

*This opinion is nonprecedential except as provided by  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  
A24-0475**

Michael Arthur Rock, petitioner,  
Appellant,

vs.

State of Minnesota,  
Respondent.

**Filed August 25, 2025  
Affirmed  
Johnson, Judge**

Hennepin County District Court  
File No. 27-CR-20-11687

Michael Arthur Rock, Faribault, Minnesota (*pro se* appellant)

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

Mary F. Moriarty, Hennepin County Attorney, Matthew D. Hough, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Considered and decided by Smith, Tracy M., Presiding Judge; Frisch, Chief Judge;  
and Johnson, Judge.

**NONPRECEDENTIAL OPINION**

**JOHNSON**, Judge

In 2022, Michael Arthur Rock was convicted of first-degree and third-degree criminal sexual conduct. His conviction was affirmed on direct appeal. In 2024, Rock filed a petition for postconviction relief, which was denied. We affirm.

## FACTS

In May 2020, the state charged Rock with one count of first-degree criminal sexual conduct involving penetration of a victim under 16 years old, in violation of Minn. Stat. § 609.342, subd. 1(g) (2016), and third-degree criminal sexual conduct involving penetration of a victim at least 16 but under 18 years old, in violation of Minn. Stat. § 609.344, subd. 1(f) (2018). The complaint alleged that Rock lived in the same house as his niece, A.H., the 16-year-old daughter of Rock's sister, and that Rock raped A.H. on multiple occasions during the preceding two years.

Testing of A.H.'s bedding revealed semen with a mixture of DNA from two or more people but not Rock. Before trial, Rock filed motions *in limine* for leave to "allow the defense to question state witnesses regarding the state's own DNA investigation and what that investigation discovered" and to "allow defense to question the alleged victim in this case and to call their own witnesses regarding prior sexual conduct to show the source of DNA." The district court ruled that Rock's proffered evidence is inadmissible and denied the motion.

The case was tried to a jury in May 2022. The state called five witnesses, including A.H., who testified about two incidents in which Rock penetrated her vagina with his penis. A police detective testified that investigators did not find Rock's DNA on any item that was subjected to forensic testing. Rock did not testify. The jury found him guilty of both charges. The district court imposed concurrent sentences of 144 and 70 months of imprisonment, with conditional release for the remainder of his lifetime.

On direct appeal, Rock argued that the district court erred by excluding his proffered evidence that semen not matching his DNA profile was found on A.H.'s bedding and by imposing a lifetime period of conditional release. This court rejected Rock's first argument and affirmed his convictions. *State v. Rock*, No. A22-1266, 2023 WL 4852982, at \*2-4 (Minn. App. July 31, 2023), *rev. denied* (Minn. Dec. 19, 2023). But we agreed with Rock's second argument, concluded that the district court erred by ordering a lifetime period of conditional release, and reversed and remanded for resentencing. *Id.* at \*4-5.

In May 2024, Rock filed two motions on a self-represented basis. In a document captioned "motion to vacate or set aside conviction and sentence and remand for a new trial if new evidence is discovered," Rock argued that the evidence introduced at trial was insufficient to prove sexual penetration. In a document captioned "motion for disclosure and forensic testing not available at trial of DNA evidence," Rock requested that additional forensic DNA testing be performed for the purpose of identifying the person who "actually raped A.H." In July 2024, the state filed an answer and responsive memorandum. The state argued that Rock's request for postconviction relief is procedurally barred by *State v. Knaffla*, 243 N.W.2d 737 (Minn. 1976), argued in the alternative that his claim of insufficient evidence fails on the merits, and argued that he is not entitled to forensic DNA testing. In September 2024, Rock filed a reply memorandum in which he argued the merits of his claims but did not address the *Knaffla* issue.

In December 2024, the postconviction court filed an order denying Rock's motions, which the court construed as petitions for postconviction relief. The postconviction court concluded that Rock's sufficiency-of-the-evidence claim is procedurally barred by *Knaffla*.

The postconviction court also concluded that Rock is not entitled to forensic DNA testing. Rock appeals.

## DECISION

Rock argues that the postconviction court erred by denying his requests for postconviction relief.

### A.

We begin by considering Rock’s argument that the postconviction court erred by concluding that his sufficiency-of-the-evidence claim is procedurally barred by *Knaffla*.

After a criminal offender has taken a direct appeal, “all matters raised therein, and all claims known but not raised, will not be considered upon a subsequent petition for postconviction relief.” *Knaffla*, 243 N.W.2d at 741. A sufficiency-of-the-evidence claim is procedurally barred in a postconviction proceeding if the petitioner previously had a direct appeal but did not make a sufficiency-of-the-evidence argument. *Davis v. State*, 880 N.W.2d 373, 377-78 (Minn. 2016); *Azure v. State*, 700 N.W.2d 443, 447-48 (Minn. 2005).

The supreme court has recognized two exceptions to the *Knaffla* bar. A claim is not procedurally barred (1) “if the claim involves an issue so novel that its legal basis was not reasonably available at the time of the direct appeal,” or (2) if the claim “has substantive merit and the petitioner did not deliberately and inexcusably fail to raise the issue” previously. *Swaney v. State*, 882 N.W.2d 207, 215 (Minn. 2016).

In his principal brief, Rock briefly mentions both exceptions to the *Knaffla* bar. First, he asserts that his claim is novel. For at least half a century, it has been well established that a person may not be convicted of a crime if the state has not proved all

elements of the offense beyond a reasonable doubt. *See In re Winship*, 397 U.S. 358, 363 (1970). Consequently, a sufficiency-of-the-evidence claim is not novel for purposes of the first *Knaffla* exception. *Azure*, 700 N.W.2d at 448-49.

Second, Rock asserts that he did not fail to raise the sufficiency-of-the-evidence claim on direct appeal. He asserts that he made a sufficiency-of-the-evidence argument in a *pro se* supplemental brief but that this court did not consider it. We have reviewed all of the appellate briefs filed by Rock or on his behalf in his direct appeal, and we conclude that Rock plainly failed to make a sufficiency-of-the-evidence argument on direct appeal. Rock has not provided “a colorable explanation of why [his] claims were not raised previously.” *See Gilbert v. State*, 2 N.W.3d 483, 489 (Minn. 2024).

Thus, the postconviction court did not err by concluding that Rock’s sufficiency-of-the-evidence claim is procedurally barred by *Knaffla*.

## **B.**

We continue by considering Rock’s argument that the postconviction court erred by concluding that he is not entitled to forensic DNA testing.

This argument is based on the following provision of the postconviction statute:

A person convicted of a crime may make a motion for the performance of . . . forensic DNA testing to demonstrate the person’s actual innocence if:

- (1) the testing is to be performed on evidence secured in relation to the trial which resulted in the conviction; and
- (2) the evidence was not subject to the testing because either the technology for the testing was not available

at the time of the trial or the testing was not available as evidence at the time of the trial.

Minn. Stat. § 590.01, subd. 1a(a) (2024).

The postconviction court stated that investigators seized A.H.'s bedding, found semen on the bedding, and tested it, but the semen did not match Rock's DNA profile. The postconviction court reasoned that Rock did not satisfy the statute's second requirement that "the evidence was not subject to the testing" at the time of trial.

In his principal brief, Rock contends that "all samples were not tested," but he does not identify any particular item that was not tested. He also asserts that he was "the only male tested," and he suggests that "all other males" should be tested, but he does not identify a potential alternative perpetrator. Similarly, in the motion that he filed in the postconviction court, Rock did not identify any item that should be tested or any other particular person whose DNA should be tested.

Rock does not identify any evidence that might be derived from forensic DNA testing that was not available at the time of trial. He also does not assert that any new technology has been developed that was not available at the time of trial. In fact, forensic DNA testing *was* performed before trial. But the district court ruled that Rock could not introduce evidence about the forensic testing, and that ruling was affirmed on direct appeal. *Rock*, 2023 WL 4852982, at \*2-4. Because A.H.'s bedding was subjected to forensic DNA testing before trial, and the results of the testing were disclosed to Rock, he cannot satisfy the requirements of section 590.01, subdivision 1a(a). *See Riley v. State*, 819 N.W.2d 162,

171-72 (Minn. 2012) (concluding that postconviction petitioner was not entitled to forensic DNA testing because testing was performed and disclosed before trial).

Rock also contends that the postconviction court erred by not considering his request for a new trial “if new evidence is discovered” through additional forensic DNA testing. Because the postconviction court denied Rock’s motion for additional forensic DNA testing, no new evidence was discovered.

Thus, the postconviction court did not err by concluding that Rock is not entitled to forensic DNA testing.

### C.

We next consider Rock’s argument that the postconviction court erred by not holding an evidentiary hearing before ruling on his requests for postconviction relief.

A postconviction petitioner is entitled to an evidentiary hearing on a postconviction petition “[u]nless the petition and the files and records of the proceeding conclusively show that the petitioner is entitled to no relief.” Minn. Stat. § 590.04, subd. 1 (2024). Under this statute, an evidentiary hearing is required if “material facts are in dispute . . . which must be resolved in order to determine the issues raised on the merits.” *Riley*, 819 N.W.2d at 167 (quotation omitted).

The postconviction court concluded that Rock is not entitled to an evidentiary hearing on his sufficiency-of-the-evidence claim because that claim is procedurally barred by *Knaffla*. The postconviction court’s conclusion is consistent with caselaw. *See Sontoya v. State*, 829 N.W.2d 602, 604-05 (Minn. 2013); *Buckingham v. State*, 799 N.W.2d 229, 233-34 (Minn. 2011). The postconviction court also concluded that Rock is not entitled to

an evidentiary hearing on his claim for forensic DNA testing because he had not made allegations that satisfy the statutory requirements. That conclusion also is consistent with caselaw. *See Jackson v. State*, 927 N.W.2d 308, 313-14 (Minn. 2019); *Fort v. State*, 829 N.W.2d 78, 83-84 (Minn. 2013). Rock has not identified any material disputed fact that requires an evidentiary hearing.

Thus, the postconviction court did not err by not holding an evidentiary hearing before ruling on Rock's requests for postconviction relief.

**D.**

Rock makes one more argument: that the district court erred in its pre-trial ruling by excluding his proffered evidence that semen found on A.H.'s bedding did not match his DNA profile. The argument is procedurally barred because it was raised on direct appeal and was rejected. *Rock*, 2023 WL 4852982, at \*2-4; *see also Thoresen v. State*, 965 N.W.2d 295, 311 (Minn. 2021). Thus, we will not reconsider Rock's argument challenging the district court's pre-trial ruling on his motion *in limine*.

In sum, the postconviction court did not err by denying Rock's requests for postconviction relief without an evidentiary hearing.

**Affirmed.**