

*This opinion is nonprecedential except as provided by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
A25-0698**

State of Minnesota,
Respondent,

vs.

Jennifer Lynn Bardine,
Appellant.

**Filed June 1, 2026
Affirmed
Bratvold, Judge**

St. Louis County District Court
File No. 69HI-CR-22-453

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

Kimberly J. Maki, St. Louis County Attorney, Duluth, Minnesota (for respondent)

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

Considered and decided by Bratvold, Presiding Judge; Ross, Judge; and Smith,
John, Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

In this appeal from the district court's order revoking appellant's probation and following a stay and remand for postconviction proceedings, appellant raises four issues. Appellant argues that (1) her guilty pleas were invalid and therefore her convictions for indecent exposure and first-degree driving-while-impaired (DWI) test refusal must be vacated; (2) the district court violated her right to due process by imposing a conditional-release term after it imposed her sentence and stayed execution; (3) the district court abused its discretion by revoking her probation without finding that rehabilitation had failed; and (4) the district court erred by denying her request for a mental-illness-defense examination during the probation-revocation proceedings. We conclude that appellant's conviction for indecent exposure is not properly before us, appellant's guilty plea to first-degree DWI test refusal was valid, appellant had notice of the conditional-release term before she was sentenced, and the district court's decisions to revoke probation and deny a mental-illness-defense examination were well within its discretion. Thus, we affirm.

FACTS

The following summary derives from the district court's written factual findings in its postconviction order and the relevant procedural history. In July 2022, respondent State of Minnesota charged appellant Jennifer Lynn Bardine with two offenses, including

first-degree DWI test refusal under Minn. Stat. § 169A.20, subd. 2(1) (2020).¹ The district court consolidated Bardine’s test-refusal matter (file 453) with two other criminal files—a second-degree DWI charge (file 378) and an indecent-exposure charge (file 354).²

During pretrial proceedings on the consolidated cases, the district court granted a motion by Bardine’s attorney for competency and mental-illness-defense examinations under Minnesota Rules of Criminal Procedure 20.01 and 20.02.³ In November 2022, the district court found Bardine competent to proceed to trial.

At a plea hearing in January 2023, Bardine informed the district court that she had entered into an agreement with the state on the consolidated criminal files. She agreed to plead guilty to one count in each of the criminal files, and the state agreed to dismiss all other pending charges and to “abide by the pre-sentence investigation”; Bardine was “free to argue for a departure.”

¹ The state’s complaint alleged that Bardine’s first-degree DWI test-refusal offense occurred “within ten years of the first of three or more qualified prior impaired driving incidents.” Minn. Stat. § 169A.24, subd. 1(1) (2020).

² In each of the three criminal files, the state charged Bardine with additional counts that the state dismissed as part of a plea agreement with Bardine. For simplicity’s sake, we identify only the three charges to which Bardine pleaded guilty.

³ To ensure that a defendant is competent to understand and participate in criminal proceedings, the Minnesota Rules of Criminal Procedure require a medical examination when competency is in doubt. Minn. R. Crim. P. 20.01, subd. 3. The district court may also order the defendant’s mental examination if “the defendant offers evidence of mental illness or cognitive impairment at trial.” Minn. R. Crim. P. 20.02, subd. 1(c). At the time of Bardine’s motion, Minn. R. Crim. P. 20.04 allowed simultaneous examinations under rules 20.01 and 20.02. Minn. R. Crim. P. 20.04 (2022).

Bardine pleaded guilty to (1) first-degree DWI test refusal in file 453, (2) second-degree DWI in file 378, and (3) indecent exposure in file 354. Bardine also testified, waived her constitutional rights, and gave a factual basis for her guilty plea to each charge.⁴ Bardine did not submit a written plea petition. The district court found that an adequate factual basis supported all three pleas, but deferred their acceptance, ordered a presentence investigation, continued Bardine's release pending sentencing, and scheduled a sentencing hearing in March 2023.

Bardine failed to appear at the sentencing hearing. A probation officer reported that Bardine "was supposed to be at outpatient treatment" but "she did not attend treatment today." After Bardine turned herself in, the district court released Bardine and reinstated her release conditions.

At a June 2023 sentencing hearing on the three guilty pleas, Bardine appeared and the district court imposed a sentence of 42 months in prison for first-degree DWI test refusal (file 453) along with concurrent sentences for second-degree DWI (file 378) and indecent exposure (file 354). The district court stayed execution of all three sentences and imposed conditions including participation in and completion of mental-health court programming, completion of a substance-use-disorder assessment, and abstinence from alcohol and mood-altering substances.

⁴ Bardine entered a *Norgaard* plea to the test-refusal and indecent-exposure charges. In a *Norgaard* plea, a defendant pleads guilty "even though he or she claims a loss of memory, through amnesia or intoxication, regarding the circumstances of the offense." *State v. Ecker*, 524 N.W.2d 712, 716-17 (Minn. 1994); see *State ex rel. Norgaard v. Tahash*, 110 N.W.2d 867 (Minn. 1961).

Between 2023 and 2025, the district court conducted probation-revocation proceedings and found Bardine violated conditions of her probation many times, but continued her on probation each time. For example, in July 2023, Bardine admitted to three probation violations, including failure to complete a substance-use-disorder assessment.⁵ The district court stated that Bardine had been “unable to establish residency in St. Louis County” and was therefore rejected by the mental-health court. As an interim sanction, the district court imposed a 30-day jail sentence and 30 days of electronic home monitoring.

At a March 2024 hearing, Bardine admitted to five probation violations, including failure to complete a substance-use-disorder assessment and failure to start electronic home monitoring as ordered. The district court imposed jail sentences as interim sanctions. Over several hearings in January 2025, Bardine admitted that she did not successfully serve the jail sentences imposed in March 2024. Also, Bardine’s attorney moved for a mental-illness-defense examination under rule 20.02, which the district court denied. The district court continued the disposition hearing until Bardine completed other assessments to determine her eligibility for mental-health court.

Two weeks later, at the continued hearing in January 2025, Bardine’s attorney confirmed that Bardine lacked residency in St. Louis County and was thus not eligible for mental-health court. Bardine’s attorney requested a continuance to explore whether

⁵ The parties and district court refer to a “rule 25 assessment,” “chemical assessment,” “comprehensive assessment,” “comprehensive use assessment,” and “chemical use assessment.” This opinion refers to the assessment ordered as a condition of Bardine’s probation as the substance-use-disorder assessment.

alternative treatment programs were available. The district court denied the continuance, revoked Bardine's probation, and executed the sentences for all three offenses.

In March 2025, the district court held a hearing to discuss the omission of a mandatory five-year conditional-release term of Bardine's sentence for first-degree DWI test refusal. The district court stated that, while it had not imposed a mandatory conditional-release term at Bardine's sentencing hearing in June 2023, it would now amend Bardine's sentence and impose the mandatory term. Neither party objected. The warrant of commitment was amended to reflect a five-year conditional-release term.

In April 2025, Bardine appealed from the district court's probation-revocation decision on her conviction for first-degree DWI test refusal (file 453). In July 2025, this court granted Bardine's motion to stay her appeal while she pursued postconviction relief in district court. Bardine petitioned for postconviction relief related to all three files, and the district court denied her request without an evidentiary hearing. This court dissolved the stay.

DECISION

"When a defendant initially files a direct appeal and then moves for a stay to pursue postconviction relief, we review the postconviction court's decisions using the same standard that we apply on direct appeal." *State v. Beecroft*, 813 N.W.2d 814, 836 (Minn. 2012).⁶

⁶ The state did not file a respondent's brief. We nonetheless decide the appeal on the merits. Minn. R. Civ. App. P. 142.03 ("If the respondent fails or neglects to serve and file its brief, the case shall be determined on the merits.").

I. Bardine’s appeal does not include her indecent-exposure conviction.

On appeal, Bardine argues that her guilty plea to indecent exposure (file 354) was invalid and must be vacated. But Bardine’s notice of appeal identified only the district court’s decision to revoke probation for her first-degree DWI test-refusal conviction (file 453).

The notice of appeal in probation-revocation proceedings must specify the judgment or order from which the appeal is taken. Minn. R. Crim. P. 27.04, subd. 3(4)(b) (incorporating the notice-of-appeal requirements set out in Minn. R. Crim. P. 28). Because Bardine appealed only as to her first-degree DWI test-refusal conviction (file 453), her indecent-exposure conviction (file 354) is not before us.⁷

II. Bardine’s guilty plea to first-degree DWI test refusal was valid.

Bardine contends that, because she was not “informed there would be a mandatory conditional-release term added to her sentence” before she pleaded guilty to first-degree DWI test refusal, the district court erred in denying her postconviction petition to withdraw the plea.

A district court “must allow a defendant to withdraw a guilty plea” if “necessary to correct a manifest injustice.” Minn. R. Crim. P. 15.05, subd. 1.⁸ When a guilty plea is not constitutionally valid, a manifest injustice occurs. *State v. Theis*, 742 N.W.2d 643, 646

⁷ On appeal, Bardine does not challenge the validity of her plea to second-degree DWI (file 378).

⁸ During postconviction proceedings, Bardine did not move to withdraw her plea under a specific subdivision of rule 15, but because she filed her motion after sentencing, we review her motion under subdivision 1.

(Minn. 2007). To be constitutionally valid, a guilty plea must be intelligent. *Perkins v. State*, 559 N.W.2d 678, 688 (Minn. 1997). “The intelligence requirement ensures that a defendant understands the charges against [her], the rights [she] is waiving, and the consequences of [her] plea.” *State v. Raleigh*, 778 N.W.2d 90, 96 (Minn. 2010). The defendant bears the burden of showing that their plea was invalid. *Id.* at 94. Appellate courts review the denial of a motion to withdraw a guilty plea for abuse of discretion. *Campos v. State*, 816 N.W.2d 480, 485 (Minn. 2012). But the validity of a guilty plea is a question of law that appellate courts review de novo. *Raleigh*, 778 N.W.2d at 94. We review the factual findings in support of a district court’s determination that a plea is valid for clear error. *State v. Brown*, 896 N.W.2d 557, 560 (Minn. App. 2017), *rev. denied* (Minn. July 18, 2017). “Findings of fact are clearly erroneous if, on the entire evidence, we are left with the definite and firm conviction that a mistake occurred.” *State v. Andersen*, 784 N.W.2d 320, 334 (Minn. 2010).

Bardine argues that “the post facto addition of a conditional release term that was never discussed as part of the plea process” made her plea to first-degree DWI test refusal “unintelligent” and therefore invalid. A district court sentencing a first-degree DWI conviction must impose a five-year term of conditional release, which begins “after the person has been released from prison.” Minn. Stat. § 169A.276, subd. 1(d) (2020). Conditional release “is a period of supervision beyond the minimum term of imprisonment” and is functionally “identical to supervised release.” *Heilman v. Courtney*, 926 N.W.2d 387, 394 (Minn. 2019) (quotation omitted); *see* Minn. Stat. § 244.05 (2024) (governing periods of supervised release).

To determine whether Bardine's plea was intelligent, we consider the facts and procedural history in detail. At the plea hearing in January 2023, the district court questioned Bardine about the plea agreement, including the penalty for first-degree DWI test refusal. The district court referred to file 453 and stated, "[T]he maximum penalty is seven years in prison and \$14,000 fine or both. Do you understand that?" Bardine answered yes. Bardine's attorney stated that she and Bardine had discussed "what the plea agreement [was]" and "what the possible consequences are."

In January 2025, the district court revoked Bardine's probation for first-degree DWI test refusal and executed her sentence. In March 2025, the district court conducted a hearing on the mandatory conditional-release term with Bardine, her attorney, and the prosecuting attorney present. The district court read aloud a letter it had just received from the Minnesota Department of Corrections (DOC) about Bardine's sentence. The letter stated that the sentencing record and the warrant of commitment "are silent as to the 5 year conditional release period required by Minnesota Statutes § 169A.276, subd. 1." The DOC requested an amended warrant of commitment providing "that after the individual has been released from prison, the Commissioner [of corrections] shall place a five-year conditional release period on the sentence."

The district court informed the parties that it would amend the warrant of commitment to include the conditional-release term and asked the parties to "make a record" of any issues. The district court asked Bardine's attorney, "Is there anything you want to say?" Bardine's attorney replied, "No, I have no issue with that, Your Honor." The

district court amended the warrant of commitment to add, “Conditional release after confinement has been set at 5 years.”

During postconviction proceedings, Bardine moved to withdraw her guilty plea to first-degree DWI test refusal, arguing that the plea was “unintelligent,” and therefore invalid, “because she was not informed of” the mandatory conditional-release term before entry of her guilty plea.⁹ The district court denied Bardine’s motion. Relying on statements by Bardine’s attorney at the plea hearing, the district court found that Bardine “was informed of the potential consequences of her plea.” The district court also found that, because Bardine “did not agree to a specific or definitive sentence duration as part of her plea,” the imposition of the conditional-release term did not render her plea unintelligent.

We affirm the district court’s decision for two reasons. First, we conclude that the district court did not clearly err during postconviction proceedings when it found that Bardine was informed of the conditional-release term before she pleaded guilty to first-degree DWI test refusal. Bardine’s attorney confirmed before Bardine pleaded guilty that she understood the “possible consequences” of her plea.

Bardine disagrees and contends this case is “wholly indistinguishable” from a nonprecedential opinion in which this court concluded that an appellant did not have notice of a conditional-release term before entering a guilty plea. We are unpersuaded and distinguish the facts in this case from the facts in *Smith v. State*, No. A15-1740, 2016 WL

⁹ Bardine also argued that her guilty plea to first-degree DWI test refusal was “involuntary” because the state violated its promise to abide by the recommendations in the presentence-investigation report. Bardine does not raise that issue on appeal.

3223210, at *1, (Minn. App. June 13, 2016).¹⁰ There, Smith “testified that he never saw the prosecutor’s plea offer or the sentencing worksheet” and “that no one, including his attorney, ever informed him of the conditional-release term prior to the probation-revocation hearing.” *Smith*, 2016 WL 3223210, at *2. In contrast, this record *includes* evidence that Bardine knew the consequences of her guilty plea and has *no* evidence that Bardine was unaware of the conditional-release term. In postconviction proceedings, Bardine merely asserted, without offering any evidence, that she did not know about the mandatory conditional-release term.

Second, even if we assume that the district court clearly erred and that Bardine was not informed of the conditional-release term when she entered her plea, we still conclude that Bardine’s plea was valid. Bardine’s plea agreement included no definite sentencing terms. This court has held that, when a defendant pleads guilty “under a negotiated plea for a *definite-term sentence*” and is not sufficiently notified of a mandatory conditional-release term, “[d]ue process requires that [the defendant] have the opportunity to withdraw [her] plea.” *Kubrom v. State*, 863 N.W.2d 88, 95 (Minn. App. 2015) (emphasis added). But “when a defendant’s negotiated plea is induced by the dismissal of charges, the opportunity for probation, or an agreed-upon sentence *range*,” adding a conditional-release term “does not violate the plea agreement, *even if the defendant was not informed* of the possibility of conditional release before sentencing.” *Id.* at 93 (emphasis added); *see also Oldenburg v. State*, 763 N.W.2d 655, 659 (Minn. App. 2009) (“[F]or the addition of a conditional-release

¹⁰ Nonprecedential opinions are not binding but “may be cited as persuasive authority.” Minn. R. Civ. App. P. 136.01, subd. 1(c). *Smith* is not persuasive here for the reasons stated.

term to violate a plea agreement, the latter must contain an agreed-upon sentence length.”).¹¹

Bardine’s plea was made in exchange for the state’s promise to dismiss other charges and the opportunity to argue for a dispositional departure. It included no agreement on sentencing terms. We therefore conclude that Bardine’s guilty plea was intelligent and constitutionally valid. Thus, the district court did not abuse its discretion in denying Bardine’s postconviction motion to withdraw the plea.

III. The district court did not abuse its discretion by revoking Bardine’s probation.

Bardine contends that the district court abused its discretion by revoking her probation. Appellate courts review a district court’s probation-revocation decision for an abuse of discretion. *State v. Austin*, 295 N.W.2d 246, 249-50 (Minn. 1980). District courts “must make three findings,” known as the *Austin* factors, before revoking probation: “1) designate the specific condition or conditions that were violated; 2) find that the violation was intentional or inexcusable; and 3) find that need for confinement outweighs the policies favoring probation.” *Id.* at 250. The supreme court has explained that the

¹¹ Bardine separately argues that the district court violated her due-process rights because she “received no notice” of the conditional-release term. Failure to accurately inform a defendant of the consequences of a plea may violate the defendant’s due-process rights. *State v. Wukawitz*, 662 N.W.2d 517, 521-22 (Minn. 2003). Our analysis of Bardine’s due-process argument tracks our analysis of Bardine’s challenge to the validity of her plea. *See, e.g., Kubrom*, 863 N.W.2d at 91-95 (analyzing whether the post-plea imposition of a conditional-release term violated Kubrom’s due-process rights). The district court’s finding that Bardine’s attorney informed her of the possible consequences of her plea was not clearly erroneous, and the imposition of a conditional-release term did not violate the plea agreement, which contained no definite sentencing term. Therefore, Bardine’s due-process rights were not violated.

“purpose of probation is rehabilitation and revocation should be used only as a last resort when treatment has failed.” *Id.* The revocation of probation is also governed by statute. Minn. Stat. § 609.14 (2024). A 2023 amendment to section 609.14 states: “Revocation shall only be used as a last resort when rehabilitation has failed.” *Id.*, subd. 1(a); *see* 2023 Minn. Laws ch. 52, art. 17, § 32, at 1114.

Here, the district court continued the disposition of Bardine’s admitted probation violations, in part to determine the outcome of her assessments and alternative programs after mental-health court was removed as an option. At the continued dispositional hearing, Bardine’s attorney asked the district court to continue the hearing to determine whether Bardine could be treated at other facilities. The district court denied the continuance and revoked probation.

The district court found that Bardine’s “decision to violate [her] probation was intentional and inexcusable and that the need for confinement outweighs the policies favoring probation.” The district court also found that the failure to order confinement would “unduly depreciate the seriousness of the violation” because Bardine had refused to comply with the terms of her probation. The district court reasoned that probation officers had been unable to supervise Bardine and noted that “their supervision and their attempts have been extensive and frankly so have mine. I’ve given [Bardine] many many chances here too and it hasn’t worked.”

Bardine makes two arguments in support of reversing the district court’s revocation decision. First, Bardine argues that the district court “revoked probation without finding that rehabilitation had failed.” Bardine cites the 2023 amendment to section 609.14 and

argues that the district court erred because it “completely ignored” a “new statutory requirement” to make findings that “rehabilitation had ‘failed.’” Bardine contends that, “if a court is going to revoke probation, it must now make an affirmative finding that ‘rehabilitation has failed.’” But this court rejected Bardine’s interpretation of section 609.14 in *State v. Eastman*, concluding that the “2023 amendment to Minnesota Statutes section 609.14, subdivision 1(a), does not create a new or heightened standard that requires a district court, before it may revoke a defendant’s probation, to make any findings that rehabilitation has failed additional to or different from those currently required by existing caselaw.” 29 N.W.3d 741, 753 (Minn. App. 2025), *rev. granted* (Minn. Feb. 18, 2026).¹²

Second, Bardine argues that the district court abused its discretion under the third *Austin* factor by concluding that the need for confinement outweighed the policies favoring probation. The supreme court has adopted subfactors for the third *Austin* factor for courts to consider whether

- (i) confinement is necessary to protect the public from further criminal activity by the offender; or
- (ii) the offender is in need of correctional treatment which can most effectively be provided if he is confined; or
- (iii) it would unduly depreciate the seriousness of the violation if probation were not revoked.

State v. Modtland, 695 N.W.2d 602, 607 (Minn. 2005) (quotation omitted) (*Modtland* subfactors).

¹² “[A] precedential opinion of this court is binding authority for this court,” even when the opinion is pending further review by the supreme court. *State v. Chauvin*, 955 N.W.2d 684, 694-95 (Minn. App. 2021), *rev. denied* (Minn. Mar. 10, 2021).

Here, the district court found that the third *Austin* factor favored revocation because Bardine refused to comply with the terms of probation or “to receive any of the help.” The district court also relied on the third *Modtland* subfactor, that failure to revoke probation would “unduly depreciate the seriousness” of Bardine’s failure to comply with the terms of her probation.

Bardine argues that the district court’s conclusion is undermined by the three-week delay between Bardine’s admission to violations and the revocation of her probation, during which the district court “continued to inquire about the possibility of Bardine getting into Mental Health Court and ordered additional assessments to facilitate Bardine getting the help she needed in the community.” Bardine argues that, “if the court viewed the violation as so severe that [the violation] mandated revocation, then there was no reason to continue to inquire about Mental Health Court or alternatives to incarceration.”

We are not persuaded. The district court initially determined that mental-health court was an appropriate condition for staying execution of Bardine’s sentence. But Bardine’s application to mental-health court was denied in July 2023 and again in January 2025. Because mental-health court was unavailable and Bardine repeatedly violated the terms of her probation, the district court acted within its discretion when it concluded that the third *Modtland* subfactor favored revocation.

We conclude that the district court’s determination under the third *Austin* factor is supported by its findings and the record; therefore, the district court did not abuse its discretion in revoking Bardine’s probation.

IV. The district court did not abuse its discretion in denying Bardine’s motion for a rule 20.02 evaluation during probation-revocation proceedings.

Bardine contends that the district court “was authorized to order” a rule 20.02 examination and abused its discretion by denying Bardine’s motion based on an “erroneous and unnecessarily restrictive interpretation of Rule 20.02.” Bardine argues that, in denying the rule 20.02 examination, the district court “precluded her attorney from raising significant defenses” to her probation violations, leading to “significant due process concerns.”

No precedential caselaw establishes the standard of review for the denial of a motion for a rule 20.02 examination in probation-revocation proceedings. Bardine does not discuss this issue. But a persuasive nonprecedential opinion states that the applicable standard of review is abuse of discretion. *State v. Martin*, No. C2-97-588, 1997 WL 739333, at *1 (Minn. App. Dec. 2, 1997); *see State v. Lee*, 491 N.W.2d 895, 899-901 (Minn. 1992) (reviewing the district court’s denial of Lee’s proposed mental-illness defense for abuse of discretion); *State v. Vann*, No. A08-1000, 2009 WL 2431978, at *3 (Minn. App. Aug. 11, 2009) (reviewing the district court’s denial of a rule 20.01 competency examination for abuse of discretion), *rev. denied* (Minn. Oct. 28, 2009). Abuse-of-discretion review is consistent with the rule, which states that the district court “*may* order the defendant’s mental examination.” Minn. R. Crim. P. 20.02, subd. 1 (emphasis added). We therefore review the district court’s ruling for abuse of discretion.

Rule 20.02, subdivision 1(a), allows the district court to “order the defendant’s mental examination” when “the defense notifies the prosecutor of its intent to assert a

mental illness or cognitive impairment defense pursuant to Rule 9.02, subd. 1(5).” *See Nelson v. State*, 880 N.W.2d 852, 855 n.1 (Minn. 2016) (“A Rule 20.02 examination is used to determine whether a defendant may establish a mental-illness defense.”).¹³

After Bardine admitted probation violations in January 2025, the district court continued the dispositional hearing. At a subsequent dispositional hearing, Bardine’s attorney moved to “have a rule . . . 20.02 done to see if there are any mental illnesses or anything at the time of” the probation violations. After the district court denied Bardine’s continuance request, Bardine’s attorney moved for a rule 20.02 mental-illness-defense examination. Even though Bardine had already admitted to the probation violations, Bardine’s attorney argued that “the distress of [Bardine’s] mental illness” and lack of “proper treatments and medication” led to violations that were “not intentional” and were “excusable.” Bardine stated that she “struggle[s] with mental health and depression that results in impulsive decisions that led to [her] current legal status.” The district court deferred ruling, stating its concern that rule 20.02 did not authorize examinations during probation-revocation proceedings.

At a continued dispositional hearing, the district court denied Bardine’s motion for a rule 20.02 examination, stating, “[O]n its face I think that a [rule] 20.02 [examination] is limited to the affirmative defense at trial.” The district court also observed that Bardine

¹³ Bardine also does not argue that the district court could order a mental examination under rule 20.02, subdivision 1(b) or (c), which apply to misdemeanor cases and a defense “at trial,” respectively.

“purposely stayed away and wasn’t reporting” to her treatment program “because she knew where she was supposed to be.”

The district court did not abuse its discretion by denying Bardine’s motion for a rule 20.02 mental-illness-defense examination. Rule 20.02, subdivision 1(a), does not authorize the court to order a mental examination during probation-revocation proceedings. Instead, the availability of an examination under rule 20.02, subdivision 1(a), is triggered by a defendant’s notice of their “intent to assert a mental illness or cognitive impairment defense pursuant to Rule 9.02, subd. 1(5).” Minnesota Rule of Criminal Procedure 9.02, subdivision 1(5), in turn, refers to a defendant’s mandatory disclosure of defenses in felony and gross-misdemeanor cases. In other words, rule 20.02, subdivision 1(a), applies in the context of an affirmative defense raised during the guilt phase of the state’s felony or gross-misdemeanor charges against a defendant.

Bardine cites no authority that would allow a district court or this court to extend the applicability of rule 20.02, subdivision 1(a), to the probation-revocation context, and we decline to do so. *See State v. Fitzpatrick*, 690 N.W.2d 387, 392 (Minn. App. 2004) (“The extension of existing law is the task of the supreme court or the legislature, not of this court.”). Because rule 20.02, subdivision 1(a), did not authorize the district court to grant Bardine’s motion for a mental-illness-defense examination during probation-revocation proceedings, the district court acted well within its discretion in denying Bardine’s motion.

Affirmed.