STATE OF MINNESOTA
IN COURT OF APPEALS
A17-1033

Jesse Albert Jones, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent

Filed May 7, 2018
Affirmed
Worke, Judge

St. Louis County District Court
File No. 69VI-CR-13-1672

Cathryn Middlebrook, Chief Appellate Public Defender, Chelsie M. Willett, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

Mark S. Rubin, St. Louis County Attorney, Sharon Chadwick, Assistant County Attorney, Virginia, Minnesota (for respondent)

Considered and decided by Worke, Presiding Judge; Peterson, Judge; and Ross, Judge.

U N P U B L I S H E D O P I N I O N

WORKE, Judge

Appellant challenges the denial of his petition for postconviction relief, arguing that the district court erred in determining that his petition was time-barred. We affirm.

D E C I S I O N

Appellant Jesse Albert Jones argues that the district court erred by denying his petition for postconviction relief. This court reviews a district court's denial of a postconviction petition for an abuse of discretion. *Riley v. State*, 819 N.W.2d 162, 167 (Minn. 2012). A district court "abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record." *Id.* (quotation omitted). This court reviews the district court's findings of fact for clear error, but reviews questions of law de novo. *Id.*

The district court denied Jones's petition because it was not timely. Generally, a petition for postconviction relief must be filed within two years of the entry of judgment of conviction or sentence or the disposition of the direct appeal, whichever is later. Minn. Stat. § 590.01, subd. 4(a) (2014).

The record reflects that on January 22, 2014, Jones was scheduled for an omnibus hearing on five counts of first-degree criminal sexual conduct. The parties indicated that an agreement had been reached, Jones pleaded guilty to two counts of first-degree criminal sexual conduct, and the state dismissed the remaining counts.[1] On March 3, 2014, the district court sentenced Jones to the agreed-upon sentence of 144 months in prison on count 1 and 180 months on count 2, to run concurrent. Jones did not file a direct appeal. On April 25, 2016, Jones filed a postconviction petition.

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[1] Jones admitted that between September 1, 2013, and October 28, 2013, he babysat for K.M.R. K.M.R. was born on September 22, 2010. Jones admitted that while babysitting K.M.R. he performed oral sex on him on more than one occasion.

Jones filed his petition more than two years after he was sentenced, outside the two-year limitation period. His petition is time-barred unless an exception to the two-year limitation period applies. *See id.*, subd. 4(b) (2014). Jones concedes that his petition was filed more than two years after the entry of judgment; he claims, however, that he satisfied an exception to the two-year time bar.

A petition invoking an exception "must be filed within two years of the date the claim arises." *Id.*, subd. 4(c) (2014). For purposes of section 590.01, subdivision 4(c), a claim "arises when the petitioner knew or should have known that he had a claim." *Sanchez v. State*, 816 N.W.2d 550, 560 (Minn. 2012). The knew-or-should-have-known test is an objective standard. *Wayne v. State*, 832 N.W.2d 831, 834 (Minn. 2013). The determination of when a claim arose is a question of fact. *Sanchez*, 816 N.W.2d at 560.

Jones invoked the exception "that the petition is not frivolous and is in the interests of justice." *See* Minn. Stat. § 590.01, subd. 4(b)(5). In order for this exception to apply, Jones had to: (1) satisfy the court that his petition was not frivolous; (2) satisfy the court that his petition was in the interests of justice; and (3) file his petition within two years of the date the claim arose. *See id.*, subd. 4(b)(5), 4(c).

Jones claims that his guilty plea is invalid because he pleaded guilty due to the "emotional distress he was under while in custody." He asserts that it is "reasonable that a defendant may feel pressured into pleading guilty if he is being held in custody . . . especially when his chance to challenge the evidence at an omnibus hearing comes up, [and] his attorney . . . requests a continuance." Jones also claims that the district court knew of his detention and the continuances, which makes the district court "at fault for accepting" his plea. Applying an objective standard, these claims arose before Jones pleaded guilty; thus, he has not shown that he filed his petition within two years of the date the claims arose.

On the day that Jones pleaded guilty, he was scheduled for an omnibus hearing. The district court noted such, but the parties stated that they had reached an agreement. If Jones had requested an omnibus hearing, there is nothing in the record indicating that his request would have been denied. Indeed, the record shows that at the hearing, wherein Jones pleaded guilty, he specifically did not request a pretrial hearing and waived his right to a pretrial hearing.

When Jones pleaded guilty, he made no claim of innocence and indicated that he (1) was not suffering from any "mental or physical impairments or disabilities" that would affect his ability to understand the proceedings; (2) understood that he was exposed to 30 years in prison; (3) was not threatened into pleading guilty; and (4) was not pleading guilty "to get the thing over with" because he had been held in jail since his arrest. While Jones claims that the district court was at fault for accepting the plea because the district court knew that Jones had been in jail since his arrest, Jones also knew at the time that he pleaded guilty that he was in jail and under "emotional distress."

Finally, Jones claims that his claim has "substantive merit" because he was an "unsophisticated defendant charged with some very serious offenses, who was deprived of his right to an omnibus hearing, and held in custody until he finally caved to the pressures and pleaded guilty." However, "the invocation of the interests-of-justice exception" is not "based on the substantive merit of the claim raised in the petition for postconviction relief."

Sanchez, 816 N.W.2d at 557. Rather, "the interests-of-justice referred to in subdivision 4(b)(5) relate to the *reason* the petition was filed after the 2-year time limit in subdivision 4(a)." *Id.* "[T]he interests-of-justice exception is triggered by an injustice that *caused* the petitioner to miss the primary deadline in subdivision 4(a), not the *substance* of the petition." *Id.* Jones fails to provide a reason for missing the primary filing deadline. Because Jones's petition was untimely and he failed to show that an exception applies, the district court did not abuse its discretion by denying Jones's petition for postconviction relief.

Affirmed.