

*This opinion is nonprecedential except as provided by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
A24-0023**

Emmanuel J Woart, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed September 9, 2024
Affirmed
Segal, Chief Judge**

Hennepin County District Court
File No. 27-CR-22-4582

Cathryn Middlebrook, Chief Appellate Public Defender, Chelsie M. Willett, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

Mary F. Moriarty, Hennepin County Attorney, Adam E. Petras, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Considered and decided by Larson, Presiding Judge; Segal, Chief Judge; and Klaphake, Judge.*

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

NONPRECEDENTIAL OPINION

SEGAL, Chief Judge

In this appeal from the district court's order denying postconviction relief, appellant argues that the district court erred in denying his request to withdraw his guilty plea to misdemeanor domestic assault-fear because his factual admissions did not establish that he acted with the specific intent to cause the victim fear of immediate bodily harm or death. We affirm.

FACTS

On March 7, 2022, law enforcement was dispatched to an apartment building following a 911 hang-up call. The responding officer began checking the apartment building floor by floor and eventually heard loud crying coming from one of the units. The officer knocked on the apartment door and was let in by an adult female, M.S. She told the officer that she and appellant Emmanuel J. Woart had gotten into an argument concerning their infant child, and that Woart hit and choked her. M.S. indicated that as a result of Woart's conduct she had a difficult time breathing, and she was afraid Woart was going to kill her. The officer observed fresh blood inside M.S.'s left nostril. A few days later, Woart went to the police department and provided a statement. Woart admitted that he and M.S. had gotten into an argument, and that during the argument he grabbed M.S.'s hand. But he denied placing his hands around M.S.'s neck.

Respondent State of Minnesota charged Woart with felony domestic assault by strangulation, misdemeanor domestic assault-harm, and misdemeanor domestic assault-fear. The parties reached a plea agreement. Pursuant to the agreement, Woart pleaded

guilty to misdemeanor domestic assault-fear, and the state agreed to dismiss the remaining charges. During the plea colloquy, Woart admitted that he and M.S. got into an argument, that during the argument he “swung a pillowcase at her,” and that “she would fear physical harm as a result of that action.” The district court accepted the plea and sentenced Woart to 90 days in jail, with execution stayed for two years.

In April 2023, Woart filed a pro se petition for postconviction relief. He requested that he be permitted to withdraw his guilty plea because it was made under duress and, after consulting with legal professionals, he had “concluded that [his] initial plea was not in [his] best interest.” Because Woart was self-represented, the district court forwarded his postconviction petition to the Office of the Minnesota Appellate Public Defender, which determined that Woart was eligible for representation. His counsel subsequently filed a supplemental memorandum in support of the petition for postconviction relief, arguing that Woart’s guilty plea was not accurate because Woart did not admit that he acted with the requisite specific intent to cause fear.

The postconviction court denied the petition. The postconviction court determined that the record did not support Woart’s contention that his plea was made under duress, and that the plea established an adequate factual basis and was therefore accurate.

DECISION

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). After a defendant has been sentenced, Minn. R. Crim. P. 15.05, subd. 1, provides that “the court must allow a defendant to withdraw a guilty plea upon a timely motion and proof to the satisfaction of the court that

withdrawal is necessary to correct a manifest injustice.” “[A] manifest injustice exists if a guilty plea is not valid. To be valid, a guilty plea must be accurate, voluntary, and intelligent.” *Taylor v. State*, 887 N.W.2d 821, 823 (Minn. 2016) (quotation and citations omitted). The validity of a guilty plea is a legal question that this court reviews de novo. *Raleigh*, 778 N.W.2d at 94.

Woart challenges the accuracy of his guilty plea. To satisfy the accuracy requirement, a plea must be supported by a proper factual basis, with “sufficient facts on the record to support a conclusion that defendant’s conduct falls within the charge to which he desires to plead guilty.” *State v. Iverson*, 664 N.W.2d 346, 349-50 (Minn. 2003) (quotation omitted). “The main purpose of the accuracy requirement is to protect a defendant from pleading guilty to a more serious offense than he could be convicted of were he to insist on his right to trial.” *State v. Trott*, 338 N.W.2d 248, 251 (Minn. 1983).

Woart pleaded guilty to misdemeanor domestic assault-fear in violation of Minn. Stat. § 609.2242, subd. 1(1) (2020). To support a conclusion that Woart’s conduct falls within this offense, the factual basis for Woart’s plea must establish that he “commit[ted] an act [against a family or household member] with intent to cause fear in another of immediate bodily harm or death.” Minn. Stat. § 609.2242, subd. 1(1). The factual basis for Woart’s plea is as follows:

Q. Mr. Woart, back on March 7, 2022, were you in the city of Osseo in Hennepin County?

A. Yes.

Q. And did you and your girlfriend—or maybe I should say this. The mother of your child, what’s her name?

A. [M.S.].

Q. And were you with her in Osseo, there in Hennepin County, on that day in March?

A. Yes.

Q. At some point did you guys get into some sort of argument or disagreement?

A. Yes.

Q. And I believe when we had spoke earlier you had told me that you had swung a pillowcase at her; is that correct?

A. Yep.

Q. And would you agree that she would fear physical harm as a result of that action?

A. Yep.

This factual basis establishes that Woart committed an act against a family or household member—swinging a pillowcase at M.S. *See* Minn. Stat. § 518B.01, subd. 2(b)(5) (2020) (“‘Family or household members’ means . . . persons who have a child in common . . .”). But as stated above, the offense of misdemeanor domestic assault-fear also requires that an individual act “with intent to cause fear in another of immediate bodily harm or death.” Minn. Stat. § 609.2242, subd. 1(1). “‘With intent to’ . . . means that the actor either has a purpose to do the thing or cause the result specified or believes that the act, if successful, will cause that result.” Minn. Stat. § 609.02, subd. 9(4) (2020); *see also State v. Fleck*, 810 N.W.2d 303, 312 (Minn. 2012) (holding that assault-fear “is a specific-intent crime”). Woart argues that the factual basis does not establish that he acted with the requisite specific intent and his plea is therefore inaccurate.

Woart is correct that he was not directly asked whether he acted with the intent to cause M.S. fear of immediate bodily harm or death. However, the Minnesota Supreme

Court has held that a guilty plea may be valid even when the defendant was not questioned specifically about intent, so long as the requisite factual basis was nonetheless established in the plea colloquy. *See, e.g., State v. Russell*, 236 N.W.2d 612, 613 (Minn. 1975) (“[Appellant’s] answers to questions by the prosecutor in this case disclose a factual basis for the plea even though no question was specifically directed to the element of intent to kill.”); *State v. Hopkins*, 198 N.W.2d 542, 542 (Minn. 1972) (“[Appellant’s] answers to questions by the prosecutor disclose a factual basis for the plea even though no question was specifically directed to the element of intent.”). Accordingly, we must consider whether the plea colloquy as a whole discloses a sufficient factual basis to establish that Woart acted with the specific intent to cause M.S. fear of immediate bodily harm or death.

Although a finding of intent generally cannot be based solely on the effect the actor’s conduct had on the victim, a victim’s reaction to that conduct is circumstantial evidence that is relevant to intent. *State v. Schweppe*, 237 N.W.2d 609, 614 (Minn. 1975). And intent may 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).

Here, the record establishes that Woart swung a pillowcase at M.S. during an argument. Woart is correct that “[a] pillowcase is not a dangerous weapon” and the fact that he swung it does not necessarily mean that he intended to cause fear. But Woart’s guilty plea did not end with his admission that he swung the pillowcase. Woart acknowledged that M.S. “*would* fear physical harm as a result” of him swinging the pillowcase at her. (Emphasis added.) As stated above, “a person intends the natural

consequences of his or her actions.” *Id.* (quotation omitted). Because Woart acknowledged that M.S. would fear physical harm as a consequence of his conduct, an intent to cause fear is a permissible and reasonable inference. The district court therefore did not err in determining Woart’s guilty plea was accurate, and we affirm the district court’s denial of his petition for postconviction relief.

Affirmed.