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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0912**

State of Minnesota,
Respondent,

vs.

Rory Lee Sisco,
Appellant.

**Filed May 11, 2026
Affirmed
Bentley, Judge**

Beltrami County District Court
File No. 04-CR-24-1044

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

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Considered and decided by Ede, Presiding Judge; Frisch, Chief Judge; and Bentley,
Judge.

NONPRECEDENTIAL OPINION

BENTLEY, Judge

Appellant appeals from convictions for third-degree drug possession and first-degree driving while impaired (DWI) for refusal to submit to a chemical test. He challenges four aspects of the proceedings leading to his convictions: (1) the initial traffic stop for

driving with a canceled license, (2) a subsequent warrantless search of his vehicle, (3) the validity of a search warrant issued for a blood or urine sample following his arrest, and (4) the sufficiency of the evidence supporting his conviction for chemical test refusal. We affirm.

FACTS

Unless otherwise indicated, the following summarizes the testimony and exhibits admitted at the contested omnibus hearing and jury trial. On May 5, 2024, Officer N.¹ conducted a traffic stop of a vehicle because the owner's license status was listed as canceled as inimical to public safety. The driver, appellant Rory Lee Sisco, was already outside his vehicle at the time of the stop. When Officer N. told Sisco that the vehicle's owner had a canceled license, Sisco responded that his license was valid and that he had been stopped three other times for an allegedly canceled license. Officer N. returned to his patrol car to check the status of Sisco's license. Officer N. testified at the omnibus hearing that, at this point, he had observed Sisco exhibiting several indicia of controlled substance impairment, including "very dry lips, light sweaty skin complexion and some exaggerated movements with his hands."

Officer N. reviewed Sisco's driving record and confirmed that the system showed his license status as canceled. He placed Sisco under arrest. Officer N. walked Sisco to the

¹ We refer to the officers by their initials instead of their full names in accordance with our rules of public access. *See* Minn. R. Pub. Access to Recs. of Jud. Branch 8, subd. 2(b) (recommending that appellate opinions limit disclosure of witness identities "to what is necessary and relevant").

patrol car, at which point Sisco removed his sunglasses. Officer N. testified that he observed that “[Sisco’s] eyes appeared glassy.”

Officer R. arrived on scene while Sisco was getting into the patrol car. As Officer N. and Officer R. began discussing the arrest, an officer who was not on the scene said over the radio that this “could be a 5-6,” which is a code meaning “impaired, intoxicated.” Officer N. said that Sisco may be impaired based on “looking at the pupils and the glassy eyes” but noted that he did not see “muscle tremors or anything.” Officer R. asked, “Do you want me to run through the car quick, just the driver side?” Officer N. agreed.

During the search of Sisco’s vehicle, Officer R. could be heard on his body-worn camera footage explaining to someone off-camera, “They’re arresting him on . . . he’s driving after cancellation.” In his omnibus testimony, Officer R. characterized the vehicle search as a “search incident to arrest” as part of “an investigation into a DWI.” Inside the vehicle, Officer R. found glass pipes and two bags containing substances that field-tested positive for methamphetamine.

While Officer R. carried out the vehicle search, Officer N. performed field sobriety testing on Sisco. Sisco did not display indicia of impairment during the horizontal gaze nystagmus (HGN) test, but he declined to complete the remaining tests because of knee discomfort.

After Sisco was brought to the county jail, Officer N. filed a warrant application for a blood or urine sample. In the affidavit supporting the application, Officer N. described Sisco’s arrest, the indicia of impairment that he observed, the field sobriety tests, and that 14 grams of suspected methamphetamine and a “glass smoking device” were found in

Sisco's vehicle. The reviewing judge concluded that the affidavit established probable cause and signed the warrant.

Officer N. then attempted to carry out the blood or urine test. Officer N. visited Sisco's cell and asked Sisco several times if he would "be able to provide a test" for "blood or urine." Sisco refused to provide a sample, and Officer N. explained that refusal to take a test was a crime. Sisco still refused.

Respondent State of Minnesota charged Sisco with three counts: first-degree DWI for refusal to submit to a chemical test, in violation of Minn. Stat. § 169A.20, subd. 2(2) (2022) (count one); third-degree drug possession of 10 grams or more of a narcotic drug other than heroin or fentanyl, in violation of Minn. Stat. § 152.023, subd. 2(a)(1) (Supp. 2023) (count two); and driving after cancellation, inimical to public safety, in violation of Minn. Stat. § 171.24, subd. 5 (2022) (count three).

Sisco moved to suppress the evidence of his refusal and the items found during the warrantless vehicle search, as well as to dismiss counts one and two. In August 2024, a contested omnibus hearing was held, which included testimony by Officer N. and Officer R. as well as their body-worn camera footage.²

The district court denied the motion to suppress the evidence discovered during the warrantless search of the vehicle. In its factual findings, the district court credited Officer N.'s and Officer R.'s testimony, including that Officer N. observed indicia of

² After the hearing, proceedings were bifurcated because the judge presiding over the case had also signed the warrant for a blood or urine sample. The presiding judge considered the lawfulness of the warrantless search, and a different judge considered the validity of the search warrant.

impairment prior to Sisco's arrest and the vehicle search. The district court stated: "[Sisco] was arrested for driving a vehicle while under the influence of controlled substances and for driving after cancellation inimical to public safety. Contemporaneously to [Sisco's] arrest, his vehicle was searched in a search incident to arrest. The search of the vehicle was lawful." And, after determining that the warrant for a blood or urine sample was supported by probable cause, the district court denied Sisco's motion to suppress the evidence of his refusal.

A jury trial was held in March 2025. The state offered Sisco's certified driving record as an exhibit to prove count three—the driving after cancellation charge—but the record included many redactions. After the state rested, Sisco moved for a judgment of acquittal on counts two and three, arguing that the state failed to present sufficient evidence to prove that Sisco possessed the controlled substances found in the vehicle and that Sisco's license was canceled at the time of the stop. The district court denied the motion with respect to count two—the third-degree possession charge—but granted acquittal with respect to the driving after cancellation charge. The court stated: "I am quite certain that he was canceled inimical to public safety at the time, but this document is the only evidence that we have, and it does not show that."

The jury found Sisco guilty of counts one and two. The district court convicted Sisco on both counts and sentenced him to 54 months' imprisonment for count one and 51 months' imprisonment for count two.

Sisco appeals.

DECISION

Sisco challenges four aspects of the pretrial and trial proceedings. We first address Sisco's arguments that the initial stop by police for a canceled license was unlawful and that he received ineffective assistance of counsel at the omnibus hearing. Second, we turn to the question of whether the warrantless search of his vehicle was a lawful search incident to arrest. Third, we consider whether the warrant for a blood or urine sample was supported by probable cause. And fourth, we address Sisco's argument that the evidence was insufficient to prove the test-refusal conviction beyond a reasonable doubt.

I

Sisco first argues that he was seized in violation of the Fourth Amendment to the U.S. Constitution and article I, section 10 of the Minnesota Constitution because the reason for the stop—suspicion of driving after cancellation—was later invalidated at trial. Sisco concedes that he did not raise this issue in the district court, but he argues that we should still address it in the interests of justice. *See* Minn. R. Crim. P. 28.02, subd. 11 (“On appeal from a judgment, the court may review any order or ruling of the district court or any other matter, as the interests of justice may require.”). In the alternative, Sisco argues that it was objectively unreasonable for his trial counsel to not challenge the stop, which was a violation of his right to effective assistance of counsel.

Issue Preservation and the Interests of Justice

Sisco challenges the lawfulness of his initial stop by Officer N. He argues that this case is analogous to *State v. Malecha*, in which the Minnesota Supreme Court applied the exclusionary rule to evidence obtained following an invalid traffic stop, arrest, and search

incident to arrest based on a quashed warrant, which appeared active because of a court administrator's clerical error. 3 N.W.3d 566, 569, 578 (Minn. 2024).

Appellate courts generally decline to decide issues “which are not first addressed by the trial court and are raised for the first time on appeal.” *State v. Sorenson*, 441 N.W.2d 455, 457 (Minn. 1989). “In rare cases, [appellate courts] may address an issue not raised at the district court if the interests of justice require consideration of the issue and when doing so would not work an unfair surprise on a party.” *State v. Borg*, 806 N.W.2d 535, 547 (Minn. 2011). This includes circumstances in which there is a “fundamental unfairness to the defendant that needs to be addressed.” *Id.* (quotation omitted).

We are not persuaded that the interests of justice require us to consider this argument for the first time on appeal. It is not clear from the record that the stop was unlawful such that it creates a “fundamental unfairness to [Sisco] that needs to be addressed.” *Id.* To establish that the stop was unlawful, Sisco relies on the fact that the district court granted an acquittal on the driving-after-cancellation charge. But in granting the motion for judgment of acquittal, the district court did not determine that Sisco's driver's license was valid at the time of the stop. Rather, the court concluded only that the state did not present evidence at trial sufficient to prove beyond a reasonable doubt that the license was canceled at that time. The only evidence of the driving record at trial was a heavily redacted document that lacked clarity as to the license status on the date at issue. Based on our review, such evidence does not establish that the license was valid at the time of the stop and is, at best, inconclusive.

These facts contrast with *Malecha*. In *Malecha*, the unlawfulness of the stop and arrest was determined at the time of the omnibus hearing based on clear facts in the record before the district court establishing that the warrant underlying Malecha's arrest should have been quashed. 3 N.W.3d at 571. As a result, the question presented to the supreme court was "whether the good-faith exception to the exclusionary rule under the Minnesota Constitution . . . should apply to evidence obtained during a search and arrest incident to a quashed warrant that appears active to law enforcement because of a clerical court error." *Id.* at 568. Here, we cannot reach the question about whether the exclusionary rule should apply to these facts because we do not have a basis in the record to conclude that the stop was unlawful.

The state argues that the interests of justice do not require this court to hear this issue for the first time on appeal because the state was not afforded the opportunity to develop a record about the legality of the stop before the district court. We agree. At the omnibus hearing, the district court did not make findings with respect to the status of Sisco's license at the time of the stop, and the record before us is inconclusive. To consider this issue for the first time on appeal, given this limited record, would represent "unfair surprise" to the state. *Borg*, 806 N.W.2d at 547.

Because Sisco has not established a "fundamental unfairness . . . that needs to be addressed," *Borg*, 806 N.W.2d at 547, we decline to reach Sisco's unpreserved challenge to the lawfulness of the stop.

Ineffective Assistance of Counsel

Sisco relatedly argues that he received ineffective assistance of counsel because it was objectively unreasonable for his trial counsel not to challenge the stop. When analyzing ineffective-assistance-of-counsel claims, Minnesota courts apply the two-prong test from *Strickland v. Washington*, 466 U.S. 668 (1984). *State v. Babineau*, 23 N.W.3d 396, 411 (Minn. App. 2025). We consider first whether “trial counsel’s performance fell below an objective standard of reasonableness,” and second whether, “but for counsel’s unreasonable performance, there is a reasonable probability that the result of the proceeding would have been different.” *Id.* (quotation omitted). We are “highly deferential” when reviewing counsel’s conduct. *State v. Rhodes*, 657 N.W.2d 823, 844 (Minn. 2003) (quotation omitted).

On the record before us, we are not persuaded that Sisco’s trial counsel performed below an objective standard of reasonableness or that there is a reasonable probability that the result of the proceeding would have been different if trial counsel had challenged the stop. Sisco’s ineffective-assistance-of-counsel claim hinges on the same argument discussed above—that his license was *not* canceled as inimical to public safety at the time of the stop. But because the record is inconclusive on this point, we cannot determine whether trial counsel’s decision not to raise the issue was strategic or the result of an oversight. Without more, counsel’s conduct cannot be said to have been objectively unreasonable. *See Babineau*, 23 N.W.3d at 411 (“Trial counsel’s failure to raise a suppression claim does not constitute *per se* ineffective assistance of counsel.” (quotation omitted)). Under *Strickland*’s prejudice prong, even if Sisco’s counsel performed

ineffectively in failing to develop the record as to the lawfulness of the stop, the lack of clarity in the driving record still prevents us from concluding that a challenge to the stop would have a reasonable probability of changing the outcome of the proceedings. *Id.* Sisco has therefore not established that he received ineffective assistance of counsel.

II

Sisco next argues that the district court erred in denying his motion to suppress evidence obtained from the warrantless search of his vehicle because the search was not a valid search incident to arrest. Specifically, he challenges the district court's finding that he was arrested for both driving after cancellation *and* suspected DWI. He claims the record does not support the officers' suspicion he was impaired at the time of his arrest, and therefore there was no probable cause for a DWI arrest. He asserts that he was arrested only for driving after cancellation, and that therefore, a search of his vehicle was unlawful under *Arizona v. Gant*, 556 U.S. 332, 344 (2009).

Both the federal and the state constitutions prohibit unreasonable searches and seizures.³ U.S. Const. amend. IV; Minn. Const. art. I, § 10. A warrantless arrest is unreasonable unless it is supported by probable cause. *State v. Williams*, 794 N.W.2d 867, 871 (Minn. 2011). "Probable cause is an objective inquiry that depends on the totality of the circumstances in each case." *State v. Lester*, 874 N.W.2d 768, 771 (Minn. 2016). The totality-of-the-circumstances analysis includes "reasonable inferences that police officers

³ Because there is no dispute in this appeal as to whether there is any difference between the United States and Minnesota Constitutions with respect to the issues presented, we assume without deciding for purposes of our analysis that the legal rules are the same under both constitutions.

draw from facts, based on their training and experience,” to which appellate courts must give “due weight.” *Id.* (quotation omitted). In the context of a DWI arrest, “[a]n officer needs only one objective indication of intoxication to constitute probable cause to believe a person is under the influence.” *State v. Kier*, 678 N.W.2d 672, 678 (Minn. App. 2004) (quotation omitted), *rev. denied* (Minn. June 15, 2004).

Warrantless searches are unreasonable unless the search falls within one of the recognized exceptions to the warrant requirement. *State v. Bernard*, 859 N.W.2d 762, 766 (Minn. 2015). One exception is a search conducted incident to a lawful arrest. *Id.* “Under this exception, the police are authorized to conduct a full search of the person who has been lawfully arrested.” *Id.* at 767 (quotation omitted). Officers also may search a vehicle under this exception if it could reasonably contain evidence related to the offense of arrest. *Gant*, 556 U.S. at 351.

When reviewing a pretrial order on a motion to suppress, appellate courts review the district court’s factual findings for clear error and its legal determinations de novo. *State v. Gauster*, 752 N.W.2d 496, 502 (Minn. 2008). “[T]he clear-error standard does not contemplate a reweighing of the evidence, inherent or otherwise; it is a review of the record to confirm that evidence exists to support the decision.” *In re Commitment of Kenney*, 963 N.W.2d 214, 222 (Minn. 2021). We afford “due regard to the factfinder’s opportunity to judge the credibility of the witnesses.” *Id.* at 223 (quoting *In re Knops*, 536 N.W.2d 616, 620 (Minn. 1995)). Whether a warrantless arrest or search is supported by probable cause is a legal determination that we review de novo. *State v. Glover*, 4 N.W.3d 124, 132 (Minn. 2024); *State v. Burbach*, 706 N.W.2d 484, 487 (Minn. 2005).

Sisco argues, first, that the district court’s finding that Sisco was arrested for DWI was clearly erroneous because the officers’ testimony to that effect was contradicted by the body-worn camera footage. We are not persuaded. The district court stated in its order denying the pretrial motion to suppress that “[Sisco] was arrested for driving a vehicle while under the influence of controlled substances and for driving after cancellation inimical to public safety.” This finding is supported by Officer N.’s description of the stop and arrest at the omnibus hearing. He testified that he “observed a few indicators” and “suspected impairment” during his initial conversation with Sisco after pulling him over, including “[l]ight sweaty skin, dry lips or cotton mouth, and exaggerated movements with his hands, or body movements.”

Contrary to Sisco’s position, the body-worn camera footage does not demonstrate that the district court’s finding was clearly erroneous. In the footage, Officer R. offered to search Sisco’s vehicle after Officer N. stated that he believed Sisco was potentially impaired based on his “pupils and the glassy eyes.” This statement is consistent with the omnibus testimony and, under our clear-error standard of review, provides additional support for the district court’s findings. *See Kenney*, 963 N.W.2d at 222 (the clear-error standard “is a review of the record to confirm that evidence exists to support the decision”). To be sure, the body-worn camera footage also contains conflicting evidence such as Officer R.’s statement while searching the car, “They’re arresting him on . . . he’s driving after cancellation.” But we may not reweigh that evidence in our review of the district court’s findings. *Id.* at 222-23. Because the district court credited Officer N.’s testimony, which is supported by the body-worn camera footage, we conclude that the district court’s

finding that Sisco was arrested for DWI *and* driving after cancellation is not clearly erroneous.

Sisco argues, second, that his arrest for DWI was not supported by probable cause and therefore could not have been the basis for a warrantless search of his vehicle. Again, we are not convinced. The district court credited Officer N.’s testimony that he observed Sisco exhibiting multiple indicia of impairment during their initial conversation. We defer to that credibility determination. *See id.* Because even one objective indication of intoxication is sufficient to support probable cause for impairment, *Kier*, 678 N.W.2d at 678, we conclude that probable cause existed at the time that Sisco was placed under arrest.⁴ In turn, the officers were authorized to conduct a vehicle search incident to his lawful arrest for DWI. *See Gant*, 556 U.S. at 351.

III

Sisco next argues that the district court erred in denying his motion to suppress evidence of his refusal because the warrant for a blood or urine test was unsupported by probable cause. “A warrant is supported by probable cause if, on the totality of the circumstances, there is a fair probability that . . . evidence of a crime will be found in a particular place.” *State v. Holland*, 865 N.W.2d 666, 673 (Minn. 2015) (quotation omitted). Appellate courts review warrants to “determine whether there was a substantial basis to conclude that probable cause existed,” and that review is limited to the information

⁴ Even if probable cause for a suspected DWI was not established when Sisco was placed in handcuffs, probable cause was established by the time Officer R. proposed the vehicle search because Sisco took off his sunglasses and Officer N. observed him having glassy eyes, which is another objective indicium of impairment.

presented in the supporting affidavit. *Id.* (quotation omitted). We afford “great deference” to the district court’s probable-cause determination. *State v. Rochefort*, 631 N.W.2d 802, 804 (Minn. 2001).

Sisco makes four arguments: (1) the totality of the circumstances does not provide a substantial basis for the district court’s probable-cause determination, (2) the warrant affidavit relied on evidence obtained in an unlawful search, (3) the court’s order denying his motion to suppress the evidence found while executing the warrant was unresponsive to Sisco’s legal argument, and (4) the warrant contained material misstatements and omissions of fact. We address each issue in turn.

First, the totality of the circumstances alleged by Officer N. in the affidavit provides a substantial basis for the district court’s determination that probable cause supported the warrant, meaning there was a “fair probability” that evidence of Sisco’s alleged impairment would be found in a blood or urine sample. *Holland*, 865 N.W.2d at 673. The affidavit described the indicia of impairment Officer N. observed, stated that Sisco refused all field sobriety tests except the HGN test, and noted that 14 grams of methamphetamine and a glass smoking device were found in Sisco’s vehicle. The totality of this evidence supports that there was a fair probability that a blood or urine sample from Sisco would contain evidence of impairment. The district court’s probable-cause determination was therefore appropriate.

Second, Sisco argues that the methamphetamine found in his vehicle was improperly referenced in the warrant application because it was the result of an unlawful warrantless search. Because we conclude above that the search was lawful, we further

conclude that the district court did not err in considering the methamphetamine as part of the basis for the warrant.

Third, Sisco argues that the district court's order denying the motion to suppress did not adequately respond to his arguments about illegally obtained evidence or omnibus testimony that was inconsistent with other evidence. But Sisco provides little argument on this point in his brief and cites to no caselaw, so we decline to address this argument further. *See In re Civ. Commitment of Kropp*, 895 N.W.2d 647, 653 (Minn. App. 2017) ("Minnesota appellate courts decline to reach an issue in the absence of adequate briefing."), *rev. denied* (Minn. June 20, 2017).

Fourth, and finally, Sisco argues that the warrant application contained misrepresentations of fact. "A search warrant is void, and the fruits of the search must be excluded, if the application includes intentional or reckless misrepresentations of fact material to the findings of probable cause." *State v. Moore*, 438 N.W.2d 101, 105 (Minn. 1989). Material means that, if the misrepresentation is set aside, then probable cause no longer exists to support the warrant. *Id.*

Sisco asserts that the affiant alleged a "DWI narrative" and described searching Sisco's vehicle without explaining that the search was incident to an arrest for driving after cancellation, not DWI. But the affiant alleged that Sisco showed indicia of impairment including "exaggerated movements with his hands, cotton mouth, and light sweaty skin complexion," which we have already concluded is sufficient to show probable cause to arrest for suspected DWI and conduct a vehicle search incident to that arrest. In other words, it is irrelevant that the affiant does not explicitly state a reason for the vehicle search

because the affidavit supports that there was probable cause to arrest Sisco for a suspected DWI and to conduct a search incident to that arrest.

Sisco also maintains that the affiant omitted that Sisco did not display indicia of impairment during the HGN test and that the affiant misrepresented that the search occurred after the field sobriety tests, when it actually occurred before Sisco began the tests. The fact that Sisco did not display indicia of impairment during the HGN test and that the field sobriety tests took place after the search started are not material omissions given our conclusion that the officers had probable cause to suspect DWI at the time of the arrest based on the observed indicia of impairment, regardless of the outcome of the field sobriety tests. Those observations were included in the affidavit and support the district court's determination that the warrant was supported by probable cause.

For these reasons, we conclude that there was a substantial basis for the district court's probable-cause determination underlying the warrant for a blood or urine sample.

IV

Sisco last challenges the sufficiency of the evidence supporting his conviction for refusal to submit to a chemical test under Minnesota Statutes section 169A.20, subdivision 2(2). The statute provides: "It is a crime for any person to refuse to submit to a chemical test . . . of the person's blood or urine as required by a search warrant under section[] 171.177." Minn. Stat. § 169A.20, subd. 2(2). Minnesota Statutes section 171.177, subdivision 2 (2022), in turn, states:

The peace officer who directs a test pursuant to a search warrant shall direct a blood or urine test as provided in the warrant. If the warrant authorizes either a blood or urine test,

the officer may direct whether the test is of blood or urine. If the person to whom the test is directed objects to the test, the officer shall offer the person an alternative test of either blood or urine. Action may be taken against a person who refuses to take a blood test only if a urine test was offered and action may be taken against a person who refuses to take a urine test only if a blood test was offered.

Sisco argues that the state did not prove that he was offered and refused both blood and urine tests separately, which he asserts is required by Minnesota Statutes section 171.177, subdivision 2. He therefore asserts that, because section 171.177 was not followed, the state did not provide sufficient evidence to support a conviction under section 169A.20, subdivision 2(2).

To analyze a sufficiency-of-the-evidence claim that turns on the meaning of the statute under which a defendant was convicted, we first interpret the statute and then determine “whether the evidence, viewed in the light most favorable to the verdict, was sufficient to permit the jury’s verdict.” *State v. Moore*, 10 N.W.3d 676, 680 (Minn. 2024). We review such claims de novo. *Id.*

Sisco argues that section 171.177, subdivision 2, requires the state to prove that both tests were separately offered and separately declined. In support of that argument, he quotes the Minnesota Supreme Court’s interpretation of this statute in *Nash v. Commissioner of Public Safety* that, “if the person refuses the type of test the officer initially offers (blood or urine), action may not be taken against the person for test refusal unless the person is also offered and refuses to take the other type of test.” 4 N.W.3d 812, 816 (Minn. 2024).

We disagree that *Nash* supports his argument. The main issue in *Nash* was the meaning of subdivision 1 of Minnesota Statutes section 171.177 (2022), which states that

“the person must be informed that refusal to submit to a blood or urine test is a crime.” *Id.* at 815 (emphasis omitted) (quoting Minn. Stat. § 171.177, subd. 1). To interpret that subdivision, the court looked at it in relation to subdivision 2—the provision at issue here. *Id.* at 818-20. The *Nash* court determined that subdivision 2 “expressly states that the choice of test (blood or urine) is *the officer’s* prerogative” and that “the choice of the test belongs to the officer unless the person objects.” *Id.* at 819-20. Applying *Nash*, we read the language that “the officer may direct whether the test is of blood or urine” to permit the officer to choose to offer a blood test, urine test, or a “blood or urine” test. Minn. Stat. § 171.177, subd. 2. Nothing in *Nash* supports the idea that the officer must offer either a blood *or* urine test individually and that the defendant must refuse them one at a time.

Moreover, we are unpersuaded that the plain language of the statute supports Sisco’s one-test-at-a-time interpretation. “If the statutory language is plain and unambiguous, we do not engage in any further construction.” *State v. Townsend*, 941 N.W.2d 108, 110 (Minn. 2020). The plain and unambiguous language of the statute provides that, “Action may be taken against a person who refuses to take a blood test only if a urine test was offered and action may be taken against a person who refuses to take a urine test only if a blood test was offered.” Minn. Stat. § 171.177, subd. 2. This language plainly requires that, to be convicted of test refusal, the individual must be offered and must refuse both tests. In the body-worn camera footage shown at trial, Officer N. can be heard asking Sisco if he would “provide a test” of “blood or urine” multiple times. Sisco refused to provide a sample, even when informed that refusal to test was a crime. Sisco therefore was offered both tests, and he refused to provide a sample of either type.

We conclude there was sufficient evidence to convict Sisco of refusal to submit to a chemical test. Officer N. exercised his discretion in choosing to offer Sisco an option of either test, and Sisco refused to take either one. Viewing this evidence in the light most favorable to the verdict, *Moore*, 10 N.W.3d at 680, Sisco was offered the tests consistent with section 171.177, and he therefore could be convicted under Minnesota Statutes section 169A.20, subdivision 2(2).

Affirmed.