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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-0292**

State of Minnesota,
Respondent,

vs.

Eric Thomas Grondahl,
Appellant.

**Filed January 13, 2020
Affirmed
Randall, Judge***

St. Louis County District Court
File No. 69DU-CR-18-2042

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

Mark S. Rubin, St. Louis County Attorney, Jonathan D. Holets, Assistant County Attorney,
Duluth, Minnesota (for respondent)

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

Considered and decided by Larkin, Presiding Judge; Slieter, Judge; and Randall,
Judge.

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

UNPUBLISHED OPINION

RANDALL, Judge

Appellant Eric Thomas Grondahl argues that his guilty plea to first-degree burglary of an occupied dwelling is inaccurate and therefore invalid because a secured laundry room in an apartment building is not a “dwelling” under Minn. Stat. § 609.582, subd. 1(a) (2018). We affirm.

FACTS

On July 14, 2018, the Duluth Police Department arrested Grondahl for the June 4, 2018 burglary of three apartment buildings in Duluth. The incidents happened in close proximity to each other, and in all three the burglar used a tool to open secured doors and washer and dryer coin boxes. The Duluth Police Department analyzed one of the apartment complex’s surveillance videos and immediately recognized Grondahl as the perpetrator. The apartment management company believed the burglar stole about \$200.00 from the three apartment complexes. The state charged Grondahl with one count of first-degree burglary of an occupied dwelling.

Grondahl pleaded guilty on October 18, 2018. After viewing the surveillance video, he testified that he was, “100 percent aware that it’s me” in the video, even though he had no recollection of the incident because he was high on methamphetamine.¹ Grondahl also

¹ Appellant labels this a “*Norgaard*-esque plea” because he has no recollection of the offense, but the district court did not explicitly label it a *Norgaard* plea. See *State v. Johnson*, 867 N.W.2d 210, 215 (Minn. App. 2015) (“A defendant enters a *Norgaard* plea if he claims a loss of memory, through amnesia or intoxication, regarding the circumstances of the offense but the record establishes the defendant is guilty or likely to be conviction of the crime charged.” (quotation omitted)). We do not review the *Norgaard* elements

testified that he did not believe that he had anyone's consent to be there, that he had the intent to steal money from the laundry machines and, that he did, in fact, steal \$200 in coins. Finally, the prosecutor asked Grondahl, "And this is a multi-unit apartment building, and, so, you are confident that the building was occupied at the time you were there?" Grondahl answered, "I can only assume so, yes."

On November 16, 2018, Grondahl filed a motion to withdraw his guilty plea. The memorandum in support of his motion states that he wished to withdraw the plea because "it is the position of the [appellant] that he has a credible defense to these charges." Grondahl argued at the November 19, 2018 sentencing hearing that "he didn't do it based on the definition of the law." There was clear confusion at the hearing about Grondahl's legal claim. Grondahl's attorney stated "He tells me he is not culpable under the law. I guess he's claiming that I didn't give him the proper law to make his plea determination prior to his plea." The judge responded, "That still doesn't tell me what his defense is. Is he claiming that he wasn't capable, or that he wasn't there, or that it wasn't him in the video? What exactly is it that is his defense?" Grondahl's attorney responded, "I have not—I can't tell you anything more than what I've told you, Your Honor. I—he hasn't said any of those things to me." The district court rejected Grondahl's motion and stated:

I'm not hearing anything today that would indicate that there is some defense, other than the bald statement that there is a defense. The testimony at the plea hearing was clear that Mr. Grondahl reviewed the video and was 100 percent sure that it was him . . . I can find nothing that would support the standard

because appellant is only challenging the interpretation of the statute, not whether appellant testified about sufficient facts.

that's required in order to withdraw the plea at this time, or to make it fair and just to do so.

The district court denied the motion. Grondahl did not provide the court with a sufficient basis to withdraw the plea. Grondahl stated on allocution that:

The reason I had brought the, asked [my attorney] to bring the motion is after studying the elements involved in First Degree Occupied Burglary, in the second element it says that somebody who enters a building open to the general public does so with consent. And after reading the status of burglary being that a person enters a building without consent, that was why, the reason I had asked him to bring that up in front of the Court.

The district court sentenced Grondahl to forty-four months' imprisonment. This appeal follows.

DECISION

- I. The district court did not err by rejecting Grondahl's motion because sufficient facts supported Grondahl's plea. The locked laundry room is considered a dwelling under Minn. Stat. § 609.582, subd. 1(a).**

Grondahl argues that the district court erred by not withdrawing his guilty plea because the plea was not accurate. The validity of a guilty plea is a question of law which appellate courts review de novo. *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010). "The court must allow a defendant to withdraw a guilty plea upon a timely motion and proof to the satisfaction of the court that withdrawal is necessary to correct a manifest injustice." Minn. R. Crim. P. 15.05, subd. 1. "Manifest injustice occurs if a guilty plea is not accurate, voluntary, and intelligent, and thus the plea may be withdrawn." *Perkins v. State*, 559 N.W.2d 678, 688 (Minn. 1997). Pleas must be accurate to protect defendants from pleading to more serious offenses than they could be convicted for at trial. *Raleigh*, 778 N.W.2d at

94. “The court should not accept the plea unless the record supports the conclusion that the defendant actually committed an offense at least as serious as the crime to which he is pleading guilty.” *State v. Trott*, 338 N.W.2d 248, 251-52 (Minn. 1983).

The only issue on appeal is whether the apartment building’s secured laundry room can be considered a “dwelling” under Minn. Stat. § 609.582, subd. 1(a). The statute defines first-degree burglary as entering a building without consent with both the intent to commit a crime and “the building is a dwelling and another person, not an accomplice, is present in it when the burglar enters or at any time while the burglar is in the building” Minn. Stat. § 609.582, subd. 1(a). The statute defines a “building” as “a structure suitable for affording shelter for human beings including any appurtenant or connected structure.” Minn. Stat. § 609.581, subd. 2 (2018). A “dwelling” is “a building used as a permanent or temporary residence.” *Id.* at subd. 3. Statutory interpretation is a question of law which this court reviews de novo. *State v. Riggs*, 865 N.W.2d 679, 682 (Minn. 2015).

Grondahl argues that the laundry room is not a “dwelling” because it is not used as a residence and because the apartment units, which are dwellings, have their own locks which make them all individual buildings. The laundry room, Grondahl argues, is also its own individually secured building. Grondahl relies on *State v. Johnson* to support this theory. 679 N.W.2d 378 (Minn. App. 2004), *review denied* (Minn. Aug. 17, 2004). In *Johnson*, this court concluded that the facts were insufficient to support the defendant’s first-degree burglary conviction because even though his consent to be in the bedroom was revoked, he still had consent to be in other areas of the apartment, which were part of the same “building.” *Id.* at 386. The court did not consider the bedroom a self-contained unit.

Id. Grondahl extrapolates this opinion to mean that self-contained areas are always considered individual buildings and can never be considered as one collective building. Following this logic, Grondahl argues that the laundry room is its own self-contained building, distinct from the collective apartment complex building. This interpretation of Minn. Stat. § 609.582, subd. 1(a) through *Johnson* implies that any locked bathroom or closet would be viewed as a separate building under the statute. This theory of statutory interpretation is ruled out. It creates an absurd result. *See State v. Selseth*, 933 N.W.2d 541, 544 (Minn. App. 2019).

Even if the laundry room is considered a separate building, caselaw provides that it may also be a dwelling appurtenant to an apartment unit. *State v. Hendrickson*, 528 N.W.2d 263, 266 (Minn. App. 1995). Finally, Grondahl references many cases to support his theory that a structure is only appurtenant if it provides access to the dwelling. *Henderickson* rejects this notion, providing that, “[a]lthough entry of a dwelling is an element of the offense, there is no authority for dividing the dwelling, or separating it from its adjacent structures, for purposes of the burglary statute.” *Id.* Here, the multi-unit apartment complex contained both the laundry room and appurtenant dwellings.

Caselaw establishes that areas appurtenant to a dwelling are part of the dwelling. Here, the laundry room is appurtenant to the apartment units of the complex. The room was locked and not open to the public. The locked laundry room is a “dwelling” under the first-degree burglary statute. Grondahl’s guilty plea to burglary was accurate.

Affirmed.