

*This opinion is nonprecedential except as provided by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
A21-1128**

Raymond Joseph Traylor, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed April 11, 2022
Affirmed
Worke, Judge**

Hennepin County District Court
File No. 27-CR-18-12641

Raymond Joseph Traylor, Sr., Rush City, Minnesota (pro se appellant)

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

Michael O. Freeman, Hennepin County Attorney, Jonathan P. Schmidt, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Considered and decided by Ross, Presiding Judge; Worke, Judge; and Kirk, Judge.*

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

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant argues that the district court abused its discretion by denying his petition for postconviction relief. We affirm.

FACTS

In 2019, appellant Raymond Joseph Traylor appealed his first- and second-degree criminal-sexual-conduct convictions, arguing that the district court erred by preventing him from impeaching a witness and by entering convictions for both offenses. We affirmed, and the supreme court denied Traylor’s petition for further review. *State v. Traylor*, No. A19-1236 (Minn. App. Aug. 17, 2020), *rev. denied* (Minn. Oct. 28, 2020).

In March 2021, Traylor moved for postconviction relief, seeking an evidentiary hearing to address newly discovered evidence. He also requested to obtain a subpoena for prison documents and recorded phone calls. The state argued that Traylor’s newly-discovered-evidence claim was procedurally barred. Traylor later withdrew his petition in order to amend it.

In June 2021, Traylor moved the district court “under rule 60 relief from judgment or order to vacate conviction; dismiss the complaint, release[e] the petitioner, and exonerate fully.” Traylor argued that several individuals and state actors, including the district court, “either advertently or inadvertently manipulated” his case and in doing so committed fraud on the court.

The district court denied Traylor’s requested relief. This appeal followed.

DECISION

Appellate courts review a district court's denial of a petition for postconviction relief for an abuse of discretion. *Pearson v. State*, 891 N.W.2d 590, 596 (Minn. 2017). A district court abuses its discretion when exercise of that discretion is arbitrary or capricious, based on an erroneous view of the law, or its factual findings are clearly erroneous. *Id.* We review legal issues “de novo, but our review of factual issues is limited to whether there is sufficient evidence in the record to sustain the [district] court’s findings.” *Id.* (quotation omitted).

Evidentiary hearing

Traylor argues that the district court abused its discretion by denying his request for an evidentiary hearing. A district court's decision to deny an evidentiary hearing is reviewed for an abuse of discretion. *Caldwell v. State*, 853 N.W.2d 766, 770 (Minn. 2014). A postconviction petitioner is entitled to an evidentiary hearing unless the petition, files, and records of the proceeding show that the petitioner is not entitled to relief. *Id.* “In determining whether an evidentiary hearing is required, a postconviction court considers the facts alleged in the petition as true and construes them in the light most favorable to the petitioner.” *Brown v. State*, 895 N.W.2d 612, 618 (Minn. 2017). “The petition must allege more than argumentative assertions without factual support.” *Id.* (quotation omitted). “An evidentiary hearing is not required unless the petitioner alleges such facts which, if proved by a fair preponderance of the evidence, would entitle him or her to the requested relief.” *Id.* (quotation omitted).

The district court determined that Traylor was not entitled to an evidentiary hearing because his petition “failed to make anything more than argumentative assertions without factual support.” *See id.* Traylor’s argument that an evidentiary hearing is required based on newly discovered evidence is not supported by the record. The district court did not abuse its discretion by denying Traylor’s request for an evidentiary hearing.

Postconviction relief

Traylor argues that he is entitled to postconviction relief based on newly discovered evidence.

Under Minn. Stat. § 590.01, subd. 1 (2020), “[a] petition for postconviction relief after a direct appeal has been completed may not be based on grounds that could have been raised on direct appeal of the conviction or sentence.” Appellate courts will not reconsider claims already raised on direct appeal. *State v. Knaffla*, 243 N.W.2d 737, 741 (Minn. 1976). The *Knaffla* rule also bars claims that the petitioner knew about, or should have known about, at the time of direct appeal. *Onyelobi v. State*, 932 N.W.2d 272, 278 (Minn. 2019). However, a claim is not *Knaffla*-barred, “(1) if a novel legal issue is presented, or (2) if the interests of justice require review.” *Taylor v. State*, 691 N.W.2d 78, 79 (Minn. 2005).

The district court determined that the records that Traylor sought to subpoena were contained in the case file, which was available to Traylor at the time of his trial and direct appeal. Also included in Traylor’s request was evidence intended to be used to impeach a witness. The district court noted that because Traylor was “aware of this evidence at trial and at the time of [his] direct appeal,” the evidence cannot be considered “new evidence.”

See Knaffla, 243 N.W.2d at 741. We agree. Traylor’s claim is, therefore, barred under *Knaffla*.

Supplemental motions for relief

Traylor argues that the district court erred by denying his supplemental motions for relief. Through Traylor’s supplemental motions, he argued that the actions of various state actors throughout the progression of his case resulted in fraud on the court.

The district court determined that Traylor’s argument that the state conspired against him “failed to show that there are any material facts in dispute.” The district court noted that the “files and records establish that [Traylor] is not entitled to any relief.” The district court summarily denied Traylor’s claims for relief because the assertions made “were all known to him at the time of his direct appeal and are procedurally barred.” *See Onyelobi*, 932 N.W.2d at 278. Traylor has provided no evidence to support a claim of fraud on the court. And he cites no legal authority supporting relief in any form. Accordingly, the district court did not abuse its discretion by denying Traylor’s requested relief.

Affirmed.