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**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-0563**

State of Minnesota,
Respondent,

vs.

Spencer Perkins,
Appellant.

**Filed January 28, 2019
Affirmed
Klaphake, Judge***

Hennepin County District Court
File Nos. 27-CR-17-22889; 27-CR-17-30756

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

Michael O. Freeman, Hennepin County Attorney, Brittany D. Lawonn, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Kathryn Lockwood, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Worke, Presiding Judge; Bjorkman, Judge; and
Klaphake, Judge.

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

UNPUBLISHED OPINION

KLAPHAKE, Judge

Appellant Spencer Perkins challenges the validity of his guilty pleas, arguing that his pleas were unintelligent because he was not taking schizophrenia medication at the time that he entered his guilty pleas. Because there is no evidence to suggest that Perkins was uninformed of, or did not understand, the charges and direct consequences of entering guilty pleas, we affirm.

DECISION

There is no absolute right to withdraw a guilty plea. *State v. Raleigh*, 778 N.W.2d 90, 93 (Minn. 2010). But “a court must allow withdrawal of a guilty plea if withdrawal is necessary to correct a ‘manifest injustice.’” *Id.* (citing Minn. R. Crim. P. 15.05, subd. 1). A manifest injustice exists if a guilty plea is invalid. *State v. Theis*, 742 N.W.2d 643, 646 (Minn. 2007). To be valid, a guilty plea must be “accurate, voluntary, and intelligent.” *Perkins v. State*, 559 N.W.2d 678, 688 (Minn. 1997). Assessing the validity of a plea presents a question of law that this court reviews de novo. *Raleigh*, 778 N.W.2d at 94.

A guilty plea is intelligently made if it is “entered after a defendant has been informed of and understands the charges and direct consequences of a plea.” *State v. Byron*, 683 N.W.2d 317, 322 (Minn. App. 2004), *review denied* (Minn. Sept. 29, 2004). Minn. R. Crim. P. 15.01 governs what a district court must do in felony cases to ensure a defendant understands the charges and consequences of his or her plea before accepting a guilty plea. But failure to strictly adhere to the guidelines of rule 15.01 does not automatically invalidate a guilty plea. *State v. Wiley*, 420 N.W.2d 234, 237 (Minn. App.

1988), *review denied* (Minn. Apr. 26, 1988). If the “record reveals careful interrogation by the trial court and the defendant had full opportunity to consult with his counsel before entering his plea, the court may safely presume that the defendant was adequately informed of his rights.” *Hernandez v. State*, 408 N.W.2d 623, 626 (Minn. App.1987) (citing *State v. Propotnik*, 216 N.W.2d 637, 638 (Minn. 1974)).

Perkins argues that his guilty pleas were unintelligent because he was not on medication for schizophrenia at the time that he entered his pleas. Perkins further asserts that the district court failed to question him about his medications at the plea hearing. However, Perkins offers no evidence that he was not adequately informed of the charges or consequences of entering his guilty pleas.

During jury selection for trial on Perkins’s second-degree assault charge, Perkins consulted with his attorney and decided to enter guilty pleas. After Perkins completed a plea petition, the district court asked Perkins if he had enough time to talk with his attorney about entering his guilty pleas. Perkins responded in the affirmative. In his plea petition presented to the district court, Perkins represented that he had talked with or been treated by a psychiatrist or other person for a nervous or mental condition and had recently been taking pills or other medicines. At the time he pleaded guilty, Perkins did not provide evidence that he was, or was not, taking medication for schizophrenia. Although the district court did not explicitly ask Perkins if he was taking medication at the plea hearing, the district court asked if he understood everything. If Perkins was affected because he was not taking his medication, he could have responded that he did not understand. Notably, Perkins’s attorney did not raise any objections that Perkins was not taking his

medication or was unable to understand the proceedings. Finally, Perkins has an extensive criminal history, which makes it unlikely that he did not understand the proceedings. *State v. Bryant*, 378 N.W.2d 108, 110 (Minn. App. 1985), *review denied* (Minn. Jan. 23, 1986). The record supports the conclusion that Perkins was adequately informed of the charges and consequences of entering his guilty pleas. Therefore, Perkins's guilty pleas were intelligent and valid.

Affirmed.