

*This opinion is nonprecedential except as provided by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
A22-0455**

State of Minnesota,
Respondent,

vs.

Samuel Christian Bolton-Hernandez,
Appellant.

**Filed November 14, 2022
Affirmed
Larkin, Judge**

Waseca County District Court
File No. 81-CR-20-784

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

Rachel V. Cornelius, Waseca County Attorney, Waseca, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Julie Loftus Nelson, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

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

NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellant challenges the validity of his guilty plea to second-degree drug possession, arguing that his plea was unintelligent. We affirm.

FACTS

On December 9, 2020, respondent State of Minnesota charged appellant Samuel Christian Bolton-Hernandez with ten offenses, including felony drug possession.

On October 4, 2021, the district court was prepared to begin a jury trial on the charges. The parties made a joint request for a continuance, which the district court denied. Following a short recess, the parties reconvened and informed the court that they had reached a plea agreement. Bolton-Hernandez pleaded guilty to one count of second-degree possession of 25 grams or more of methamphetamine in exchange for the state's agreement to dismiss the remaining charges and to recommend a sentence of 67 months in prison, which was at the low end of the presumptive sentencing range.

At the plea hearing, Bolton-Hernandez waived his right to trial, submitted a petition to enter a plea of guilty, and provided a factual basis for his plea. The plea petition included these statements:

6. I have . . . been a patient in a mental hospital.
7. I [h]ave . . . talked with or been treated by a psychiatrist or other person for a nervous or mental condition.
8. I . . . have not been ill recently.
9. I . . . have not recently been taking pills or other medicines.

At the plea hearing, the district court judge asked Bolton-Hernandez, "Are you under the influence of any controlled substance or have any mental impairments that affect your ability to understand what you're doing today?" Bolton-Hernandez responded, "No, your Honor." The district court judge asked whether Bolton-Hernandez had reviewed the plea petition "line by line" with his attorney and whether he understood "the content of" the plea petition. Bolton-Hernandez responded affirmatively. Bolton-Hernandez's

attorney summarized, on the record, the trial rights that Bolton-Hernandez would give up by pleading guilty. Bolton-Hernandez expressly waived those rights.

The district court determined that Bolton-Hernandez “knowingly and voluntarily” waived his rights to a trial and deferred sentencing pending completion of a presentence investigation. On January 6, 2022, the district court accepted the guilty plea and sentenced Bolton-Hernandez to serve 67 months in prison, consistent with the plea agreement. Bolton-Hernandez appeals.

DECISION

Bolton-Hernandez contends that his guilty plea was unintelligent and thus invalid. He therefore argues that he “must be permitted to withdraw his plea.” A defendant may challenge the validity of a guilty plea for the first time on direct appeal when the grounds for the challenge do not go outside the record on appeal. *State v. Newcombe*, 412 N.W.2d 427, 430 (Minn. App. 1987), *rev. denied* (Minn. Nov. 13, 1987).

“A defendant has no absolute right to withdraw a guilty plea after entering it.” *State v. Raleigh*, 778 N.W.2d 90, 93 (Minn. 2010). But a court “must” allow a defendant to withdraw a guilty plea if the withdrawal “is necessary to correct a manifest injustice.” Minn. R. Crim. P. 15.05, subd. 1. A manifest injustice exists if a guilty plea is invalid. *State v. Theis*, 742 N.W.2d 643, 646 (Minn. 2007). To be valid, a guilty plea must be “accurate, voluntary, and intelligent.” *Perkins v. State*, 559 N.W.2d 678, 688 (Minn. 1997). A defendant has the burden of showing that his guilty plea was invalid. *Raleigh*, 778 N.W.2d at 94. Assessing the validity of a plea presents a question of law that this court reviews de novo. *Id.*

“The purpose of the requirement that the plea be intelligent is to [ensure] that the defendant understands the charges, understands the rights he is waiving by pleading guilty, and understands the consequences of his plea.” *State v. Trott*, 338 N.W.2d 248, 251 (Minn. 1983). If the record shows that a defendant “had full opportunity to consult with his counsel before entering his plea,” courts may “safely presume” that a defendant was adequately informed of his rights. *State v. Propotnik*, 216 N.W.2d 637, 638 (Minn. 1974); *Hernandez v. State*, 408 N.W.2d 623, 626 (Minn. App. 1987).

Bolton-Hernandez does not claim that he did not understand the charges, his rights, or the consequences of his guilty plea. Instead, he argues that his guilty plea was not intelligent because his plea petition disclosed that he had been a patient in a mental hospital, yet the district court did not inquire into the details of his hospitalization. Specifically, he argues that his guilty plea was not valid because “the district court failed to adequately explore whether [his] mental health affected his ability to understand the plea proceedings.”

In support of his argument, Bolton-Hernandez relies on Minn. R. Crim. P. 15.01, subd. 1(5), which states that before a district court accepts a guilty plea, the judge must determine whether the defendant “is under the influence of drugs or intoxicating liquor,” “has a mental disability,” or “is undergoing medical or psychiatric treatment.” We note that the subject of each determination is described in the present tense. Thus, the rule requires an inquiry regarding current, and not past, circumstances. Yet, Bolton-Hernandez complains that the district court did not question him about past circumstances such as the date of his previous hospital admission, whether his admission was voluntary or

involuntary, the length of his hospitalization, and the reason for his hospitalization. Such inquiries are not required under rule 15.01, subd. 1(5).

The district court satisfied the requirements of rule 15.01, subdivision 1(5), regarding Bolton-Hernandez's current circumstances by asking him if he had any mental impairment that affected his ability "to understand what you're doing today." Moreover, as Bolton-Hernandez acknowledges, "failure to follow Rule 15.01 does not necessarily make a guilty plea invalid." *State v. Doughman*, 340 N.W.2d 348, 351 (Minn. App. 1983), *rev. denied* (Minn. Mar. 15, 1984).

Bolton-Hernandez argues that "the [plea] petition fails to provide any assurances that [he] was of sound mind when he entered his plea." The record does not support that argument. Although Bolton-Hernandez's plea petition noted that he had previously been hospitalized, it also stated that he had not been ill "recently" and that he had not been taking pills or other medicines "recently." In addition, Bolton-Hernandez expressly waived his trial rights. In doing so, he told the district court that he had sufficient time to meet with his attorney, that he was voluntarily pleading guilty, and that he had reviewed and understood his plea petition.

On this record, Bolton-Hernandez has not met his burden to show that his guilty plea was unintelligent and therefore invalid. We affirm.

Affirmed.