

*This opinion is nonprecedential except as provided by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
A23-1312
A23-1315**

State of Minnesota,
Respondent,

vs.

Jahee Jamill Lasley,
Appellant.

**Filed July 15, 2024
Affirmed
Harris, Judge**

Stearns County District Court
File Nos. 73-CR-22-489, 73-CR-21-2740

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

Janelle P. Kendall, Stearns County Attorney, River D. Thelen, Assistant County Attorney,
St. Cloud, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Eva F. Wailes, Assistant Public
Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Johnson, Presiding Judge; Harris, Judge; and Reilly,
Judge.*

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

NONPRECEDENTIAL OPINION

HARRIS, Judge

Appellant pleaded guilty to first-degree burglary, domestic assault, and possession of a firearm as a prohibited person. In this direct appeal from the final judgment of conviction, appellant now challenges the district court's denial of his presentence motions to withdraw his guilty pleas, arguing that it was fair and just to allow him to withdraw the pleas in light of new evidence. Because the district court did not abuse its discretion in denying appellant's motions, we affirm.

FACTS

Respondent State of Minnesota charged appellant Jahee Jamill Lasley with first-degree burglary, domestic assault, and assault based on events on April 26-27, 2021. The complaint alleged that Lasley broke into the home of his children's mother (K.E.D.) and assaulted K.E.D.'s friend, who was present at the home. Lasley and K.E.D. had separated and Lasley lived at a different address in Sartell. On the night of April 26, 2021, Lasley heard that K.E.D. had invited another man over to her house and began texting and calling her repeatedly. He also drove to her home and yelled at her from outside until she told him to leave. Lasley did not leave. Instead, he woke up one of the children in the home by tapping on a bedroom window and had the child partially open the window before he pried it fully open and kicked in the screen covering. Lasley then attacked the other man, pushing K.E.D. aside as she tried to shield him. Lasley fled and K.E.D. called the police. After the police arrived and as K.E.D. was speaking to an officer, Lasley called her again. Officers had K.E.D. switch on the speaker setting and Lasley admitted that he had come to her house

and hit the other man. K.E.D. also told police that Lasley had been living at her house temporarily before moving out on March 1.

Police later found Lasley at an address in Sartell, where he said he had been all night and denied going to K.E.D.'s home. Police arrested Lasley and the state charged him with first-degree burglary, domestic assault, and assault. The district court also issued a domestic-abuse no-contact order (DANCO) prohibiting Lasley from contacting K.E.D. In a separate file, Lasley was later charged with possessing a firearm as a prohibited person and obstruction of legal process.

Lasley pleaded guilty to burglary, domestic assault, and possession of a firearm as a prohibited person in a global plea agreement on April 28, 2022. As part of the agreement, the state dropped the remaining charges and agreed not to charge Lasley with felony drug possession. Before pleading guilty, Lasley confirmed through counsel that any restrictions on his communication with the victims of the assault would be lifted once he was sent to prison. Lasley also asked the district court to commit him to prison in the interim between his plea hearing and his sentencing hearing. The district court accepted Lasley's pleas and lifted the DANCO prohibiting contact with K.E.D. on May 12, 2022.

Lasley began calling K.E.D. four days after the DANCO was lifted. Lasley told K.E.D. about plans to withdraw his guilty plea and ask for a speedy trial. He also told K.E.D. that he knew the district court would lift the DANCO once he asked to be sent to prison between his plea hearing and sentencing hearing. He asked K.E.D. "do you want me in here for the next three or four years[?]" K.E.D. responded that she did not. Lasley then said that he wanted to let her know that he was going to trial and "if you [K.E.D.]

don't show up at all, they gotta dismiss the case" and "they say you may have a payable fine for contempt of court, but to – who cares – I'll pay that fine."

Lasley called K.E.D. again on May 19, 2022, and tried to talk about the case multiple times while K.E.D. told him that she did not want to talk about it. Lasley eventually acknowledged that K.E.D. had told him to stop talking about the court case but stated "it's important for us to get on the same page if I go through with this withdrawal, because . . . if you don't come to court they dismiss the charges. And I'm not telling you not to come to court. I'm not coercing you" K.E.D. attempted to cut Lasley off, but he continued:

And when [the subpoena] comes, if you ignore it, then they will have no choice but to let me off. Yes, you could get contempt of court, which is a payable fine. But we can take care of that payable fine. They can't do anything else other than – even though they scare you and saying they could do this, that, and the third, they can't do anything else if you do not come to court to testify, or do anything like that.

K.E.D. told Lasley again that she did not want to talk about the court case or upcoming court dates.

Lasley moved to withdraw his guilty pleas in June 2022, and the state responded in a letter to the district court, informing the court of Lasley's phone conversations with K.E.D. The state requested the DANCO be put back in place until the district court made a decision on Lasley's motions to withdraw his guilty pleas.

On February 15, 2023, Lasley's attorney interviewed K.E.D. and filed a summary of the discussion. In the interview, K.E.D. told Lasley's attorney that Lasley was living with her at the St. Cloud address on April 27, 2021, and that he was renting a room at a

different address due to relationship difficulties, but that he paid the utilities at the St. Cloud address. K.E.D. also said that Lasley had a right to be at the house.

At a hearing on his motion, Lasley argued that the district court should allow him to withdraw his guilty pleas based on K.E.D.'s recantation showing that he had permission to enter the house, negating an element of the burglary charge. The state opposed Lasley's motion to withdraw his guilty plea and submitted recordings and transcripts of Lasley's phone call to K.E.D. from prison, police reports and victim-witness reports from the investigation in which K.E.D. said that Lasley did not live at her home and that she did not let him in, and Lasley's *Mirandized* statement to police indicating that he lived at a different address than K.E.D. The district court reinstated the DANCO due to concerns of tampering with the current case and denied Lasley's motions to withdraw his guilty pleas. The district court found that K.E.D.'s recantation was not genuine and that withdrawing the guilty pleas would prejudice the state because evidence for the felony drug charge, which the state agreed not to bring as part of the global plea, had been destroyed after his guilty plea, and because K.E.D.'s cooperation with the state would be impacted by Lasley's contact.

The district court sentenced Lasley to serve 90 days in jail for the domestic-assault charge, 67 months in prison for the burglary charge, and 60 months in prison for the firearm-possession charge, to be served concurrently. Lasley appealed from the final judgments of conviction in both cases, which we now address in this consolidated appeal.

DECISION

Lasley argues that the district court abused its discretion by not allowing him to withdraw his guilty pleas under the fair-and-just standard. "A defendant does not have an

absolute right to withdraw a valid guilty plea.” *State v. Theis*, 742 N.W.2d 643, 646 (Minn. 2007). The Minnesota Rules of Criminal Procedure allow a defendant to withdraw a guilty plea before sentencing “if it is fair and just to do so.” Minn. R. Crim. P. 15.05, subd. 2. In considering a motion to withdraw a guilty plea under the fair-and-just standard, a district court considers: (1) the defendant’s asserted reasons for seeking plea withdrawal and (2) whether plea withdrawal prejudices the state. *Id.*; see also *State v. Lopez*, 794 N.W.2d 379, 382 (Minn. App. 2011). The defendant bears the burden of advancing sufficient reasons to support plea withdrawal. *State v. Raleigh*, 778 N.W.2d 90, 97 (Minn. 2010). If the defendant meets that burden, the state must show that it will be prejudiced. *Id.*

This court reviews a district court’s decision to deny a withdrawal motion for abuse of discretion and reverses “only in [a] rare case.” *Id.* (quotation omitted). A district court abuses its discretion if it makes a decision “based on an erroneous view of the law” or if its decision is “against logic and the facts in the record.” *State v. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019) (quotation omitted).

Lasley argues that K.E.D.’s recantation supported his request to withdraw his guilty pleas because an element of the burglary offense was that he entered the home without permission. We are not persuaded.

A. The district court did not abuse its discretion in denying Lasley’s request to withdraw his guilty pleas under the fair-and-just standard.

The district court used the correct law regarding withdrawal of a guilty plea under the fair-and-just standard by weighing the reasons Lasley gave for the withdrawal and the prejudice to the state. The district court did not abuse its discretion by denying Lasley’s

withdrawal motion based on an erroneous view of the law. Nor is the district court's decision against logic or the facts in the record.

The district court rejected Lasley's reasons for plea withdrawal, finding that K.E.D.'s recantation was not genuine, citing two supporting facts. First, Lasley asked for an interim commitment knowing the DANCO would be lifted, and "he repeatedly asked [K.E.D.] to ignore the State's subpoena and to not testify" and offered to pay any fines imposed by the district court for contempt. The district court noted that the implications of this behavior was that Lasley planned to tamper with the state's witness by getting K.E.D. to either recant or not testify at trial in order to get his charges dismissed. Second, Lasley would have known his address at the time he pleaded guilty and admitted that he did not live with K.E.D. and that "K.E.D. told him to leave the premises." The district court found that Lasley's attorney would not need to seek out Lasley's address from K.E.D. and that if the address was false that Lasley could have objected at the plea hearing, which he did not. These findings are supported by the record.

K.E.D. initially told police that Lasley moved out in March 2021, and that she told him to leave on the night of the burglary. At the plea hearing, Lasley affirmed that, although he previously lived at K.E.D.'s residence, he moved out before the incident. Once the DANCO was lifted, Lasley began calling K.E.D. and attempted to discuss the case with her, specifically about the consequences if she did not appear at court when subpoenaed. Lasley offered to pay any fines accrued by K.E.D. if the court found her in contempt. K.E.D.'s statements to Lasley's attorney two days before the hearing on his motion directly contradict her statements to police on April 27, 2021, and subsequent statements to the

state's victim-witness coordinator. Lasley also told police that he lived in Sartell and that K.E.D. lived in St. Cloud at a different address.

Here, in denying Lasley's motion to withdraw his guilty pleas, the district court noted that Lasley acknowledged at the plea hearing that he understood all the charges, that he had enough time to talk with his attorney and was satisfied his attorney represented all his interests, and that no one made promises or threats to get him to plead guilty. Lasley's acknowledgments at the plea hearing indicate that he understood his guilty pleas and entered them knowingly, intelligently, and voluntarily. As such, in light of Lasley's acknowledgments at the plea hearing, his knowledge of his address at the time of the plea hearing, his behavior in getting K.E.D. to either recant or not testify at trial in order to get his charges dismissed, and the discretion afforded the district court, Lasley is unable to demonstrate that the district court abused its discretion in concluding that there was not a fair-and-just reason to permit him to withdraw his pleas.¹

B. The district court did not abuse its discretion in determining that withdrawing Lasley's guilty pleas under the fair-and-just standard would prejudice the state.

Lasley argues that any prejudice to the state would be outweighed by the fair-and-just reasons to allow his plea withdrawal. The district court reviewed the requisite factors and concluded that the state would be prejudiced by Lasley withdrawing his guilty plea.

¹ Lasley's argument that the district court erred by accepting his plea after only leading questions is similarly unavailing as he did not object or raise the argument before the district court, and so the district court did not consider it in deciding his motion. We generally do not address issues which were not raised before the district court. *Roby v. State*, 547 N.W.2d 354, 357 (Minn. 1996). Therefore, we need not address his argument here.

The district court appeared to be most influenced by two factors: (1) that the motion to withdraw the plea was made only after Lasley's planned, repeated contact with K.E.D., and her recantation makes her cooperation with the state difficult and (2) that the state relied on Lasley's guilty pleas and agreed not to charge him with possession of fentanyl pills, which led to the destruction of the pills by the Waite Park Police Department on June 10, 2022, and which prejudices the state in prosecuting that charge. In sum, the district court properly applied the law by considering Lasley's reasons for plea withdrawal and the prejudice to the state. The district court cited specific facts from the record to support its decision, considered the evidence and the relevant factors, and exercised its discretion to deny the motion. On this record, we conclude that the district court did not abuse its discretion in denying Lasley's motion to withdraw his pleas.

Affirmed.