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**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-0107**

Preston Ryan Lee, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed November 18, 2019
Affirmed
Jesson, Judge**

Dakota County District Court
File No. 19HA-CR-15-368

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

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

James C. Backstrom, Dakota County Attorney, Deanna N. Natoli, Assistant County Attorney, Hastings, Minnesota (for respondent)

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

UNPUBLISHED OPINION

JESSON, Judge

After pleading guilty to sexually abusing his ten-year-old daughter, appellant Preston Ryan Lee sought to withdraw his plea, alleging that he was high on

methamphetamine at his plea hearing. Because Lee failed to prove that he was under the influence during his plea, we affirm.

FACTS

M.L. reported that her father, appellant Preston Ryan Lee, sexually abused her. Following a police investigation, the state charged Lee with one count of second-degree criminal sexual conduct.¹ After several preliminary hearings, Lee pleaded guilty to the charge. At the plea hearing, Lee testified that he understood what was happening, he knew what was at stake, and he was not under the influence of any alcohol or drugs. Lee acknowledged the plea petition and stated that he reviewed it and understood that the maximum penalty for his offense included up to 25 years of jail time. The district court accepted Lee's plea and found it was knowing and intelligent with sufficient facts to support the charge. And the court sentenced Lee to 120 months in prison.

Eleven months later, Lee filed a petition for postconviction relief requesting to withdraw his guilty plea. Lee alleged that his plea was not intelligent because he was under the influence of methamphetamine at the time of the plea hearing.

The postconviction court held an evidentiary hearing. Lee and his brother testified that Lee was using methamphetamine frequently while this case was pending—up to three times a day. According to Lee and his brother, Lee was high during the plea hearing, having used methamphetamine the whole night before and an hour before the hearing. They testified that Lee can “hide it” well from strangers when he is intoxicated but that he

¹ Lee was charged under Minnesota Statutes section 609.343, subdivision 1(a) (2012). Lee's daughter was ten when the abuse occurred.

is “erratic,” “sporadic,” “hard to talk to,” and not “of a sane mind” behind closed doors.

According to Lee, he did not understand what was going on at the plea hearing and merely responded to his attorney’s prompting. And he did not remember parts of the hearing, like when the district court asked him if he was under the influence. Lee testified that he lied at his plea hearing when he said he understood and that he was not under the influence.

The postconviction court denied Lee’s petition. It concluded that Lee’s request to withdraw his plea eleven months later was not timely and that Lee “failed to establish he was under the influence of methamphetamine at the time of the plea hearing and that his plea was unintelligent.” Lee appeals.

D E C I S I O N

Lee challenges the postconviction court’s denial of his petition on two grounds. First, Lee argues the postconviction court erred when it denied his petition because it was untimely. The state concedes that Lee’s petition was timely. Lee was sentenced on September 19, 2017, and he petitioned for postconviction relief on August 9, 2018. Because Lee filed his petition within two years as required under Minnesota Statutes section 590.01, subdivision 4(a)(1) (2018), we agree with the parties that the petition was timely.

Accordingly, we turn to Lee’s second claim: that the postconviction court abused its discretion by denying his petition because he proved that he was under the influence at the plea hearing making his plea unintelligent and therefore invalid. As a result, Lee argues that the postconviction court erred by denying his petition.

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 district court must grant a defendant's motion to withdraw a guilty plea if "necessary to correct a manifest injustice." Minn. R. Crim. P. 15.05, subd. 1. "A manifest injustice exists if a guilty plea is not valid." *Raleigh*, 778 N.W.2d at 94. "[A] guilty plea must be accurate, voluntary, and intelligent" to be valid. *Taylor v. State*, 887 N.W.2d 821, 823 (Minn. 2016). A defendant bears the burden of showing that their guilty plea is invalid. *Raleigh*, 778 N.W.2d at 94.

We review the denial of a postconviction petition for an abuse of discretion. *Riley v. State*, 819 N.W.2d 162, 167 (Minn. 2012). The postconviction court's findings will not be disturbed if they are supported by sufficient evidence in the record. *Williams v. State*, 760 N.W.2d 8, 11 (Minn. App. 2009), *review denied* (Minn. Apr. 21, 2009).

Here, the postconviction court found that Lee failed to establish he was under the influence of methamphetamine at his plea hearing and therefore failed to establish that the plea was unintelligent. We agree.

For a plea to be intelligent, the defendant must understand the charges against him, the rights he is waiving, and the consequences of the plea. *Raleigh*, 778 N.W.2d at 96. Lee testified repeatedly at his plea hearing that he understood the charges and the plea document, that he understood what he was giving up by pleading guilty, and he acknowledged that he could be sentenced to up to 25 years in prison. For about half of the

plea-hearing transcript,² defense counsel, the prosecutor, and the district court judge questioned Lee about his choice to plead guilty to ensure he understood the proceeding, what he was giving up by pleading guilty, and the consequences of the plea. For example, Lee stated that he recognized the plea petition, understood it, and had gone over it with his attorney that morning. Lee agreed with his attorney that they “kept in touch on a regular basis,” met every other month, and talked “at least five or six times” in the last week. We note that the district court judge observed, “I know in this particular case, you’ve had quite a bit of time to talk to your attorney.” And the judge commented after the plea colloquy, “[defense counsel] was very thorough” to which Lee responded, “[h]e was very, very thorough, Your Honor. I do not have any questions.”

Lee also testified at his plea hearing that he was clear-minded. According to Lee, he was not under the influence of any alcohol or drugs at the time. He acknowledged on the plea-agreement form as well that he was not taking any pills or medications.

Nor does the plea transcript give us any indication that Lee was under the influence at the hearing. He was responsive to questioning. Many of his answers followed his lawyer’s prompting and were short—for example, “yes,” “correct,” and “I understand.” But Lee also responded substantively to many questions. For example, when the prosecutor was asking Lee open-ended questions about the circumstances of the abuse, he answered and added details about his conduct. Lee was able to sufficiently articulate the facts and circumstances surrounding his offense. And Lee accurately addressed each other

² The questioning occurred over 12 pages of the 23-page hearing transcript.

person in the hearing. He addressed his lawyer as “sir,” the prosecutor as “ma’am,” and the judge as “Your Honor.” This demonstrates his awareness of the formality of the situation and with whom he was interacting.

Still, Lee contends that his plea was not intelligent based on the evidence presented that he was high at the hearing. According to Lee, his and his brother’s testimony proved that his plea was unintelligent. But Lee had to prove this “to the satisfaction of the court.” Minn. R. Crim. P. 15.05, subd. 1. And the postconviction court was not convinced. It noted several inconsistencies between Lee’s testimony at the plea hearing and his and his brother’s testimony at the postconviction hearing. And the judge relied on her observations of Lee—gathered in at least nine hearings between July 2015 and September 2017—in assessing credibility, a determination to which we defer. *State v. Olson*, 884 N.W.2d 906, 911 (Minn. App. 2016), *review denied* (Minn. Nov. 15, 2016). Finally, we note that the postconviction court’s conclusion here is consistent with our existing precedent. See *Erickson v. State*, 702 N.W.2d 892, 898 (Minn. App. 2005) (finding that a guilty plea was valid despite defendant’s later statement that he was under the influence at the time of his plea because he testified at the plea hearing that he understood what he was doing and he was not under the influence).

Based on its observations and the testimony, the postconviction court found that Lee failed to prove that his plea was unintelligent. Because the record contains sufficient evidence to support these conclusions, the postconviction court did not abuse its discretion by denying Lee’s postconviction petition.

Affirmed.