

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-0022**

State of Minnesota,
Respondent

vs.

Shawn Merle Mechtel,
Appellant.

**Filed April 19, 2021
Affirmed
Bjorkman, Judge
Dissenting, Cleary, Judge***

Sherburne County District Court
File No. 71-CR-18-1480

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

Kathleen A. Heaney, Sherburne County Attorney, George R. Kennedy, Assistant County Attorney, Elk River, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Christopher L. Mishek, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bjorkman, Presiding Judge; Segal, Chief Judge; and
Cleary, Judge.

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

NONPRECEDENTIAL OPINION

BJORKMAN, Judge

Appellant challenges the denial, without holding an evidentiary hearing, of his postconviction petition seeking to withdraw his guilty plea as unintelligent. Because the petition and the record conclusively establish that appellant was aware of the direct consequences of his plea, we affirm.

FACTS

Appellant Shawn Mechtel was charged in October 2018 with two counts of first-degree criminal sexual conduct and two counts of second-degree criminal sexual conduct based on allegations that he sexually penetrated his stepdaughter, who was under the age of 16. The state offered a plea agreement under which Mechtel would plead guilty to one of the first-degree charges in exchange for dismissal of the other charges and the mandatory minimum 144-month sentence. Mechtel rejected the offer and proposed a counteroffer, which the state declined.

In July 2019, Mechtel pleaded guilty to one count of first-degree criminal sexual conduct with no agreement from the state as to sentencing.¹ Mechtel signed a plea petition that stated the maximum sentence for the offense was 30 years' imprisonment and the minimum sentence was 144 months' imprisonment. The plea petition further stated that Mechtel was entering a "straight plea-no agreement with the state," and that the "defense anticipates a downward durational departure." During the plea hearing, defense counsel

¹ The state agreed to dismiss the remaining charges.

confirmed Mechtel’s understanding that there was no agreement with the state and that he would be sentenced according to the Minnesota Sentencing Guidelines. Counsel later indicated that the presumptive sentence for the offense was “in the neighborhood of 144 months.” Counsel also memorialized that he would file a motion requesting a downward durational departure, but reminded Mechtel that “there is no guarantee that the judge would accept that.” Mechtel responded, “Sure.” Before asking for his plea, the district court twice advised Mechtel that the maximum penalty for the offense was 30 years in prison. The district court determined that Mechtel’s guilty plea was knowing, intelligent, and voluntary.

Mechtel moved for a downward durational departure to 75 months. The district court denied the motion and sentenced him to 187 months—a top-of-the-box guidelines sentence.

Mechtel appealed his conviction. At his request, we stayed the appeal while he pursued postconviction relief. Mechtel filed a postconviction petition, seeking to withdraw his guilty plea as unintelligent. The petition alleges that Mechtel did not understand that the district court could impose a 187-month sentence without departing from the sentencing guidelines. And it alleges Mechtel would not have pleaded guilty if he knew a sentence of 187 months was possible. The district court denied the petition without holding an evidentiary hearing, concluding that the petition and records “conclusively show that [Mechtel] is not entitled to the relief he has requested.” Mechtel challenges the denial of postconviction relief.

DECISION

Minn. Stat. § 590.01 (2018) authorizes a person convicted of a crime to seek postconviction relief. A district court must hold an evidentiary hearing “[u]nless the [postconviction] petition and the files and records of the proceeding conclusively show that the petitioner is entitled to no relief.” Minn. Stat. § 590.04, subd. 1 (2018). When deciding whether to conduct an evidentiary hearing, the district court must “consider[] the facts alleged in the petition as true and construe[] them in the light most favorable to the petitioner.” *Brown v. State*, 895 N.W.2d 612, 618 (Minn. 2017). No evidentiary hearing is required when the alleged facts “are legally insufficient to entitle [the petitioner] to the requested relief.” *Rossberg v. State*, 932 N.W.2d 6, 9 (Minn. 2019). We review a district court’s “summary denial of a petition for postconviction relief for an abuse of discretion.” *Andersen v. State*, 913 N.W.2d 417, 422 (Minn. 2018). A district court abuses its discretion “when its decision is based on an erroneous view of the law or is against logic and the facts in the record.” *Id.* (quotation omitted).

A district court “must allow a defendant to withdraw a guilty plea” when “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.” *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010). To be valid, a plea “must be accurate, voluntary, and intelligent.” *Id.*

A plea is intelligent if the defendant “understands the charges against him, the rights he is waiving, and the consequences of his plea.” *Id.* at 96. The intelligence requirement is met if the defendant understands the plea’s “direct consequences.” *Id.* Direct consequences “are those which flow definitely, immediately, and automatically from the

guilty plea—the maximum sentence and any fine to be imposed.” *Alanis v. State*, 583 N.W.2d 573, 578 (Minn. 1998), *abrogated in part by Padilla v. Kentucky*, 559 U.S. 356, 374, 130 S. Ct. 1473, 1486 (2010); *accord State v. Crump*, 826 N.W.2d 838, 841-42 (Minn. App. 2013) (holding direct consequences “are those which flow definitely, immediately, and automatically from the guilty plea, such as the maximum sentence to be imposed and the amount of any fine” (quotation omitted)), *review denied* (Minn. May 21, 2013).

Mechtel argues that the district court abused its discretion by denying his petition without an evidentiary hearing. He contends that defense counsel affirmatively misadvised him regarding the guidelines sentence for the offense to which he pleaded guilty and that the district court erred by failing to credit this contention. And he urges this court to hold that the guidelines sentence is a direct consequence of a guilty plea that a defendant must understand to enter an intelligent plea. We are not persuaded for two reasons.

First, the record—including the facts alleged in the postconviction petition—demonstrates that Mechtel was aware of the direct consequences of his guilty plea. The criminal complaint informed Mechtel that the “maximum sentence” for both charges of first-degree criminal sexual conduct was “Not less than 144 months nor more than 30 years imprisonment and/or \$40,000 fine.” Mechtel acknowledged both the maximum and minimum sentences he faced in the written plea petition he prepared with his counsel’s assistance. And the district court told him two times during the plea hearing that he faced up to 30 years in prison. Armed with this knowledge, Mechtel went forward with his guilty plea.

We are not convinced that statements defense counsel made regarding the sentencing guidelines render Mechtel's plea unintelligent. According to his postconviction petition, counsel advised Mechtel twice in writing about possible sentences if he did not accept the state's offer of a 144-month minimum sentence. Counsel told him both times that he faced a potential sentence "significantly higher than 144 months," including a sentence "up to 187 months without a departure." And during the plea hearing, counsel said "the presumptive sentence in a situation of this nature is in the neighborhood of 144 months." None of these statements contradict the information that Mechtel repeatedly received as to the maximum 30-year sentence he was subject to upon his guilty plea.² The imposed 187-month sentence is well below the 30 years he was willing to accept as a direct consequence of his plea. Taking the allegations in the petition as true, as we must, the record conclusively demonstrates Mechtel understood the direct consequences of his plea. We discern no abuse of discretion by the district court in denying Mechtel's petition without an evidentiary hearing.

Second, we reject Mechtel's invitation to extend the law so a guilty plea is intelligent only if the defendant is advised of the applicable sentencing guidelines. We are an error-correcting court. *See Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988) ("The function of the court of appeals is limited to identifying errors and then correcting them."); *accord State v. McCormick*, 835 N.W.2d 498, 510 (Minn. App. 2013) (stating this court is "an

² In briefing and oral argument to this court, Mechtel emphasizes that defense counsel affirmatively misadvised him about the applicable sentencing guidelines. But he does not contend that counsel was ineffective.

error-correcting court” whose role is to “find the law, to state it and to apply it to the facts” (quotation omitted)), *review denied* (Minn. Oct. 15, 2013). The job of extending the law falls to our supreme court or the legislature. *State v. Grigsby*, 806 N.W.2d 101, 110 (Minn. App. 2011), *aff’d*, 818 N.W.2d 511 (Minn. 2012). Where, as here, a defendant pleads guilty with no agreement as to sentencing, his plea is intelligent if he is advised of the maximum sentence to which he could be exposed. *Alanis*, 583 N.W.2d at 578. Because Mechtel’s plea was intelligent, we affirm.

Affirmed.

CLEARY, Judge (dissenting)

I respectfully dissent from the majority opinion. The issue before us is whether the appellant is entitled to an evidentiary hearing as to whether his plea was intelligently made. The district court denied his post-conviction petition without an evidentiary hearing even though, as the majority notes, the district court must “consider[] the facts alleged in the petition as true and construe[] them in the light most favorable to the petitioner.” *Brown v. State*, 895 N.W.2d 612,618 (Minn. 2017).

Here, the appellant explained at a pretrial hearing that he understood from his first attorney that he was facing 144 months if he pleaded guilty. His second attorney told him that he could limit his exposure to 144 months if he pleaded guilty and the state would seek additional time if he was convicted after trial. Eventually he pleaded guilty as a “straight” plea, without an agreement. In the petition to enter a plea of guilty, his attorney wrote the “defense anticipates a downward durational departure.” The use of “anticipates,” rather than “will seek,” suggests a likelihood of success. Then, to muddy the waters further, the prosecutor informed the appellant “we don’t know at this point if the judge will send you to prison or not,” suggesting the possibility of a downward dispositional departure. It does not appear in the record that the appellant was advised that he faced a presumptive sentence up to 187 months or that the state would seek anything above the presumptive sentence mentioned by his attorney at the plea hearing “in the neighborhood of 144 months.” One hundred eighty seven months is clear across town from 144 months, far away from the “neighborhood.” So where is the notice to appellant that he was looking at the possibility of a 187-month sentence?

Against this murky backdrop, the majority holds that as long as appellant was informed that the minimum sentence was 144 months and that the statutory maximum was up to 30 years, he was on proper notice and the plea was intelligently made.

To suggest that a mere recitation of a statutory maximum to a defendant obviates the need to ensure a plea is otherwise intelligently made as to a possible sentence disregards our responsibility to ensure that those who face a loss of freedom understand specifically the parameters of a possible sentence. The Minnesota Supreme Court should clarify what the “direct consequences” of a plea include and, at a minimum, they should include the applicable sentencing guidelines to properly put a defendant on notice as to the consequences of a plea.

Here, construing the facts in the light most favorable to the appellant, his plea was made unintelligently. I would remand the case for an evidentiary hearing to consider whether or not he should be allowed to withdraw his plea.