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**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-1220**

State of Minnesota,
Respondent,

vs.

Luis Alberto Bravomorales,
Appellant.

**Filed February 19, 2019
Affirmed
Halbrooks, Judge**

Ramsey County District Court
File No. 62-CR-15-9956

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

Lyndsey M. Olson, St. Paul City Attorney, Steven Heng, Assistant City Attorney, St. Paul,
Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Chang Y. Lau, Assistant Public
Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bratvold, Presiding Judge; Halbrooks, Judge; and
Jesson, Judge.

UNPUBLISHED OPINION

HALBROOKS, Judge

In this postconviction appeal, appellant seeks to withdraw his guilty plea to
misdemeanor domestic assault-fear, arguing that his plea was inaccurate because he did

not admit to acting with the specific intent to cause his wife fear of immediate bodily harm. We affirm.

FACTS

In December 2015, appellant Luis Bravomorales had an argument with his wife. The argument became physical, and Bravomorales struck his wife on the face. He was charged with one count of misdemeanor domestic assault-harm under Minn. Stat. § 609.2242, subd. 1(2) (2014). Bravomorales's counsel established a factual basis for a guilty plea, and Bravomorales entered a guilty plea to the charge in January 2016. But the district court deferred acceptance of his plea so that Bravomorales could consult an immigration attorney regarding possible collateral consequences.

In March 2016, Bravomorales moved the district court to withdraw his guilty plea to domestic assault-harm, offering instead to plead guilty to domestic assault-fear under Minn. Stat. § 609.2242, subd. 1(1) (2014). The state agreed, and the district court allowed Bravomorales to withdraw his guilty plea. Still represented by the same counsel, Bravomorales entered a new plea to domestic assault-fear, which the district court accepted. The district court sentenced Bravomorales to 90 days in jail, but stayed execution of the sentence for one year.

In February 2018, Bravomorales petitioned for postconviction relief, arguing that his plea was not accurate because there was not a sufficient factual basis to show that he had the specific intent to cause fear in his wife. The postconviction court denied Bravomorales's petition, reasoning that, based on Bravomorales's admission that he had yelled and "acted in such a way" that caused his wife to fear for her safety, it could be

reasonably inferred that he “intended to intimidate her and that he knew or should have known that she would fear for her safety.” This appeal follows.

DECISION

A defendant does not have an absolute right to withdraw a guilty plea after it has been entered. *Perkins v. State*, 559 N.W.2d 678, 685 (Minn. 1997). But “a court must allow withdrawal of a guilty plea if withdrawal is necessary to correct a ‘manifest injustice.’” *State v. Raleigh*, 778 N.W.2d 90, 93 (Minn. 2010) (quoting Minn. R. Crim. P. 15.05, subd. 1). A manifest injustice occurs if a plea is not valid. *Id.* at 94. A constitutionally valid plea must be voluntary, intelligent, and accurate. *Id.*; *see also Perkins*, 559 N.W.2d at 688. The defendant bears the burden of showing that his plea was invalid. *Lussier v. State*, 821 N.W.2d 581, 588 (Minn. 2012). We review denials of postconviction petitions for an abuse of discretion. *Davis v. State*, 784 N.W.2d 387, 390 (Minn. 2010). The validity of a guilty plea is a legal question that we review de novo. *Raleigh*, 778 N.W.2d at 94.

Bravomorales pleaded guilty to domestic assault-fear under Minn. Stat. § 609.2242, subd. 1(1), which provides that a person commits an assault and is guilty of a misdemeanor when they commit “an act with intent to cause fear in another of immediate bodily harm or death.” “‘With intent to’ . . . means that the actor either has a purpose to do the thing or cause the result specified or believes that the act, if successful, will cause that result.” Minn. Stat. § 609.02, subd. 9(4) (2014).

Bravomorales challenges the accuracy of his plea. For a guilty plea to be accurate, it must be supported by a proper factual basis, with “sufficient facts on the record to support

a conclusion that defendant's conduct falls within the charge to which he desires to plead guilty." *State v. Iverson*, 664 N.W.2d 346, 349-50 (Minn. 2003) (quotation omitted). We review the sufficiency of the factual basis for the plea from the record made when the defendant entered the plea. *State v. Lillemo*, 410 N.W.2d 66, 69 (Minn. App. 1987).

Intent may be proved by circumstantial evidence. *In re Welfare of T.N.Y.*, 632 N.W.2d 765, 769 (Minn. App. 2001); *see also Nelson v. State*, 880 N.W.2d 852, 860 (Minn. 2016) ("Intent is generally proved by inferences drawn from a person's words or actions in light of all the surrounding circumstances." (quotation omitted)). Although a finding of intent generally cannot be based solely on the effect the actor's conduct had on the victim, a victim's reaction to that conduct is circumstantial evidence that is relevant to intent. *State v. Schweppe*, 237 N.W.2d 609, 614 (Minn. 1975); *T.N.Y.*, 632 N.W.2d at 769. Intent may be inferred "from the idea that a person intends the natural consequences of his or her actions." *Nelson*, 880 N.W.2d at 860 (quotation omitted).

Bravomorales signed a plea petition that stated that he "acted and yelled in a way as to cause fear" during an argument with his wife. During the plea hearing, Bravomorales's attorney stated, "On December 21, 2015 ... Mr. Bravo[m]orales ... engaged in an argument with his wife, A.R.B. They got into an argument; he yelled; he acted in such a way that his wife was afraid for her safety." The court asked, "Mr. Bravo[m]orales, is that what happened?" Bravomorales replied, "Exactly."

The postconviction court determined that it was reasonable to infer from Bravomorales's admission that he intended the consequences of his actions, which included causing fear in his wife of immediate bodily harm. Because the facts in the record

are sufficient to support the conclusion that Bravomorales's conduct falls within the charge of domestic assault-fear, Bravomorales's plea is valid. Accordingly, the postconviction court did not abuse its discretion by denying Bravomorales's petition to withdraw his guilty plea.

Affirmed.