

*This opinion is nonprecedential except as provided by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
A23-0658**

State of Minnesota, petitioner,
Appellant,

vs.

Spencer Daniel Farl,
Respondent.

**Filed April 1, 2024
Reversed and remanded
Gaïtas, Judge**

Hennepin County District Court
File No. 27-CR-21-11681

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

Mary F. Moriarty, Hennepin County Attorney, Nicole Cornale, Assistant County Attorney,
Minneapolis, Minnesota (for appellant)

Drake D. Metzger, Metzger Law Firm, LLC, Minneapolis, Minnesota (for respondent)

Considered and decided by Worke, Presiding Judge; Frisch, Judge; and Gaïtas,
Judge.

NONPRECEDENTIAL OPINION

GAÏTAS, Judge

Appellant State of Minnesota challenges the district court's grant of respondent Spencer Daniel Farl's motion to withdraw his guilty plea to third-degree assault after sentencing. Because the district court did not make factual findings or legal determinations

to support its decision allowing Farl to withdraw the guilty plea, we reverse the district court's decision and remand for a new hearing on Farl's plea-withdrawal motion.

FACTS

After Farl's intimate partner alleged that Farl had strangled her until she almost blacked out, the state charged him with third-degree assault and domestic assault by strangulation. Farl requested a jury trial.

On Farl's trial date, shortly before the trial was to begin, the parties informed the district court that they had reached a plea agreement. Farl's attorney advised the district court that Farl was "prepared to enter a straight plea to . . . an assault in the third-degree" and that there was no other agreement "aside from the fact that the State will be dismissing [the additional charge of domestic assault] at sentencing." The attorney told the district court that Farl intended "to make a motion for a durational departure at sentencing, and . . . ask[] for a gross misdemeanor sentence." Furthermore, according to the attorney, Farl was "aware of the fact that there are no promises or guarantees as to that, and the burden is on us to prove to Your Honor that he is entitled to a durational departure, which would amount to a gross misdemeanor sentence."

Following this discussion, Farl waived his trial rights. The district court asked Farl whether the decision to plead guilty was "a free and voluntary decision on [Farl's] part," and Farl responded, "Yeah." Farl then admitted that he had held the complainant down by her neck and that the complainant had been unable to breathe during the incident.

Before sentencing, Farl's attorney filed a motion for a downward durational departure. At the sentencing hearing, the prosecutor opposed the motion, asking the district

court to “follow the recommendation of probation and impose a stay of imposition of sentence in this case, as opposed to a gross misdemeanor disposition.” Farl’s attorney responded that “a departure is absolutely appropriate here, as this case is less onerous than the typical third-degree assault[.]” The attorney alleged that the complainant had instigated the incident and that Farl had attempted to retreat before committing the assault. Farl also addressed the district court, stating, “I accept responsibility for my actions that day, I’m looking forward to completing my prescribed programming and utilize it to be a better person moving forward.” The district court denied Farl’s departure motion. It stayed imposition of sentence and placed Farl on probation for three years.

Immediately after the district court announced its sentencing decision, Farl’s attorney asked to approach the bench, and there was an off-the-record discussion. Farl’s attorney then stated, “Your Honor, at this point we’d move to withdraw Mr. Farl’s guilty plea.” The prosecutor objected to the motion, noting that Farl had failed to provide a legal basis for withdrawing the plea and that “no motion has been filed to allow the State to respond in full.” Farl’s attorney responded:

We were prepared to go to trial on this file back on, I believe it was January 17th. We actually had gone through motions in limine, the Court asked to see us in chambers, I think there was some discussions back there about – with – with a plea of guilty, there could be some sort of departure. We took it, and I advised my client that that would be done. I think [the] *Wheeler* [case] specifically states that that’s not right, and so I think Mr. Farl should be allowed to withdraw his guilty plea, at this time.

The district court stated, “I’m going to note, for benefit of the record, that it’s the Court’s belief that’s not an accurate recitation of what actually occurred.” It further

explained, “I was prepared to actually give the Defendant a gross misdemeanor until I heard . . . from him and noted his perfunctory acceptance of responsibility, at best.” But, the district court continued, “if it is your decision that you wish to withdraw your plea of guilty, and proceed to trial, I’ll grant that request.”

The following exchange then occurred between Farl’s attorney and the district court:

ATTORNEY: And Your Honor, just for record’s sake, I was not speaking of any conversations that happened today, I was speaking about conversations that happened on January 17th.

THE COURT: And for benefit of the record, you’re not representing that the Court made you any specific promises regarding disposition?

ATTORNEY: No, Your Honor.

THE COURT: You’re representing that I encouraged you to consider pleading guilty in this case?

ATTORNEY: Your Honor, I guess I would have to refresh my recollection and look at my notes – I don’t have them – but that is my understanding of what happened.

THE COURT: All right. Let’s pick a trial date.

The state appeals.

DECISION

The state challenges the district court’s grant of Farl’s motion to withdraw his guilty plea after sentencing. According to the state, the district court erred in granting the motion because (1) it failed to cite or apply the appropriate legal standard governing plea withdrawal, (2) it failed to assess the reasons that Farl provided in support of his plea-withdrawal motion, and (3) it granted the motion without making findings and even though it apparently disagreed with Farl’s asserted reasons for plea withdrawal. Farl responds that his guilty plea was involuntary, and therefore constitutionally invalid, because the district court “inappropriately participated in the plea negotiations.”

A defendant may withdraw a guilty plea under two circumstances: (1) any time it is necessary to correct a manifest injustice or (2) before sentencing and at the court's discretion if it is fair and just to permit withdrawal. Minn. R. Crim. P. 15.05, subds. 1, 2. Once a defendant has been sentenced—as was the case here—plea withdrawal is only permissible if “necessary to correct a ‘manifest injustice.’” *State v. Raleigh*, 778 N.W.2d 90, 93 (Minn. 2010) (quoting Minn. R. Crim. P. 15.05, subd. 1). “A manifest injustice exists if a guilty plea is not valid.” *Barrow v. State*, 862 N.W.2d 686, 691 (Minn. 2015). “To be valid, a guilty plea must be accurate, voluntary, and intelligent.” *Taylor v. State*, 887 N.W.2d 821, 823 (Minn. 2016). A defendant “has no absolute right to withdraw a guilty plea after entering it,” *id.* (quotations omitted), and “bears the burden of showing [the] plea was invalid,” *Raleigh*, 778 N.W.2d at 94.

In *Wheeler v. State*—the case cited by Farl’s attorney in connection with the motion to withdraw Farl’s plea—the Minnesota Supreme Court held that a district court’s participation in plea negotiations could render a guilty plea involuntary depending on the circumstances. 909 N.W.2d 558, 567-68 (Minn. 2018). “Whether such a manifest injustice exists depends on the nature and extent of the judge’s conduct, together with a variety of other factors bearing on the plea’s validity.” *Id.* at 568.

The voluntariness of a guilty plea is a question of fact for the district court. *Id.* But the validity of a plea is a question of law that an appellate court reviews de novo. *Raleigh*, 778 N.W.2d at 94.

Here, the district court granted Farl’s motion without making any factual findings as to the allegations made by Farl’s attorney in support of plea withdrawal, without

addressing the voluntariness or constitutional validity of Farl’s guilty plea, and without expressly considering whether plea withdrawal was necessary to correct a manifest injustice. Under *Wheeler*, whether judicial participation in plea negotiations impacted the voluntariness of a plea is a question of fact, which triggers the district court’s obligation to make findings of fact or hold an evidentiary hearing to develop a factual record. 909 N.W.2d at 568-69. Because neither of these things happened here, we determine that the district court was “operating under ‘an erroneous view of the law,’ which requires reversal.” *Id.* at 569 (quoting *Brown v. State*, 863 N.W.2d 781, 786 (Minn. 2015)). We reverse the district court’s decision and remand for a new hearing on Farl’s plea-withdrawal motion. At that hearing, the parties must have an opportunity to make a record concerning the validity of Farl’s plea, and the district court should identify the basis for its decision to grant or deny Farl’s motion and make any necessary factual findings.¹

Reversed and remanded.

¹ Farl argues on appeal that the district court judge should be removed from the case on remand. We express no opinion as to this issue but note that Farl may request reassignment of his case on remand in accordance with the Minnesota Rules of Criminal Procedure and all other applicable rules. *See* Minn. R. Crim. P. 26.03, subd. 14(3)-(7) (setting forth grounds and procedures for removal, recusal, and reassignment of a district court judge); *see also Wheeler*, 909 N.W.2d at 569 n.8 (Minn. 2018) (stating that, following remand for an evidentiary hearing to address whether the district court’s participation in plea negotiations rendered the defendant’s guilty plea involuntary, the defendant could request reassignment to a different district court judge under the rules of criminal procedure).