

*This opinion is nonprecedential except as provided by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
A20-1498
A20-1499**

State of Minnesota,
Respondent,

vs.

Sonya Faye Olson,
Appellant.

**Filed November 15, 2021
Affirmed
Smith, Tracy M., Judge**

Stearns County District Court
File Nos. 73-CR-19-2574, 73-CR-19-4508.

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

Janelle P. Kendall, Stearns County Attorney, Ole Tvedten, Assistant County Attorney,
St. Cloud, Minnesota (for respondent)

Charles F. Clippert, St. Paul, Minnesota (for appellant)

Considered and decided by Smith, Tracy M., Presiding Judge; Bjorkman, Judge;
and Hooten, Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

After pleading guilty to promotion of prostitution and threats of violence, appellant Sonya Faye Olson moved to withdraw her plea before sentencing. The district court denied the motion and sentenced Olson to the maximum presumptive sentence pursuant to her

plea agreement. In these consolidated direct appeals, Olson argues that her convictions should be reversed and the case remanded for trial because the district court erred by denying her motion to withdraw her plea. In the alternative, Olson contends that her sentence should be reduced. Because the district court did not abuse its discretion in denying Olson's motion to withdraw her plea or by imposing a bargained-for sentence that was within the presumptive guidelines range, we affirm.

FACTS

After respondent State of Minnesota charged Olson with several counts related to sex trafficking, property damage, and threats of violence, Olson pleaded guilty, pursuant to a plea agreement, to one count of promotion of prostitution for three victims and one count of threats of violence. In exchange, the state did not pursue charges in other pending matters.

The plea agreement included two different sentencing scenarios. If Olson abided by certain conditions of release pending sentencing, the state would argue for (1) a sentence of 201 months' imprisonment for the promotion count—the middle of the presumptive range under the Minnesota Sentencing Guidelines given the severity level of the offense, Olson's criminal history, and the presence of an aggravating factor—and (2) a concurrent sentence of 30 months' imprisonment for the threats-of-violence count, as provided by the guidelines. However, if Olson failed to abide by the conditions of release, she would receive (1) the maximum presumptive sentence of 228 months for the promotion count and (2) a permissive consecutive sentence of 12 months and a day for the threats-of-violence count, also provided by the guidelines.

During the plea hearing, Olson affirmed that she had a clear mind, that she was not pleading guilty just to get out of jail, and that she was not acting as a prostitute at the time of the promotion-of-prostitution offense. The district court accepted Olson's plea and found her guilty on both counts. Following the plea proceedings, Olson violated conditions of her release by voluntarily departing from treatment and failing to appear at her sentencing hearing. Olson then moved to withdraw her guilty plea.

At her plea-withdrawal hearing, Olson testified contrary to her testimony at the plea hearing. She testified that, when she pleaded guilty, she was not clearheaded due to consumption of methamphetamine; that she only pleaded guilty to get out of jail; and that she in fact was acting as a prostitute at the time of the promotion-of-prostitution offense. The district court denied Olson's motion to withdraw her guilty plea because it found that Olson's plea-withdrawal-hearing testimony was not credible. The district court further found the state would be prejudiced if Olson were permitted to withdraw her plea.

The district court sentenced Olson to the maximum presumptive executed sentence of 228 months for the promotion offense and a consecutive 12 months and a day for the threats-of-violence offense.

Olson appeals.

DECISION

I. The district court did not abuse its discretion when it denied Olson's motion to withdraw her plea before sentencing.

Olson argues that the district court should have allowed her to withdraw her plea before sentencing because, notwithstanding her plea-hearing testimony to the contrary,

(1) she was under the influence of methamphetamine at the time of her plea; (2) she only pleaded guilty to get out of jail; and (3) she was acting as a prostitute at the time of the promotion-of-prostitution offense, an offense that does not apply to persons who are acting as prostitutes. *See* Minn. Stat. § 609.322, subd. 1a(2) (2016).

We review the denial of a motion to withdraw plea for an abuse of discretion. *See State v. Raleigh*, 778 N.W.2d 90, 97 (Minn. 2010). In general, a district court must allow a defendant to withdraw their plea at any time if it is “necessary to correct a manifest injustice.” *Id.* at 93. However, if a defendant moves to withdraw their plea *before* sentencing, a district court *may* allow plea withdrawal if it would be “fair and just,” a less demanding standard. *See id.*; *State v. Lopez*, 794 N.W.2d 379, 382 (Minn. App. 2011).

A manifest injustice exists when a guilty plea is not valid. *Raleigh*, 778 N.W.2d at 94. To be valid, a guilty plea must be “accurate, voluntary, and intelligent.” *Id.* A plea is accurate when it is supported by a proper factual basis. *Id.* A plea is voluntary when it is free of “improper pressure or coercion.” *Id.* at 96. A plea is intelligent when the defendant understands the consequences of their plea. *Id.* Before sentencing, a court may allow a defendant to withdraw a *valid* guilty plea if it would be fair and just to do so. *State v. Crump*, 826 N.W.2d 838, 841 (Minn. App. 2013), *rev. denied* (Minn. May 21, 2013).

Under the fair-and-just standard, the district court considers “the reasons a defendant advances to support withdrawal” and any prejudice that granting the motion would cause the state. *Raleigh*, 778 N.W.2d at 97. The defendant bears the burden of advancing reasons to support withdrawal; the state bears the burden of showing prejudice. *Id.* Even if the state fails to show prejudice, a court may still deny a motion to withdraw a

plea if the defendant fails to show why granting the motion would be fair and just. *State v. Cubas*, 838 N.W.2d 220, 224 (Minn. App. 2013), *rev. denied* (Minn. Dec. 31, 2013).

As to Olson’s first argument—that, at the plea hearing, she was under the influence of methamphetamine and did not understand the proceedings—the district court found Olson’s testimony at the plea-withdrawal hearing not credible. The district court is in the best position to make findings on credibility, *see State v. Dickerson*, 481 N.W.2d 840, 843 (Minn. 1992), and nothing in the record shows that the district court abused its discretion when it found Olson’s testimony at the plea-withdrawal hearing not credible. Because the district court rejected Olson’s plea-withdrawal-hearing testimony and continued to find her plea-hearing testimony credible, Olson’s first argument is unpersuasive.

Olson’s remaining arguments—that she pleaded guilty to get out of jail and that she was acting as a prostitute at the time of the offense—are also unpersuasive. Olson argues that plea withdrawal must be granted because the district court failed to specifically address these two arguments in its ruling. It is true that, in its order denying Olson’s motion to withdraw her plea, the district court focused mostly on Olson’s claim that she was under the influence of drugs at the plea hearing. But the district court also stated that Olson’s testimony at the plea-withdrawal hearing “was not credible.” And, given that all of Olson’s arguments for plea withdrawal hinged on the district court finding her plea-withdrawal-hearing testimony credible, it is evident from the district court’s denial of plea withdrawal that its statement regarding credibility applied to all of Olson’s testimony at the plea-withdrawal hearing. Because the district court found that Olson’s plea-withdrawal-hearing

testimony lacked credibility, it did not abuse its discretion by denying Olson's motion to withdraw her plea.¹

II. The district court did not abuse its discretion by imposing a bargained-for sentence that was within the sentencing guidelines.

Olson alternatively argues that her sentence should be reduced because it was disproportionate to the severity of her offenses and her criminal history and was instead based on her failure to complete treatment.

District courts have broad discretion in sentencing, and appellate courts do not reverse sentencing decisions absent an abuse of discretion. *State v. Soto*, 855 N.W.2d 303, 307-08 (Minn. 2014). “This court will not generally review a district court’s exercise of its discretion to sentence a defendant when the sentence is imposed within the presumptive guidelines range.” *State v. Delk*, 781 N.W.2d 426, 428 (Minn. App. 2010), *rev. denied* (Minn. July 20, 2010).

The district court did not abuse its discretion when it sentenced Olson to the maximum presumptive sentence. First, Olson does not dispute that the sentences imposed are within the presumptive guidelines range. After calculating Olson’s criminal-history score and determining the severity level of the promotion-of-prostitution offense, the district court added 48 months to the presumptive range because of the aggravating factor of multiple victims, resulting in a range of 179 to 228 months. *See* Minn. Stat. § 609.322, subd. 1(b)(4) (2016); Minn. Sent. Guidelines 2.G.9, 4.B & 5.A (Supp. 2017). And the

¹ Because we conclude that the district court did not abuse its discretion by rejecting the reasons advanced by Olson for plea withdrawal, we need not review the district court’s determination regarding prejudice to the state. *See Cubas*, 838 N.W.2d at 224.

consecutive 12-months-and-one-day sentence for the threat-of-violence offense is permissive under the guidelines. *See* Minn. Sent. Guidelines 6 (Supp. 2017).

Second, the district court imposed a bargained-for sentence. As part of the plea agreement, Olson agreed that the state would argue for less than the maximum presumptive sentence if she abided by certain conditions of release but that she would be given the maximum presumptive sentence if she violated the conditions. Olson does not dispute that she violated conditions of release. While Olson therefore did not receive the benefit of a lower presumptive sentence, the imposition of a higher presumptive sentence for her two offenses was not an abuse of discretion.

Affirmed.