

STATE OF MINNESOTA
IN COURT OF APPEALS

A24-0466



Travis Clay Andersen, petitioner,

Appellant,

vs.

State of Minnesota,

Respondent.

ORDER OPINION

Carver County District Court
File No. 10-CR-15-1332

Considered and decided by Cochran, Presiding Judge; Wheelock, Judge; and Smith, John, Judge.*

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. In December 2015, respondent State of Minnesota charged appellant Travis Clay Andersen with domestic assault, third- and fourth-degree assault, obstructing legal process, and fleeing a peace officer. In the probable-cause portion of the complaint, the state alleged that Andersen hit a female victim in the head, the victim later received medical treatment, and “it appear[ed]” that the victim “suffered a significant if not severe concussion.” At a bail hearing, the prosecutor stated, “We have confirmed that she suffered a concussion along with other injuries.”

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

2. The case proceeded to a jury trial. The state dismissed the charge of fleeing a peace officer, and the jury returned guilty verdicts on the remaining charges. Andersen directly appealed, and this court affirmed his convictions. *State v. Andersen*, No. A17-0265, 2017 WL 5661577, at *1 (Minn. App. Nov. 27, 2017).

3. In December 2023, Andersen petitioned for postconviction relief, arguing that (1) the state provided “false information” in the probable-cause portion of the complaint and during the bail hearing by asserting that the victim had suffered a concussion, and (2) the state withheld exculpatory medical records in violation of *Brady v. Maryland*, 373 U.S. 83 (1963). Andersen’s claims were based on “recently discovered evidence,” specifically, emergency-department records (ER records) from December 23, 2015. Andersen alleged that the ER records “prove[d]” that the victim did not suffer a concussion, and he requested a hearing on his petition.

4. In January 2024, the postconviction court summarily denied Andersen’s petition. The court concluded that Andersen’s claims lacked factual support, were time-barred, and were procedurally barred. Andersen appeals.

5. Under Minnesota’s postconviction statutes, a person convicted of a crime may seek relief by filing a petition claiming that the conviction “violated the person’s rights under the Constitution or laws of the United States or of the state.” Minn. Stat. § 590.01, subd. 1(1) (2022). “The person seeking postconviction relief bears the burden of establishing by a preponderance of the evidence that his claims merit relief.” *Crow v. State*, 923 N.W.2d 2, 10 (Minn. 2019). We review the denial of a postconviction petition for an

abuse of discretion. *Colbert v. State*, 870 N.W.2d 616, 621 (Minn. 2015). In doing so, we review legal issues de novo and factual findings for clear error. *Id.*

6. We first address the time-bar. A postconviction petition is untimely if filed “more than two years after the later of: (1) the entry of judgment of conviction or sentence if no direct appeal is filed; or (2) an appellate court’s disposition of petitioner’s direct appeal.” Minn. Stat. § 590.01, subd. 4(a)(1)-(2) (2022). Here, Andersen’s petition was untimely because this court disposed of his direct appeal in 2017.

7. There are exceptions to the two-year time-bar. *See id.*, subd. 4(b) (2022) (listing five exceptions). For example, the two-year time-bar does not apply if newly discovered evidence clearly and convincingly establishes the petitioner’s innocence. *Id.*; *Moua v. State*, 778 N.W.2d 286, 288 (Minn. 2010). In his petition, Andersen did not raise a specific statutory time-bar exception. The district court therefore did not abuse its discretion in determining that Andersen’s claims were time-barred. *See Brocks v. State*, 883 N.W.2d 602, 604 (Minn. 2016) (stating that to satisfy an exception to the time-bar, the petitioner must “invoke an exception in the petition”).

8. Andersen referenced “recently discovered evidence” in the form of the ER records. But even assuming that he thereby invoked the newly-discovered-evidence exception, his claim nevertheless fails. A petition invoking an exception “must be filed within two years of the date the claim arises.” Minn. Stat. § 590.01, subd. 4(c) (2022). The date that a claim arises is “determined by when a petitioner knew or should have known the claim existed.” *Greer v. State*, 2 N.W.3d 323, 327 (Minn. 2024) (quotation omitted).

The determination of when a claim arose is a question of fact, reviewed for clear error. *Sanchez v. State*, 816 N.W.2d 550, 560 (Minn. 2012).

9. The postconviction court found that Andersen knew or should have known of his claims at the time of his direct appeal. The record supports this finding. At trial, testimony established that the victim went to the Ridgeview Medical Center emergency room the day following the assault. And in medical records disclosed prior to trial, there are references to the victim's December 23 ER visit. In sum, even presuming that the ER records at issue were not properly disclosed prior to trial, Andersen should have known of the existence of those records at the time of trial, and any claim of newly-discovered evidence is therefore untimely.

10. The postconviction court also determined that Andersen's claims were procedurally barred. "[W]here direct appeal has once been taken, all matters raised therein, and all claims known but not raised, will not be considered upon a subsequent petition for postconviction relief." *State v. Knaffla*, 243 N.W.2d 737, 741 (Minn. 1976). "The *Knaffla* rule also bars all claims that the appellant should have known at the time of direct appeal." *Buggs v. State*, 734 N.W.2d 272, 274 (Minn. 2007) (quotations omitted). For the reasons previously discussed, Andersen should have known about his claims at the time of direct appeal, and therefore the district court did not err in concluding that the claims were barred under *Knaffla*.

11. Because we hold that the postconviction court did not abuse its discretion in concluding that Andersen's claims are time-barred and *Knaffla*-barred, we do not address its determination that the claims also lacked factual support.

IT IS HEREBY ORDERED:

1. The postconviction court's order is affirmed.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: August 27, 2024

BY THE COURT

/s/

Judge John Smith