

*This opinion is nonprecedential except as provided by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
A23-1225**

State of Minnesota,
Respondent,

vs.

Shawn Christopher Brown,
Appellant.

**Filed July 8, 2024
Reversed and remanded
Smith, Tracy M., Judge**

Stearns County District Court
File No. 73-CR-22-5142

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

Janelle P. Kendall, Stearns County Attorney, Kyle R. Triggs, Assistant County Attorney,
St. Cloud, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, John Donovan, Assistant Public
Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Smith, Tracy M., Presiding Judge; Bjorkman, Judge;
and Slieter, Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

In this appeal from a final judgment of conviction, appellant challenges the validity
of his guilty plea to first-degree criminal damage to property, arguing that his plea is

inaccurate because the factual basis does not establish that he intended to cause damage to the property at issue. We agree, and we reverse and remand.

FACTS

On June 24, 2022, respondent State of Minnesota charged appellant Shawn Christopher Brown with one count of first-degree criminal damage to property pursuant to Minnesota Statutes section 609.595, subdivision 1(4) (2020). In January 2023, the parties appeared before the district court for a plea hearing.

During the hearing, Brown agreed that, on June 23, 2022, he was outside a Pearle Vision store in Stearns County. The prosecutor then questioned Brown about his conduct on that date as follows:

Q: [T]here were some vehicles parked at that Pearl[e] Vision and you went up to these vehicles and hit them, correct?

A: One, yes. I fell into the one and I hit my head on the other.

Q: Okay. So you ended up punching one of the vehicles, correct?

A: No. I hit my head on one. I didn't punch any.

Q: Okay. So your body intentionally made contact with one of these vehicles, correct?

A: Yes.

Q: And you did not know the owner of that vehicle.

A: No.

Q: Nor did you have consent to either cause damage or make contact with that vehicle, correct?

A: No, I did not.

Q: And you caused that vehicle that made contact with your body, you caused a dent in that vehicle, correct?

A: Yes.

Q: And you would agree that that damage or that dent, that would cost over \$1,000 to repair or replace that part of the vehicle, correct?

A: Yes.

Q: And, again, you did that intentionally to cause damage to the vehicle?

A: I didn't mean to cause damage but I did it intentionally.

Q: So you meant to make your body contact that vehicle?

A: Yes.

The district court noted that the factual basis was adequate to support the plea. In June 2023, the parties appeared before the district court for sentencing. Pursuant to the plea agreement, the district court granted a stay of imposition, placed Brown on probation for a period of up to five years, and ordered him to pay \$500 in restitution. Additionally, in accordance with the agreement, the state dismissed charges that were pending against Brown in two other district court files.

Brown appeals.

DECISION

Brown contends that he must be allowed to withdraw his guilty plea, arguing that his plea is invalid because he did not admit that he intended to cause damage and his responses negated that element of the offense. The state concedes that Brown's guilty plea is invalid because the factual basis is insufficient to establish the element of intent. Although the state concedes that Brown should be allowed to withdraw his guilty plea, we must independently determine whether his plea is invalid. *See State v. Hannuksela*, 452 N.W.2d 668, 673 n.7 (Minn. 1990) (explaining that appellate courts have an obligation to decide cases according to law).

"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). A defendant may challenge the constitutional validity of a guilty plea for the first time on direct appeal. *Brown v. State*, 449 N.W.2d 180, 182 (Minn. 1989). "To be constitutionally valid, a plea must be accurate, voluntary, and

intelligent. A defendant bears the burden of showing his plea was invalid. Assessing the validity of a plea presents a question of law that [appellate courts] review de novo.” *Raleigh*, 778 N.W.2d at 94 (citations omitted).

To be accurate, a guilty plea must have a “proper factual basis.” *State v. Ecker*, 524 N.W.2d 712, 716 (Minn. 1994). A proper factual basis is established when there is a showing that the defendant’s conduct satisfied all the elements of the offense. *State v. Jones*, 921 N.W.2d 774, 779 (Minn. App. 2018), *rev. denied* (Minn. Feb. 27, 2019). The accuracy requirement ensures that a defendant does not plead guilty to a more serious offense than the defendant could be convicted of at trial. *State v. Trott*, 338 N.W.2d 248, 251 (Minn. 1983).

In a guilty plea, “[e]ven if an element to an offense is not verbalized by the defendant, a district court may nevertheless draw inferences from the facts admitted to by the defendant.” *Rosendahl v. State*, 955 N.W.2d 294, 299 (Minn. App. 2021) (emphasis omitted). And, in the plea context, “[i]ntent can be inferred from the idea that a person intends the natural consequences of his or her actions.” *Nelson v. State*, 880 N.W.2d 852, 860 (Minn. 2016) (quotation omitted). “[A] factual basis is inadequate when the defendant makes statements that negate an essential element of the charged crime because such statements are inconsistent with a plea of guilty.” *State v. Mikulak*, 903 N.W.2d 600, 603 (Minn. 2017) (quotation omitted).

Criminal damage to property requires proof that the defendant “intentionally cause[d] damage to physical property of another.” Minn. Stat. § 609.595, subd. 1 (2020). “Intentionally” means “the actor either has a purpose to do the thing or cause the result

specified or believes that the act performed by the actor, if successful, will cause that result.” Minn. Stat. § 609.02, subd. 9(3) (2020). For two reasons, the element of intent lacks a proper factual basis here.

First, the factual basis is inadequate because Brown’s testimony at the plea hearing negated the element of intent. This case is similar to *State v. Mikulak*, in which the Minnesota Supreme Court held that the defendant was entitled to withdraw his guilty plea due to inaccuracy. 903 N.W.2d at 605. In that case, knowledge of a 24-hour predatory-offender-registration requirement was an element of the offense of failing to register. *Id.* at 602, 604. During the plea, the defendant stated that, at the time he needed to register, he did not remember the 24-hour requirement and believed that he had a week to complete it. *Id.* at 605. He also agreed that he had been informed of the registration requirement in the past. *Id.* Despite his admission to prior knowledge of the requirement, the supreme court held that the “factual basis fail[ed] to satisfy the accuracy requirement for a valid plea because [the defendant] made statements that were not withdrawn or corrected and that negated the mens rea element of the charged offense.” *Id.* Here, Brown specifically said that he did not intend to cause damage—which directly negates the element of intent to cause damage.

Second, Brown’s plea is inaccurate because there were not sufficient facts from which the district court could infer that Brown intended to cause damage. Brown admitted that he fell into one car and hit his head against another. He also admitted that he intentionally made bodily contact with the vehicle that he damaged. But it was not

established which action was intentional or which action caused the damage complained of.

Because Brown's statements negated the element of intent to cause damage and because there were insufficient facts from which the district court could infer intent to cause damage, Brown's guilty plea was inaccurate and, therefore, invalid. Brown should therefore be permitted to withdraw his plea. We reverse and remand for proceedings consistent with this opinion.

Reversed and remanded.