STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1342

Andrew Charles Patton, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

Filed June 16, 2025
Affirmed
Cochran, Judge

Hubbard County District Court
File No. 29-CR-23-339

Daniel S. Adkins, North Star Law Group, St. Paul, Minnesota (for appellant)

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

John Olson, Hubbard County Attorney, Anna M. Emmerling, Assistant County Attorney, Park Rapids, Minnesota (for respondent)

Considered and decided by Reyes, Presiding Judge; Cochran, Judge; and Schmidt, Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

Appellant challenges the district court's denial of his postconviction motion to withdraw his guilty plea after sentencing. Because the district court did not abuse its discretion in denying the motion, we affirm.

FACTS

In March 2023, respondent State of Minnesota charged appellant Andrew Charles Patton with third-degree DWI, refusal to submit to chemical testing, in violation of Minnesota Statutes section 169A.20, subdivision 2(2) (2022). The state alleged that Patton refused to submit to a blood or urine chemical test following his arrest for impaired driving. At the time of his arrest, Patton was on probation for felony fifth-degree possession of a controlled substance (the probation-violation case). Patton's arrest led his probation officer to file a probation violation report alleging three violations.

The state and Patton entered into a plea agreement on the charge of third-degree DWI—refusal to submit to chemical testing. Under the terms of the agreement, Patton agreed to plead guilty, and in exchange, the state agreed to recommend a sentence of one year in jail and court supervised probation. The agreement did not encompass the alleged probation violations.

Plea Hearing

In April 2023, the district court held a plea hearing to consider Patton's impaired-driving plea and the probation-violation case. In reviewing the plea agreement with the parties, the district court noted that the plea agreement "contemplate[d] *court* supervised probation." The district court expressed concern about "court supervised probation" and indicated that, if the court accepted the plea, it would impose a higher level of supervision to ensure Patton received a chemical-dependency assessment. After expressing its intentions, the district court gave Patton and his attorney time to speak in private about whether Patton still wanted to proceed with the guilty plea given the district court's

statement about probation. Patton and his attorney returned after about 20 minutes. Patton's attorney told the district court that Patton wanted to proceed with the plea agreement and to admit to the probation violations. Following a discussion with the district court, Patton's attorney then engaged in the following inquiry with Patton:

> Mr. Patton you understand that, what the judge is saying is that we have an agreement with the State on the recommendations for your probation violation and the disposition [thereof]. [W]hat the Court is saying is that [it] is not bound by those recommendations and if the judge sees fit, he can otherwise render a disposition other than what's agreed upon.

Patton responded, "Yes."

Patton then entered a plea of guilty to the sole count of impaired driving. Thereafter, he responded to questions from his attorney about his decision to plead guilty. He agreed that he had enough time to speak with his attorney and wanted to waive his right to a jury trial. And Patton agreed that he was pleading guilty because he was "in fact guilty [and] not just to get out of jail."

Patton also provided the factual basis for his guilty plea. Patton admitted that he was stopped by a police officer on March 29 for a traffic violation. He agreed that the police officer observed signs of potential drug use, including shaking, "a visible pulse on the side of his neck," watery eyes, and an inability to complete field sobriety tests. Patton acknowledged that officers also observed "heat bumps" in his mouth, which is a sign of methamphetamine use. He also agreed that he was then taken to the hospital for a blood or urine sample, and he admitted that he refused to provide a blood sample, despite being

advised that officers obtained a search warrant for a blood or urine sample and that refusal to submit to a chemical test was a crime.

After Patton provided a factual basis for the offense, the district court determined that there were sufficient facts to support his guilt and accepted the plea. The district court sentenced Patton to 365 days in jail. It stayed 324 days for four years and ordered Patton to serve 41 days in custody, all of which was credited as time served. The district court also placed Patton on supervised probation for four years to be monitored by the county, not the court, and imposed probationary conditions.

The district court then turned to Patton's probation-violation case. Patton acknowledged that he spoke with his attorney about the right to challenge the violations and the right to have a hearing to present witnesses and cross-examine the state's witnesses. Patton waived these rights and admitted to three violations of probation. Specifically, he admitted that he violated his probation by: (1) committing the new impaired-driving offense; (2) submitting two positive methamphetamine tests; and (3) failing to submit a urine sample. Based on Patton's admission to the probation violations, the district court entered a conviction for the previous offense for which Patton was on probation and converted the stay of adjudication in that case to a stay of imposition for up to five years.[1]

[1] While Patton's colloquy with regard to his admission to his probation violations is relevant to our analysis of whether his guilty plea to third-degree DWI was valid, Patton does not challenge the judgment or resentencing that resulted from his admitted probation violations.

Postconviction Proceedings

Approximately six months later, in October 2023, Patton moved to withdraw his guilty plea on the ground that his plea was invalid. Patton asserted that he only pleaded guilty "to secure his release from custody, due to severe medical and psychological challenges." The district court held an evidentiary hearing at which it heard testimony from Patton and his attorney.

Patton testified that he believed he would be released from custody if he pleaded guilty. Patton acknowledged that he told the district court during the plea hearing that he was not pleading guilty just to get out of jail. However, Patton explained at the postconviction hearing that he "lied to the judge" about his reasons for pleading guilty at the plea hearing. Patton testified that he entered a guilty plea because he "wanted to go home" due to his medical and personal issues.

The district court also heard testimony from Patton's attorney. According to the attorney, Patton indicated that he was "open to resolution," and the attorney negotiated a plea with the state. The attorney stated that he reviewed the plea petition with Patton and discussed the rights that Patton would be waiving. The attorney explained to Patton that his desire to go home could not "be the primary [basis] just to get out of jail [and] take the plea agreement." The attorney asserted that he was not aware Patton expected to be released from custody immediately.

Following the hearing, the district court denied Patton's motion to withdraw his guilty plea. Patton now appeals.

DECISION

An appellate court reviews the district court's denial of a postconviction petition for an abuse of discretion. *Pearson v. State*, 891 N.W.2d 590, 596 (Minn. 2017). In doing so, we review legal issues de novo and factual findings to determine if there is sufficient evidentiary support in the record to support the finding. *Id.* A district court abuses its discretion "when it has exercised its discretion in an arbitrary or capricious manner, based its ruling on an erroneous view of the law, or made clearly erroneous factual findings." *Id.* (quotation omitted).

"A defendant has no absolute right to withdraw a guilty plea after entering it." *Taylor v. State*, 887 N.W.2d 821, 823 (Minn. 2016) (quotation omitted). But a defendant must be permitted to withdraw a guilty plea "[a]t any time" if "withdrawal is necessary to correct a manifest injustice." Minn. R. Crim. P. 15.05, subd. 1. "A manifest injustice exists if a guilty plea is not valid. To be constitutionally valid, a guilty plea must be accurate, voluntary, and intelligent." *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010) (citation omitted). The validity of a guilty plea is a question of law that appellate courts review de novo. *State v. Mikulak*, 903 N.W.2d 600, 603 (Minn. 2017). Patton, as the party seeking relief, bears the burden of establishing that his plea is invalid. *Raleigh*, 778 N.W.2d at 94.

Patton argues that he is entitled to withdraw his guilty plea because his plea was neither voluntary nor intelligent.[2] We address each argument in turn.

[2] Patton also argues that "his plea was not accurate." However, Patton's accuracy argument was not adequately briefed, and we therefore consider that issue forfeited. *See State v. Andersen*, 871 N.W.2d 910, 915 (Minn. 2015) (stating that "assignment of error based on mere assertion and not supported by any argument or authorities in appellant's brief is

Patton's Plea Was Voluntary

"To determine whether a plea is voluntary, the court examines what the parties reasonably understood to be the terms of the plea agreement." *Raleigh*, 778 N.W.2d at 96. The requirement that a plea be voluntary "ensures a defendant is not pleading guilty due to improper pressure or coercion." *Id.* (citation omitted). "Whether a plea is voluntary is determined by considering all relevant circumstances." *Id.*

Patton argues that his guilty plea was not voluntary because he pleaded guilty only to secure his release from jail. To support this argument, Patton contends that he was pressured into pleading guilty due to his medical condition, his resulting 16-day stay in solitary confinement, and his house being broken into while he was in jail. We are not persuaded.

The supreme court's decision in *Perkins v. State* is instructive in addressing this issue. 559 N.W.2d 678 (Minn. 1997). In that case, the defendant asserted that his medical condition prevented him from entering a valid plea because "he made a hasty decision to plead guilty" to get transferred from the county jail to a state facility. *Id.* at 690. The supreme court rejected this argument, determining that the defendant "failed to indicate how his medical complaints negate[d] the accuracy, voluntariness, or intelligence of his guilty plea." *Id.* at 691. It also noted that the defendant did not inform his attorney or the district court at the plea hearing that his condition affected the validity of the plea. *Id.* As the supreme court reasoned, "[the defendant] had an opportunity at both the plea and

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waived and will not be considered on appeal unless prejudicial error is obvious on mere inspection" (quotation omitted)).

sentencing hearings to express any concerns regarding his health and the guilty plea. [His] medical condition in no way precluded an accurate, voluntary, and intelligent plea." *Id.*

Here, Patton similarly failed to raise concerns at the plea or sentencing hearings that he was suffering from physical or mental-health problems that affected his ability to voluntarily enter into a plea agreement with the state. And his medical and mental-health complaints were general in nature and lacked supporting detail. We therefore conclude that Patton has failed to establish that his medical condition resulted in an involuntary plea. *See id.*; *see also Williams v. State*, 760 N.W.2d 8, 14-15 (Minn. App. 2009) (affirming the denial of a petition to withdraw a guilty plea when the defendant submitted no factual proof of her allegations that she suffered from nervous or mental conditions), *rev. denied* (Minn. Apr. 21, 2009).

Moreover, Patton did not demonstrate that the state pressured or coerced Patton into pleading guilty. "[A] plea is involuntary when it is induced by coercive or deceptive action." *Dikken v. State*, 896 N.W.2d 873, 877 (Minn. 2017). This includes "actual or threatened physical harm, or . . . mental coercion overbearing the will of the defendant." *Id.* (quotations omitted). However, a plea is not involuntary just because a defendant subjectively feels that there is "no meaningful choice." *Id.* (stating that a defendant had meaningful choices, including proceeding to trial, even if it was "not the specific choice [the defendant] preferred"). Patton has not met his burden of showing that he pleaded guilty due to improper pressure or coercion.

Finally, we note that the district court did not find Patton's testimony at the postconviction hearing regarding his reason for pleading guilty to be credible because that

testimony contradicted earlier testimony. At the plea hearing, Patton testified that he wanted to plead guilty, that he had enough time to speak with his attorney, and that he was not pleading guilty "just to get out of jail." At the postconviction plea-withdrawal hearing, however, he stated that he lied about pleading guilty solely to get out of jail. Consequently, the district court found that "Patton's testimony was not credible." We defer to the district court's credibility determination. *See State v. Jones*, 921 N.W.2d 774, 782-83 (Minn. App. 2018) (noting that the district court is in the best position to make findings on credibility in a plea-withdrawal hearing), *rev. denied* (Minn. Feb. 27, 2019).

For these reasons, we conclude that Patton failed to meet his burden to show that his plea was involuntary.

Patton's Plea Was Intelligent

"A plea is intelligent when the defendant understands the charges, his or her rights under the law, and the consequences of pleading guilty." *Oldenburg v. State*, 763 N.W.2d 655, 658 (Minn. App. 2009) (quotation omitted). The defendant must understand the plea's "direct consequences," *Raleigh*, 778 N.W.2d at 96, which are those consequences that "flow definitely, immediately, and automatically from the guilty plea," *State v. Crump*, 826 N.W.2d 838, 841 (Minn. App. 2013) (citation omitted), *rev. denied* (Minn. May 21, 2013).

Patton claims that his plea was unintelligent because he was not fully informed of the consequences of pleading guilty. He raises four challenges, claiming that: (1) the district court modified the terms of the plea agreement; (2) he did not understand the rights he was waiving in the probation-violation case; (3) he did not have enough time to speak

with his attorney face-to-face before entering his plea; and (4) he believed he would be released from custody the same day he entered his guilty plea.[3] For the reasons discussed below, we do not find these arguments persuasive.

Patton first asserts that he was not fully informed of the consequences of his plea because the district court "deviated" from the plea agreement by imposing a higher level of supervised probation than Patton anticipated. "[A] district court may, in its discretion, refuse to accept a plea agreement and is not bound by a plea agreement as to any sentence to be imposed." *Johnson v. State*, 641 N.W.2d 912, 918 (Minn. 2002). If a district court rejects a plea agreement, "it must advise the parties in open court and then call upon the defendant to either affirm or withdraw the plea." Minn. R. Crim. P. 15.04, subd. 3(2).

The district court properly followed this guidance here. The plea agreement provided that Patton would plead guilty to impaired driving in exchange for a recommended sentence of "1 year [in] jail, with credit for . . . time served. No further executed jail [time]; [and] 4 years [of] court supervised probation." During the plea hearing, the district court noted that it had reviewed the plea petition, which "contemplate[d] court supervised probation." The district court disagreed with this provision, however, stating: "He'll go on supervised probation." The district court then excused Patton and his attorney into a private room for about 20 minutes to discuss this

[3] Patton also asserted in his motion to withdraw his guilty plea that his plea was unintelligent because his attorney failed to adequately investigate the charges against him or advocate for a better resolution of the case. However, Patton did not raise this issue on appeal. Because Patton did not raise an ineffective-assistance-of-counsel argument in his brief on appeal, any arguments related to whether Patton received effective assistance of counsel is not before us.

condition. After the meeting, Patton agreed to proceed with the plea agreement. The district court reminded Patton that "the parties can't bind the Court in terms of probation." Patton's attorney asked him if he understood that, while the state agreed to a certain type of probation, the district court could "render a disposition other than what's agreed upon." Patton stated that he understood and proceeded to plead guilty. Based on this record, we are satisfied that the district court gave Patton time to discuss the type of probation with his attorney and confirmed that Patton wanted to go forward with the guilty plea.

Relatedly, Patton claims that he was not informed of the consequences of pleading guilty in the probation-violation case because he "gave an uncertain answer" when asked if he had enough time to speak with his attorney. He points to an exchange when the district court asked Patton if he "had enough time to talk with [his] lawyer about facing the violation of [his] probation and possible execution of [his] prison sentence." Patton responded, "I have not approached that part of it, sir." On appeal, Patton maintains that his answer demonstrates that he lacked confidence in his plea decision. However, immediately following this answer, Patton's attorney engaged in the following colloquy with Patton to ensure that he understood the consequences of his plea:

> COUNSEL: . . . Mr. Patton, we discussed that you have the right to challenge the violations, correct?
>
> PATTON: Yup.
>
> COUNSEL: And you have the right to challenge each individually and have [a] hearing where you can actually have a contested hearing, present witnesses, cross examine [the] State's witnesses. You understand that, right?
>
> PATTON: Yup.

> COUNSEL: And you're waiving those rights to proceed with the agreement with the State, correct?
>
> PATTON: Correct.
>
> COUNSEL: Okay, and as we'd previously discussed, ultimately, we have an agreement with the State, but the disposition, what the judge would resentence you under, is up to the judge.
>
> PATTON: Sure, yup. I get it now, I apologize.

Following this exchange, Patton admitted that he violated the terms of his probation. In sum, the record shows that the district court gave Patton time during the hearing to speak with his attorney, and that Patton gave detailed answers acknowledging that he understood the direct consequences of pleading guilty in the probation-violation case.

Next, Patton argues that his plea was unintelligent because he did not have a face-to-face meeting with his attorney prior to the plea hearing. Patton's attorney communicated with Patton through a text-messaging system and over the phone while Patton was in jail, but did not meet him in person until the day of the plea hearing. Patton did not raise this issue as a concern with the district court. Additionally, Patton does not identify any caselaw suggesting that the amount of time an attorney spends with the client in person is determinative of whether a plea is intelligently made. Furthermore, at the plea hearing, Patton agreed that he had enough time to speak with his attorney before entering his guilty plea and that he understood the terms of his plea. The district court also asked Patton if his "attorney answer[ed] all the questions that [he] had," and Patton responded, "Very well, sir." Patton has not shown that his plea was unintelligent because his communications with

his attorney were primarily over the phone and through a messaging system before the plea hearing.

Lastly, Patton asserts that his plea was not intelligent because he expected to be released from jail "that day" after entering a guilty plea. Patton has not established facts supporting this claim. *See Raleigh*, 778 N.W.2d at 94 (placing the burden on the petitioner to establish the facts that a guilty plea is invalid). During the plea hearing, Patton's attorney asked, "[P]rior to this hearing, we discussed that, you're pleading guilty because you are in fact guilty not just to get out of jail, is that correct?" Patton responded, "Correct." During the postconviction evidentiary hearing, however, Patton testified that he "lied to the judge" when he stated that he did not plead guilty just to get out of jail. The district court relied on its observation of Patton, both during the plea hearing and in the postconviction hearing, and found that Patton's testimony that he lied at the plea hearing "was not credible." As noted above, we defer to a district court's credibility determination. *State v. Aviles-Alvarez*, 561 N.W.2d 523, 527 (Minn. App. 1997), *rev. denied* (Minn. June 11, 1997).

The record supports the conclusion that Patton's guilty plea to third-degree DWI was intelligently made and voluntary. Accordingly, Patton is not entitled to withdraw his guilty plea for a manifest injustice and we affirm the district court's decision to deny Patton's postconviction request to withdraw his guilty plea.

Affirmed.