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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0462**

State of Minnesota,
Respondent,

vs.

Shawn Elson Randall,
Appellant.

**Filed February 18, 2025
Affirmed
Bratvold, Judge**

Carlton County District Court
File Nos. 09-CR-23-1775, 09-CR-23-935, 09-CR-23-865

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

Lauri A. Ketola, Carlton County Attorney, Demonte G. Noble, Assistant County Attorney,
Carlton, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Andrew J. Nelson, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bratvold, Presiding Judge; Reyes, Judge; and Larson,
Judge.

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

In this direct appeal from three final judgments of conviction for gross-misdemeanor
trespassing, appellant argues that his guilty pleas were invalid and that he should be

permitted to withdraw them. Because we conclude that appellant’s guilty pleas were valid, we affirm.

FACTS

Respondent State of Minnesota charged appellant Shawn Elson Randall with gross-misdemeanor trespassing under Minn. Stat. §§ 609.605, subd. 1(b)(8), .153, subd. 3 (2022), in three separate criminal files. In file 09-CR-23-865 (file 865), the state alleged that Randall trespassed on the Fond du Lac Reservation on May 26, 2023. In file 09-CR-23-935 (file 935), the state alleged that Randall trespassed on the Fond du Lac Reservation on June 5, 2023, in addition to committing other offenses.¹ And in file 09-CR-23-1775 (file 1775), the state alleged that Randall trespassed at Super One Foods in Cloquet on October 10, 2023.

In November 2023, Randall appeared for a scheduled jury trial in file 935; Randall’s other criminal files were also scheduled for a hearing that day. Although Randall was represented by counsel, he repeatedly interrupted and spoke to the district court, asked questions, and stated more than once that he was “willing to take a deal.” The hearing started about 9:00 a.m., and the district court recessed at 9:06 a.m. and 9:42 a.m. When proceedings resumed after the second recess, Randall repeatedly asked the district court to dismiss the state’s charges for lack of jurisdiction. After hearing arguments from Randall

¹ In file 935, the state also charged Randall with disorderly conduct under Minn. Stat. § 609.72, subd. 1(3) (2022), obstructing legal process under Minn. Stat. § 609.50, subd. 1(2) (2022), and possession of legend drugs under Minn. Stat. § 151.37, subd. 1 (2022). At Randall’s plea hearing on November 28, 2023, the state dismissed the disorderly-conduct and obstruction charges.

and Randall's attorney, the district court denied Randall's motions. The state moved to dismiss two charges from file 935, which the district court granted.

The district court took a third recess at 10:12 a.m., stating that it would return with the jury. After this recess, the parties informed the district court that they had reached a plea agreement. According to Randall's attorney, the parties agreed that Randall would plead guilty to all remaining charges, including the three trespass charges, be placed on one year of supervised probation, and complete a comprehensive assessment. Randall's attorney also stated that Randall sought immediate release. The district court asked Randall if "this [is] what [he] want[ed] to do," and Randall responded that he wanted "to be released today" and get his knife and bail money back. After more discussion, Randall said that he would "take the deal."

Randall was sworn in. Randall's attorney asked Randall if he understood each of his trial rights and wanted to waive them. Randall stated that he understood his rights and wanted to waive them. The prosecuting attorney sought to elicit factual bases, starting with file 935. Randall equivocated and argued when asked whether he was within the boundaries of the Fond du Lac Reservation on June 5, 2023. The prosecuting attorney stated that he did not think they would "reach a factual basis."

The district court took a fourth recess at 10:59 a.m. When the parties went back on the record, Randall asserted his innocence and stated he wanted to "take the deal." The district court informed Randall that it could not accept a guilty plea "from somebody who says that they're innocent." The district court took a fifth recess at 11:02 a.m. for about forty-five minutes. When proceedings resumed, the district court informed the parties that

the jury would return at 1:00 p.m. and asked if they were ready for trial. Randall's attorney said that he was, Randall stated that he would "take the deal," and the district court again stated that it could not take a plea from "somebody that says that they're innocent." Just before the district court took a sixth recess at 11:50 a.m., it stated, "[W]e will have a jury trial."

Upon returning from the noon recess, the district court spoke with the parties outside the jury's presence and discussed some ground rules for trial. Randall told the district court that he "went over" the evidence, he "was on the wrong side of the line," and he wanted to "go ahead" with the plea agreement. Randall again mentioned that he wanted his knife and bail money returned. The district court questioned Randall about whether he was acting freely and voluntarily; Randall affirmed that he was. The district court then asked the prosecuting attorney if the offer was "still open," and the prosecuting attorney said that Randall could enter "straight" pleas² and then the parties could argue sentencing.

The district court explained to Randall that the plea agreement was not "on the table anymore" but that he could enter guilty pleas and the district court would decide the sentence. The district court added that it would "hear argument from both sides." Randall said, "I'll do it," and was sworn in a second time. Randall again asked about immediate release and the return of his knife and bail money. The district court stated that these were "up for discussion."

² A "straight plea" involves pleading guilty to the charged offense without "any agreement regarding sentencing." *State v. Sanchez-Sanchez*, 879 N.W.2d 324, 327 (Minn. 2016).

The prosecuting attorney again inquired of Randall to establish factual bases. For file 935, the complete exchange follows:

Q: Mr. Randall, on April 15 of 2023, you don't dispute that you were served with exclusion paperwork?

A: No, I don't dispute.

Q: And you agree that the exclusion paperwork prohibited you from being on the Fond du Lac Reservation?

A: That's correct.

Q: And you agree that on June 5, 2023, you were found within the boundaries of Fond du Lac Reservation?

A: Yes.

Q: You agree you weren't supposed to be there?

A: Yes.

For file 1775, the complete exchange follows:

Q: Mr. Randall, you would agree that on May 4 of 2023, Super One Foods provided you a trespass notice informing you could not return to their property for one year?

A: Yes.

Q: And you agree that on October 4, 2023, you was found in the Super One Foods in Cloquet, Carlton County, Minnesota?

A: Correct.

Q: And you agree you wasn't supposed to be on the property of Super One Foods?

A: Correct.

For file 865, the complete exchange follows:

Q: Mr. Randall, you agree that on April 15 of 2023, you was served exclusion paperwork prohibiting you from being on the Fond du Lac Reservation?

A: Correct.

Q: And you agree that on May 26 of 2023, you was found within the boundaries of Fond du Lac Reservation?

A: Yes.

Q: And you agree that you wasn't allowed to be at the Reservation at that time?

A: Correct.

The district court accepted Randall's guilty pleas and, after hearing arguments from both attorneys and from Randall, sentenced Randall to concurrent, 364-day stayed sentences on all three trespass charges.³

Randall appeared for several probation-violation hearings. At the December 2023 hearing, Randall said that he wanted to withdraw his guilty pleas and the district court denied the request. At the March 2024 hearing, Randall moved to withdraw his guilty pleas, contending that he had not received his knife or his bail money. The district court denied Randall's motion, revoked his probation, and executed his sentences.

Randall appeals.

DECISION

Randall argues that this court should allow him to withdraw his guilty pleas for the three trespass offenses to "correct a manifest injustice." Randall contends that his pleas were invalid because they were inaccurate and entered involuntarily.

Although a "defendant has no absolute right to withdraw a guilty plea after entering it," withdrawal must be allowed "to correct a manifest injustice." *Taylor v. State*, 887 N.W.2d 821, 823 (Minn. 2016) (quotations omitted); accord Minn. R. Crim. P. 15.05, subd. 1. "[A] manifest injustice exists where a guilty plea is invalid." *State v. Theis*, 742 N.W.2d 643, 646 (Minn. 2007). "To be valid, a plea must be intelligent, voluntary, and

³ Randall also pleaded guilty to file 935's charge for possession of legend drugs. Legend drugs are drugs that are "required by federal law to be dispensed only pursuant to the prescription of a licensed practitioner." Minn. Stat. § 151.01, subd. 17 (2022). The district court accepted Randall's plea for this offense and sentenced him. Randall does not challenge the drug-possession conviction on appeal.

accurate.” *Taylor*, 887 N.W.2d at 823. A guilty plea is invalid if it does not meet those three requirements. *Id.* The appellant bears the burden of proving that a guilty plea is invalid. *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010). Whether a plea is valid is a legal question that receives de novo review. *Id.* We consider Randall’s two issues in turn.

I. Randall’s guilty pleas were accurate.

Randall argues that his guilty pleas were inaccurate for two reasons—the factual bases did not establish each element of trespassing and the prosecuting attorney improperly used leading questions to elicit the factual bases.

A guilty plea is inaccurate if it lacks a sufficient factual basis. *Id.* For a guilty plea to be accurate, “there must be 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 (Minn. 2003) (quotation omitted). This requirement “protects a defendant from pleading guilty to a more serious offense than that for which he could be convicted if he insisted on his right to trial.” *Raleigh*, 778 N.W.2d at 94. The district court must “ensure that an adequate factual basis has been established in the record” before accepting a guilty plea. *State v. Ecker*, 524 N.W.2d 712, 716 (Minn. 1994).

A. The Factual Bases and the Element of Intent to Trespass

Randall argues that the factual bases for each trespass conviction did not establish the “intent” element. The state contends that “the [district] court properly inferred [Randall’s] intent based upon his responses to questions during the hearing.”

Intent is an element of trespass. *See* Minn. Stat. §§ 609.605, subd. 1(b)(8) (providing that trespass occurs “if the person intentionally returns to the property of another within

one year of being told to leave the property and not to return”), .02, subd. 9(1) (“When criminal intent is an element of a crime . . . [it] is indicated by the term ‘intentionally,’ the phrase ‘with intent to,’ the phrase ‘with intent that,’ or some form of the verbs ‘know’ or ‘believe.’”) (2022). “‘Intentionally’ means that 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) (2022).

The state’s brief to this court acknowledges that Randall’s plea-hearing testimony did “not verbaliz[e] the intent element of the offense.” When ensuring the accuracy of a guilty plea, however, “[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 “[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).

We conclude that Randall’s testimony provided a factual basis supporting the reasonable inference that Randall intended to trespass in each of the three instances for which he was convicted. In files 865 and 935, Randall admitted that he received the paperwork prohibiting him from being on the Fond du Lac Reservation, that he was found within the boundaries of the reservation on the dates of the offenses, and that he was not “allowed to be” on the reservation. For file 1775, Randall admitted that he received the trespass notice prohibiting him from returning to the Super One Foods in Cloquet, that he was found at that store on the date of the offense, and that he was not “allowed to be” at

the store. Randall's intent to trespass is a reasonable inference from Randall's admissions during his testimony.

B. The Factual Bases and the Prosecuting Attorney's Leading Questions

Randall argues in the alternative that, even if this court concludes that Randall's responses provided sufficient factual bases for his convictions, this court should remand to permit Randall to withdraw his guilty pleas because the prosecuting attorney used leading questions to elicit the factual bases.

The Minnesota Supreme Court has criticized the use of leading questions to establish a factual basis, cautioning district courts to be "particularly wary of situations in which the factual basis is established by asking a defendant only leading questions." *Raleigh*, 778 N.W.2d at 94. The supreme court has "never held, however, that the use of leading questions on its own invalidates a guilty plea." *State v. Jones*, 7 N.W.3d 391, 396 (Minn. 2024).

Randall relies on two cases to support reversal. First, Randall cites *Shorter v. State*, 511 N.W.2d 743 (Minn. 1994), arguing that the supreme court in that case "revers[ed] the defendant's plea where several procedural irregularities, in addition to a leading factual basis, rendered the defendant's plea suspect." Randall is correct that the supreme court permitted Shorter to withdraw his plea, but it did so for many reasons, including a "substandard police investigation," possible discovery violations, and "the nature of the hearing" on Shorter's motion to withdraw his plea. *Shorter*, 511 N.W.2d at 746-47. Randall's withdrawal motion is not similar to Shorter's withdrawal motion because Randall

relies solely on the prosecuting attorney's use of leading questions to challenge the accuracy of his guilty pleas.

Second, Randall distinguishes his case from that in *Lussier v. State*, 821 N.W.2d 581 (Minn. 2012), arguing that the supreme court in that case upheld the guilty plea and relied on "other circumstances that lent credibility to the plea despite the use of leading questions." In *Lussier*, the supreme court determined that there was "ample credible evidence in the record" to support the guilty plea. 821 N.W.2d at 590. The supreme court considered a grand-jury transcript of Lussier's testimony, which was part of the record and admitted during the plea hearing, to establish a factual basis, noting that it had "never required that the factual basis for the plea appear in the plea hearing transcript verbatim." *Id.* at 589.

Randall argues that no such additional circumstances show that his guilty plea is credible. Although this record does not include supplemental testimony and the prosecuting attorney used leading questions, we nonetheless conclude that the factual basis is accurate. The district court showed great patience; it took at least six recesses and responded to many questions from Randall. Randall had no difficulty asserting what he wanted during the hearing. Randall also told the district court that he reviewed the evidence during the recesses, and he repeatedly stated that he wanted to plead guilty and was doing so voluntarily. Randall ultimately entered straight pleas and testified to each element of the offenses for which he was convicted. Thus, we conclude that Randall's guilty pleas were accurate despite the use of leading questions to establish the factual bases.

Therefore, we reject Randall's challenges to the accuracy of his guilty pleas.

II. Randall's guilty pleas were voluntary.

Randall argues that his guilty pleas were involuntary because they were “induced by an unfulfilled promise.” Randall contends that he “pleaded guilty because he believed doing so would result in the return of his knife and bail money,” making the plea agreement “unfulfillable from the start because both the state and the court lacked authority to release it.” The state counters that Randall entered “straight” pleas and did not plead guilty as the result of a plea agreement.

To determine whether a defendant's guilty plea was voluntary, the reviewing court “examines what the parties reasonably understood to be the terms of the plea agreement.” *Raleigh*, 778 N.W.2d at 96. The state “cannot induce a guilty plea based on a promise by the prosecutor that goes unfulfilled or was unfulfillable from the start, such as a plea agreement involving the promise of an illegal sentence.” *Dikken v. State*, 896 N.W.2d 873, 877 (Minn. 2017); accord *State v. Brown*, 606 N.W.2d 670, 674 (Minn. 2000) (“A guilty plea cannot be induced by unfulfilled or unfulfillable promises . . .”). But, “[w]hile the government must be held to the promises it made, it will not be bound to those it did not make.” *Brown*, 606 N.W.2d at 674 (quotation omitted). Randall bears the burden of proof on this issue. See *Raleigh*, 778 N.W.2d at 94.

During the hearing, the parties discussed a plea agreement but no plea agreement was reached. At first, the parties discussed that Randall would plead guilty and be placed on one year of supervised probation. After several recesses, Randall attempted to respond to questions and enter a factual basis while maintaining his innocence. Randall and the district court had a lengthy discussion in which the district court explained that it could not

accept Randall's initial testimony as a sufficient factual basis. The prosecuting attorney withdrew the state's plea offer and stated that Randall could enter straight pleas.

A "straight plea" involves pleading guilty to the charged offense without "any agreement regarding sentencing." *Sanchez-Sanchez*, 879 N.W.2d at 327. In a discussion with Randall, the district court explained that, with a straight plea, Randall's requests to return his bail money and knife and be released immediately were "up for discussion" and that it would "need to hear arguments" before sentencing. Randall then agreed to enter straight pleas with no agreement about his sentence. Randall was sworn in a second time and testified to the factual bases for each guilty plea. Both attorneys and Randall were given an opportunity to argue disposition.

Because Randall had no plea agreement at the time he entered his pleas and offered his testimony, there was no "promise" to return Randall's knife or bail money. Rather, Randall raised these sentencing terms before the district court imposed a sentence. The district court's decision to order the return of Randall's knife and bail money was not part of a plea agreement. For all these reasons, we conclude that Randall's plea was voluntary.

In conclusion, Randall has no right to withdraw his guilty pleas because his pleas were accurate and voluntary.

Affirmed.