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**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A18-1279**

State of Minnesota,  
Respondent,

vs.

Jackie Mae Leonard,  
Appellant.

**Filed April 8, 2019  
Affirmed  
Worke, Judge**

Wright County District Court  
File No. 86-CR-17-3274

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

Thomas N. Kelly, Wright County Attorney, Greg T. Kryzer, Assistant County Attorney,  
Buffalo, Minnesota (for respondent)

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

Considered and decided by Schellhas, Presiding Judge; Worke, Judge; and Slieter,  
Judge.

## UNPUBLISHED OPINION

**WORKE**, Judge

Appellant argues that the district court abused its discretion by denying her presentence motion to withdraw her guilty plea to driving while impaired (DWI). We affirm.

### FACTS

On July 2, 2017, a deputy responded to a disturbance report at a residence. The deputy observed a vehicle drive away from the residence. When the vehicle returned a short time later, appellant Jackie Mae Leonard exited the driver's side. Leonard had an odor of an alcoholic beverage, unsteady gait, and glossy eyes. Leonard showed impairment while performing one field sobriety test, and was unable to perform additional tests due to her lack of balance. A preliminary breath test showed Leonard's alcohol content to be .167. Leonard was arrested and refused the deputy's request that she submit to chemical testing. Leonard was charged with DWI, DWI—test refusal, and driving after cancellation—inimical to public safety.

On November 22, 2017, Leonard agreed to enter an *Alford* plea to DWI, and the remaining counts would be dismissed. Leonard agreed that she understood that she was not admitting “guilt,” but admitting that a jury would likely find her guilty if presented with the state's evidence. But when the district court asked Leonard if she pleaded guilty or not guilty, Leonard stated: “I’m sorry, I didn’t quite understand this part.” The district court explained an *Alford* plea, but noted that Leonard still seemed confused. Leonard's attorney asked for time to talk to her, and the district court agreed to recall the case.

When the matter was recalled, Leonard entered an *Alford* plea, indicating that she understood the plea, was pleading guilty to obtain the benefit of the agreement, and was entering the plea voluntarily. The district court found that Leonard made a knowing, voluntary, and intelligent waiver of her rights, and ordered a presentence investigation (PSI).

Following a continuance, Leonard was to appear for sentencing on March 20, 2018, but she instead indicated that she wanted to withdraw her guilty plea. Leonard argued that her plea was not intelligent or voluntary, maintained that she was innocent, and raised concerns over her prior attorney's representation. Leonard stated:

I mean, [my attorney] knew I was getting exhausted. I was tired. I had informed him that I am a TBI [traumatic brain injury] patient. I've had three brain injuries, and I was getting really overwhelmed and I did not understand.

So I got home and I realized – I'm, like, now, I said "yes" to the prosecuting attorney to things that I would not have said "yes" to if I was in a good frame of mind, you know. So, I don't know, I think that I should be able to take this back because I do not agree with it at all.

The prosecutor objected to Leonard's motion, stating that her claims were not substantiated by the record and that the state would be prejudiced because the case was getting old. The district court stated that it would review everything and that it would grant the motion if Leonard was coerced into pleading guilty. Leonard responded: "I don't mean I was totally coerced . . . I think [my attorney] was the one in the hurry to get it done and over with and . . . I don't believe I was properly represented."

The district court denied Leonard's motion to withdraw her guilty plea. The district court found that Leonard's guilty plea was valid because she acknowledged that she

understood the plea agreement and had sufficient time to discuss the issue with her attorney who properly advised Leonard about the plea agreement and its effect. The district court sentenced Leonard to 365 days in jail, to serve ten days on work release or sentence to service, with the remaining 355 days stayed for four years. This appeal followed.

## D E C I S I O N

Leonard argues that the district court should have granted her presentence motion to withdraw her guilty plea. There is no absolute right to withdraw a guilty plea. *State v. Raleigh*, 778 N.W.2d 90, 93 (Minn. 2010). But when a defendant moves to withdraw a guilty plea before sentencing, a district court has discretion to grant the motion “if it is fair and just to do so.” Minn. R. Crim. P. 15.05, subd. 2. In applying the fair-and-just standard, the district court considers the defendant’s reasons as to why she should be allowed to withdraw her plea and any prejudice the state would suffer. *Id.* The district court’s denial of a plea-withdrawal motion “will be reversed only in the rare case in which the appellate court can fairly conclude that the [district] court abused its discretion.” *State v. Kaiser*, 469 N.W.2d 316, 320 (Minn. 1991) (quotation omitted).

The defendant has the burden to establish a fair-and-just reason for withdrawing her guilty plea. *State v. Farnsworth*, 738 N.W.2d 364, 371 (Minn. 2007). Leonard argues that she should have been permitted to withdraw her guilty plea because it was not voluntary or intelligent.

“To be constitutionally valid, a guilty plea must be accurate, voluntary, and intelligent.” *Raleigh*, 778 N.W.2d at 94. A defendant has the burden of showing that her guilty plea was invalid. *Id.* The validity of a guilty plea is a question of law reviewed de

novo. *Id.* But when credibility weighs in the district court’s determination, we defer to the “primary observations and trustworthiness assessments made by the district court” in determining the factual circumstances surrounding a defendant’s guilty plea. *State v. Aviles-Alvarez*, 561 N.W.2d 523, 527 (Minn. App. 1997), *review denied* (Minn. June 11, 1997).

Leonard claims that her guilty plea was not voluntary because she felt coerced and did not think that her attorney wanted to continue representing her and prove her innocence. “The voluntariness requirement ensures a defendant is not pleading guilty due to improper pressure or coercion.” *Raleigh*, 778 N.W.2d at 96. Improper coercion generally requires a threat or promise made to induce a defendant to plead guilty. *See Nelson v. State*, 880 N.W.2d 852, 861 (Minn. 2016) (stating defendant’s denial that he had been “subjected to threats or promises” evidenced that his plea was voluntary). The voluntariness of a plea is determined by considering all of the relevant circumstances. *State v. Danh*, 516 N.W.2d 539, 544 (Minn. 1994).

Here, the record shows that Leonard indicated that she was pleading guilty to obtain the benefit of the plea bargain and was not “forced, threatened, or coerced.” But at the hearing on her plea-withdrawal motion, Leonard stated that she felt coerced by her attorney to enter the plea because he told her it “wouldn’t be worth it to [her]” to prove her innocence, it was what she “need[ed] to do,” and it was “the best thing to do.” Leonard stated that her attorney told her that if she had hired him and paid him, he would tell her to do the same thing. These comments that Leonard claims that her attorney made demonstrate his advice after weighing the evidence against her and her options. Reviewing

the state's evidence and the charges against Leonard, this advice does not amount to coercion. Additionally, when the district court told Leonard that it would likely permit her to withdraw her guilty plea if the record showed that she had been coerced, she admitted that she was not "totally coerced."

Leonard also claims that her guilty plea was not intelligent because she has traumatic brain injuries, she was exhausted, she was overwhelmed, and she did not understand. 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). If the "record reveals careful interrogation by the [district] court and the defendant had full opportunity to consult with [her] counsel before entering [her] plea, the court may safely presume that the defendant was adequately informed of [her] rights." *Hernandez v. State*, 408 N.W.2d 623, 626 (Minn. App. 1987).

At the plea hearing, Leonard indicated that she understood the rights she waived by pleading guilty. The district court offered to go over the plea petition with Leonard, but she declined the offer. Leonard never claimed that she was exhausted or overwhelmed. She expressed confusion only regarding the nature of the *Alford* plea and was allowed more time to discuss the matter with her attorney. After the district court recalled the case, Leonard indicated that she understood the plea.

At the plea-withdrawal hearing, Leonard stated that her attorney knew that she was exhausted, overwhelmed, and has traumatic brain injuries. But there is nothing in the record supporting Leonard's claim. The PSI noted only that Leonard meets the criteria for

major depressive disorder, and that a “diagnosis of PTSD was considered,” but Leonard “did not report or exhibit enough symptoms to meet criteria for such a diagnosis at this time.” We defer to the district court’s consideration of whether these issues invalidated Leonard’s guilty plea, and in denying the motion, the district court rejected Leonard’s claims. *See Butala v. State*, 664 N.W.2d 333, 340-41 (Minn. 2003) (rejecting argument that “mental stress at the time of the plea[.]” affected validity of the plea, when the argument contradicted the district court’s recollection of the plea hearing); *see also Williams v. State*, 760 N.W.2d 8, 15 (Minn. App. 2009) (rejecting claim that guilty plea was invalid because “medication [defendant] was taking at the time of the plea hearing ‘distorted’ her mental focus and ‘clogged’ her thinking”), *review denied* (Minn. Apr. 21, 2009).

Further, Leonard claims that she is innocent of the charges, but this assertion is consistent with her *Alford* plea and does not provide a reasonable basis for its withdrawal. *See State v. Goulette*, 258 N.W.2d 758, 761 (Minn. 1977) (explaining that, under an *Alford* plea, a defendant maintains her innocence). Additionally, Leonard has a history of DWI-related offenses. *See State v. Bryant*, 378 N.W.2d 108, 110 (Minn. App. 1985) (stating an extensive criminal history makes it unlikely that a defendant did not understand the proceedings), *review denied* (Minn. Jan. 23, 1986). The circumstances show that Leonard’s guilty plea was valid and the district court did not abuse its discretion by denying her motion to withdraw her guilty plea.

Leonard also argues that the state failed to show prejudice. A district court may deny a plea-withdrawal motion even when the state does not show prejudice if a defendant fails to meet her burden of showing a fair-and-just reason for withdrawing the plea. *See*

*Raleigh*, 778 N.W.2d at 98; *State v. Cubas*, 838 N.W.2d 220, 224 (Minn. App. 2013), *review denied* (Minn. Dec. 31, 2013). Therefore, although the record shows that the district court engaged in a proper legal analysis, giving due consideration to Leonard's reasons for withdrawal and any potential prejudice to the state, we do not need to consider whether the state showed prejudice. The district court properly exercised its discretion by denying Leonard's request to withdraw her guilty plea.

**Affirmed.**