

*This opinion is nonprecedential except as provided by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
A21-0703**

Christopher Lee Haugen, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed April 4, 2022
Affirmed
Cochran, Judge**

Otter Tail County District Court
File No. 56-CR-18-1222

Cathryn Middlebrook, Chief Appellate Public Defender, Abigail H. Rankin, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

Michelle M. Eldien, Otter Tail County Attorney, Benjamin G. A. Olson, Assistant County Attorney, Fergus Falls, Minnesota (for respondent)

Considered and decided by Johnson, Presiding Judge; Reyes, Judge; and Cochran, Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

Appellant filed a petition for postconviction relief seeking to withdraw his guilty pleas to fifth-degree possession of a controlled substance and possession of ammunition by an ineligible person. Appellant now challenges the district court's order denying his

request, arguing that both pleas lacked an adequate factual basis. Because the factual bases provided by appellant at the plea hearing are sufficient to support both pleas, we affirm.

FACTS

In 2018, respondent State of Minnesota charged appellant Christopher Haugen with five criminal offenses: (1) third-degree criminal sexual conduct; (2) possession of ammunition by an ineligible person; (3) fifth-degree possession of a controlled substance; (4) fifth-degree assault; and (5) domestic assault. The complaint contained the following allegations.

On April 5, 2018, an adult woman reported to police that Haugen had sexually assaulted her multiple times over the course of several hours in a motel room in Pelican Rapids. She reported that during one of the assaults, someone knocked on the door of the motel room and handed Haugen a clear bag that she believed contained drugs. That same day, police went to the motel, learned from the owner that Haugen was staying at the motel, and obtained his room number. Police then knocked on the window to Haugen's room, and Haugen eventually opened the door. Police ordered Haugen out of the room and secured the room while they sought a search warrant. After obtaining a search warrant later that day, police entered the motel room. As they opened the door, they found that another man, who had been living in another room at the motel, was inside Haugen's room. There was a ladder and a large amount of insulation on the bed. The man told police that he had used the attic access to enter the room after it had been secured. While searching the room, police found a clear plastic bag containing a crystal-like substance on top of a

mini fridge. The substance tested positive for methamphetamine. Police also found three unspent 30-06 ammunition rounds sitting on the bed stand.

In November 2018, Haugen agreed to plead guilty to two counts: unlawful possession of ammunition and fifth-degree possession of a controlled substance. In exchange, the state agreed to dismiss the remaining counts in the complaint. The terms of the plea agreement also required Haugen to register as a predatory offender. The district court then held a plea hearing, at which Haugen entered his guilty pleas and provided a factual basis for each of his pleas. At a later sentencing hearing, the district court accepted both pleas and imposed sentences consistent with the plea agreement—60 months stayed for 15 years on the ammunition offense (a downward dispositional departure) and 17 months stayed for five years on the fifth-degree drug-possession offense.

In December 2020, Haugen filed a postconviction petition. He requested additional time to file an amended petition, and the district court granted his request. In his amended petition, Haugen contended that he was entitled to withdraw his guilty pleas because both pleas were inaccurate. Alternatively, he requested that the district court vacate the predatory-offender registration requirement because it was unlawful. Following an evidentiary hearing, the district court issued an order denying Haugen's request to withdraw his guilty pleas but granting his request to vacate the predatory-offender registration requirement.

Haugen appeals the district court's denial of his request to withdraw his guilty pleas.

DECISION

A defendant does not have an absolute right to withdraw a guilty plea. *State v. Mikulak*, 903 N.W.2d 600, 603 (Minn. 2017). But a defendant may withdraw a guilty plea at any time, even after sentencing, if “withdrawal is necessary to correct a manifest injustice.” Minn. R. Crim. P. 15.05, subd. 1. A manifest injustice occurs if a plea is not valid. *State v. Boecker*, 893 N.W.2d 348, 350 (Minn. 2017). “To be constitutionally valid, a guilty plea must be accurate, voluntary, and intelligent.” *Id.* (quotation omitted). Determining the validity of a guilty plea presents a question of law that this court reviews de novo. *Barrow v. State*, 862 N.W.2d 686, 689 (Minn. 2015).

Haugen challenges only the accuracy of his pleas. For a guilty plea to be accurate, a proper factual basis must be established for each element of the offense. *State v. Jones*, 921 N.W.2d 774, 779 (Minn. App. 2018), *rev. denied* (Minn. Feb. 27, 2019). “A district court should not accept a guilty plea unless the record supports the conclusion that the defendant actually committed an offense at least as serious as the crime to which he is pleading guilty.” *Boecker*, 893 N.W.2d at 350 (quotation omitted).

Haugen pleaded guilty to two offenses. The first offense, possession of ammunition by an ineligible person, makes it a crime for a person convicted of a crime of violence to “possess ammunition.” Minn. Stat. § 624.713, subd. 1(2) (2016). The second offense, fifth-degree possession of a controlled substance, makes it a crime for a person to “possess[] one or more mixtures containing a controlled substance classified in Schedule I, II, III, or IV, except a small amount of marijuana.” Minn. Stat. § 152.025, subd. 2(1) (2016). Possession is a required element of both offenses. *See id.*; Minn. Stat. § 624.713,

subd. 1. Haugen contends that his guilty pleas are inaccurate because the factual bases provided at the plea hearing for both offenses do not adequately establish the element of possession. We disagree.

Possession can be proved by evidence of actual possession or constructive possession. *State v. Harris*, 895 N.W.2d 592, 601 (Minn. 2017). Constructive possession exists “where the inference is strong that the defendant at one time physically possessed the [relevant item] and did not abandon his possessory interest in the [item] but rather continued to exercise dominion and control over it up to the time of the arrest.” *State v. Florine*, 226 N.W.2d 609, 610 (Minn. 1975). Constructive possession requires a showing either that the police found the item in a place under the defendant’s exclusive control to which others did not usually have access or that, if others did have access, there is a strong probability, inferable from other evidence, that the defendant was at the time consciously exercising dominion and control over the item. *Id.* at 611; *see also State v. Hunter*, 857 N.W.2d 537, 542 (Minn. App. 2014) (explaining that constructive possession requires a suspect’s exercise of dominion and control over the item, not over the place where it is found). Although not dispositive, the defendant’s proximity to an item is an important factor in establishing constructive possession. *State v. Sam*, 859 N.W.2d 825, 834 (Minn. App. 2015).

Regarding the ammunition found in Haugen’s motel room, the following exchange occurred at the plea hearing:

THE COURT: Now let’s talk about April 4th of this year.
What did you do that day that makes you guilty of possession
of a firearm or ammunition?

HAUGEN: *I possessed the bullets inside the hotel room. There were 30-06 shells in the room that I was currently renting were at my—in my possession or at my, I guess I can't think of the word I'm looking for, but, yeah, yep.*

Q: In the motel room, was that here in Otter Tail County?

A: It was, yes. It was in Pelican Rapids.

Q: Okay. So you had this motel room in Pelican Rapids and—and you were living there, correct?

A: Yes.

Q: And there were some 30-06 rifle bullets in that motel room, correct?

A: Yes, there was.

Q: Were they yours?

A: They were not mine, *but I was in possession of them.*

Q: All right. You knew they were there?

A: Yes.

Q: All right. *And you were exercising control over them?*

A: *I guess, yeah, you'd have to say it.*

Q: All right. And where were they in the motel room?

A: Sitting on a nightstand.

Q: Okay. Out in the open?

A: Yep.

Q: And—and so, and they—were they in a box?

A: No, I do not believe so.

Q: Loose rounds?

A: Yeah.

Q: And did—and so they were in plain view?

A: Yes.

Q: And this was a motel room that you were occupying?

A: It wasn't—I had been, yeah. Yeah. I wasn't at the time of the search warrant, but, yeah, it was.

Q: Oh, okay. And during the time that you were occupying, you could have—you could have done something with those,—

A: Yeah.

Q: —that ammunition,—

A: Yes, I—

Q: —is that correct?

A: Yeah.

Q: All right. *And so you're satisfied that you possessed them?*

A: *Yes.*

Q: Alright. And—and during this time that you occupied the motel room, did you touch the bullets?

A: No.

Q: All right. But you—they were there and they were available—

A: Yep.

Q: —for you to use, is that correct?

A: Yep.

(Emphasis added.)

The district court then questioned Haugen about the methamphetamine found in the motel room:

THE COURT: Let's turn to the fifth-degree possession charge in count three. What did you do that makes you guilty of drug possession?

HAUGEN: There was a bag of methamphetamine in—also in the same room—

Q: Okay.

A: —*that was available to me, at my disposal.*

Q: All right. Was it your methamphetamine?

A: I do believe it had been left there, *but it was in my control or possession*, would have been, yeah.

Q: Did you know it was there?

A: Yes.

Q: And where was it in the room?

A: On—sitting on top of a refig, dorm refrigerator.

Q: All right. And did you touch it?

A: No, I didn't.

Q: Okay. But it was out in plain view,—

A: Yeah.

Q: —and you—you could have moved it?

A: Yeah, yep.

Q: And you were in control of this motel room, is that correct?

A: Yes.

(Emphasis added.)

This testimony implies that Haugen was exercising dominion and control over the ammunition and methamphetamine found in the motel room. Regarding the ammunition, Haugen stated that he “possessed” and “was in possession” of the bullets. He answered “Yes” when the district court asked if he was “satisfied that [he] possessed” the ammunition. He also testified that he was living in the motel room, the ammunition was sitting on a nightstand in the motel room while he was occupying the room, he knew the ammunition was there and could have used it, and he was exercising control over the ammunition. Regarding the methamphetamine, Haugen testified that it “was in [his] control or possession” and “was available to [him], at [his] disposal.” He further acknowledged that the methamphetamine was on top of a refrigerator in the motel room, he knew it was there, he was in control of the motel room, and he could have moved the bag of methamphetamine.

Haugen contends that his “bare admission of ‘possession’” of the ammunition and methamphetamine does not establish the legal element of possession because the word “possession” carries “a different meaning in a courtroom than in conversation.” And he argues that his testimony does not establish constructive possession because he never stated that he intended to exercise control over the items, he testified that he did not touch the ammunition and that someone else had left the methamphetamine in the motel room, and his testimony did not demonstrate that he had a continuing possessory interest in the contraband up to the time of his arrest. But, as the supreme court has explained, the accuracy standard requires a district court judge considering a guilty plea to “make certain that facts exist from which the defendant’s guilt of the crime charged *can be reasonably inferred.*” *Nelson v. State*, 880 N.W.2d 852, 861 (Minn. 2016) (emphasis added) (quotation omitted). Haugen’s testimony at the plea hearing, considered as a whole, meets this standard. Haugen testified that the ammunition and methamphetamine were found in a motel room in which he was living and over which he had control. He testified that he knew the ammunition and the methamphetamine were in the room and that he could have used or moved them. And he testified that he had “control” over both the ammunition and the methamphetamine. Considering that testimony, along with Haugen’s repeated testimony that he “possess[ed]” the ammunition and methamphetamine, it can be reasonably inferred that Haugen committed both offenses to which he pleaded guilty because there is a “strong probability” that he was “consciously exercising dominion and control” over the ammunition and the methamphetamine. *See Florine*, 226 N.W.2d at 611.

Haugen also argues that the factual bases for his pleas are insufficient because his testimony at the plea hearing did not establish that he had exclusive control of the motel room. He notes that the complaint showed that the motel manager had access to the room, as did the man who was present in the room when police entered to conduct their search. However, Haugen did not expressly testify to the truthfulness and accuracy of the complaint, and therefore the complaint cannot be considered in assessing the accuracy of Haugen's pleas. *See Rosendahl v. State*, 955 N.W.2d 294, 300 (Minn. App. 2021) (concluding that allegations in a complaint are not part of the record when reviewing the accuracy of a guilty plea unless the defendant expressly testified to the truthfulness and accuracy of those allegations during the plea colloquy). Moreover, constructive possession does not require exclusive control of the place in which contraband was found if the evidence otherwise demonstrates a "strong probability" that the defendant was exercising dominion and control over the contraband. *Florine*, 226 N.W.2d at 611. For the reasons stated above, that standard is met in this case.

Because the factual bases supporting Haugen's pleas were adequate to establish the element of possession for both offenses, Haugen's pleas were accurate. We therefore affirm the district court's decision to deny Haugen's postconviction request to withdraw his guilty pleas.

Affirmed.