

*This opinion is nonprecedential except as provided by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
A25-1400**

In the Marriage of:

Kathryn Marie Larson, petitioner,
Respondent,

vs.

Keith Norman Marohn,
Appellant,

County of Isanti,
Respondent.

**Filed August 3, 2026
Affirmed
Ede, Judge**

Isanti County District Court
File No. 30-FA-15-117

Kathryn Marie Larson, Cambridge, Minnesota (self-represented respondent)

Keith Norman Marohn, North Branch, Minnesota (self-represented appellant)

Jeffrey R. Edblad, Isanti County Attorney, David M. Kraemer, Assistant County Attorney,
Cambridge, Minnesota (for respondent county)

Considered and decided by Connolly, Presiding Judge; Worke, Judge; and Ede,
Judge.

NONPRECEDENTIAL OPINION

EDE, Judge

In this appeal concerning a child-support dispute, appellant argues that the attorney who was appointed to represent him in contempt proceedings was ineffective and that the district court's final contempt order is unenforceable. We affirm.

FACTS

In 2017, the district court ordered appellant Keith Norman Marohn to pay \$1,303 per month in basic child support. At that time, Marohn was employed and had a gross monthly income of \$5,200. In 2024, respondent Isanti County moved for constructive civil contempt, asserting that Marohn had failed to obey the 2017 child-support order. The county maintained that, between August 2023 and May 2024, Marohn had not paid child support. Marohn filed a responsive motion requesting that the district court deny the county's motion in its entirety and order reinstatement of his driver's license.

The district court filed an order for Marohn to show cause why he should not be adjudged in contempt of the court's 2017 child-support order and scheduled an evidentiary hearing for August 2024. At the hearing, Marohn applied for a court-appointed attorney. The next day, the district court granted Marohn's request and appointed an attorney to represent him.

In early September, Marohn's attorney moved for a continuance of the evidentiary hearing, which had been scheduled to occur six days later, because of multiple other court appearances the attorney needed to make that afternoon. The district court granted the

attorney's request and initially continued the evidentiary hearing to a date in November, but the court ultimately continued the hearing further.¹

Marohn subsequently moved to modify his child-support obligation. The parties appeared for a hearing on Marohn's modification motion in January 2025, after which the district court reduced Marohn's child-support obligation to \$927 per month. The district court noted Marohn's testimony that he is self-employed and earns around \$1,000 per month. And the district court determined that Marohn "continue[d] to be underemployed and continue[d] to have potential monthly income of \$6,928 per month." Marohn did not appeal this decision by the district court.

The district court eventually held the evidentiary hearing on its order to show cause in March 2025. At the hearing, Marohn was represented by the attorney the district court had appointed for him. The county called Marohn and the child support officer as witnesses. At the end of the hearing, the district court found Marohn in contempt. The district court imposed 90 days' jail time, stayed with certain purge conditions, and issued a corresponding written order in late March.

In June, the county filed an application for writ of attachment and an affidavit of noncompliance, contending that Marohn had paid only \$223 towards his child-support obligations and had not complied with the purge conditions. The district court issued a writ

¹ The reasons for these ensuing continuances are not apparent from the record, which lacks transcripts. The county asserts—and Marohn does not dispute—that the evidentiary hearing did not occur in November because the district court ordered reinstatement of Marohn's driver's license and the parties agreed to continue the hearing for Marohn to pursue an expedited process for a motion to modify child support.

of attachment the next day. A few weeks later, Marohn was taken into custody. The district court ordered that Marohn be held on \$5,000 cash bail and scheduled an evidentiary hearing for July.

Marohn appealed the March 2025 contempt order, claiming ineffective assistance of counsel.² As a result, Marohn's attorney alerted the district court to a potential conflict and requested discharge. The district court granted the attorney's request and appointed a new lawyer to represent Marohn for the rest of the contempt proceedings.

The parties appeared for the July evidentiary hearing as scheduled. Following Marohn's testimony, the district court reduced his jail time to 30 days and stayed the remaining 60 days on the condition that Marohn comply with certain conditions. The district court ordered that Marohn pay \$200 per month for three months and then resume paying \$927 per month, as required by the January 2025 child-support order. In addition, the district court allowed the other conditions of the March 2025 contempt order to remain effective. Those conditions included: that Marohn pay an additional 20% for the child-support arrears that he owed; that he make timely child-support payments each month; that he notify the county of any change in employment, income, or address within ten days of occurrence; that he apply for five verifiable jobs per week if unemployed; and that he provide the county with copies of yearly tax returns and schedules. Later that month, the district court memorialized these findings in a written order.

This appeal from both the March and July 2025 contempt orders follows.

² After we questioned whether that appeal was premature, Marohn filed a notice of voluntary dismissal, and we ordered the matter dismissed.

DECISION

Marohn challenges the district court's contempt orders, asserting that his court-appointed attorney was ineffective and that the July 2025 contempt order is unenforceable.³ As explained below, we conclude that Marohn has not met his burden to establish that his attorney rendered prejudicially ineffective assistance of counsel. We also conclude that Marohn's remaining arguments are forfeited and fall outside the scope of our review.

I. Marohn has not established that his attorney was prejudicially ineffective.

Marohn contends that the first court-appointed attorney rendered ineffective assistance of counsel.⁴ His claims of error fall into two categories: (1) the first attorney's lack of communication with him; and (2) the first attorney's conduct during the March 2025 evidentiary hearing.

³ Marohn alludes to other arguments throughout his brief. For example, he intimates that he was not served before the district court issued the writ of attachment, that the court erred by not considering his responsive motion to dismiss, that the contempt hearing did not occur within the timelines outlined in Minnesota Rule of General Practice 309.01(b)(5), and that he was improperly precluded from speaking with his attorney while incarcerated. Because Marohn has not adequately supported these arguments with legal authority, we conclude that the above contentions are waived. *See Christie v. Est. of Christie*, 911 N.W.2d 833, 838 n.4 (Minn. 2018) ("Summary arguments made without citation to legal support are waived." (quotation omitted)).

⁴ Marohn does not argue that the second court-appointed attorney—who represented Marohn at the July 2025 evidentiary hearing—was ineffective. Instead, Marohn maintains that, although the second attorney's "strategy may not have succeeded, . . . that [does not] mean [that the second attorney] was ineffective." Put differently, Marohn avers that the second attorney "put his best foot forward" and "tried." Nevertheless, Marohn broadly qualifies these assessments of the second attorney by stating: "That does not mean [the second attorney's] late appointment met the [district] court's legal obligation to provide Marohn with effective counsel." As much as Marohn's generalized assertions could be construed as a due-process challenge, we again discern no obvious prejudicial error and conclude that this argument is likewise forfeited as inadequately briefed. *See id.*

As for communication, Marohn argues that the first attorney sought a continuance of the evidentiary hearing on the district court's order to show cause without consulting him, did not provide him with the notice of hearing, communicated with him only a few minutes before the March 2025 hearing, and did not provide him with the district court's resulting order. Marohn maintains that the first attorney's continuance delayed the case several months, "leaving [him] unemployed, living in a remote area that did not have employment opportunities within a reasonable distance, and without a driver's license to seek other employment." And Marohn asserts that he did not receive the order from the hearing until after the time to purge the contempt had expired. Concerning conduct during the March 2025 hearing, Marohn asserts that the first attorney's "strategic approach was to sit idle"—"not objecting, not cross-examining, not calling witnesses, [and] not presenting evidence."

As a threshold matter, Marohn posits that he had the right to effective assistance of counsel in the underlying civil-contempt proceedings under applicable caselaw and Minnesota General Rule of Practice 357.03. The county responds that Marohn's ineffective-assistance-of-counsel claim is not viable in a civil contempt proceeding. In *Cox v. Slama*, the Minnesota Supreme Court held that district courts must appoint counsel for indigent parents in contempt proceedings upon "reach[ing] a point in the proceedings after the taking of testimony that incarceration is a real possibility." 355 N.W.2d 401, 403 (Minn. 1984). Similarly, rule 357.03 provides that "the child support magistrate shall appoint an attorney at public expense for a party who requests an attorney and who cannot afford to retain an attorney when the case involves . . . contempt proceedings in which incarceration

of the party is a possible outcome of the proceeding.” The county does not argue that Marohn could afford an attorney or that incarceration was not a possible outcome here. Because it does not alter our ultimate decision to affirm, we assume without deciding that Marohn had the right to effective assistance of counsel in the underlying civil-contempt proceedings.

“If a person claims that he was denied [a] statutory right to counsel, this court analyzes the claim by borrowing the analytical framework ordinarily used in criminal cases when applying the Sixth Amendment right to counsel.” *Beaulieu v. Minn. Dep’t of Hum. Servs.*, 798 N.W.2d 542, 550 (Minn. App. 2011), *aff’d*, 825 N.W.2d 716 (Minn. 2013). To demonstrate ineffective assistance of counsel in a criminal case, a defendant must satisfy the two-pronged test outlined in *Strickland v. Washington*, 466 U.S. 668, 688 (1984). “*Strickland*’s first prong requires the petitioner to show that counsel’s performance was deficient when judged against an objective standard of reasonableness.” *Berry v. State*, 33 N.W.3d 683, 693 (Minn. 2026) (quotation omitted). “*Strickland* also requires the petitioner to establish prejudice: a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Id.* at 694 (quotation omitted).

Appellate courts “review the merits of any underlying ineffective-assistance-of-counsel claims de novo.” *Id.* at 693. “If a claim fails to satisfy one of the *Strickland* requirements, [an appellate court] need not consider the other requirement.” *State v. Mosley*, 895 N.W.2d 585, 591 (Minn. 2017). We conclude that Marohn’s claim satisfies neither prong of the *Strickland* test.

“[T]here is a strong presumption that counsel’s performance was reasonable, and [an appellate court] does not review matters of trial strategy or the particular tactics used by counsel.” *State v. Hokanson*, 821 N.W.2d 340, 358 (Minn. 2012). “What evidence to present to the jury, what witnesses to call, and whether to object are part of an attorney’s trial strategy which lie within the proper discretion of trial counsel and will generally not be reviewed later for competence.” *State v. Bobo*, 770 N.W.2d 129, 138 (Minn. 2009); *see also Francis v. State*, 781 N.W.2d 892, 898 (Minn. 2010) (explaining that appellate courts “generally do not review ineffective assistance of counsel claims based on trial strategy” and that “the determination by trial counsel of whether to call two ‘alibi witnesses,’ whether to call an expert witness . . . , and whether to cross-examine the State’s expert . . . constitutes trial strategy”). Marohn has not overcome the “strong presumption” that the first attorney’s performance was reasonable, nor has Marohn established that the conduct he challenges concerned matters other than trial strategy, which we do not review. *See Hokanson*, 821 N.W.2d at 358; *see also Francis*, 781 N.W.2d at 898.

Nor has Marohn established prejudice, which requires that he demonstrate “a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Berry*, 33 N.W.3d at 694 (quotation omitted). “A reasonable probability means a probability sufficient to undermine confidence in the outcome.” *Id.* (quotation omitted). In other words, Marohn “must show that counsel’s errors ‘actually’ had an adverse effect in that but for the errors the result of the proceeding probably would have been different.” *Gates v. State*, 398 N.W.2d 558, 562 (Minn. 1987) (quoting *Strickland*, 466 U.S. at 693–94).

As to prejudice, Marohn contends: (1) that the district court's order to show cause had no basis in law, so a competent attorney would have attempted to get it dismissed; (2) that the court's finding that he had the ability to pay child support is contradictory because he qualified for a court-appointed attorney; and (3) that the county did not prove its case. These arguments are unavailing.

Marohn has not shown a reasonable probability that the result of the contempt proceedings would have been different but for the first attorney's communications with him and the attorney's conduct during the March 2025 evidentiary hearing. *See Berry*, 33 N.W.3d at 694. A district court may find a person in constructive civil contempt for "disobedience of any lawful judgment, order, or process of the court." Minn. Stat. § 588.01, subd. 3(3) (2024); *see also In re Cascarano*, 871 N.W.2d 34, 37–38 (Minn. App. 2015) (distinguishing between direct civil contempt committed in the presence of the court and constructive civil contempt). The basis for the district court's March 2025 contempt order was that Marohn was voluntarily underemployed and had been for some time, given that "multiple courts over the course of the last few years, . . . ha[d] found that [he was] essentially not making as much money as he could be." *See In re Marriage of Crockarell*, 631 N.W.2d 829, 838 (Minn. App. 2001), *rev. denied* (Minn. Oct. 16, 2001) ("The supreme court has consistently held that it is proper to look beyond an obligor's earnings to his earning capacity, and to disregard any inability to pay that is voluntary on the part of the obligor."). Against that reasoning, Marohn has not articulated how the first attorney's conduct prejudiced him and therefore has not demonstrated that the district court's determination would have been different.

Thus, Marohn has not established that his attorney was prejudicially ineffective.

II. Marohn has forfeited his argument that the July 2025 contempt order is unenforceable, and this issue is outside the scope of our review.

Finally, Marohn asserts that the July 2025 contempt order is unenforceable because it violates Minnesota Statutes section 518A.43 (2024)—pertaining to circumstances when the district court deviates from the child-support guidelines—and Minnesota Statutes section 571.922 (2024)—limiting wage garnishment.

To the extent that Marohn challenges the district court’s child-support orders back to 2017 (i.e., orders predating the March and July 2025 contempt orders at issue in this appeal), those decisions fall outside of our scope of review. *See* Minn. R. Civ. App. P. 104.01, subd. 1 (providing that, “[u]nless a different time is provided by statute, an appeal may be taken . . . from an appealable order within 60 days after service by any party of written notice of its filing”). Moreover, Marohn has forfeited this argument by not presenting it to the district court and by providing scant argument and authority in support of it on appeal. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (“A reviewing court must generally consider only those issues that the record shows were presented and considered by the [district] court in deciding the matter before it.” (quotation omitted)); *see also State Dep’t of Lab. & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (noting that a reviewing court may decline to reach issues that are not adequately briefed); *Brodsky v. Brodsky*, 733 N.W.2d 471, 479 (Minn. App. 2007) (applying *Wintz* in a family-law appeal).

Affirmed.