

*This opinion is nonprecedential except as provided by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
A25-1190**

State of Minnesota,
Respondent,

vs.

Angelette Marie Crumble,
Appellant.

**Filed May 26, 2026
Affirmed
Schmidt, Judge**

Hennepin County District Court
File No. 27-CR-23-18133

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

Kurt B. Glaser, Golden Valley City Prosecutor, Berglund, Baumgartner & Glaser, LLC,
Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Stacy L. Bettison, Assistant
Public Defender, St. Paul, Minneapolis, Minnesota (for appellant)

Considered and decided by Schmidt, Presiding Judge; Johnson, Judge; and Larson,
Judge.

NONPRECEDENTIAL OPINION

SCHMIDT, Judge

A jury found appellant Angelette Marie Crumble guilty of possession of a controlled substance crime and refusal to submit to a chemical test. On appeal, Crumble argues that (1) the district court abused its discretion by refusing to appoint a new public defender; (2) law enforcement violated her right to counsel when she was not allowed to speak to an

attorney before deciding whether to submit to chemical testing; and (3) she received ineffective assistance of trial counsel. We affirm.

FACTS

After stopping a car for concerning driving conduct, a state trooper identified Crumble as the driver. Because Crumble exhibited signs of impairment, the trooper administered field sobriety tests and then arrested Crumble on suspicion of driving while impaired (DWI). An inventory search of the car revealed a glass pipe and cocaine.

The trooper obtained a search warrant for a sample of Crumble's blood or urine. The trooper informed Crumble that refusal to submit to a chemical test is a crime. Crumble asked the trooper about consulting a lawyer. The trooper explained that he had already obtained a search warrant and suggested that Crumble could call an attorney after the test. Crumble refused to provide a urine or blood sample.

Respondent State of Minnesota charged Crumble with fifth-degree possession of a controlled substance, third-degree DWI-test refusal, and fourth-degree DWI. The district court appointed a public defender to represent her.

At a pretrial hearing, Crumble asked the district court if she could "request a different public defender, because I don't feel that she's confident enough to go through this trial with me as she was when I met with her two months ago." The district court responded that Crumble "may fire the Public Defender's Office," but that the court would "not appoint another defender if [she did] that." The district court then asked Crumble, "[D]o you want to fire the entire Public Defender's Office, which means that you would

not have any counsel during trial, or do you want to keep your lawyer?” Crumble chose to proceed to trial with the public defender originally assigned to her.

The jury found Crumble guilty on the drug-possession charge and the test-refusal charge. The jury acquitted Crumble on the DWI charge. This appeal follows.

ANALYSIS

I. The district court did not abuse its discretion by implicitly determining that Crumble had not met her burden to raise “serious allegations” about her public defender’s ability or competence.

Crumble contends that the district court abused its discretion by failing to conduct a “searching inquiry” after she raised a concern about her public defender. We disagree.

The federal and state constitutions guarantee a criminal defendant the right to assistance of counsel. U.S. Const. amend. VI; Minn. Const. art. I, § 6. An indigent defendant is entitled to court-appointed counsel, *Gideon v. Wainwright*, 372 U.S. 335, 339-45 (1963), but “does not have the unbridled right to be represented by the attorney of [their] choice.” *State v. Worthy*, 583 N.W.2d 270, 278 (Minn. 1998).

Once a public defender has been appointed to represent an indigent defendant, “a district court must grant a defendant’s request for substitute appointed counsel ‘only if exceptional circumstances exist and the demand is timely and reasonably made.’” *State v. Tillman*, 33 N.W.3d 221, 235 (Minn. 2026) (quoting *State v. Munt*, 831 N.W.2d 569, 586 (Minn. 2013)). “‘Exceptional circumstances are those that affect a court-appointed attorney’s ability or competence to represent the client.’” *Id.* (quoting *State v. Gillam*, 629 N.W.2d 440, 449 (Minn. 2001)). The defendant has the burden to establish that they are entitled to substitute counsel. *Id.*

If an indigent defendant raises “serious allegations” about an attorney’s ability or competence, a district court must conduct a “searching inquiry before determining whether the defendant’s complaints warrant the appointment of substitute counsel.” *Munt*, 831 N.W.2d at 586. Once the duty to inquire is triggered, “the district court must ask sufficient questions about the ‘serious allegations’ to determine, based on the information offered and the court’s knowledge of the record, whether the defendant’s allegations are true and present exceptional circumstances calling into question the appointed attorney’s ability and competence.” *Tillman*, 33 N.W.3d at 235.

A district court’s denial of a request for substitute counsel is reviewed for an abuse of discretion. *Id.* at 234. As part of the decision to deny a defendant’s request for a substitute counsel, the district court’s assessment of whether a defendant has raised “serious allegations” such that the court’s duty to conduct a “searching inquiry” has been triggered is also an issue reviewed for abuse of discretion. *Id.* A district court abuses its discretion when it bases its decision “on an erroneous view of the law or is against logic and the facts in the record.” *Id.* (quotations omitted).

Crumble contends that her one-sentence statement triggered the district court’s duty to conduct a searching inquiry into her request for the appointment of a new public defender. Crumble told the district court, “I don’t feel that she’s confident enough to go through this trial with me as she was when I met with her two months ago.” Following this statement, the district court did not conduct a searching inquiry.¹

¹ We recognize that these issues are rarely presented to district courts in a coherent or linear manner. We, therefore, decline to impose an affirmative obligation on district courts to make an express determination that an indigent defendant has not satisfied their

Based on our thorough review of this record, we discern no abuse of discretion in the district court not conducting a searching inquiry. On appeal, Crumble identifies only one sentence to assert that she had raised “serious allegations” about her appointed counsel. But our reading of that sentence, in a cold transcript, does not lead us to the conclusion that the district court exceeded its discretion by not conducting a searching inquiry because Crumble had not met her burden to raise serious allegations about her attorney. Indeed, this single statement included no serious allegation that called into question Crumble’s assigned public defender’s ability or competence. *Gillam*, 629 N.W.2d at 449.

And, unlike the district court, we do not have the benefit of having observed Crumble and her attorney during the course of these proceedings. We were also not able to observe Crumble’s tone of voice, facial expressions, or body posture when she made the statement, which may factor into a district court’s calculus in deciding whether an indigent defendant has raised serious allegations to meet their burden. The Minnesota Supreme Court articulated a deferential abuse-of-discretion standard of review precisely for these reasons. *Tillman*, 33 N.W.3d at 234. The supreme court expressly requires a district court to use its own “knowledge of the record” when making the searching inquiry. *Id.* at 235. The same holds true for whether a defendant met their burden to put forth “serious allegations about an attorney’s ability or competence to represent the defendant[.]” *Id.*

Our decision is consistent with the supreme court’s decision in *State v. Tillman*. In *Tillman*, the defendant raised concerns about his appointed counsel multiple times “[o]ver the course of his pretrial proceedings.” *Id.* The supreme court concluded that the

extraordinary-circumstances burden.

defendant's "allegations warranted additional inquiry because allegations that a lawyer has a conflict of interest, is ineffective, or violated the attorney-client privilege, on their face, amount to serious allegations implicating an attorney's ability and competence to represent their client." *Id.* at 235-36 (quotation omitted).

In contrast, Crumble made a vague statement about her public defender not being as "confident" about the case as the attorney was "two months ago." This one-sentence statement² does not suggest a conflict of interest, ineffective assistance, or that there was any possible violation of the attorney-client privilege. In short, the district court, within its discretion, did not conduct a searching inquiry because it implicitly determined that Crumble's statement did not raise serious questions about her appointed attorney's ability or competence. *Id.* at 235; *Gillam*, 629 N.W.2d at 449. As such, the district court acted well within its broad discretion by declining to conduct a searching inquiry.³

² We do not hold that a one-sentence statement to a district court can *never* rise to the level of establishing "exceptional circumstances." But on *this* record, the district court did not abuse its discretion by implicitly determining that Crumble had not met her burden.

³ Crumble also argues that the district court abused its discretion by misstating the law when the court noted that she could not be assigned a new public defender. We agree that it would be "an incorrect statement of the law to say that a criminal defendant may not have a different public defender under *any* circumstances." *State v. Clark*, 698 N.W.2d 173, 178 (Minn. App. 2005) (emphasis added), *aff'd* 722 N.W.2d 460 (Minn. 2006). But, as in *Clark*, we discern no clear misstatement of the law in these circumstances. *Id.* (concluding district court's statement that indigent defendant would not be reassigned a different lawyer when the defendant "failed to demonstrate exceptional circumstances").

II. Crumble forfeited any argument that law enforcement violated her right to counsel by preventing her from speaking with an attorney before submitting to chemical testing.

Crumble argues that her conviction for DWI-test refusal should be reversed because law enforcement allegedly violated her right to consult with an attorney before requiring her to submit to a DWI test pursuant to a search warrant. Crumble concedes that she did not raise this issue before the district court but argues that we should, nonetheless, address it “in the interests of justice.” *See* Minn. R. Crim. P. 28.02, subds. 3, 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.”).

To raise this right-to-counsel challenge, Crumble was required to first raise the issue to the district court at the pre-trial omnibus hearing. *See State ex rel. Rasmussen v. Tahash*, 141 N.W.2d 3, 13-14 (Minn. 1965). If a defendant fails to raise such an issue at the omnibus hearing, the defendant may not do so for the first time on appeal. *See State v. Sorenson*, 441 N.W.2d 455, 457 (Minn. 1989). Crumble’s failure to raise this issue to the district court at the omnibus hearing forfeited appellate review of the issue. *Id.*

We also decline Crumble’s invitation to consider the issue “in the interests of justice” pursuant to rule 28.02, subdivision 3. “Generally, we do not consider issues raised for the first time on appeal.” *State v. Roy*, 920 N.W.2d 227, 231 (Minn. App. 2018), *aff’d* 928 N.W.2d 341 (Minn. 2019). We may, however, do so if our review “would not work an unfair surprise on a party.” *State v. Henderson*, 706 N.W.2d 758, 759 (Minn. 2005). Given that the issue was not raised—or fully developed by Crumble or the state—at an omnibus hearing, addressing the issue would be an unfair surprise on the state.

Even if we were to accept Crumble’s interests-of-justice invitation, our review would be for plain error given Crumble’s failure to raise the issue below. *State v. Myhre*, 875 N.W.2d 799, 804 (Minn. 2016); *see also* Minn. R. Crim. P. 31.02 (“Plain error affecting a substantial right can be considered by the court . . . on appeal even if it was not brought to the trial court’s attention.”).⁴ “In order to meet the plain error standard, a criminal defendant must show that (1) there was an error, (2) the error was plain, and (3) the error affected the defendant’s substantial rights.” *Myhre*, 875 N.W.2d at 804.

Crumble does not argue that the district court plainly erred, or that any alleged error affected her substantial rights. She has, therefore, forfeited this issue. *State v. Bartylla*, 755 N.W.2d 8, 23 (Minn. 2008) (concluding that issues “lacking in supportive arguments and/or legal authority” are deemed forfeited unless “prejudicial error is obvious on mere inspection” (quotation omitted)); *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (noting that appellate courts generally consider only issues presented to, considered by, and decided by the district court).⁵

⁴ Crumble argues the issue as if our review were de novo. But caselaw is clear that an issue not raised to a district court is only reviewable for plain error. *Myhre*, 875 N.W.2d at 804.

⁵ We also note that the Minnesota Supreme Court has rejected the premise of Crumble’s right-to-counsel argument. *See State v. Rosenbush*, 931 N.W.2d 91, 99 (Minn. 2019) (“We hold that the limited right to counsel under the Minnesota Constitution recognized in *Friedman* [*v. Comm’r of Pub. Safety*, 473 N.W.2d 828 (Minn. 1991)] does not apply when a driver is presented with the choice to submit—or not to submit—to a blood test pursuant to a search warrant.”). Crumble attempts to distinguish *Rosenbush* by asserting that the warrant in that case concerned a blood draw (*id.*), whereas, here, the warrant left the choice between urine or blood. That is a distinction without a difference. It is the “choice to submit—or not to submit—to” the test pursuant to a warrant that is the key inquiry. *Id.* The record—such as it is given this issue was not raised to the district court—reveals that Crumble refused all testing options. Thus, *Rosenbush* left no room for this novel argument.

III. Crumble forfeited any argument that her trial counsel was ineffective.

In one sentence at the end of her brief, Crumble argues, “[a]lternatively, reversal is warranted because defense counsel’s failure to argue [that law enforcement violated her right to counsel] was objectively unreasonable, amounted to ineffective assistance of counsel, and there’s a reasonable probability that Crumble would have prevailed.” Despite the lack of analysis or citation to any legal authority, Crumble’s appellate counsel confirmed at oral argument that this ineffective-assistance-of-counsel argument was an independent issue upon which we should reverse Crumble’s test-refusal conviction.

But given the lack of analysis and citation to legal authority, we conclude that any ineffective-assistance-of-counsel claim is inadequately briefed and, as such, is forfeited. *Bartylla*, 755 N.W.2d at 23; *State v. Krosch*, 642 N.W.2d 713, 719 (Minn. 2002) (declining to consider allegation made in a self-represented supplemental brief that contained “no argument or citation to legal authority”).⁶

Affirmed.

⁶ *Rosenbush* also dooms the ineffective-assistance-of-counsel argument. 931 N.W.2d at 99. The supreme court squarely rejected the argument about a limited right-to-counsel when an officer seeks to execute a search warrant authorizing testing for intoxication. *Id.* Crumble’s attorney cannot be ineffective for failing to raise a novel argument that would require *Rosenbush* to be limited or overruled, a task only the supreme court can preform. See *Wright v. State*, 765 N.W.2d 85, 91 (Minn. 2009) (“counsel is under a duty to raise only meritorious claims. Counsel does not act unreasonably by not asserting claims that counsel could have legitimately concluded would not prevail.”) (citation omitted).