Const. amends. VI, XIV; Minn. Const. art. I, § 6. A criminal defendant may voluntarily

relinquish the right to legal representation through waiver. *State v. Jones*, 772 N.W.2d 496, 504 (Minn. 2009). The waiver of the right to counsel must be “knowing, intelligent, and voluntary.” *Id.* If the facts are undisputed, the question of whether a defendant validly waived his right to counsel is reviewed de novo. *State v. Rhoads*, 813 N.W.2d 880, 885 (Minn. 2012). “An invalid waiver and the corresponding denial of the right to counsel are structural errors that require reversal.” *State v. Gant*, 996 N.W.2d 1, 7 (Minn. App. 2023) (quotation omitted).

In misdemeanor or gross-misdemeanor cases, defendants who wish to represent themselves must waive their right to counsel in writing or on the record. Minn. R. Crim. P. 5.04, subd. 1(3). “The rules of criminal procedure . . . do not require a comprehensive on-the-record inquiry where . . . the defendant [is] charged with gross-misdemeanor and misdemeanor-level offenses, not felonies.” *State v. Bonkowske*, 957 N.W.2d 437, 441-42 (Minn. App. 2021). The district court must merely 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).

“A district court’s failure to conduct an on-the-record inquiry regarding waiver . . . does not require reversal when the particular facts and circumstances of the case demonstrate a valid waiver.” *Rhoads*, 813 N.W.2d at 886. Rather, “whether a waiver of [the right to counsel] is valid depends upon the particular facts and circumstances surrounding that case, including the background, experience, and conduct of the accused.” *Id.* at 889 (quotations omitted). “In assessing the validity of a waiver, the court may consider the defendant’s familiarity with the criminal justice system and whether he was

represented by counsel prior to the waiver.” *Bonkowske*, 957 N.W.2d at 442 (citing *Worthy*, 583 N.W.2d at 276).

Ryan waived his right to counsel both on the record and in writing. Ryan filed two petitions to represent himself, on July 1, 2024, and January 13, 2025. At the beginning of the trial, the district court walked Ryan through his petition to proceed pro se, ensuring that Ryan understood self-representation. At no point did Ryan imply that he wanted, or even considered acquiring, counsel to represent him. Ryan stated to the district court that he had represented himself “numerous” times in the past, including in a jury trial. The district court made a finding on the record that Ryan “knowingly and intelligently waived his right to counsel.”

When Ryan appeared to have difficulty completing a subpoena for his driving records, the district court offered to assign Ryan limited representation from the Ramsey County Public Defender’s Office. Ryan declined and insisted that the district court instead issue him another blank subpoena for DPS that he could fill out himself.

In addition to Ryan’s written and oral waivers of his right to representation, the particular facts and circumstances in the underlying proceedings, in combination with Ryan’s background, experience, and conduct, demonstrate a valid waiver. At Ryan’s first appearance before the district court, he introduced himself on the record, stating, “Kevin Ryan, representing myself.” Ryan pleaded not guilty and then made a speedy-trial request. The district court mentioned multiple times that, if Ryan continued to represent himself, he would have to follow the rules of the court and adhere to proper procedure. In response, Ryan said, “And, Your Honor, just so that you’re aware of this: It’s not my first rodeo, and

every single hearing has differences. You have your way of doing things. They've had their own way of doing things. I get to find out when I find out.”

Based on Ryan's actions during the proceedings, including his assertion of his desire to represent himself and his stated experience doing so in the past, the district court properly found that Ryan's waiver of counsel was knowing and intelligent.

Ryan makes additional arguments to persuade us that he did not provide a valid waiver of counsel, but the record demonstrates that the district court took steps throughout the proceedings to assist Ryan, consistent with its duties. Ryan also asserts that, by the time trial started, he had “missed his window” for making evidentiary and constitutional challenges;⁵ however, 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). When Ryan filed his initial petition to proceed pro se, the district court explained to him that any argument about the constitutionality of DPS's actions “would be something you might want to file separately, but it's not something that the criminal court would consider.”

Moreover, notwithstanding that Ryan missed a motion-filing deadline, the district court advised Ryan that he could still file a motion in limine and the court would consider

⁵ In Ryan's pro se brief filed on appeal, he also argues that DPS “has created a myriad [of] harms to the public good.” However, these claims are waived as Ryan fails to assert a specific error or provide authority or caselaw to support his arguments. *See State v. Myhre*, 875 N.W.2d 799, 806 (Minn. 2016) (declining to reach an issue on appeal when it is not adequately argued or explained).

it. Ryan never filed this motion, but he still made constitutional arguments, and the district court determined that not only were they “untimely,” but it would deny them “on the merits as well.”

Finally, Ryan argues that, even though the district court told him he would be held to the same standard as an attorney, “simply telling [him] that he’ll be held to the standard of an attorney is not evidence that he was capable of operating at that standard.” But operating at the same level as an attorney is not a requirement of self-representation. *See State v. Richards*, 456 N.W.2d 260, 264 (Minn. 1990) (stating that “[i]t is not necessary that defendant possess the skills and knowledge of a lawyer to waive the right to counsel and proceed pro se; these attributes are irrelevant to a determination of a knowing and intelligent waiver”). A defendant has a right to self-representation regardless of their skill level. The competency standard for waiving one’s right to counsel and proceeding self-represented is not higher than the competency standard for standing trial. *Thornblad*, 513 N.W.2d at 261-63 (holding that “a defendant who is competent to stand trial is competent to exercise the right of self-representation”). Ryan was competent to stand trial; therefore, he was competent to represent himself.⁶

⁶ Ryan also argues that the district court “compounded the problem” of Ryan’s lack of representation by not sua sponte appointing him standby counsel at trial; however, the district court’s decision to appoint advisory counsel is discretionary. *See* Minn. R. Crim. P. 5.04, subd. 2 (stating that the district court “*may* appoint advisory counsel to assist a defendant who voluntarily and intelligently waives the right to counsel” (emphasis added)). Ryan never requested standby counsel, he affirmatively rejected the district court’s offer of assistance from the public defender’s office as to a subpoena, and we discern no abuse of discretion in the district court not appointing standby counsel sua sponte.

III. The district court properly sentenced Ryan to 16 days in jail and did not err in considering his jail credit when determining his sentence.

Ryan argues that the district court erred in imposing a 16-day sentence because the court had already imposed a five-day sentence and therefore could not change the sentence. Ryan asserts that the district court's actions were improper because it changed Ryan's sentence to "get around Minnesota's jail credit law."

"We afford the [district] court great discretion in the imposition of sentences and reverse sentencing decisions only for an abuse of that discretion." *State v. Soto*, 855 N.W.2d 303, 307-08 (Minn. 2014) (quotation omitted). We have also determined that a mistake made when determining a sentence can be corrected in a continuous proceeding. *Tauer v. State*, 451 N.W.2d 649, 651 (Minn. App. 1990), *rev. denied* (Minn. Mar. 16, 1990). In *Tauer*, we held that, because a district court's erroneous reliance upon defense counsel's incorrect statement regarding a presumptive sentence was discovered and corrected the same day, the district court was permitted to change the appellant's sentence. *Id.*

Here, it was only a matter of minutes, if not seconds, that separated the district court's initial pronouncement of Ryan's sentence and its statements adjusting the sentence to achieve the court's intention for Ryan to serve five days in jail, which, he contends, constituted a "resentencing." The district court had not ended the proceeding or filled out a sentencing order when it realized that it had failed to ascertain Ryan's jail credit when determining his sentence. It was reasonable for the district court, after learning of Ryan's jail credit, to determine that a 16-day sentence was suitable—the district court had already

stated on the record that its intent was for Ryan to serve five days in jail. This was not an abuse of the district court's discretion in determining Ryan's sentence.

Affirmed.