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Minn. Stat. § 480A.08, subd. 3 (2018).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-1662**

Ronnie Bila Shaka, Petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed August 12, 2019
Affirmed
Klaphake, Judge***

Ramsey County District Court
File Nos. 62-CR-16-6010; 62-DA-FA-18-381

Cathryn Middlebrook, Chief Appellate Public Defender, F. Richard Gallo, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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)

Considered and decided by Reilly, Presiding Judge; Hooten, 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UNPUBLISHED OPINION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 Ronnie Bila Shaka argues that his guilty plea was coerced by trial counsel's alleged erroneous advice, and, therefore the plea was involuntary. We affirm.

DECISION

Shaka was charged with and pleaded guilty to domestic assault and fifth-degree assault after a domestic dispute resulted in Shaka physically assaulting his wife and his wife's cousin. At a postconviction evidentiary hearing, Shaka testified that trial counsel advised him that he could plead guilty to the criminal charges and then be guaranteed the ability to withdraw his guilty plea after submitting to the court recantation letters from one of the victims in his case. The postconviction court, in denying Shaka's request for postconviction relief, did not find his testimony to be credible.

Appellate courts review the denial of a petition for postconviction relief for an abuse of discretion. *Henderson v. State*, 906 N.W.2d 501, 505 (Minn. 2018). A postconviction court abuses its discretion if it "exercised its discretion in an arbitrary or capricious manner, based its ruling on an erroneous view of the law, or made clearly erroneous factual findings." *Id.* (quotation omitted). We review the postconviction court's factual determinations for clear error, and its legal conclusions de novo. *Gulbertson v. State*, 843 N.W.2d 240, 244 (Minn. 2014).

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 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. We review the validity of a guilty plea de novo. *State v. Johnson*, 867 N.W.2d 210, 214-15 (Minn. App. 2015), review denied (Minn. Sept. 29, 2015).

“To determine whether a plea is voluntary, the court examines what the parties reasonably understood to be the terms of the plea agreement.” *Raleigh*, 778 N.W.2d at 96. “Whether a plea is voluntary is determined by considering all relevant circumstances.” *Id.* “To be voluntary, a guilty plea may not be based on any improper pressures or inducements.” *Dikken v. State*, 896 N.W.2d 873, 876-77 (Minn. 2017) (quotation omitted). “[A] plea is involuntary when it is induced by coercive or deceptive action.” *Id.* at 877.

At the plea hearing, Shaka affirmed that he had adequate time to consult with trial counsel prior to entering a guilty plea, that he had no questions for the district court or confusion regarding his plea agreement, that he was satisfied with the representation of trial counsel, and that he was entering his guilty plea without being forced and of his own free will. Paragraph nine of the signed plea agreement stated, “I am entering my plea of guilty freely and voluntarily and without any promises, except as indicated in number 10 below.” Paragraph 10 made no mention of Shaka’s ability to withdraw his guilty plea.

Shaka’s claim is also directly contradicted by trial counsel’s testimony at the postconviction evidentiary hearing. Trial counsel denied ever having told Shaka that he could withdraw his guilty plea, even if Shaka provided to the court recantation letters, and stated that she would never tell a client that they could withdraw a plea under any

circumstance. Trial counsel explained that, ultimately, a motion to the court is in the court's hands, so a particular result could not be guaranteed.

Finally, the postconviction court expressly found that Shaka's testimony provided at the evidentiary hearing was not credible. This court does not second guess such credibility determinations. *See Bobo v. State*, 860 N.W.2d 681, 684 (Minn. 2015) (“[T]he postconviction court is in the best position to evaluate witness credibility”) (quotation omitted). Moreover, the record supports the postconviction court's assessment of Shaka's credibility. For example, Shaka did not raise a claim of coercion by trial counsel in his original request to withdraw his guilty plea, which was based on alleged new evidence, nor did Shaka raise the coercion claim at sentencing.

Consequently, the postconviction court did not abuse its discretion in denying Shaka's motion for postconviction relief.

Affirmed.