

*This opinion is nonprecedential except as provided by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
A22-1335**

Maurice Culpepper, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed May 15, 2023
Affirmed
Reyes, Judge**

Ramsey County District Court
File No. 62-CR-18-4053

Cathryn Middlebrook, Chief Appellate Public Defender, Christopher L. Mishek, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

John J. Choi, Ramsey County Attorney, Jeffrey A. Wald, Assistant County Attorney, St. Paul, Minnesota (for respondent)

Considered and decided by Reyes, Presiding Judge; Reilly, Judge; and Larson, Judge.

NONPRECEDENTIAL OPINION

REYES, Judge

Appellant argues that the postconviction court abused its discretion when it denied his petition for postconviction relief because he did not enter an accurate, voluntary, or intelligent plea. We affirm.

FACTS

On June 24, 2017, appellant Maurice Culpepper bought a 2005 Dodge Dakota pick-up truck from University Auto Sales in Ramsey County, Minnesota. Appellant paid for the truck with a cash down payment and entered into a retail installment contract financed by Credit Acceptance Corporation (the Corporation) which granted the Corporation a security interest. The Corporation later assigned and transferred the security interest to University Auto. The Corporation also returned the funds it had received under the contract, totaling \$1,033.52, via a check made out to appellant in care of University Auto. University Auto in turn notified appellant of the assignment and requested that appellant endorse the check from the Corporation and return it to University Auto in a letter dated December 15, 2017. University Auto also informed appellant of his default status for failing to make payments for the past five months. Because of the severity of the default, appellant needed to bring the account current by December 27, 2017, and any further failure to make payments would lead to the truck being repossessed. Appellant deposited the check but did not send the funds to University Auto or make payments to bring the account current.

University Auto met with appellant in person and talked to him on the phone, but appellant refused to return the truck or let University Auto know of its location. In an attempt to resolve the dispute, Minnesota State Patrol requested that appellant bring the truck to University Auto on March 29, 2018, at 9:00 a.m. Appellant arrived there, but in a different vehicle. The state trooper on scene told appellant that he needed to return the truck unless he planned to pay the amount owed under the contract. The trooper explained

that concealing a truck from a lienholder is a felony and that if he did not return the truck that day, he would be arrested. Appellant said that the truck was in Burnsville, Minnesota. At 10:30 a.m. on March 29, 2018, appellant contacted the trooper, informing him that he had lied about the Burnsville address to buy some time to talk to his attorney. Appellant told the trooper that the truck was in Las Vegas, Nevada.

University Auto agreed to hire a towing service in Las Vegas to retrieve the truck and hold it for auction there. A couple of days later, appellant informed the trooper that an auto shop had towed the truck and provided the trooper with an address. An online search revealed that appellant gave the trooper an address of a storage garage facility not affiliated with any auto shop. As a result, respondent State of Minnesota charged appellant with defeating a security interest by concealing property with an intent to defraud under Minn. Stat. § 609.62, subd. 2(1) (2016).

At appellant's omnibus hearing on October 18, 2018, he asserted his right to a speedy trial. Then on January 25, 2019, appellant moved to dismiss the case, arguing a speedy-trial violation, because the trial had been delayed more than 60 days. The district court denied his motion and scheduled a jury trial for February 25, 2019. Before trial, appellant asserted that he would need more time because he was "halfway literate" and only had a third-grade education. The district court ordered a competency evaluation under Rule 20.01 (2016). The report determined that appellant was competent to proceed and diagnosed him with a personality disorder with antisocial and narcissistic traits. The district court found him competent and proceeded with the trial now scheduled for July 29, 2021.

Appellant filed another motion to dismiss, asserting that he did not have the intent to defraud. Before trial, appellant moved for a continuance, and his trial counsel moved to withdraw. The district court granted the motion to withdraw and set a new trial date for September 25, 2019. Appellant again requested a continuance citing his mental health. Appellant explained that he did not have the cognitive ability to participate in his own defense and requested 90 days to stabilize. The district court denied his request and appointed standby counsel for trial.

Appellant filed an objection to having standby counsel. The district court denied his motion, and his standby counsel requested a continuance, explaining that they could not communicate with appellant or be an effective attorney for him. To address these concerns, the district court ordered another rule 20.01 evaluation. In response, appellant asked to go to trial, and the district court withdrew its order for another rule 20.01 evaluation. At the start of voir dire, appellant's standby counsel informed the district court that appellant had passed a note to them stating that he wanted to plead guilty. On the record, appellant entered a waiver of his trial rights and provided a factual basis for the guilty plea, which the district court accepted.

A few days later, appellant moved to withdraw his guilty plea on various grounds, including that his mental-health issues induced him to plead guilty. The day before the sentencing hearing, appellant moved to request another rule 20.01 evaluation. The next day, appellant did not appear at his sentencing hearing because he had been admitted to a hospital after having homicidal ideations and hallucinations. The district court continued his sentencing and issued a bench warrant when appellant failed to appear again. After

appellant's arrest in February 2020, the district court scheduled a new sentencing hearing and ordered another rule 20.01 competency evaluation.

The second rule 20.01 report found appellant competent and provided the same diagnosis as the first one. Appellant moved to withdraw his plea before sentencing, arguing that it was inaccurate and involuntary. The district court denied his motion and sentenced him to 15 months in prison, stayed for three years of probation, and ordered him to pay \$8,914.93 in restitution. Appellant petitioned for postconviction relief, and the postconviction court denied his request. This appeal follows.

DECISION

Appellant argues that his plea was: (1) inaccurate when he negated the intent-to-defraud element multiple times; (2) involuntary because he was pressured and coerced due to his mental illness, and his standby counsel stated that they were not prepared for trial; (3) not knowing and intelligent because the district court wrongfully foreclosed a stipulation to the prosecution's case to obtain review of his speedy-trial claim under Minn. R. Crim. P. 26.01, subd. 4.

We review a denial of postconviction relief for an abuse of discretion. *Crow v. State*, 923 N.W.2d 2, 9 (Minn. 2019). "A postconviction court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record, or exercises its discretion in an arbitrary or capricious manner." *Id.* (quotations omitted).

A criminal defendant does not have an absolute right to withdraw a guilty plea. *State v. Raleigh*, 778 N.W.2d 90, 93 (Minn. 2010). A district court "may allow withdrawal

any time before sentencing if it is fair and just to do so.” *Raleigh*, 778 N.W.2d at 93 (quoting Minn. R. Crim. P. 15.05, subd. 2). The “fair and just” standard requires the district court to consider two factors: “(1) the reasons a defendant advances to support withdrawal and (2) prejudice granting the motion would cause the State given reliance on the plea.” *Id.* at 97. “A defendant bears the burden of advancing reasons to support withdrawal,” and “[t]he State bears the burden of showing prejudice caused by the withdrawal.” *Id.* In addition, a district court may allow plea withdrawal at any time if a manifest injustice occurs, meaning a guilty plea is not accurate, voluntary, and intelligent. *Perkins v. State*, 559 N.W.2d 678, 688 (Minn. 1997); Minn. R. Crim. P. 15.05, subd. 1. Appellant argues that his plea was inaccurate and not knowing or intelligent under the manifest-injustice standard and that it was involuntary under the fair-and-just standard.

I. The postconviction court did not abuse its discretion by determining that appellant provided an accurate plea under the manifest-injustice standard.

Appellant argues that he did not provide an accurate plea because he negated the intent-to-defraud element several times at the plea hearing. We are not persuaded.

For a plea to be accurate, “a plea must be established by a proper factual basis.” *Lussier v. State*, 821 N.W.2d 581, 588 (Minn. 2012). The “factual-basis requirement is satisfied if the record contains a showing that there is credible evidence available which would support a jury verdict that defendant is guilty of at least as great a crime as that to which he pled guilty.” *Rickert v. State*, 795 N.W.2d 236, 243 n.3 (Minn. 2011). The state must show that a person charged with defeating a security interest had the intent to defraud

by concealing, removing, or transferring any personal property in which the actor knows that another has a security interest. Minn. Stat. § 609.62. subd. 2(1).

Appellant does not dispute that he concealed, removed, or transferred the truck or that he knew that University Auto had a security interest. Instead, appellant argues that he negated the element of intent to fraud because his statements were inconsistent with guilt. The postconviction court determined that appellant provided an accurate plea, explaining that “the record as a whole shows [that appellant] agreed [that] he lied about the truck’s location to prevent University Auto from finding that truck, which was subjected to an unpaid loan.” The record supports the postconviction court’s determination.

During the plea hearing, appellant admitted to (1) concealing the truck; (2) having knowledge that the truck had an outstanding loan; and (3) providing false information to law enforcement of the truck’s location. When questioned about his intent, appellant responded with “I didn’t understand what was going on.” The district court clarified by asking “you didn’t want them to get to the vehicle. Is that true?” Appellant answered, “[n]o that’s not true. I didn’t understand what was going on. I was having a panic attack and -- well, yes your Honor.” The district court reasserted that it wanted the truth and appellant responded that he did not like the trooper and wanted to “give him a hard time.” In turn, the district court read the statutory language of defeating a security interest to appellant and asked appellant, “were you refusing to disclose the location of the property with intent to defraud?” Appellant answered “yes, your Honor.” The record therefore shows that, while appellant initially claimed he did not understand the situation, he ultimately and unequivocally admitted to the intent-to-defraud element.

The postconviction court did not abuse its discretion by determining that appellant provided an accurate plea.

II. The postconviction court did not abuse its discretion by determining that appellant provided a voluntary plea under the fair-and-just standard.

Appellant argues that his guilty plea stemmed from his mental illness and his attorney stating that they were not prepared for trial. We are not convinced.

“To determine whether a plea is voluntary, the court examines what the parties reasonably understood to be the terms of the plea agreement.” *Raleigh*, 778 N.W.2d at 96. “The voluntariness requirement ensures a defendant is not pleading guilty due to improper pressure or coercion.” *Id.* “Whether a plea is voluntary is determined by considering all relevant circumstances.” *Id.*

The postconviction court determined that appellant “had the choice of going to trial but chose to plead guilty voluntarily and without coercion.” The record supports the postconviction court’s determination. During voir dire, appellant voluntarily informed his standby counsel that he wished to enter a guilty plea. In turn, the district court confirmed with appellant twice that he wanted to enter his guilty plea. Appellant responded “yes” both times and confirmed that he was clear-headed, understood his rights, and admitted that no one forced him to plead guilty.

The record also shows that the district court took careful measures to address appellant’s mental-health concerns. The district court ordered a rule 20.01 evaluation before trial and before sentencing. Both rule 20.01 evaluations found appellant competent. Additionally, appellant argues that his plea was not voluntary because his attorney stated

that they were not prepared for trial. The record shows that appellant initially objected to having standby counsel and that his standby counsel told the district court that they had not communicated with appellant. Despite his initial objection, when appellant entered his plea petition, he confirmed with the district court his satisfaction with his representation. Therefore, the postconviction court did not abuse its discretion by determining that appellant entered a voluntary guilty plea.

Finally, while the fair-and-just standard requires the district court to consider the prejudice to state, we have stated that “[e]ven when there is no prejudice to the state, a district court may deny plea withdrawal . . . if the defendant fails to advance valid reasons why withdrawal is fair and just.” *State v. Cubas*, 838 N.W.2d 220, 224 (Minn. App. 2013), *rev. denied* (Minn. Mar. 17, 2015). Appellant here has failed to advance valid reasons to support that plea withdrawal would be fair and just. Therefore, we need not address the prejudice factor.

Even if we were to consider the prejudice factor, the state has shown prejudice. The state argued that appellant had unduly delayed the case. The district court scheduled the first jury trial for February 25, 2019, but continued it several times. The state did not cause these delays. Eventually, the jury trial began and ended on September 25, 2019, but sentencing did not take place until March 25, 2020, because of delays caused by appellant. The state also argued that the delays caused it to incur unnecessary expenses. Following the first continuance, one of the state’s witnesses moved to Colorado. The state therefore had to pay for the witness to fly back to Minnesota twice. Lastly, the state argued that appellant had inconvenienced witnesses who made plans to be available to testify many

times. Based on the information provided by the state, the state would be prejudiced if the postconviction court accepted the plea withdrawal.

III. The postconviction court did not abuse its discretion by determining that appellant provided an intelligent plea under the manifest-injustice standard.

Appellant argues that he did not provide an intelligent plea because the district court denied him the option to stipulate to the prosecution's case to obtain review of his speedy-trial claim under Minn. Crim. P. 26.01, subd. 4. We disagree.

Because appellant made this argument after sentencing, we apply the manifest-injustice standard. Minn. R. Crim. P. 15.05, subd. 1. A defendant bears the burden of showing the validity of the plea. *Raleigh*, 778 N.W.2d at 94. Minnesota Rule of Criminal Procedure 26.01 subdivision 4, requires that "*the parties agree* that the [district] court's ruling on a specified pretrial issue is dispositive of the case . . ." Appellant's argument fails because the state did not agree. As such, this rule does not apply.

Affirmed.