This opinion is nonprecedential except as provided by Minn.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
A25-0790

State of Minnesota,
Respondent,

vs.

Joshua Gunnar Olson,
Appellant.

Filed May 11, 2026
Affirmed
Wheelock, Judge

Scott County District Court
File No. 70-CR-23-243

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

Ronald Hocevar, Scott County Attorney, Elisabeth M. Johnson, Assistant County Attorney, Shakopee, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Richard Schmitz, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Wheelock, Judge; and Segal, Judge.[*]

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

NONPRECEDENTIAL OPINION

WHEELOCK, Judge

Appellant challenges his convictions for theft and unlawful possession of a firearm, arguing that he is entitled to their reversal because (1) the evidence supporting his convictions was insufficient, (2) he received ineffective assistance of counsel when his trial counsel declined to file a writ of prohibition, (3) the district court erred in denying his motion to dismiss pursuant to the Uniform Mandatory Disposition of Detainers Act (UMDDA), Minn. Stat. § 629.292 (2024), and (4) he is entitled to additional jail credit for the time he spent in federal custody. We affirm.

FACTS

On March 28, 2022, officers were dispatched to a report of theft of a firearm at a residence in Scott County.[1] Officers arrived at the residence and interviewed A.H. A.H. told officers that she had recently met appellant Joshua Gunnar Olson while she was working at a gas station and he was a customer. A.H. and Olson had spent time together, and their relationship became romantic in nature. A.H. owned multiple firearms, including a pistol. One night, A.H. and Olson took A.H.'s firearms, including the pistol, and "drove around and shot at the ditches." A.H. reported that Olson had expressed interest in the pistol, had asked her for it—which she declined—and had seen where she kept the pistol and her other firearms in a closet in her bedroom.

[1] We draw the facts from the transcripts of the proceedings and the record before the district court and construe them in the light most favorable to the verdict.

On the night of the alleged theft, Olson called A.H., distraught because he had been kicked out of the place where he was staying and had nowhere to go. A.H. told Olson that he could come over to her house to take a shower and that she would make him some food. When Olson came over, he and A.H. spent some time in her bedroom, where he again made a comment that he wanted her pistol and A.H. again said no. They both showered, and A.H. went downstairs to make food for Olson. During this time, A.H.'s adult son, J.H., was downstairs playing video games and Olson stayed in A.H.'s bedroom. J.H. reported to officers that, at one point, he heard a loud sound "like something breaking" come from A.H.'s bedroom while Olson was in there alone and that, shortly thereafter, Olson came downstairs "bear-hugging" a pile of his clothes and a towel. Olson told A.H. that he needed to run his things out to his car and that he would be right back. Olson then left the house.

Olson did not return, and after some time, A.H. went out to check on him and noticed that his car was gone. She then went into her bedroom and saw that the pistol was missing. J.H. told A.H. that she should call the police and report the pistol stolen. After talking to the police, A.H. spoke on the phone to Olson, who threatened her after he learned that she called the police. J.H. overheard Olson say to A.H. that he could make her disappear. The next day, A.H. and J.H. gave statements to the police.

Respondent State of Minnesota charged Olson with theft in violation of Minn. Stat. § 609.52, subd. 2(a)(1) (2020) (count 1), and unlawful possession of a firearm in violation of Minn. Stat. § 624.713, subd. 1(2) (2020) (count 2).

In November 2022, A.H. correctly identified Olson in a photo lineup, and in January 2023, a warrant was issued for his arrest. Olson was never found with the pistol, and the pistol was never recovered. A.H. reported to law enforcement that, at the time of trial, she had moved residences twice since the night of the incident and still never had located the pistol.

On May 3, 2024, the Minnesota Board of Public Defense contacted the Scott County Justice Center to inform officers that Olson was incarcerated in a federal prison in Massachusetts and that Olson wanted to address the Minnesota warrant. Olson's counsel then filed a motion with the district court to dismiss the theft and unlawful-possession charges pursuant to the UMDDA,[2] stating that Olson had been in "state or federal custody" since the warrant was issued.

In August 2024, the parties appeared for a contested omnibus hearing regarding the UMDDA motion. Olson appeared via videoconference as he was in federal custody at Sherburne County Jail in Elk River. Olson stated on the record that he had been in custody on federal charges since August 1, 2022. The federal charges were based on different facts than the Minnesota charges. Olson stated that he had not yet filed for disposition of the Minnesota detainer pursuant to the UMDDA and claimed to have not been given notice of the Minnesota detainer; he also asserted that the federal charges were still pending and that he had not yet appeared for an arraignment on the federal charges. Olson stated that, while he was in custody, he participated in a federal competency-restoration program from December 7, 2023, to May 5, 2024, and was restored to competency on April 20; however, he offered no evidence of the program other than his testimony.

[2] The UMDDA is designed to provide a speedy trial for prisoners who face additional criminal charges.

In October 2024, the district court denied Olson's motion to dismiss the theft and unlawful-possession charges under the UMDDA. The district court found that Olson was not serving a "term of imprisonment" as required for the UMDDA to apply because he was detained pending federal charges and "has not plead[ed] guilty, been convicted of, or sentenced on the before mentioned pending charges."

At the next hearing, Olson appeared before a different judicial officer, Judge Colleen King, and requested a speedy trial. The file showed that Olson had not previously requested a speedy trial, and Judge King set the trial date for January 2025. Olson subsequently filed a notice to remove Judge King pursuant to Minn. R. Crim. P. 26.03, subd. 14(4), and the district court denied removal as untimely.

Olson's counsel then submitted a letter to the Chief Judge of the First Judicial District requesting review of the order denying the notice of removal, arguing that the notice was timely and asking that the chief judge review the matter "in the interests of justice." The state responded via letter that Judge King properly denied the removal because "she already presided over and decided a critical issue" at the November 26 hearing. The chief judge declined to act on the matter, concluding that she had no authority to do so absent a request to remove for cause.

In January 2025, the parties appeared before the chief judge for a hearing at which Olson requested that the district court require his counsel to file a writ of prohibition with the court of appeals in response to the denial of his removal request. Olson recited

Minnesota Rule of Professional Conduct 1.2[3] to assert that his counsel was required to follow his directives regarding actions throughout the proceedings and that his counsel was refusing to file a writ of prohibition, contrary to Olson's wishes. Olson clarified that he did not want new representation—his counsel was an "extremely proficient litigator," and Olson "trust[ed] his ability 100 percent"—but he wanted the district court to order his counsel to file the writ. The chief judge explained that, if Olson was unhappy with his counsel's representation, then he could hire an attorney or represent himself, but the court would not direct his counsel to take a particular legal action. Olson stated that he wanted to keep his counsel, and the trial date was confirmed for later that month.

In January 2025, Judge King presided over Olson's three-day jury trial. During opening statements, the state presented its theory of the case—that Olson and A.H. spent time together before the offense occurred and Olson then stole her pistol.

A.H. testified that Olson was the one who stole her pistol—that they had gone shooting together in the past and he asked her then to give the pistol to him; that he came over to her house the night of the incident and asked for her pistol again; and that, after he came down from her bedroom bear-hugging a pile of clothes, the pistol was missing. She also stated that the only people in the house that night were herself, her son J.H., and Olson. During A.H.'s cross-examination, Olson's counsel pointed out discrepancies in A.H.'s story—asserting that A.H. told one officer that the last time she had seen the pistol before

[3] The portion of the rule that Olson recited reads, "[A] lawyer shall abide by a client's decisions concerning the objectives of representation and as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued." Minn. R. Prof. Conduct 1.2(a).

it went missing was the day of the incident but told another officer it had been two days prior. J.H. also testified, stating that he was present the night of the incident and heard a loud noise while Olson was in A.H.'s bedroom alone, that Olson was "cradling his clothes" when he came downstairs, and that it seemed like Olson was in a rush to leave. J.H. also testified that he overheard the phone conversation between A.H. and Olson later that night and that, during the call, after A.H. told Olson that she called the police because her pistol was missing, J.H. heard Olson threaten A.H.

The jury found Olson guilty of theft and unlawful possession of a firearm.

After the trial concluded, the Scott County Attorney informed Judge King that Olson was attempting to obtain the home addresses of the judge, prosecutor, and public defender on his case. Judge King thereafter recused herself from further proceedings, and a different district court judge presided over the proceedings that followed. Before sentencing, Olson filed a motion requesting that the district court require his counsel to take certain actions in the proceedings but reiterating that he did not want to dismiss his counsel. The district court denied Olson's motion, determining that Olson's counsel was prohibited by the Minnesota Rules of Professional Conduct from filing motions he could not ethically present to the court and that, because of this, the court could not require counsel to file any specific motions.

At the sentencing hearing, the district court determined that, based on *State v. Roy*, 928 N.W.2d 341 (Minn. 2019), Olson was not eligible for credit for his time served in federal custody because he was being held on separate charges in another jurisdiction.[4] Olson requested a downward durational sentencing departure, which the district court denied. The district court then sentenced Olson to 30 months' imprisonment on count 1 and 60 months' imprisonment on count 2, to run concurrently, and ordered him to pay $580 in restitution.

Olson appeals.

DECISION

Olson challenges his convictions, arguing that the state did not present sufficient evidence at trial to support them and that he received ineffective assistance of counsel. He also argues that the district court erred when it denied his motion to dismiss his case pursuant to the UMDDA and when it denied him jail credit for the time he spent in federal custody. We consider each argument in turn.

I. The state presented sufficient evidence at trial to sustain the jury's verdicts.

Olson argues that the state's evidence was insufficient to establish that he possessed A.H.'s pistol on the night of the alleged theft. Olson asserts that the evidence did not "eliminate rational hypotheses inconsistent with Olson's guilt, such as another person taking the gun and ammunition," and that, therefore, his convictions should be reversed.

To support a conviction for theft, the state must prove that the defendant "intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without the other's consent and with intent to

[4] The district court determined that Olson had 154 days of jail credit because he was held for 154 days specific to these charges.

deprive the owner permanently of possession of the property." Minn. Stat. § 609.52, subd. 2(a)(1). To support a conviction for unlawful possession of a firearm, the state must prove that the defendant (1) was ineligible to possess a firearm on the date of the alleged offense and (2) knowingly possessed a firearm. Minn. Stat. § 624.713, subd. 1(2); *see also State v. Harris*, 895 N.W.2d 592, 601 (Minn. 2017).

When evaluating the sufficiency of the evidence supporting a conviction, we review the evidence in the light most favorable to the verdict and "determine 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." *State v. Smith*, 9 N.W.3d 543, 564-65 (Minn. 2024) (quotation omitted).

Olson specifically challenges only whether the state presented sufficient evidence that he was in possession of the pistol, which is an element of each of his convictions. The state can prove this element by establishing actual or constructive possession. *Harris*, 895 N.W.2d at 601. Actual possession is proved by showing that an individual physically possessed an item. *State v. Florine*, 226 N.W.2d 609, 610 (Minn. 1975). Constructive possession may be proved in one of two ways: by showing either (1) that "the police found the [contraband] in a place under the defendant's exclusive control to which other people normally did not have access" or (2) "that there is a strong probability (inferable from other evidence) that at the time the defendant was consciously or knowingly exercising dominion and control over [the contraband]." *Harris*, 895 N.W.2d at 601; *see also State v. Salyers*, 858 N.W.2d 156, 159-60 (Minn. 2015) (referring to these as *Florine*'s first and second prongs, respectively).

Here, because the state based its case on Olson's actual possession of the pistol, we focus our review on whether the state provided sufficient evidence to prove that Olson had actual, rather than constructive, possession. The state can prove this element with either direct or circumstantial evidence. *See State v. Barker*, 888 N.W.2d 348, 354 (Minn. App. 2016). Direct evidence is "based on personal knowledge or observation and, . . . if true, proves a fact without inference or presumption." *Harris*, 895 N.W.2d at 599 (quotation omitted). Circumstantial evidence is "evidence from which the factfinder can infer whether the facts in dispute existed or did not exist." *Id.* (quotation omitted).

Here, the state used circumstantial evidence to prove actual possession. When the state relies on circumstantial evidence to prove an element of an offense, we apply a heightened two-step standard. *State v. Ulrich*, 3 N.W.3d 1, 11 (Minn. 2024). At the first step, we "'winnow down the evidence presented at trial by resolving all questions of fact in favor of the jury's verdict,' which results in 'a subset of facts that constitute the circumstances proved.'" *State v. Firkus*, 31 N.W.3d 468, 478 (Minn. 2026) (quoting *Harris*, 895 N.W.2d at 600). Identifying the circumstances proved in this manner "protects the well-established legal principle that the jury is in a unique position to determine the credibility of the witnesses and weigh the evidence before it." *Id.* at 479 (quotation omitted).

At the second step, we consider "whether the reasonable inferences that can be drawn from the circumstances proved, when viewed as a whole and not as discrete, isolated facts, are consistent with the hypothesis that the accused is guilty and inconsistent with any rational hypothesis other than guilt." *Id.* at 483 (citing *Smith*, 9 N.W.3d at 565). We independently review the reasonableness of inferences at this second step without deference to the fact-finder. *Id.* (citing *State v. Isaac*, 9 N.W.3d 812, 818 (Minn. 2024)). And we will not reverse a conviction "based on mere conjecture." *Id.* (quoting *State v. Tscheu*, 758 N.W.2d 849, 861 (Minn. 2008)). However, "[i]f the circumstances proved[,] when viewed as a whole, support a reasonable inference that is inconsistent with guilt, the evidence is not sufficient to support the conviction and we must reverse." *Id.* (quoting *Isaac*, 9 N.W.3d at 818).

Applying the first step of the circumstantial-evidence test, the circumstances proved are as follows:

- Olson and A.H. spent time together on March 28, 2022, just before A.H.'s pistol went missing.
- Olson and A.H. went shooting prior to March 28; Olson was interested in A.H.'s pistol and asked her to give it to him. She said no.
- A.H. kept her pistol in the closet in her bedroom and had seen the pistol during the week before it went missing.
- On March 28, Olson called A.H. in distress and asked to come to A.H.'s house, to which she agreed.
- Olson visited and spent time at A.H.'s house that night.
- A.H., Olson, and J.H., who is A.H.'s adult son, were the only people in the home that evening.
- J.H. was downstairs playing video games when Olson and A.H. were upstairs in her bedroom together.
- Olson again asked A.H. to give him the pistol, and A.H. again said no.
- A.H. and Olson spent time together in her bedroom and bathroom upstairs. A.H. then went downstairs to make food for Olson and left him alone in her bedroom, where the pistol was located.
- J.H. heard a loud sound "like something breaking" come from A.H.'s bedroom while Olson was in the room alone.
- Olson came downstairs after some time, bear-hugging a bundle of clothes and saying he would be right back.

- Olson left the house and did not return.
- A.H. went outside to see where Olson was and saw that his car was not in the parking area.
- When A.H. went back to her bedroom, she checked her closet where she kept her firearms and saw that the pistol was missing.
- Olson and A.H. spoke on the phone later that night; Olson was angry when he discovered she had called the police and threatened A.H. by saying he could "make [her] disappear."
- A.H. has moved twice since the incident and has never found the pistol.

Having identified the circumstances proved, we now turn to the second step of the circumstantial-evidence test and consider "whether the reasonable inferences that can be drawn from the circumstances proved, when viewed as a whole and not as discrete, isolated facts, are consistent with the hypothesis that [Olson] is guilty and inconsistent with any rational hypothesis other than guilt." *Firkus*, 31 N.W.3d at 483.

When viewing the circumstances proved above, as a whole and not as discrete, isolated facts, *see id.* at 486, we conclude that they support only one reasonable inference: Olson stole the pistol. The alternative theory on which Olson relies is that a third party could have stolen the pistol at some point; however, a rational hypothesis alternative to guilt cannot be based on conjecture—there must be some evidence in the record to support it. *Tscheu*, 758 N.W.2d at 858. No such evidence exists here.

Though Olson also argues that there were inconsistencies in A.H.'s testimony, the jury determined the testimony was credible enough to find Olson guilty of both theft and unlawful possession of a firearm. *See State v. Bliss*, 457 N.W.2d 385, 390 (Minn. 1990) ("It is well-established that a conviction can rest upon the testimony of a single credible witness.”). “[J]urors may accept some parts of a witness’s testimony while rejecting others.” *Firkus*, 31 N.W.3d at 480.

Therefore, we conclude that the evidence was sufficient to permit the jury to find that Olson actually possessed the pistol beyond a reasonable doubt and was therefore guilty of both theft and unlawful possession of a firearm.

II. Olson did not receive ineffective assistance of counsel.

Olson argues that he received ineffective assistance of counsel because his counsel should have filed a writ of prohibition to challenge Judge King’s denial of his request to remove her. Olson asserts that, because the district court improperly denied his request to remove Judge King, a writ of prohibition was proper and would have been granted by this court. Olson asserts that he was prejudiced by his counsel’s decision not to file the writ and that a reversal of his convictions and remand for a new trial with a different judge is warranted.

“The Sixth Amendment to the United States Constitution and Article I, section 6, of the Minnesota Constitution guarantee a criminal defendant ‘the right to the effective assistance of counsel.’” *Taylor v. State*, 887 N.W.2d 821, 823 (Minn. 2016) (quoting *Strickland v. Washington*, 466 U.S. 668, 686 (1984)). “Generally, an ineffective-assistance claim should be raised in a postconviction petition for relief, rather than on direct appeal,” because an evidentiary hearing, if granted, provides the district court with additional facts to explain the parties’ decisions. *State v. Gustafson*, 610 N.W.2d 314, 321 (Minn. 2000). But “[w]hen a claim of ineffective assistance of trial counsel can be determined on the basis of the trial record, the claim must be brought on direct appeal." *Andersen v. State*, 830 N.W.2d 1, 10 (Minn. 2013).

To review a claim that counsel was ineffective, Minnesota has adopted the Supreme Court's two-prong test set forth in *Strickland*, 466 U.S. at 687-88, 694. *See State v. Vang*, 847 N.W.2d 248, 266 (Minn. 2014) (applying *Strickland*); *State v. Ellis-Strong*, 899 N.W.2d 531, 535 (Minn. App. 2017) (applying the two-prong test when an ineffective-assistance-of-counsel claim was brought on direct appeal). To prevail on this type of claim, an appellant must show that (1) counsel's performance "fell below an objective standard of reasonableness" and, (2) but for counsel's unreasonable performance, there is a reasonable probability that the result of the proceeding would have been different. *Vang*, 847 N.W.2d at 266.

If an appellant cannot meet one of the *Strickland* prongs, the claim fails and we need not address the other prong. *Id.* To determine an "objective standard of reasonableness," we "judge the reasonableness of counsel's challenged conduct on the facts . . . viewed as of the time of counsel's conduct." *Id.* at 266-67 (quotations omitted). We will generally not review such a claim if it is based on counsel's trial strategy, *id.* at 267, as matters of trial strategy "lie within the discretion of trial counsel," *Leake v. State*, 737 N.W.2d 531, 536 (Minn. 2007). The burden of proof on this prong rests with the appellant, who must overcome the "strong presumption that counsel's performance fell within a wide range of reasonable assistance." *Gail v. State*, 732 N.W.2d 243, 248 (Minn. 2007); *see also Strickland*, 466 U.S. at 689 (noting that judicial review should be "highly deferential" to counsel's performance).

To evaluate whether Olson's counsel's performance fell below an objective standard of reasonableness, we must first consider Olson's contention that removal was appropriate. The Minnesota Rules of Criminal Procedure "provide[] for removal as a matter of right of a judge assigned to a criminal trial or hearing." *State v. Cheng*, 623 N.W.2d 252, 256 (Minn. 2001). A notice to remove a judge must be served and filed within seven days after the party receives notice of the "name of the presiding judge at the trial or hearing." Minn. R. Crim. P. 26.03, subd. 14(4)(a). The notice "must be filed before the start of the trial or hearing" and "is not effective against a judge who already presided at the trial, Omnibus Hearing, or evidentiary hearing if the removing party had notice the judge would preside at the hearing." *Id.*, subd. 14(4)(b)-(c). The purpose of the rule is to give the parties "one automatic right to remove a judge before that judge presides over a proceeding involving a substantive issue in the matter." *State v. Dahlin*, 753 N.W.2d 300, 308 (Minn. 2008). Reviewing courts narrowly construe the rule permitting peremptory removal of a judge. *Id.* at 306.

The state argues that Judge King properly denied the notice of removal because she had already presided over a substantive issue in the case during the November 26 hearing. Olson disagrees and asserts that the hearing over which Judge King presided was not a trial, omnibus hearing, or evidentiary hearing, and therefore, the exception under Minn. R. Crim. P. 26.03, subd. 14(4)(c), does not apply. We agree with the state.

At the November 26 hearing, Judge King heard arguments regarding Olson's speedy-trial request, reviewed the record to determine if such a request had already been made, and determined that "[t]here [was] probable cause on this matter to proceed." A speedy-trial request may be made at an omnibus hearing. *See* Minn. R. Crim. P. 11.09(b); *State v. Strobel*, 921 N.W.2d 563, 570 (Minn. App. 2018) (noting that appellant demanded a speedy trial at his omnibus hearing), *aff'd*, 932 N.W.2d 303 (Minn. 2019). Pursuant to Minn. R. Crim. P. 11.02, "the court must conduct an Omnibus Hearing and hear all motions relating to" many issues, including "[a]ny other issues relating to a fair and expeditious trial." Minn. R. Crim. P. 11.02(j). And Minn. R. Crim. P. 11.09(a) provides that scheduling a trial date is another issue that may be addressed at an omnibus hearing. Here, because the proceeding Judge King presided over included consideration of and a ruling on Olson's speedy-trial demand and scheduling of a trial date, we conclude that the hearing qualified as an omnibus hearing pursuant to Minnesota Rule of Criminal Procedure 11. The denial of Olson's removal requests was therefore appropriate because the judge had already presided over a substantive issue in the case. *See* Minn. R. Crim. P. 26.03, subd. 14(4)(c); *Dahlin*, 753 N.W.2d at 308.

Because Judge King could not be removed as a matter of right under Minn. R. Crim P. 26.03, there was no basis for a writ of prohibition and we discern no unreasonable performance in the refusal of Olson's counsel to file a writ of prohibition with the appellate court. In sum, Olson is unable to meet the first prong of the *Strickland* test, and his ineffective-assistance-of-counsel claim fails.

III. The district court did not err in denying Olson's motion to dismiss pursuant to the UMDDA.

Olson argues that the district court erred by denying his motion to dismiss pursuant to the UMDDA because the district court should have construed the act "to apply to a person indefinitely confined in a competency restoration program." Olson also asserts that the federal government had an obligation under the UMDDA "to inform Olson of the Scott County detainer so Olson could invoke the speedy resolution provision in order to address the warrant while he was confined." Olson states that the remedy for this violation is that his convictions be reversed and the charges dismissed.

This claim requires us to interpret the UMDDA statute, Minn. Stat. § 629.292. We review such questions de novo. *See State v. Wilson (In re State)*, 632 N.W.2d 225, 229 (Minn. 2001) (applying de novo review when interpreting the UMDDA). In reviewing statutes, we attempt "to ascertain and effectuate the intention of the legislature." Minn. Stat. § 645.16 (2024). "If the legislature's intent is clearly discernable from plain and unambiguous language, statutory construction is neither necessary nor permitted and we apply the statute's plain meaning." *State v. Stay*, 935 N.W.2d 428, 430 (Minn. 2019) (quotation omitted).

The UMDDA provides, "Any person who is imprisoned in a penal or correctional institution or other facility in the Department of Corrections of this state may request final disposition of any untried indictment or complaint pending against the person in this state." Minn. Stat. § 629.292, subd. 1(a). The UMDDA requires the commissioner of corrections or their designee with custody of the prisoner to inform the prisoner of pending Minnesota charges against the prisoner of which they are aware or have notice. *Id.*, subd. 1(b). Failure of the official to do so within a year of a detainer being filed with the prisoner's facility entitles the prisoner to dismissal of the charges with prejudice. *Id.*, subd. 1(c).

Olson was in federal custody when the charges in this case were filed. He was not in the custody of the Minnesota Department of Corrections while he was in the competency-restoration program. The district court did not err when it denied Olson's motion to dismiss pursuant to the UMDDA.

IV. The district court did not err in denying Olson jail credit for his time spent in federal custody on a federal charge.

Olson argues that he is entitled to additional days of jail credit for the time that he was in federal custody for several reasons, asserting that Minn. Stat. § 611.51 (2024) mandates that the district court give him credit for his time served in confinement during his competency restoration, that equitable notions of fundamental fairness support granting him jail credit for time served, and that denying him jail credit would violate his constitutional right to equal protection.[5] The district court denied Olson's request for jail credit for the days he served in federal custody because, applying *Roy*, 928 N.W.2d at 345, it determined that it could not award credit for the time served on a completely separate case in a different jurisdiction.

A defendant is entitled to credit against their sentence for time spent in custody "in connection with the offense or behavioral incident being sentenced." Minn. R. Crim.

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[5] Olson's arguments that denial of his jail credit is a violation of fundamental fairness and his constitutional right to equal protection of law is raised for the first time on appeal and is therefore forfeited. *State v. Myhre*, 875 N.W.2d 799, 806 (Minn. 2016) (holding that, when an issue has not been raised before the district court, we consider the issue forfeited). Olson argues that, because his jail-credit issue is preserved on appeal, then his fundamental-fairness argument is preserved; however, Olson fails to identify where in the record he raised equal-protection or fundamental-fairness arguments to the district court regarding his jail credit.

P. 27.03, subd. 4(B). Whether a defendant is entitled to custody credit is not within the district court's discretion. *Roy*, 928 N.W.2d at 344. "A district court's decision whether to award custody credit is a mixed question of fact and law; the court must determine the circumstances of the custody the defendant seeks credit for, and then apply the rules to those circumstances." *State v. Johnson*, 744 N.W.2d 376, 379 (Minn. 2008). The defendant bears the burden of establishing that they are entitled to custody credit. *Id.* In reviewing a district court's decision whether to award custody credit, we review the court's factual findings for clear error and review questions of law de novo. *Roy*, 928 N.W.2d at 344.

When determining whether to award custody credit, Minnesota courts distinguish between custody within Minnesota (intrajurisdictional) and custody outside of Minnesota (interjurisdictional). *Id.* at 345. Pursuant to the interjurisdictional custody rule, to receive credit against a Minnesota sentence for time spent in custody in another jurisdiction, "the defendant's Minnesota offense must be the sole reason for the custody." *Id.* (quotation omitted). "[A] defendant can only receive credit for time spent in the custody of another jurisdiction if the time was served solely in connection with the Minnesota offense." *Id.*

Here, Olson was not arrested on the Minnesota charges. Olson testified that he was taken into federal custody beginning August 1, 2022, on federal charges. Notwithstanding Olson's assertion, it is clear that the Minnesota offense was not the sole reason for Olson's time in custody, and therefore, the district court properly determined that he was not entitled to jail credit for the time he spent in federal custody for his federal charges.

Olson asserts that Minn. Stat. § 611.51 allows him credit for the time he was in the federal competency-restoration program; however, Olson's competency-restoration program was associated with his federal charges. Olson's competency was never raised in the district court relative to Olson's Minnesota charges or subsequent trial. Because Olson was in federal custody based solely on his federal charges, the district court did not err in denying Olson jail credit for his time spent in federal custody.

Affirmed.