

*This opinion is nonprecedential except as provided by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
A25-1239**

State of Minnesota,
Respondent,

vs.

Dylan Craig Skinner,
Appellant.

**Filed June 8, 2026
Affirmed
Frisch, Chief Judge**

Douglas County District Court
File No. 21-CR-24-555

Keith Ellison, Attorney General, Lisa Lodin, Assistant Attorney General, St. Paul, Minnesota; and

Chad M. Larson, Douglas County Attorney, Alexandria, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jennifer Workman Jesness, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Cochran, Presiding Judge; Frisch, Chief 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NONPRECEDENTIAL OPINION

FRISCH, Chief Judge

Appellant seeks reversal of his conviction for first-degree driving while impaired (DWI)—refusal to submit to chemical testing, arguing that the district court violated his right to present a complete defense by excluding evidence that appellant did not refuse a preliminary breath test. Because the district court acted within its discretion by excluding this evidence and therefore did not violate appellant’s right to present a complete defense, we affirm.

FACTS

The following undisputed evidence was elicited during appellant Dylan Craig Skinner’s jury trial.

A waitress at a bar approached an on-duty police officer and said that Skinner was outside looking around and appeared agitated. The officer—who was familiar with Skinner—observed Skinner in the parking lot looking around and drinking what appeared to be a beer. The officer ran a records search on Skinner, which revealed that his driver’s license was canceled.

An hour later, a deputy was on patrol and observed a truck with dark-tinted windows. The deputy tried to follow the truck, but he lost track of it when the truck entered a neighborhood and appeared to engage in evasive maneuvers. A few minutes later, the deputy found the truck and initiated a traffic stop. After continuing to drive for over a block, the driver—identified as Skinner—pulled over.

Skinner complied with the deputy's command to exit the truck, but Skinner did not cooperate with other commands. The same officer from the bar later arrived and helped the deputy to detain Skinner. Both the officer and the deputy noticed that Skinner smelled of alcohol, his eyes were bloodshot and watery, and his speech sounded thick. They searched the truck and found an empty case for a six-pack of beer and a beer bottle with some liquid in it.

Skinner was arrested for DWI and driving with a canceled license. Once at the county jail, the deputy asked Skinner numerous times if he would undergo field sobriety tests, but Skinner was uncooperative, instead arguing about the basis for his arrest.

Skinner was then asked to move to a different area of the jail for reading of the Minnesota Breath Test Advisory. Skinner did not comply with multiple requests to move closer to the deputy, instead insisting on sitting behind a glass partition. Skinner stated that he could hear the deputy. The deputy read the advisory, which included informing Skinner that he was under arrest for DWI and that refusal to submit to a chemical breath test is a crime. As the deputy was reading through the advisory, Skinner spoke loudly over him and continued to argue about the basis for his arrest.

The deputy then asked whether Skinner wanted to speak to an attorney. Skinner said that he did, and he made a phone call to an attorney.

After Skinner spoke to the attorney, the deputy asked Skinner if he was willing to take a breath test. Skinner said "nope." When asked by the deputy the reason for refusing, Skinner said it was "because I do believe I was pulled over wrongfully." The deputy asked again: "Okay, so, you don't want to take the breath test?" Skinner did not respond. The

officer and deputy informed Skinner again that refusing the test is a crime, and in response, Skinner again argued about the basis for the traffic stop. The deputy asked a third time about submitting to the breath test: “So, yes or no?” Skinner responded: “I already told you no.”

Respondent State of Minnesota charged Skinner with one count of felony first-degree DWI, refusal to submit to chemical testing, in violation of Minn. Stat. § 169A.20, subd. 2(1) (2022), and one count of driving with a canceled license in violation of Minn. Stat. § 171.24, subd. 5 (2022). The state subsequently dismissed the charge for driving with a canceled license, and Skinner proceeded to trial on the remaining charge.¹

Prior to trial, the state moved to exclude any evidence or argument that Skinner “agreed to take” a preliminary breath test (PBT) at the county jail. The state argued that any such evidence was inadmissible under the Minnesota Rules of Evidence because it was irrelevant, and even if relevant, its prejudicial effect substantially outweighed its probative value. Skinner did not file a response to the state’s motion.

At the beginning of trial, defense counsel indicated that Skinner intended to call two witnesses.² The prosecutor stated that he had been made aware that Skinner planned to call “two jailers,” but he was “a little perplexed as to what the two witnesses would be offered for.” In response to the district court’s inquiry about the nature of the proposed

¹ Skinner was charged with a first-degree violation based upon a prior felony conviction under Minn. Stat. § 169A.20 (2022). Skinner stipulated to the prior felony conviction before trial.

² Skinner did not file a witness list prior to trial.

witnesses' testimony and any arguments Skinner would make based on such testimony, defense counsel stated that the two jailer-witnesses would testify that they had "offered" Skinner a PBT at the jail, and counsel would argue that this evidence shows that Skinner was "attempting to take some form of breath test and comply with what the officers were requesting of him."

The district court granted the state's motion to exclude any evidence or argument regarding a PBT. The district court reasoned that there are potentially "confusing" differences between a PBT and the chemical breath test required under the Minnesota Implied Consent Law. *Compare* Minn. Stat. § 169A.41 (2022) (preliminary screening test), *with* Minn. Stat. § 169A.51 (2022) (chemical tests for intoxication). The district court explained that "[t]he PBT is just an evidentiary tool" that "provides the officer with a basis to potentially arrest an individual and detain them for more formal testing purposes," and Skinner was "not charged with failure to take a PBT or . . . something related to the PBT." Rather, Skinner was charged with refusal to submit to "the formal [chemical] breath test" that is required under the implied-consent law. After ruling that any evidence regarding a PBT would be excluded, the district court stated that "[u]nless the witnesses are going to testify to something differently," it would exclude the testimony of the two jailer-witnesses.

During Skinner's jury trial, the state offered testimony from the officer and the deputy. The state also introduced footage from the deputy's body-worn and squad-car cameras.

After about 15 minutes of deliberation, the jury returned a guilty verdict. The district court entered a conviction for felony first-degree DWI test refusal and sentenced Skinner to 84 months in prison, with five years of conditional release.

Skinner appeals.

DECISION

“The Due Process Clauses of the Minnesota Constitution and the United States Constitution guarantee a criminal defendant’s right to present a complete defense.” *State v. Carbo*, 6 N.W.3d 114, 123 (Minn. 2024) (citing Minn. Const. art. I, § 6; U.S. Const. amend. XIV) (other citation excluded). The right to a complete defense includes a criminal defendant’s right to offer witness testimony. *State v. Smith*, 876 N.W.2d 310, 331 (Minn. 2016). However, the right to a complete defense “is not absolute.” *Carbo*, 6 N.W.3d at 123 (quotation omitted). This right “is subject to rules of evidence designed to exclude unfairly prejudicial, confusing, or misleading evidence.” *State v. Foster*, 20 N.W.3d 6, 19 (Minn. 2025) (quotation omitted). In particular, “the district court must still apply the ordinary rules of evidence, including Minnesota Rules of Evidence 402 and 403.” *Id.* at 25. Rule 402 provides that only relevant evidence is admissible, and that relevant evidence may be excluded by other rules or laws. Minn. R. Evid. 402. And Rule 403 provides that relevant evidence “may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” Minn. R. Evid. 403.

We review a district court’s evidentiary rulings for an abuse of discretion “even when it is claimed that the exclusion of evidence deprived the defendant of his constitutional right to present a complete defense.” *Carbo*, 6 N.W.3d at 123 (quoting *State v. Penkaty*, 708 N.W.2d 185, 201 (Minn. 2006)). “A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record.” *State v. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019) (quotation omitted). If a district court’s erroneous evidentiary ruling denies the defendant the right to present a complete defense, we review “whether the exclusion of evidence was harmless beyond a reasonable doubt.” *Carbo*, 6 N.W.3d at 123 (quotation omitted).

Skinner contends that the district court abused its discretion in excluding evidence that Skinner did not refuse a PBT at the jail, arguing that the district court’s evidentiary ruling rested on a “misunderstanding of the law” and of the evidence Skinner sought to introduce. He asserts that this erroneous evidentiary ruling violated his constitutional right to present a complete defense. We disagree.

As a threshold matter, Skinner’s characterizations of the proffered evidence and of the district court’s reasoning supporting its ruling are not supported by the record. Skinner contends that the district court mistakenly believed that he sought to introduce the *results* of a PBT. However, our careful review of the record demonstrates that Skinner’s proffer identified evidence that he was *offered* a PBT. When asked by the district court about the “purpose or nature of the witnesses’ testimony,” defense counsel answered that the witnesses were “simply at the jail when they had offered [Skinner] a breath test. That would be all they’d be testifying to” And when asked by the district court about the

state's motion to exclude evidence regarding a PBT, defense counsel answered that he would argue "that the offering of a PBT would be admissible."

Similarly, the record does not support Skinner's contention that the district court based its evidentiary ruling on the general inadmissibility of PBT results. While the district court stated that "[a] PBT is typically not admissible in a trial setting for a DWI offense," the record shows that the district court based its decision on the differences between a PBT and a chemical breath test under Minnesota law. The state argued that evidence regarding a PBT is not relevant and thus inadmissible under Minn. R. Evid. 402 given the differences between a PBT and a chemical breath test under Minnesota law. The state also argued that, even if relevant, such evidence would be misleading and confusing for the jury and thus inadmissible under Minn. R. Evid. 403. In explaining its ruling to exclude the evidence, the district court cited two decisions from our court—which the state had identified in its written argument—both of which stand for the proposition that refusing a PBT is not a crime, unlike refusing a chemical breath test. *See State v. Stoskopf*, 644 N.W.2d 842, 846 (Minn. App. 2002); *Mesenburg v. Comm'r of Pub. Safety*, 969 N.W.2d 642, 647 (Minn. App. 2021).³ The district court further emphasized that the differing consequences for

³ In *Mesenburg v. Commissioner of Public Safety*, we stated:

A PBT request may not be used to establish any element of a crime and refusing to take a PBT is not a crime. The purpose of a PBT and the consequences for refusing a PBT request are far different than the purpose of a chemical breath test and the consequences for refusing a chemical breath test, so it makes sense that different standards of law apply to them.

969 N.W.2d at 647.

refusing a chemical breath test versus a PBT can be “confusing.” While the district court did not cite a specific rule of evidence, we construe the district court’s ruling to be consistent with the analytical framework set forth in Minn. R. Evid. 403. *See Smith*, 876 N.W.2d at 332 (holding that “[a]lthough the district court did not cite a specific rule of evidence, it made a Rule 403 ruling”); *State v. Anderson*, 394 N.W.2d 813, 816-17 (Minn. App. 1986) (stating that “[t]he basis for the trial court’s decision is not entirely clear, although it apparently did rely, at least in part, upon [Rule] 403,” and “conclud[ing] that the trial court’s utilization of Rule 403 was appropriate”), *rev. denied* (Minn. Dec. 12, 1986).

We conclude that the district court acted within its discretion in excluding evidence regarding a PBT under Rule 403. The state was required to prove beyond a reasonable doubt that Skinner refused to submit to a chemical breath test required by the implied-consent law. *See* Minn. Stat. § 169A.20, subd. 2(1) (“It is a crime for any person to refuse to submit to a chemical test . . . of the person’s breath under section 169A.51 (chemical tests for intoxication).”). But, as the district court explained, a PBT is not the same as a chemical breath test required by the implied-consent law. *See Mesenburg*, 969 N.W.2d at 647. We discern no abuse of discretion in the district court’s exclusion of the PBT as potentially confusing, because both a PBT and a chemical breath test are types of breath tests, and the jury need only determine whether the state proved beyond a reasonable doubt that Skinner refused to submit to a certain type of breath test. *See State v. Greer*, 635 N.W.2d 82, 91 (Minn. 2001) (stating that evidence that poses an undue risk of confusion

of the issues may be excluded despite a defendant's constitutional right to present a meaningful defense).

To persuade us otherwise, Skinner asserts that the excluded evidence was admissible because the jailers' testimony was "highly probative of" and "crucial" to Skinner's defense that he did not refuse to submit to chemical testing. Skinner argues that the excluded evidence "established his willingness to submit to testing and cast doubt upon the state's theory that he was steadfast in his refusal." He further asserts that "[t]he jailers' testimony would have given more context to Skinner's actions and would have helped the jury understand the DWI testing process." Notably, Skinner acknowledges the danger that the jury could be confused about the breath test at issue under the test-refusal charge, asserting that "[t]o allay any jury confusion over which test Skinner was required to take, . . . [t]he court could have instructed the jury that the PBT is an investigatory tool and the test Skinner was required to submit to was the Intoxilyzer (or other similar infrared testing device)."

We disagree. Even if Skinner submitted to a PBT,⁴ he remains culpable because he did not submit to the required chemical breath test. And again, given the likelihood that evidence regarding a PBT would have served only to confuse and mislead the jury, we discern no abuse of discretion in the district court's exclusion of this evidence under Rule 403. *See State v. Thiel*, 846 N.W.2d 605, 615-16 (Minn. App. 2014) (concluding in possession-of-controlled-substance case that "[t]he district court did not abuse its

⁴ Again, our careful review of the record reveals that Skinner's proffer was that he was *offered* a PBT, not that Skinner *submitted* to a PBT.

discretion by excluding appellant's testimony regarding his California medical marijuana patient verification card and his use of marijuana for a medical purpose," because "[a]lthough this testimony may have helped appellant to explain his conduct to a jury, it would not have excused his conduct and it also would have served to confuse and mislead the jury"), *rev. denied* (Minn. Aug. 5, 2014).

In sum, the district court acted within its discretion by excluding evidence regarding a PBT because the probative value of such evidence is substantially outweighed by the danger of confusing the issues and misleading the jury. Because the district court did not abuse its discretion in making this ruling, it did not violate Skinner's right to present a complete defense.⁵

Affirmed.

⁵ Because we conclude there was no violation of Skinner's right to present a complete defense, we need not consider whether the district court's ruling was harmless beyond a reasonable doubt. *See Carbo*, 6 N.W.3d at 123. We note, however, that Skinner has not established that he was prejudiced by the exclusion of the jailers' testimony. The jury heard evidence of Skinner's refusal to submit to a chemical breath test during the advisory process through the testimony of the deputy and the officer, and Skinner's own words recorded by the deputy's body-worn camera.