

*This opinion is nonprecedential except as provided by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
A24-1677**

Juan Silva, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed June 23, 2025
Affirmed
Ede, Judge**

Dakota County District Court
File No. 19HA-CR-17-2293

Juan Silva, North St. Paul, Minnesota (pro se appellant)

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

Kathryn M. Keena, Dakota County Attorney, Cory B. Monnens, Assistant County Attorney, Hastings, Minnesota (for respondent)

Considered and decided by Bentley, Presiding Judge; Ede, Judge; and Harris, Judge.

NONPRECEDENTIAL OPINION

EDE, Judge

Appellant challenges the district court's summary denial of his petition for postconviction relief, arguing that the court abused its discretion by determining that the petition was time-barred and procedurally barred. We affirm.

FACTS

Underlying Charge, Trial, Conviction, and Sentence

In June 2017, respondent State of Minnesota charged appellant Juan Silva with second-degree assault, in violation of Minnesota Statutes section 609.222, subdivision 1 (2016). In October 2017, the state moved to impeach any trial testimony by Silva with five of “his prior felony and/or crimes of dishonesty conviction(s).” In January 2019, the state filed notice of its intent to seek an aggravated sentence, asserting that Silva “ha[d] three prior violent crime convictions and [was] a danger to public safety.” *See* Minn. Sent’g Guidelines 2.D.3.b(8) (2016); Minn. Stat. § 609.1095, subd. 2, 3 (2016).

The case proceeded to a jury trial. Silva was convicted of the charged offense, and the district court sentenced him to 84 months in prison, which was an upward departure based on the jury’s finding that he was a danger to public safety. *See* Minn. Stat. § 609.1095, subd. 2 (2016).

Direct Appeal

Silva appealed his conviction, asserting that “the district court prejudicially erred by excluding medical opinion testimony on the cause of [his] injury, which he proffered to support his self-defense claim.” *State v. Silva*, No. A19-1768, 2020 WL 7688585, at *1 (Minn. App. Dec. 28, 2020), *rev. denied* (Minn. Mar. 16, 2021). We affirmed.¹ *Id.* at *8. Although we concluded that “the district court abused its discretion by not explicitly

¹ “Nonprecedential opinions . . . are not binding authority except as law of the case, res judicata or collateral estoppel” Minn. R. Civ. App. P. 136.01, subd. 1(c).

considering the *Lindsey*² factors before excluding [the medical expert’s] opinion testimony,” we nonetheless ruled that this abuse of discretion was harmless beyond a reasonable doubt. *Id.* Silva petitioned for review by the Minnesota Supreme Court, which the supreme court denied on March 16, 2021. Judgment affirming the conviction was entered on March 19, 2021.

Motion for Correction and Reduction of Sentence; Amended Motion for Vacated Sentence

On March 10, 2023, Silva filed a motion for “correction and reduction of [his] sentence” under Minnesota Rule of Criminal Procedure 27.03, subdivision 9. Silva generally argued “that his sentence [was] incorrect and unauthorized by law.” He also claimed his sentence resulted in “a substantial right violation and thus needs or calls for immediate remedial action.”

Before the district court addressed that motion, Silva amended it in a pleading filed on April 25, 2024. In his amended motion, Silva “move[d] the district court for a vacated sentence.” He also challenged his conviction. For example, Silva wrote that he intended to “establish with evidence in the record” that his “conviction [and] sentence were obtained by the use of an illegal ‘double jeopardy’ case,” which “render[ed] [his] conviction ‘triple jeopardy.’” He asserted that the district court had erroneously granted the state’s motion to impeach him at trial with a terroristic-threats conviction from 1999 based on the state’s representation that Silva was sentenced for that offense in March 2006. Silva contended that the actual date of conviction was in November 2000, and that, “[a]fter being apprised

² *State v. Lindsey*, 284 N.W.2d 368, 373 (Minn. 1979).

of the correct date, the prosecutor disregarded this information and instructed the jury to use the [terroristic] threat case among others . . . to render a dangerous offender finding.” He maintained that the “[terroristic-]threat case substantially influenced the verdict since it was relied upon by a jury to impeach [and to make a] dangerous offender finding for an aggravated sentence,” which he claimed “had a two-fold [e]ffect, on the verdict [and] sentencing.” Although he argued that “[a] vacated sentence is the only viable remedy,” Silva also more broadly asserted that “[c]ertain constitutional errors require automatic reversal.”

The state opposed Silva’s April 25, 2024 amended motion for vacated sentence, contending that it was “procedurally barred under Minnesota law.” Maintaining that the April 25, 2024 amended motion for vacated sentence implicated more than just correcting Silva’s sentence, the state asked the district court to treat Silva’s request as a petition for postconviction relief. The state also argued that Silva’s April 25, 2024 amended motion for vacated sentence was procedurally barred because he did not raise the same grounds on direct appeal and did not allege any manifest injustice.

Petition for Postconviction Relief Alleging Ineffective Assistance of Appellate Counsel

In June 2024, before the district court ruled on his April 25, 2024 amended motion for vacated sentence, Silva filed a separate petition for postconviction relief. Among other claims raised in that petition,³ Silva alleged that his appellate counsel was ineffective by

³ In his June 2024 postconviction petition, Silva also contended that his “[s]ubstantial right to a fair trial [was] violated,” that the state had engaged in prosecutorial misconduct, that he had received “ineffective [assistance] of counsel(s),” and that the district court had “demonstrated prodigious bias throughout” the proceedings by imposing “an illegal

failing to raise certain issues on appeal, including an argument that he had received ineffective assistance of trial counsel.

The record before us does not include a ruling by the district court on Silva's June 2024 postconviction petition. And the district court did not address Silva's June 2024 petition for postconviction relief in its order denying Silva's April 25, 2024 amended motion for vacated sentence, which is discussed next.

Order Denying April 25, 2024 Amended Motion for Vacated Sentence

In August 2024, the district court filed findings of fact, conclusions of law, and an order denying Silva's April 25, 2024 amended motion for vacated sentence "in all respects." Because the district court determined that the April 25, 2024 amended motion for vacated sentence implicated more than just correcting Silva's sentence, the court decided that it was proper to construe the amended motion as a petition for postconviction relief. The district court acknowledged that, if it had treated Silva's March 10, 2023 motion for correction and reduction of sentence as a postconviction petition, "it had the potential to be considered timely." But "[t]he [district] court did not do so" and instead ruled that Silva's amended motion was untimely.

sentence," by relying on an "erroneous crim[inal] history score, [by] us[ing] . . . a decayed case to impeach [and] . . . to justify departure," and by allowing "false witness testimony." Silva further argued that the district court had abused its discretion at trial and sentencing, including by not stating the reasons for the upward departure that the court imposed. In a memorandum of law supporting his petition, Silva detailed the errors that he alleged his trial counsel made, including failing "to advocate, investigate, [and] subpoena evidence," to "properly file, or file discovery," and "to object or challenge the dangerous offender imposition."

The district court also determined that Silva’s claims were barred under *State v. Knaffla*, 243 N.W.2d 737 (Minn. 1976), reasoning that, at the time of his direct appeal, Silva “either knew or should have known of any issues he had with the date of his terroristic threats conviction and how it was used during his trial.” And the district court decided that “[n]either of the two exceptions to the rule barring consideration of issues not raised on appeal applie[d].”

Silva appeals.

DECISION

Silva challenges the district court’s order denying his April 25, 2024 amended motion for vacated sentence. He argues that the district court abused its discretion by determining that his claims were procedurally barred by *Knaffla*, that he is entitled to substantive review of his case, and that his second-degree assault conviction should “be vacated, or reversed.” We disagree.

We review the summary denial of a petition for postconviction relief for an abuse of discretion. *Andersen v. State*, 913 N.W.2d 417, 422 (Minn. 2018). The district court abuses its discretion in denying postconviction relief if “its decision is based on an erroneous view of the law or is against logic and the facts in the record.” *Id.* (quotation omitted). Appellate courts “review the district court’s factual findings for clear error and its legal conclusions de novo.” *Allwine v. State*, 994 N.W.2d 528, 535 (Minn. 2023).

We begin by addressing (A) whether the district court abused its discretion in deciding to treat Silva’s April 25, 2024 amended motion for vacated sentence as a petition for postconviction relief and in applying the postconviction limitations period. We then

consider (B) whether the district court’s summary denial of Silva’s April 25, 2024 amended motion for vacated sentence was an abuse of discretion by examining the court’s decision that the amended motion was both (1) time-barred and (2) procedurally barred.

A. The district court did not abuse its discretion in deciding to treat Silva’s April 25, 2024 amended motion for vacated sentence as a petition for postconviction relief and in applying the postconviction limitations period.

The district court “may at any time correct a sentence not authorized by law.” Minn. R. Crim. P. 27.03, subd. 9. “But if the motion implicates more than simply the sentence, the motion is properly treated as a petition for postconviction relief and the limitations period in the post-conviction statute applies.” *Munt v. State*, 920 N.W.2d 410, 415 (Minn. 2018) (quotation omitted).

We conclude that the district court did not abuse its discretion in deciding to treat Silva’s April 25, 2024 amended motion for vacated sentence as a petition for postconviction relief and in applying the postconviction limitations period. This decision was within the district court’s discretion because the April 25, 2024 amended motion for vacated sentence “implicate[d] more than simply the sentence,” *id.* (quotation omitted), by asserting that Silva would “establish with evidence in the record” that his “conviction [and] sentence were obtained by the use of an illegal ‘double jeopardy’ case,” which “render[ed] [his] conviction ‘triple jeopardy.’” Moreover, Silva contended in the April 25, 2024 amended motion for vacated sentence that the “[terroristic-]threat case substantially influenced the verdict since it was relied upon by a jury to impeach [and to make a] dangerous offender finding for an aggravated sentence,” which he claimed “had a two-fold

[e]ffect, on the verdict [and] sentencing.” And despite his statement that “[a] vacated sentence is the only viable remedy,” Silva also more broadly maintained in the April 25, 2024 amended motion for vacated sentence that “[c]ertain constitutional errors require automatic reversal.”

Thus, the district court did not abuse its discretion in ruling that Silva’s amended motion “implicate[d] more than simply the sentence,” in treating the amended motion as a petition for postconviction relief, and in applying the postconviction limitations period. *Id.* (quotation omitted).

B. The district court’s summary denial of Silva’s April 25, 2024 amended motion for vacated sentence was not an abuse of discretion.

If relief is unavailable via direct appeal, a person may pursue claims that their conviction or sentence were unlawful or otherwise violated their constitutional rights by petitioning the district court for postconviction relief. Minn. Stat. § 590.01, subd. 1 (2022). The petition must contain “a statement of facts and the grounds upon which the petition is based and the relief desired.” Minn. Stat. § 590.02, subd. 1 (2022).

Absent an enumerated exception,⁴ “[n]o petition for postconviction relief may be filed more than two years after . . . an appellate court’s disposition of petitioner’s direct appeal.” Minn. Stat. § 509.01, subd. 4(a)(2) (2022). In addition to this time-bar, there is a procedural bar: “A petition for postconviction relief after a direct appeal has been

⁴ Minnesota Statutes section 590.01, subdivision 4(b) (2022), lists exceptions that allow the district court to hear an otherwise time-barred petition for postconviction relief. But “[a]ny petition invoking an exception provided in [subdivision 4](b) must be filed within two years of the date the claim arises.” Minn. Stat. § 590.01, subd. 4(c) (2022).

completed may not be based on grounds that could have been raised on direct appeal of the conviction or sentence.” *Id.*, subd. 1; *see also Knaffla*, 243 N.W.2d at 741 (“where 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”). “A court may only consider an otherwise *Knaffla*-barred claim in two circumstances: if (1) the defendant presents a novel legal issue or (2) the interests of justice require the court to consider the claim.” *Hooper v. State*, 838 N.W.2d 775, 787 (Minn. 2013) (quotation omitted). But appellate courts “decline to apply those exceptions if they are not raised by the petitioner.” *Brown v. State*, 746 N.W.2d 640, 642 (Minn. 2008).

The district court must “promptly set an early hearing on the petition and response thereto, and promptly determine the issues, make findings of fact and conclusions of law with respect thereto, and either deny the petition or enter an order granting appropriate relief,” “[u]nless the petition and the files and records of the proceeding conclusively show that the petitioner is entitled to no relief[.]” Minn. Stat. § 590.04, subd. 1 (2022). “In making this determination, the [district] court must consider the facts alleged in the light most favorable to the petitioner. Nevertheless, a petitioner’s allegations must constitute more than argumentative assertions without factual support.” *Zornes v. State*, 880 N.W.2d 363, 368 (Minn. 2016) (citation omitted).

As explained below, applying these principles and viewing the record in the light most favorable to Silva leads us to conclude that the district court did not abuse its discretion by summarily denying Silva’s April 25, 2024 amended motion for vacated sentence.

1. Time-Bar

As to the time-bar, Silva filed a direct appeal in 2019 challenging his conviction, which we affirmed in *Silva*, 2020 WL 7688585, at *1. Silva then petitioned for review, which the Minnesota Supreme Court denied. Judgment affirming Silva’s conviction was entered on March 19, 2021. Thus, by statute, Silva had to petition for postconviction relief on or before March 19, 2023. *See* Minn. Stat. § 590.01, subd. 4(a)(2).⁵

Having decided that the district court did not abuse its discretion in deciding to treat Silva’s April 25, 2024 amended motion for vacated sentence as a petition for postconviction relief and in applying the postconviction limitations period, we conclude

⁵ Silva has not asserted—either before the district court or on appeal—that any of the exceptions to the time-bar that are set forth in Minnesota Statutes section 590.01, subdivision 4(b), apply to his April 25, 2024 amended motion for vacated sentence. We acknowledge that, as Silva points out in his appellate brief, he invoked exceptions under subdivision 4(b) in his June 2024 postconviction petition. But the district court did not address Silva’s June 2024 postconviction petition in the August 2024 order denying Silva’s April 25, 2024 amended motion for vacated sentence. Thus, no argument for application of the subdivision 4(b) exceptions to the time-bar—especially as to Silva’s April 25, 2024 amended motion for vacated sentence—is properly before us. *See Azure v. State*, 700 N.W.2d 443, 447 (Minn. 2005) (“Because Azure did not raise the claim in his postconviction petition and the postconviction court made no findings on the issue, we have no postconviction ruling to review.”); *Roby v. State*, 547 N.W.2d 354, 357 (Minn. 1996) (explaining that appellate courts “generally will not decide issues which were not raised before the district court”); *State v. Vanengen*, 983 N.W.2d 479, 488 n.5 (Minn. App. 2022) (“an appellate court will not consider matters not argued to and considered by the district court” (citing *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988))), *aff’d*, 3 N.W.3d 579 (Minn. 2024); *see also Hoyt Inv. Co. v. Bloomington Com. & Trade Ctr. Assocs.*, 418 N.W.2d 173, 175 (Minn. 1988) (“[A]n undecided question is not usually amenable to appellate review.”).

that the court acted within its discretion in determining that the amended motion was time-barred.⁶

2. Procedural Bar

As to the procedural bar, the issues that Silva raised in his April 25, 2024 amended motion for vacated sentence were known to him or should have been known to him at the time of trial and direct appeal. More than a year before trial, the state filed notice with the district court that it intended to impeach Silva's testimony by introducing evidence of his past convictions. The state also filed notice that it was seeking an upward departure based on a jury determination that Silva is a danger to public safety. These issues were therefore known to Silva or should have been known to him at the time of his trial and throughout his direct appeal. But Silva's direct appeal challenged only the district court's exclusion of expert medical opinion testimony. *See Silva*, 2020 WL 7688585, at *1. Thus, absent an applicable exception, Silva is procedurally barred from raising these issues in his April 25, 2024 amended motion for vacated sentence. *See Minn. Stat. § 590.01, subd. 1; Knaffla*, 243 N.W.2d at 741.

⁶ Silva also argues that his "claim of ineffective assistance of appellate counsel should be heard" and that he has "satisfied the requirement for late filing." But the district court's August 2024 order denying Silva's April 25, 2024 amended motion for vacated sentence did not address his June 2024 postconviction petition, which included his claim that he received ineffective assistance of appellate counsel. In his April 25, 2024 amended motion for vacated sentence, Silva did not assert that claim, and the district court's August 2024 order neither analyzed nor ruled on such a claim in denying the amended motion. Because the district court's August 2024 order does not reflect that it considered the ineffective-assistance-of-appellate-counsel claim that Silva made in the June 2024 postconviction petition, that issue is not properly before us and we decline to address it. *See Azure*, 700 N.W.2d at 447; *Roby*, 547 N.W.2d at 357; *Vanengen*, 983 N.W.2d at 488 n.5; *see also Hoyt Inv.*, 418 N.W.2d at 175.

In his appellate brief, Silva appears to refer to arguments that he raised in his June 2024 petition for postconviction relief and asks that we apply the interests-of-justice exception to the procedural bar, asserting that his “case has substantive merit” and that he did not “deliberately [and] inexcusably fail to raise any claim in [his] appeal per *Deegan v. State*, 711 N.W.2d 89, 94 (Minn. 2006).” But Silva did not raise the interests-of-justice exception in his April 25, 2024 amended motion for vacated sentence, and appellate courts “decline to apply [either of the two *Knaffla*] exceptions if they are not raised by the petitioner.” *Brown*, 746 N.W.2d at 642. Moreover, given that Silva did not argue to the district court that an exception to the procedural bar applied to his April 25, 2024 amended motion for vacated sentence, and insofar as the court’s August 2024 order did not consider whether such an exception applies, we will not reach Silva’s interest-of-justice argument because it is not properly before us. *See Azure*, 700 N.W.2d at 447; *Roby*, 547 N.W.2d at 357; *Vanengen*, 983 N.W.2d at 488 n.5; *see also Hoyt Inv.*, 418 N.W.2d at 175.

In sum, the district court acted within its discretion in summarily denying Silva’s April 25, 2024 amended motion for vacated sentence.⁷

Affirmed.

⁷ Even if we did not conclude that Silva’s April 25, 2024 amended motion for vacated sentence were not time-barred and procedurally barred, we would still affirm on the merits. This is because the district court did not abuse its discretion in determining that Silva’s amended motion conflates Minnesota Rule of Evidence 609—which allows the admission of evidence that a witness has been convicted of a felony “[f]or the purpose of attacking the credibility of a witness,” unless “a period of more than ten years has elapsed since the date of the conviction or of the release of the witness from the confinement imposed for that conviction, whichever is the later date”—with Minnesota Statutes section 609.1095, subdivision 2—which does not place the same time limitation on the use of past convictions to enhance a criminal sentence.