

*This opinion is nonprecedential except as provided by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
A20-0496**

State of Minnesota,
Respondent,

vs.

Isaac Lee Kelley,
Appellant.

**Filed March 1, 2021
Affirmed
Reilly, Judge**

Hennepin County District Court
File No. 27-CR-13-8682

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

Michael O. Freeman, Hennepin County Attorney, Mark V. Griffin, Senior Assistant
County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Kathryn J. Lockwood, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Reilly, Presiding Judge; Florey, Judge; and Frisch,
Judge.

NONPRECEDENTIAL OPINION

REILLY, Judge

Appellant argues that his drug-possession conviction is invalid because the state failed to try his case within 180 days after his request for final disposition in violation of the Interstate Agreement on Detainers. Appellant also argues that he received ineffective

assistance of counsel. Because we conclude that appellant's conviction is valid and counsel's assistance was not ineffective, we affirm.

FACTS

In March 2013, respondent State of Minnesota charged appellant Isaac Lee Kelley with fifth-degree drug possession and gross misdemeanor obstruction of legal process. At the first-appearance hearing, the district court ordered appellant to appear at a future court hearing. Appellant failed to appear for his hearing and the district court issued a warrant for his arrest and set bail. In July 2013, Wisconsin authorities arrested appellant and took him into custody. Over a year later, in October 2014, appellant sent a letter from the Wisconsin correctional institution to the Hennepin County District Court with a "Motion for a Writ of Habeas Corpus ad Prosequendum," citing the Interstate Agreement on Detainers (the IAD). Appellant acknowledged that he missed his hearing date in Minnesota, leading the district court to issue a warrant for his arrest. Appellant asked the district court to impose a sentence concurrent with his Wisconsin sentence.

In January 2015, appellant sent a second letter to the Hennepin County District Court with a "Motion for Immediate Dispositional Relief and Relief Sought," "Motion to Appear in Absentia," "Motion to Utilize Interstate Detainer Act Previously Filed and Submitted," and "Motion to Quash Warrant." Appellant stated that he wanted to resolve his outstanding criminal case in Minnesota so that he could return to California directly after his release from confinement in Wisconsin. Following his release from custody in Wisconsin in September 2015, appellant appeared for a court hearing in Minnesota. Appellant's counsel moved to dismiss the case on the ground that the IAD deadline had

expired. The district court granted a continuance to allow the parties to provide more information and set a future hearing date. When appellant failed to appear at his next scheduled hearing, the district court issued a warrant for his arrest.

Appellant was arrested in Minnesota on the warrant in April 2019. The district court set a hearing date in June 2019, but appellant failed to appear. Appellant later appeared for a hearing in August 2019, and the district court set a trial date for November 2019. Appellant failed to appear for the trial and the district court issued a warrant and set bail. In January 2020, the parties informed the district court that they had settled the case. Appellant agreed to plead guilty to the drug-possession charge and respondent agreed to dismiss the remaining charge. Appellant admitted that he was in possession of a controlled substance in March 2013, and entered a guilty plea. The district court sentenced appellant to time served and discharged him from probation immediately. This appeal follows.

DECISION

I. The Interstate Agreement on Detainers does not apply.

Appellant claims that he is entitled to relief under the IAD. The IAD is a compact among 48 states, the federal government, and the District of Columbia to establish procedures for resolving one state's outstanding criminal charges against a prisoner who is incarcerated in another state. *State v. Wells*, 638 N.W.2d 456, 459 (Minn. App. 2002), *review denied* (Minn. Mar. 19, 2002). The purpose of the IAD is to require prompt disposition of outstanding charges so that a person incarcerated in one state receives a speedy trial on those charges. *State v. Burks*, 631 N.W.2d 411, 412 (Minn. App. 2001).

Both Minnesota and Wisconsin are parties to this agreement, codified in Minn. Stat. § 629.294, subd. 1 (2020), and in Wis. Stat. § 976.05 (2020).

The Minnesota statute provides that a prisoner who has

pending in any other party state any untried indictment, information, or complaint on the basis of which a detainer has been lodged against the prisoner, [] shall be brought to trial within 180 days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made.

Minn. Stat. § 629.294, subd. 1, art. III(a); *State v. Kurz*, 685 N.W.2d 447, 450 (Minn. App. 2004), *review denied* (Minn. Oct. 27, 2004). We apply a de novo standard of review to the construction and application of the IAD. *State v. Dickerson*, 777 N.W.2d 529, 531-32 (Minn. App. 2010) (citing *Burks*, 631 N.W.2d at 412), *review denied* (Minn. Mar. 30, 2010).

Appellant argues that he received notice of a detainer in Minnesota while he was in custody in Wisconsin, and sent two letter requests to Minnesota in October 2014 and January 2015 for final disposition of his pending Minnesota case. Appellant argues that because his case was not resolved within 180 days of these requests, his rights were violated and the case must be dismissed with prejudice.

We do not agree. The IAD sets forth specific processes and procedures that a prisoner must follow to seek relief under the IAD. To begin:

The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time

remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

Minn. Stat. § 629.294, subd. 1, art. III(a).

This written notice and request for final disposition “shall be given or sent by the prisoner to the warden, commissioner of corrections, or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.” *Id.*, art. III(b). The official who has custody of the prisoner must then “promptly inform [the prisoner] of his right to make a request for final disposition of the indictment, information, or complaint on which the detainer is based.” *Id.*, art. III(c). The official must also notify the “appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner’s request for final disposition is being sent of the proceeding being initiated by the prisoner.” *Id.*, art. III(d). Any request under this section is also “deemed to be a waiver of extradition.” *Id.*, art. III(e).

Appellant failed to follow the procedural requirements clearly set forth in the IAD. Appellant sent two letters directly to the Hennepin County District Court. He has not presented any evidence showing that he sent the proper written notice and request for final disposition “to the warden, commissioner of corrections, or other official having custody of him,” or “that the official with custody over him notified the county prosecutors of his request for final disposition.” *Id.*, art. III(b), (d). Nor did appellant agree to waive extradition. *Id.*, art. III(e). We have no authority to disregard the plain language of the statute. See Minn. Stat. § 645.16 (2020) (stating that courts must apply statute’s plain

meaning if its language is clear and unambiguous); *see also State v. Anderson*, 683 N.W.2d 818, 821 (Minn. 2004) (instructing courts to interpret statutory language according to its plain meaning if it is clear and unambiguous and not resort to other principles of statutory construction). Because appellant failed to submit a proper request under the IAD, it does not apply.

We also note that appellant appears to confuse a *detainer* with a *warrant*. The district court did not file or serve a detainer on appellant. The district court issued a warrant for appellant's arrest based on his failures to appear for his hearing dates. But a warrant is distinct from a detainer request. A warrant is a "writ issued directly by a judge to a law-enforcement officer, especially for the arrest of a person who has been held in contempt, has been indicted, has disobeyed a subpoena, or has failed to appear for a hearing or trial." *Burrell v. State*, 858 N.W.2d 779, 785 n.2 (Minn. 2015) (citing *Black's Law Dictionary* 1819 (10th ed. 2014)). "[A] detainer is a notification filed with the institution in which a prisoner is serving a sentence, advising that he is wanted to face pending criminal charges in another jurisdiction." *Dickerson*, 777 N.W.2d at 532. And "the protections of the IAD are not invoked when no detainer is filed." *Id.* (citing *United States v. Mauro*, 436 U.S. 340, 364 n.30, 98 S. Ct. 1834, 1849 n.30 (1978) ("It is only when a party to the IAD does file a detainer that it becomes bound by the [IAD's] provisions.")).

Because appellant disregarded the processes and procedures articulated in the IAD, it cannot support relief. Appellant is not entitled to reversal of his conviction under the IAD.

II. Appellant is not entitled to relief on his ineffective-assistance-of-counsel claim.

Appellant claims he received ineffective assistance of counsel. When a defendant raises an ineffective-assistance-of-counsel claim in a direct appeal, we examine the claim under the two-prong test in *Strickland v. Washington*, 466 U.S. 668, 694, 104 S. Ct. 2052, 2068 (1984). See also *State v. Ellis-Strong*, 899 N.W.2d 531, 535 (Minn. App. 2017) (applying the *Strickland* test). “Under the *Strickland* test, [a criminal defendant] must demonstrate that (1) his counsel’s performance fell below an objective standard of reasonableness, and (2) that a reasonable probability exists that the outcome would have been different but for counsel’s errors.” *Andersen v. State*, 830 N.W.2d 1, 10 (Minn. 2013). Appellate courts “need not address both the performance and prejudice prongs if one is dispositive.” *Id.*

Appellant has not shown that his counsel’s performance fell below an objective standard of reasonableness. A strong presumption exists that counsel’s representation is reasonable. *King v. State*, 562 N.W.2d 791, 795 (Minn. 1997). Additionally, “[a]n attorney’s failure to raise meritless claims does not constitute deficient performance and cannot provide the basis for a claim of ineffective assistance.” *Dickerson*, 777 N.W.2d at 535 (determining that defense counsel did not provide ineffective assistance of counsel by declining to assert a meritless claim under the IAD). Because defense counsel’s performance is not deficient for failing to raise a meritless claim under the IAD, appellant has not satisfied his burden related to the first *Strickland* prong. Thus appellant fails to present a claim for relief based on ineffective assistance of counsel.

Affirmed.