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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-2032**

State of Minnesota,
Respondent,

vs.

Meade Terrell Stademeyer,
Appellant.

**Filed November 2, 2020
Affirmed
Larkin, Judge**

Ramsey County District Court
File No. 62-CR-18-5952

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

John J. Choi, Ramsey County Attorney, Alexandra Meyer, Assistant County Attorney,
St. Paul, Minnesota (for respondent)

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

Considered and decided by Jesson, Presiding Judge; Larkin, Judge; and Reilly,
Judge.

UNPUBLISHED OPINION

LARKIN, Judge

In this direct appeal from judgments of conviction for fourth-degree criminal sexual conduct and threats of violence, appellant seeks to withdraw his guilty plea to the threats-of-violence offense, arguing that it lacked an adequate factual basis and was therefore invalid. We affirm.

FACTS

In May 2019, the state charged appellant Meade Terrell Stademeyer by amended complaint with one count each of first-, second-, third-, attempted third-, and fourth-degree criminal sexual conduct, as well as three counts of threats of violence.

According to the complaint, Stademeyer attended a party at an apartment in August 2018 with his girlfriend, F.F.P. After the party ended, Stademeyer, F.F.P., and two other women, N.K.W. and F.R.P., remained in the apartment. Stademeyer, F.F.P., and N.K.W. were in the bedroom, and F.R.P. was in the bathroom. F.F.P. told police that while she was sleeping, Stademeyer forcibly inserted his penis into her vagina without her consent. F.F.P. reported that when she rejected Stademeyer's sexual advance, he repeatedly punched her in the face and said, "B-tch I'll kill you if you don't [have sex]."

N.K.W. left the bedroom to get F.R.P. Stademeyer went into the bathroom, lifted N.K.W. onto a counter, pushed aside her underwear, and attempted to sexually penetrate her. N.K.W. pushed Stademeyer away. Stademeyer told the women that he would kill them if they told anyone what had happened. N.K.W. went back into the bedroom. Stademeyer followed and told N.K.W. to perform oral sex on F.F.P. Stademeyer grabbed

N.K.W.'s head and placed it between F.F.P.'s legs. N.K.W. pretended to perform oral sex. N.K.W. could see that F.F.P. was frightened and did not want to participate. N.K.W. and F.R.P. later fled the apartment and contacted police. Officers responded to the apartment and observed swelling and bruising around F.F.P.'s eye.

In May 2019, Stademeyer pleaded guilty to one count of fourth-degree criminal sexual conduct and one count of threats of violence, in exchange for dismissal of the remaining charges. He tendered a signed plea petition to the district court.

As a factual basis for his guilty plea, Stademeyer admitted that he forced F.F.P. to have sex and that he made "threats of violence" by threatening "to kill her." He acknowledged that these threats were part of the force or coercion that he "used against F.F.P. in order to engage in sexual intercourse." He also acknowledged that his penis entered F.F.P.'s vagina, and that this act was committed with sexual intent. He admitted that F.F.P. was intoxicated and "kind of out of it." He further admitted that he took advantage of F.F.P.'s condition and "threatened her" and "made her feel that she should just go ahead and comply." Lastly, he admitted that he "violated the law both in terms of making a threat of violence and also engaging in criminal sexual conduct in the fourth degree."

The district court sentenced Stademeyer to serve 24 months in prison for his threats-of-violence conviction. The district court stayed a 48-month prison sentence for Stademeyer's fourth-degree criminal-sexual-conduct conviction. Stademeyer appeals.

DECISION

Stademeyer contends that he must be allowed to withdraw his guilty plea to threats of violence, arguing that it was inaccurate and therefore invalid. “A defendant has no absolute right to withdraw a guilty plea after entering it.” *State v. Raleigh*, 778 N.W.2d 90, 93 (Minn. 2010). But “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.

A manifest injustice results if a guilty plea is invalid. *State v. Theis*, 742 N.W.2d 643, 646 (Minn. 2007). To be valid, a guilty plea must be “accurate, voluntary, and intelligent.” *Kaiser v. State*, 641 N.W.2d 900, 903 (Minn. 2002). “A proper factual basis must be established for a guilty plea to be accurate.” *State v. Ecker*, 524 N.W.2d 712, 716 (Minn. 1994). “The main purpose of the accuracy requirement is to protect a defendant from pleading guilty to a more serious offense than he could be convicted of were he to insist on his right to trial.” *State v. Trott*, 338 N.W.2d 248, 251 (Minn. 1983). An assessment of the validity of a guilty plea presents a question of law that this court reviews de novo. *Raleigh*, 778 N.W.2d at 94.

Stademeyer pleaded guilty to violating Minn. Stat. § 609.713, subd. 1 (2018), which criminalizes threatening, “directly or indirectly, to commit any crime of violence with purpose to terrorize another . . . or in a reckless disregard of the risk of causing such terror.” “Terrorize means to cause extreme fear by use of violence or threats.” *State v. Schweppe*, 237 N.W.2d 609, 614 (Minn. 1975).

Stademeyer pleaded guilty to violating the “reckless disregard” portion of the statute. “The crime of recklessly making terroristic threats . . . contains no specific-intent element.” *State v. Bjergum*, 771 N.W.2d 53, 54 (Minn. App. 2009), *review denied* (Minn. Nov. 17, 2009). “Recklessness requires deliberate action in disregard of a known, substantial risk.” *Id.* at 57. The test of whether words or phrases are harmless or threatening is the context in which they are used. *Schweppe*, 237 N.W.2d at 613.

Stademeyer concedes that he threatened to commit a crime of violence when he threatened to kill F.F.P. See Minn. Stat. § 609.713, subd. 1 (defining “crime of violence” to be the same as a “violent crime” and referencing statute that lists murder as a “violent crime”). But Stademeyer argues that his guilty plea to the threats-of-violence charge was inaccurate because “he never acknowledged that [he] intended to cause F.F.P. extreme fear or that he acted in reckless disregard of the risk of causing that extreme fear.”

Although Stademeyer did not specifically admit that his threat to kill F.F.P. was made in reckless disregard of the risk of causing extreme fear, his admissions nonetheless satisfy us that his guilty plea was accurate. Stademeyer admitted that the threat was part of the force or coercion that he “used against F.F.P. in order to engage in sexual intercourse.” He also admitted that F.F.P. was intoxicated and “kind of out of it,” and that he took advantage of F.F.P.’s condition, “threatened her,” and “made her feel that she should just go ahead and comply.” When Stademeyer’s threat is considered in the context in which it was made, it is adequate to establish that he acted in reckless disregard of causing extreme fear. His threat to kill F.F.P. was not harmless.

Once again, the accuracy requirement protects a defendant from “pleading guilty to a more serious offense than he could be convicted of were he to insist on his right to trial.” *Trott*, 338 N.W.2d at 251. Based on the record before us, we do not have that concern.

Affirmed.