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Minn. Stat. § 480A.08, subd. 3 (2016).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A17-0625**

State of Minnesota,
Respondent,

vs.

Darrick James Bellecourt,
Appellant.

**Filed February 5, 2018
Reversed and remanded
Bjorkman, Judge**

Hubbard County District Court
File No. 29-CR-16-1457

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

Jonathan D. Frieden, Hubbard County Attorney, Park Rapids, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Sara J. Euteneuer, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bjorkman, Presiding Judge; Rodenberg, Judge; and
Smith, Tracy M., Judge.

UNPUBLISHED OPINION

BJORKMAN, Judge

Appellant challenges his conviction of second-degree arson, arguing that he should
be permitted to withdraw his guilty plea as manifestly unjust. We agree and, therefore,

reverse appellant's conviction and remand this matter to the district court for further proceedings.

FACTS

On November 23, 2016, the Park Rapids Police Department received a report that a garage was aflame. At nearly the same time, a man identified as appellant Darrick James Bellecourt entered a nearby grocery store claiming that he had started the fire. Bellecourt left the store before police arrived. A short time later, he appeared at the Hubbard County Sheriff's office, stating that he had started the fire. Bellecourt was arrested and taken into custody.

On January 18, 2017, Bellecourt appeared in court to enter a guilty plea to second-degree arson. Defense counsel stated that Bellecourt was mentally ill, but competent to stand trial. During this hearing, Bellecourt began to speak in a rambling fashion about being poisoned and denied medical care by the jail staff. At the end of his monologue, the county attorney suggested that Bellecourt be evaluated for mental competency under Minn. R. Crim. P. 20.02; defense counsel concurred. After questioning Bellecourt, the district court agreed that no plea could be made and that Bellecourt should be referred for either a rule 20.02 evaluation or civil commitment.

On January 30, Bellecourt appeared with his attorney, and renewed his request to plead guilty to the arson charge. Bellecourt assured the district court that he was "okay" now. No plea petition was prepared, but Bellecourt was questioned about the rights he was waiving and stated that he understood the proceedings and was satisfied with his attorney's representation.

When questioned about the factual basis for his plea, Bellecourt agreed that he set fire to a building in Park Rapids on November 23, 2016. When asked more specifically what he did, he said, “I went into a building and I started a fire with a lighter.” He acknowledged that he did not own the building and did not have permission to burn it down, and told the fire department, the police, and the sheriff that he started the fire.

The district court accepted Bellecourt’s guilty plea, imposed a 24-month sentence, executed the presumptive stayed sentence at appellant’s request, and ordered restitution. Bellecourt appeals.

DECISION

Bellecourt argues that he should be permitted to withdraw his guilty plea because it was neither accurate nor voluntary, and he was not mentally competent to participate in the court proceedings.

A defendant does not have an absolute right to withdraw a guilty plea. *State v. Raleigh*, 778 N.W.2d 90, 93 (Minn. 2010). But a court must permit a defendant to withdraw a guilty plea, even after sentencing, if it is necessary to correct a manifest injustice. Minn. R. Crim. P. 15.05, subd. 1. A manifest injustice occurs if a plea is not valid; to be valid, a plea must be accurate, voluntary, and intelligent. *Raleigh*, 778 N.W.2d at 94. A plea is accurate if it is “established on a proper factual basis.” *Id.* We review a guilty plea’s validity de novo, as a question of law. *State v. Mikulak*, 903 N.W.2d 600, 603 (Minn. 2017).

Bellecourt pleaded guilty to second-degree arson under Minn. Stat. § 609.562 (2016). A person commits second-degree arson when he “by means of fire or explosives,

intentionally destroys or damages” an unoccupied building. *Id.* “‘Intentionally’ means that the actor either has a purpose to do the thing or cause the result specified or believes that the act performed by the actor, if successful, will cause the result.” Minn. Stat. § 609.02, subd. 9(3) (2016). Specific-intent crimes require that the defendant has an “intent to cause a particular result,” rather than just do the act that causes the result. *State v. Fleck*, 810 N.W.2d 303, 308 (Minn. 2012) (quotation omitted).

Second-degree arson is a specific-intent crime because a defendant must intentionally destroy or damage a building by use of fire or explosives. Minn. Stat. § 609.562. That is, a defendant must intend the result (destruction or damage), not just the act (use of fire or explosives). See *State v. Bergstrom*, 413 N.W.2d 206, 209-10 (Minn. App. 1987) (discussing intent necessary for third-degree arson); *State v. Yeager*, 399 N.W.2d 648, 651-52 (Minn. App. 1987) (discussing intent necessary for first-degree arson).

Bellecourt admitted to entering a garage without permission and starting a fire with a lighter. These facts do not support Bellecourt’s guilty plea because they do not address his intent. And he admitted to no facts that would directly or circumstantially establish that he intended to damage or destroy the garage. An accurate plea ensures that the defendant is not pleading guilty to a more serious offense than that for which he could be convicted at trial. *Raleigh*, 778 N.W.2d at 94. Bellecourt’s factual basis is aligned with a lesser degree of arson. Compare Minn. Stat. § 609.576, subd. 1(3) (2016) (negligent fires), with Minn. Stat. § 609.562 (second-degree arson).

Because Bellecourt's plea is inaccurate, we reverse his conviction and remand this matter to the district court. In light of our decision, we need not reach Bellecourt's arguments that his plea was involuntary or that he lacked competency to participate in court proceedings.

Reversed and remanded.