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**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A12-0843**

State of Minnesota,  
Respondent,

vs.

Alex Mehralian,  
Appellant.

**Filed August 5, 2013  
Affirmed  
Bjorkman, Judge**

Beltrami County District Court  
File No. 04-VB-11-2014

Lori Swanson, Attorney General, St. Paul, Minnesota; and

Timothy R. Faver, Beltrami County Attorney, Jeffrey R. Nelson, Assistant County Attorney, Bemidji, Minnesota (for respondent)

Alex Mehralian, Bloomington, Minnesota (pro se appellant)

Considered and decided by Kirk, Presiding Judge; Hudson, Judge; and Bjorkman, Judge.

**UNPUBLISHED OPINION**

**BJORKMAN**, Judge

Appellant challenges his speeding conviction, arguing that (1) the trial judge was biased, (2) the district court erred by reviewing a video exhibit from the bench without

providing a monitor for others in the courtroom, (3) he was improperly denied counsel and a jury trial, and (4) he was not provided all of the transcripts he requested. We affirm.

## **FACTS**

Shortly after midnight on July 16, 2011, Beltrami County Sheriff's Deputy Lyan Karger was traveling eastbound on Highway 2 and observed a gray four-door sedan traveling westbound that appeared to be exceeding the posted speed limit of 65 miles per hour. Deputy Karger's car radar system indicated that the vehicle was traveling 79 miles per hour. He made a U-turn and proceeded westbound in pursuit of the speeding vehicle. He passed a dark-colored SUV stopped on the shoulder, activated his emergency lights as he approached the gray sedan, and executed a traffic stop. Deputy Karger identified the driver as appellant Alex Mehralian and discovered that Mehralian's driver's license was suspended. He issued Mehralian a citation for speeding and driving after suspension.

Mehralian contested the charges, and the district court appointed a public defender to represent him. The driving-after-suspension charge was dismissed, and Mehralian represented himself at a bench trial on the petty-misdemeanor speeding charge. On the day of trial, Mehralian requested that the judge remove himself for bias; the district court denied the request. The district court found Mehralian guilty. This appeal follows.

## **D E C I S I O N**

### **I. Mehralian is not entitled to relief based on the denial of his removal motion.**

Mehralian challenges the denial of his motion to remove the trial judge for bias. This argument is not properly before us in this posttrial appeal. Rather, the appropriate

way to obtain review of the denial of a motion to remove is to seek a writ of prohibition. *State v. Dahlin*, 753 N.W.2d 300, 303 (Minn. 2008). And even if we consider Mehralian's challenge on its merits, he has not demonstrated any error in the district court's denial of his motion. The district court properly ruled that Mehralian's oral motion on the day of trial was untimely. *See* Minn. R. Crim. P. 26.03, subd. 14(4) (requiring a party to seek removal within seven days after receiving notice of the name of the presiding judge, and before the start of trial). And Mehralian's allegation that the district court prejudged his guilt at the bail hearing is belied by the district court's review of the recording of the bail hearing, its explanation that it was simply verifying the nature of the charge against Mehralian, not presuming the charge was proved, and its thorough consideration of Mehralian's defense that Deputy Karger stopped the wrong vehicle. On this record, we conclude Mehralian is not entitled to relief based on the district court's denial of his removal motion.

## **II. The district court did not err by reviewing a video exhibit at the bench.**

Mehralian offered Deputy Karger's dash-camera video as a trial exhibit. He argues that the district court erred by viewing the video at the bench rather than providing Mehralian equipment to play the video to the whole courtroom. We disagree. Mehralian did not object to the district court's review of the exhibit at the bench, so he must demonstrate that the district court committed prejudicial plain error. *See State v. Strommen*, 648 N.W.2d 681, 686 (Minn. 2002) (applying plain-error standard of review to unobjected-to evidentiary ruling). He has not done so. Mehralian does not identify any authority requiring the district court to provide him equipment with which to play a

video exhibit to the entire courtroom, particularly in the context of a bench trial where the district court is the sole fact-finder. Moreover, review of the transcript reveals that the district court thoroughly considered the video, cooperated with Mehralian's requests to stop and start the video to correspond to portions of Deputy Karger's testimony, asked Mehralian and Deputy Karger to come to the bench to view and discuss several portions of the video, and subsequently permitted Mehralian to re-call Deputy Karger to cross-examine him further about the video. We discern no error in the district court's treatment of the evidence or prejudice to Mehralian.

### **III. Mehralian was not entitled to counsel or a jury trial.**

Mehralian next argues that he was deprived of his right to counsel and a jury trial because his public defender was discharged and his jury trial was canceled after the district court dismissed the driving-after-suspension charge. That dismissal left only a charge of speeding, which is a petty misdemeanor. The rights to counsel and a jury trial do not attach in non-criminal petty-misdemeanor proceedings. Minn. R. Crim. P. 23.05, subds. 1-2; *see also State v. Host*, 350 N.W.2d 479, 481-82 (Minn. App. 1984). Accordingly, the district court did not err by dismissing Mehralian's public defender and proceeding with a bench trial.

### **IV. Mehralian is not entitled to relief for the omission of two hearing transcripts.**

Mehralian asserts that he requested transcripts of multiple hearings to support his appeal but was provided only the transcript of the bench trial. A defendant's failure to obtain requested transcripts requires reversal only if it affects substantial rights. *See* Minn. R. Crim. P. 31.01 (errors that do not affect substantial rights must be disregarded).

No impairment of Mehralian's substantial rights is apparent on this record. Mehralian contends the requested bail-hearing transcript would reveal judicial bias. But his bias claim is both procedurally and substantively flawed in several respects, as discussed above. Mehralian also asserts the requested transcript of the omnibus hearing contains testimony that there was another vehicle on the road at the time of the stop. But that testimony has no bearing on his motion to dismiss based on a challenge to the reliability of Deputy Karger's radar reading, which was the only issue before the district court at the omnibus hearing. And the district court considered and rejected Mehralian's trial testimony that Deputy Karger stopped the wrong vehicle. Because the transcripts in question are not necessary to evaluate the arguments properly before us in this appeal, Mehralian was not prejudiced by their omission. Accordingly, we conclude he is not entitled to relief on that basis.

**Affirmed.**