

*This opinion is nonprecedential except as provided by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
A25-1594**

State of Minnesota,
Respondent,

vs.

Ian Garrett Ebeling,
Appellant.

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

Isanti County District Court
File No. 30-VB-24-677

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

Jeffrey R. Edblad, Isanti County Attorney, Nicholas J. Colombo, Assistant County Attorney, Cambridge, Minnesota (for respondent)

Ian Garrett Ebeling, Isanti, Minnesota (pro se appellant)

Considered and decided by Larson, Presiding Judge; Wheelock, Judge; and Harris, Judge.

NONPRECEDENTIAL OPINION

WHEELOCK, Judge

Appellant challenges his convictions for driving after revocation and violating Minnesota's hands-free law prohibiting driving while holding a cell phone. We affirm.

FACTS

In March 2024, a Minnesota state trooper patrolling from the median of Highway 65 in Isanti County observed appellant Ian Garrett Ebeling drive past the trooper's squad car with a cell phone in his hand that was pointed at the trooper.¹ Ebeling pulled over to the shoulder of the highway, ostensibly to assist another motorist whose vehicle was stopped on the shoulder just past where the trooper was patrolling. The trooper approached Ebeling, who was holding his phone and recording the encounter, and the trooper stated that he had seen Ebeling driving while holding his phone. Ebeling denied this and claimed that he started recording only after exiting his vehicle to assist the other motorist who had pulled over to the shoulder. Ebeling told the trooper that there was another vehicle that was visible off to the side of the highway in a ditch and expressed concern about it. The trooper explained that the vehicle in the ditch had already been investigated and had been there for a while. The trooper then asked for Ebeling's driver's license. Ebeling responded that he did not have one and provided the trooper with another form of identification. The trooper checked Ebeling's identification and discovered that his driver's license had been revoked. The trooper then issued Ebeling a citation.

Respondent State of Minnesota charged Ebeling with driving after revocation in violation of Minnesota Statutes section 171.24, subd. 2 (2022), and with driving while holding a wireless communications device in violation of Minnesota Statutes section 169.475, subd. 2(a)(1) (Supp. 2023) ("hands-free violation").

¹ The details of the trooper's encounter with Ebeling are derived from the trooper's testimony at trial and footage from his body-worn camera.

Ebeling moved to dismiss the charges, asserting that the state lacked probable cause to support the hands-free-violation charge and that the trooper had neither probable cause nor reasonable suspicion to stop him at all. He pointed out that the hands-free-violation statute provides an exception that allows a driver to use a wireless communication device while attempting to “obtain emergency assistance” or “in the reasonable belief that a person’s life or safety is in immediate danger.” He then argued that the trooper lacked reasonable suspicion to stop him and the exception applied here because he “was in the act of assisting in what he believed to be an emergency and/or was attempting to contact emergency services” and that, therefore, the evidence derived from the stop must be suppressed. The district court denied the motion based on its determination that the trooper’s clear observation of Ebeling holding the cell phone while driving gave rise to probable cause supporting the hands-free-violation charge and the initiation of a stop.

The district court held a trial in July 2025. The state had identified the trooper as a witness, and during jury selection, one of the prospective jurors disclosed that she knew the trooper personally. Ebeling moved to strike the juror for cause, and the district court initially reserved ruling on the motion until further follow-up questions could be asked, observing that the juror “was quite definitive that she could set [her relationship] aside and be impartial.” The district court later asked the juror, “Could you objectively, given your friendship, and you’ve now described it as a good friendship, could you objectively set that aside in evaluating the evidence?” The juror answered, “Yes.” Ebeling later removed the juror using a peremptory strike.

At trial, the trooper testified that he had seen Ebeling driving while holding a “black square” that the trooper subsequently “identified as a cell phone.” He testified that Ebeling held the phone in his left hand against the window, pointed at the trooper. The trooper also testified that he checked Ebeling’s driver’s-license status after obtaining his identification and determined that the license was revoked.

The district court admitted as exhibits Ebeling’s driving record and a record indicating that a notice of revocation had been mailed to Ebeling. A Minnesota Driver and Vehicle Services records-maintenance employee testified that Ebeling’s driving record indicated that his driver’s license was revoked on the date of the alleged offense. She also testified that a certificate verified that a notice of revocation was mailed to Ebeling’s last known address in October 2023, months before the incident occurred.

During jury selection, the prosecutor had posed a hypothetical to the jury pool, asking them what the color of his suit was, and when the prospective jurors said it was blue, he asked each of them what impression they would have of his credibility if he insisted that it was red. In his closing argument, the prosecutor attempted to refer back to the hypothetical, stating, “I wanted to bring you back to the jury questioning that you did earlier today, this morning, and one of the questions I had asked you, ‘Is my suit blue?’ And then—” But before the prosecutor finished his statements, the district court stopped the prosecutor and held a bench conference. Afterwards, the prosecutor concluded his closing argument without making any further reference to the hypothetical.

The jury found Ebeling guilty of both charges. The district court sentenced Ebeling to 45 days in jail with credit for time served, stayed for one year with probation for the

driving-after-revocation violation, and a \$50 fine plus fees for the hands-free violation. At sentencing, the district court stated to Ebeling that it would “note [Ebeling’s] admissions at trial that [he was] in fact holding the phone,” at which point Ebeling interjected that he had acknowledged holding the phone only after he got out of the vehicle. The district court responded, “Okay. Okay. And certainly . . . [y]ou did a good job, Mr. Ebeling, as did the State of making the record, so I think that that’s all clear on the record. Very good.”

Ebeling appeals.

DECISION

Ebeling raises five arguments in his self-represented brief challenging his convictions, asserting that (1) the district court erred by denying his motion to dismiss for lack of probable cause and by failing to suppress evidence derived from the stop due to lack of reasonable suspicion or probable cause, (2) the district court erred by denying his motion to remove the prospective juror for cause, (3) the evidence was insufficient as to both convictions, (4) the prosecutor committed misconduct during closing arguments, and (5) the district court made an inaccurate statement during sentencing. We address each argument in turn.

I. The district court did not err by denying Ebeling’s motion to dismiss for lack of probable cause.

Ebeling argues that the district court erred by denying his motion to dismiss the charges for lack of probable cause because the district court did not address his argument that the emergency exception to the hands-free law applied. Ebeling appears to challenge both the probable cause supporting the underlying hands-free-violation charge as well as

the district court's refusal to suppress the evidence derived from the stop that supports the driving-after-revocation charge, asserting that the trooper lacked probable cause or reasonable suspicion to initiate the stop itself.

We review a district court's factual findings in a probable-cause determination for clear error and its legal determinations de novo. *State v. Lopez*, 778 N.W.2d 700, 703 (Minn. 2010). "The district court must view the evidence in the light most favorable to the state and may not assess the relative credibility or weight of conflicting evidence." *State v. Barker*, 888 N.W.2d 348, 353 (Minn. App. 2016) (citation and quotation omitted). Probable cause exists "when a person of ordinary care and prudence, viewing the totality of circumstances objectively, would entertain an honest and strong suspicion that a specific individual has committed a crime." *State v. Glover*, 4 N.W.3d 124, 132 (Minn. 2024); see *State v. Gerard*, 832 N.W.2d 314, 317 (Minn. App. 2013) (applying this standard to review denial of a motion to dismiss for lack of probable cause), *rev. denied* (Minn. Sept. 17, 2013).

Here, the district court concluded, based on its factual findings, that the charges were supported by probable cause:

[The trooper] did observe Defendant in a moving vehicle on a highway with a wireless communication device in his left hand. Defendant's driver's license was revoked at the time he was driving. This Court reasonably infers Defendant knew his license was revoked which is why he cheekily responded he was 'traveling instead of driving.' Additionally, Defendant did receive notice from the Department of Public Safety that his license was revoked.

Ebeling contends that, in determining whether probable cause existed, the district court failed to consider the statutory exception for emergencies that Ebeling asserted applied. But the statutory exception for an emergency is properly characterized as an affirmative defense. *See State v. Langaas*, 426 N.W.2d 479, 482 (Minn. App. 1988) (“When there is an exception to a statutory provision, a criminal defendant has the burden of establishing a prima facie case for this defense . . .”). And the state was not required to prove that this affirmative defense did not apply to establish probable cause for the observed offense. *See State v. Williams*, 794 N.W.2d 867, 871-73 (Minn. 2011) (holding that an officer had probable cause to believe a defendant violated gun-possession laws despite the officer’s failure to determine whether the defendant held a valid permit because the existence of a permit is an affirmative defense).

Because the emergency exception is an affirmative defense irrelevant to a probable-cause determination and the facts found by the district court supported probable cause, the district court did not err by concluding that the trooper had probable cause to initiate the stop in the first instance and to cite Ebeling with a hands-free violation.

II. Ebeling was not prejudiced by his use of a peremptory strike as to the prospective juror or by the district court’s denial of his motion to remove the prospective juror for cause.

Ebeling argues that the district court erred by denying his motion to strike for cause the juror who acknowledged a friendly relationship with the trooper and thus “forcing the use” of a peremptory strike. To support his assertion that the denial of his motion was error, Ebeling also argues that the use of the peremptory strike “deprived Appellant of the

full use of peremptory challenges to remove other objectionable jurors.” But because he does not identify any other juror as potentially objectionable, this argument fails.

The presence of a biased juror requires reversal only if that juror “actually sits in judgment.” *State v. Ulrich*, 3 N.W.3d 1, 7 (Minn. 2024). Ebeling does not identify any juror who allegedly displayed bias and who sat in judgment, instead relying only on his use of a peremptory strike to remove the prospective juror whom he disfavored. But even assuming that the denial of the motion was error, “the necessity to exercise a peremptory challenge to strike a juror whom the trial court has erroneously refused to remove for cause does not deprive the defendant of a fair trial.” *State v. Barlow*, 541 N.W.2d 309, 311 (Minn. 1995) (citing *Ross v. Oklahoma*, 487 U.S. 81, 89 (1988)). Instead, “the defendant must demonstrate the existence of actual bias or prejudice and a challenge for cause on completion of the voir dire.” *Id.* at 312. Ebeling did not object to any other juror and does not argue that the jury was prejudiced. His use of a peremptory strike to remove a juror whom the district court declined to remove for cause therefore provides no basis for reversal. *See id.* (concluding that, even where the state conceded that a for-cause challenge was possibly denied in error, the exhaustion of peremptory challenges alone provides no basis for reversal).

III. The evidence was sufficient to prove Ebeling’s guilt of both charges.

Ebeling challenges the sufficiency of the evidence for both charges. The state contends that the guilty verdicts are sufficiently supported by direct evidence. “[D]irect evidence is evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption.” *State v. Olson*, 982 N.W.2d 491, 495

(Minn. App. 2022) (quotation omitted). Our review of the sufficiency of direct evidence requires us to “carefully analyze[] the record to determine whether the evidence, viewed in the light most favorable to the conviction, was sufficient to permit the fact-finder to reach its verdict.” *Id.*

As to the hands-free-violation charge, Ebeling contends that there was no video evidence of him driving while holding his phone and that the state failed to establish that the device he was holding met the statutory definition of a “wireless communications device.” To prove Ebeling’s guilt of the hands-free violation, the state had to prove that Ebeling operated a vehicle while holding “a wireless communications device with one or both hands.” Minn. Stat. § 169.475, subd. 2(a)(1). The definition of a “wireless communications device” includes “a cellular phone.” Minn. Stat. § 169.011, subd. 94(a)(1) (2022). The trooper testified that he saw Ebeling driving while Ebeling was holding a device that the trooper identified as a cell phone. This is direct evidence because, if it is true, no inferences are necessary to establish that Ebeling held a phone while driving. *See Olson*, 982 N.W.2d at 495. Viewed in the light most favorable to the verdict, the trooper’s testimony is sufficient to establish that Ebeling violated the statute. Notwithstanding Ebeling’s contention that there was no video evidence to support the trooper’s testimony, “a conviction can rest on the uncorroborated testimony of a single credible witness.” *State v. Foreman*, 680 N.W.2d 536, 539 (Minn. 2004) (quotation omitted). Ebeling further asserts that the state failed to prove that the device he was holding had wireless capabilities. But the officer explicitly testified that he identified the device as “a cell phone,” which falls within the statutory definition of a “wireless communications device.” Minn. Stat.

§ 169.011, subd. 94(a)(1). The evidence was thus sufficient to prove Ebeling guilty of the hands-free violation.

As to the driving-after-revocation charge, Ebeling contends that there was no evidence that he actually received notice that his driver's license was revoked. This argument is unavailing. The driving-after-revocation statute provides that "[n]otice of revocation . . . is sufficient . . . if mailed by first class mail to the person's last known address." Minn. Stat. § 171.24, subd. 7(a) (2022). Contrary to Ebeling's contention, the statute plainly does not require proof of receipt of notice. The state submitted an authenticated exhibit certifying that Ebeling's notice of revocation was properly addressed to his last known address and "deposited as first-class mail." This is direct evidence of notice because, if true, it requires no inference for a fact-finder to conclude that the notice was indeed sent to Ebeling's last known address. *See Olson*, 982 N.W.2d at 495. Viewed in the light most favorable to the jury's verdict, the evidence was sufficient to prove Ebeling guilty of driving after revocation.

IV. The prosecutor's alleged misconduct did not affect Ebeling's substantial rights.

Ebeling argues that the prosecutor engaged in misconduct when, during closing arguments, he referenced the hypothetical he posed about the color of his suit during jury selection. Ebeling did not object to the prosecutor's statements; therefore, we review them only for plain error. *State v. Ramey*, 721 N.W.2d 294, 299-300 (Minn. 2006). "An error is plain if it was clear or obvious," such as when "the error contravenes case law, a rule, or a standard of conduct." *Id.* at 302 (quotations omitted).

Ebeling is correct that a prosecutor's statement is plain-error misconduct if a prosecutor "ask[s] the jurors to use the answers that they gave during voir dire as a means to determine . . . credibility." *State v. Bauer*, 776 N.W.2d 462, 475 (Minn. App. 2009), *aff'd*, 792 N.W.2d 825 (Minn. 2011). The prosecutor's attempt to invoke his voir dire hypothetical was therefore improper. But the inquiry does not end there; instead, the burden shifts to the state to prove that the error did not cause prejudice, meaning that "the misconduct did not affect substantial rights." *Ramey*, 721 N.W.2d at 302. This requires the state to show "that there is no reasonable likelihood that the absence of the misconduct in question would have had a significant effect on the verdict of the jury." *Id.* (quotation omitted). To determine whether such a reasonable likelihood exists, "we consider the strength of the evidence against the defendant, the pervasiveness of the improper suggestions, and whether the defendant had an opportunity to (or made efforts to) rebut the improper suggestions." *State v. Portillo*, 998 N.W.2d 242, 251 (Minn. 2023). We "will reverse only if the misconduct, when considered in light of the whole trial, impaired the defendant's right to a fair trial." *State v. Powers*, 654 N.W.2d 667, 678 (Minn. 2003). "With respect to claims of prosecutorial misconduct arising out of closing argument, we consider the closing argument as a whole" *State v. Johnson*, 616 N.W.2d 720, 728 (Minn. 2000).

The prosecutor's closing argument spanned nine pages of trial transcript, the improper phrase constituted little more than a single unfinished sentence that the district court immediately interrupted, and the prosecutor did not expound upon it further. Viewing the closing argument as a whole, the statement was an incomplete thought that lacked

prominence and did not give rise to prejudice substantial enough to “impair[] the defendant’s right to a fair trial.” *Powers*, 654 N.W.2d at 678-79 (noting that an improper statement did not warrant reversal because it “was only two sentences in a closing argument that amounted to over 20 transcribed pages”). Moreover, the strength of the evidence here was considerable, and Ebeling had the opportunity to rebut the prosecutor’s statement in his own closing statement, which followed immediately after. *See State v. Peltier*, 874 N.W.2d 792, 806 (Minn. 2016) (stating that “prosecutor’s improper remarks” did not affect defendant’s substantial rights because “the evidence in support of the conviction is overwhelming,” “the incidents of alleged misconduct were isolated,” and defendant “had ample opportunity to rebut . . . even if she declined to do so”). Given that the prosecutor never completed his statement, the statement’s considerable lack of prominence, the strength of the evidence, and Ebeling’s opportunity to rebut, we conclude that any prosecutorial misconduct here does not warrant reversal.

V. The district court’s statements during sentencing were not material misstatements of fact requiring reversal.

Ebeling next argues that the district court’s statement at sentencing that Ebeling admitted that he had been holding the phone constituted a material misstatement of fact that requires reversal. He cites *Townsend v. Burke*, 334 U.S. 736 (1948) for support. We are not persuaded.

We first observe that the district court acknowledged that it misspoke after Ebeling corrected it, stating, “Okay. Okay. And certainly . . . [y]ou did a good job, Mr. Ebeling, as did the State of making the record, so I think that that’s all clear on the record. Very

good.” In addition, the record does not reflect that the mistake had any effect on the sentencing for the hands-free violation. The district court imposed only a \$50 fine. In contrast, in *Townsend*, the Supreme Court held that a district court’s repeated incorrect references to a defendant’s criminal record at sentencing constituted a due-process violation because it could “not . . . assume that items given such emphasis by the sentencing court, did not influence the sentence which the prisoner is now serving.” 334 U.S. at 740-41. Nothing here indicates that the sentence was influenced in any way by the district court’s incorrect observation. The district court’s statement is therefore not a basis to reverse.

Affirmed.