STATE OF MINNESOTA
IN COURT OF APPEALS
A23-0189

Deontranelle Leslie Davis, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

Filed September 5, 2023
Affirmed
Bjorkman, Judge

Itasca County District Court
File No. 31-CR-16-398

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

Matti R. Adam, Itasca County Attorney, Justin J. Lee, Assistant County Attorney, Grand Rapids, Minnesota (for respondent)

Considered and decided by Bjorkman, Presiding Judge; Johnson, Judge; and Kirk, Judge.*

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

NONPRECEDENTIAL OPINION

BJORKMAN, Judge

Appellant challenges the district court's denial of his petition for postconviction relief without an evidentiary hearing, arguing that new exculpatory witness statements support withdrawal of his guilty plea to correct a manifest injustice. We affirm.

FACTS

In February 2016, respondent State of Minnesota charged appellant Deontranelle Leslie Davis with one count of first-degree criminal sexual conduct and one count of fifth-degree criminal sexual conduct. The first-degree charge stemmed from allegations involving his eight-year-old daughter. The fifth-degree charge stemmed from allegations that Davis masturbated while in the presence of the 13-year-old daughter of his then-girlfriend, C.R.

Davis waived his trial rights and pleaded guilty to both counts. The district court accepted his plea pursuant to an agreement that included a downward dispositional departure. In August 2016, the district court imposed the agreed-to 172-month stayed sentence and placed Davis on probation for ten years.

Over the next three years, Davis violated the terms of his probation seven times. The district court revoked his probation in 2020, which we affirmed on appeal. *State v. Davis*, No. A20-1457 (Minn. App. Oct. 18, 2021), *rev. denied* (Minn. Dec. 28, 2021).

During the pendency of his first appeal, Davis filed the postconviction petition at issue here, seeking to withdraw his guilty plea as necessary "to correct a manifest injustice." The petition is premised on notarized statements from five individuals who

report that C.R. told the victims and a witness to lie. Davis did not challenge the validity of his guilty plea, but cited *Shorter v. State*, 511 N.W.2d 743 (Minn. 1994), to support his assertion that this new information creates a manifest injustice warranting plea withdrawal.[1]

The district court denied Davis's petition without an evidentiary hearing. It determined that Davis could not meet his burden of showing that his plea was invalid. And it concluded that *Shorter* is distinguishable and does not support permitting Davis to withdraw his plea.

Davis appeals.

DECISION

A defendant seeking postconviction relief is entitled to an evidentiary hearing "[u]nless the petition and the files and records of the proceeding conclusively show that the petitioner is entitled to no relief." Minn. Stat. § 590.04, subd. 1 (2022). We review the denial of a petition for postconviction relief without an evidentiary hearing for an abuse of discretion. *State v. Nicks*, 831 N.W.2d 493, 503 (Minn. 2013). "A postconviction court

[1] Davis first sought postconviction relief based on this evidence in 2019. The district court denied that petition because the supporting statements were inadmissible hearsay and Davis's guilty plea was valid and not subject to withdrawal under *Shorter*. In denying the subject petition, the district court did not discuss hearsay but reached the same conclusion that Minnesota law does not support plea withdrawal under the circumstances of this case. Davis urges us to address the hearsay issue because "the Minnesota Supreme Court has made clear in several cases that hearsay allegations in affidavits regarding these types of witness statements will not excuse a postconviction court from holding an evidentiary hearing." All of the cases he cites involve defendants who were found guilty after a trial. And, as discussed *infra*, the law does not authorize this court to grant the relief Davis seeks—withdrawal of an otherwise valid guilty plea based on later information that a complainant lied—so we need not consider this issue.

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." *Brown v. State*, 895 N.W.2d 612, 617 (Minn. 2017) (quotation omitted). We review the postconviction court's factual findings for clear error, *Riley v. State*, 819 N.W.2d 162, 167 (Minn. 2012), and its legal conclusions de novo, *Martin v. State*, 825 N.W.2d 734, 740 (Minn. 2013).

A defendant does not have an absolute right to withdraw a guilty plea after entering it. *Perkins v. State*, 559 N.W.2d 678, 685 (Minn. 1997). But a district court must permit a defendant to do so if it is necessary to correct a manifest injustice. *See* Minn. R. Crim. P. 15.05, subd. 1. "A manifest injustice exists if a guilty plea is not valid." *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010). To be constitutionally valid, "a guilty plea must be accurate, voluntary, and intelligent." *Taylor v. State*, 887 N.W.2d 821, 823 (Minn. 2016).

Davis does not challenge the district court's determination that his guilty plea was constitutionally valid. But he contends that *Shorter* establishes a broader category of circumstances in which plea withdrawal is warranted to correct a manifest injustice and that such circumstances are present here. We are not persuaded.

In *Shorter*, the defendant was charged with first-degree criminal sexual conduct based on allegations made by the victim and two companions who were with her on the night in question. 511 N.W.2d at 744. Shorter maintained throughout the proceedings that he had consensual sexual intercourse with the victim but decided to plead guilty pursuant to a plea agreement. *Id.* During the plea hearing, no one asked Shorter to admit facts establishing the elements of the crime; instead, Shorter gave yes or no answers to his attorney's leading questions and simply acknowledged the evidence that the state would

present at trial. *Id.* at 744-45. Shorter moved to withdraw his guilty plea prior to sentencing. The district court denied the motion and imposed the stipulated sentence. *Id.* at 744. After sentencing, law enforcement reopened its investigation, locating two witnesses who corroborated aspects of Shorter's story and had not been disclosed to defense counsel. *Id.* at 744, 746. Shorter petitioned for postconviction relief seeking to withdraw his plea, which the district court denied.

Our supreme court reversed and remanded to permit Shorter to withdraw his plea, stating that it was "[a]cting in our supervisory role over the courts and in the interests of justice." *Id.* at 744. The supreme court did not do so because the plea was constitutionally invalid. Rather, the supreme court identified numerous "procedural irregularities," including the police department's acknowledgment that its investigation was incomplete, the state's failure to disclose the names of corroborating witnesses during discovery, and the manner in which Shorter's plea was presented and accepted by the district court. *Id.* at 746-47. Given its concerns about these irregularities, the supreme court exercised its supervisory powers to afford Shorter the opportunity to have a trial. *Id.* at 747.

Davis argues that he is entitled to withdraw his plea based on manifest injustice as existed in *Shorter.* We disagree for two reasons. First, as the district court observed, this case is factually different from *Shorter*. There is no evidence that law enforcement's investigation was incomplete or deficient, that the state did not disclose evidence that could have been exculpatory, or that Davis failed to admit facts sufficient to establish a basis for his guilty plea. In short, nothing about this case convinces us that procedural or other irregularities undermine Davis's guilty plea.

Second, and more importantly, even if Davis is correct that such irregularities are not required to receive an evidentiary hearing under *Shorter*, we have no authority to direct the district court to conduct such a hearing. The authority to do so resides with our supreme court as part of its supervisory power over the district courts. *State v. Jackson*, 977 N.W.2d 169, 176 (Minn. 2022); *see State v. Gilmartin*, 535 N.W.2d 650, 653 (Minn. App. 1995) ("As an intermediate appellate court, we decline to exercise supervisory powers reserved to this state's supreme court."), *rev. denied* (Minn. Sept. 20, 1995). Thus, we are unable to afford Davis the relief Shorter obtained from the supreme court.

In sum, because the law does not support the relief Davis seeks, we discern no abuse of discretion by the district court in denying his postconviction petition without an evidentiary hearing.

Affirmed.