

*This opinion is nonprecedential except as provided by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
A20-0921**

Tommy Thomas Corrales, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed March 8, 2021
Affirmed
Ross, Judge**

Mille Lacs County District Court
File No. 48-CR-17-107

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

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

Joe J. Walsh, Mille Lacs County Attorney, Milaca, Minnesota (for respondent)

Considered and decided by Bryan, Presiding Judge; Ross, Judge; and Florey, Judge.

NONPRECEDENTIAL OPINION

ROSS, Judge

Tommy Corrales entered an *Alford* plea to first-degree burglary, and the district court sentenced him to 111 months in prison. Corrales unsuccessfully petitioned for postconviction relief on the theory that his plea was invalid because he entered it without having taken medication necessary for him to understand the sentencing consequences of

the plea. We affirm the district court's denial of his postconviction petition because the record supports the district court's conclusion that Corrales was having no medication-related difficulties affecting his understanding at the time of his plea.

FACTS

Mille Lacs County Sheriff's deputies arrived to a call of an armed home invasion in January 2017, finding a window from the home's front door broken out of its frame and leaning against a wall. They saw two armed, masked men leaving the home, and they found another one—Tommy Corrales—still inside. They shot and killed a fourth intruder, who refused to drop a shotgun he had trained on the victim residents. One of the men arrested confessed to police that the intruders were trying to steal money and drugs from the home's resident, a drug dealer, and images on one intruder's cellular telephone included photographs indicating their involvement with the Latin Kings gang.

The state charged Corrales with multiple crimes, including first-degree burglary, first-degree aggravated robbery, and committing a crime for the benefit of a gang. Corrales agreed to a plea deal in which he would enter an *Alford* plea to one count of first-degree burglary and the state would dismiss the other charges.

Four months after he pleaded guilty and one day before his sentencing hearing, Corrales asked the district court for a continuance because he wanted to withdraw his guilty plea. He then successfully moved for a competency evaluation. The evaluator concluded that Corrales did not exhibit the indicia of any disorder that would impact his ability to enter the plea. Corrales then unsuccessfully moved the district court to withdraw his plea, and the district court sentenced him to serve 111 months in prison.

Corrales appealed directly to this court, but he voluntarily dismissed his appeal and petitioned for postconviction relief. His postconviction petition asserted that the district court improperly rejected his contention that it would be fair and just to allow him to withdraw his plea, challenging the plea's validity on the theory that he had not been taking prescribed medication when he entered it. The district court considered the record, including the transcript of his plea hearing, and rejected the petition. Corrales appeals.

DECISION

Corrales challenges the district court's denial of his petition for postconviction relief. We ordinarily review a district court's decision denying a petition for postconviction relief for an abuse of discretion. *Reed v. State*, 925 N.W.2d 11, 18 (Minn. 2019). But when a convicted defendant first files a direct appeal that is stayed to allow him to file a petition for postconviction relief, we will apply the standard of review for direct appeals. *See State v. Beecroft*, 813 N.W.2d 814, 836 (Minn. 2012). Corrales is in the same procedural position he would have been in with a stay, having voluntarily dismissed his direct appeal to petition for postconviction relief. Corrales's postconviction petition challenged the district court's denial of his withdrawal motion, which we will not reverse absent an abuse of discretion. *State v. Raleigh*, 778 N.W.2d 90, 97 (Minn. 2010). Corrales has not shown an abuse of discretion.

Corrales contends that he was entitled to withdraw his *Alford* plea. A district court may, in its discretion, permit a defendant to withdraw an *Alford* plea before sentencing for the same reasons it allows a defendant to withdraw a conventional guilty plea, "if it is fair and just to do so," giving due consideration to the reasons proffered by the defendant for

the withdrawal and the prejudice suffered by the state. Minn. R. Crim. P. 15.05, subd. 2; *see State v. Theis*, 742 N.W.2d 643, 646, 649 (Minn. 2007). Corrales asserted that he meets the fair-and-just standard because he was not taking prescribed medication when he entered the plea, leaving him in a mental state that prevented him from comprehending the plea's consequences. The district court had sufficient ground to reject this assertion. Corrales's own testimony at his plea hearing indicated plainly that, although he was not taking his depression medication, he was able to engage in the plea proceedings. And Corrales's competency evaluation corroborates the district court's assessment.

We add that the record also supports the district court's determination that Corrales failed to establish "that the petition is not frivolous" and its implication that Corrales simply wanted to abandon his plea deal. We conclude that Corrales's only basis for asserting unfairness or injustice was his properly rejected assertion that he had a medical-related lack of understanding. He has therefore failed to provide any legal basis for the district court to exercise its discretion to allow him to withdraw the plea.

Affirmed.