

*This opinion is nonprecedential except as provided by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
A24-0674**

Daniel John Wyatt, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed December 30, 2024
Affirmed
Larson, Judge**

Scott County District Court
File No. 70-CR-19-15840

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

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

Ronald Hovevar, Scott County Attorney, Elisabeth M. Johnson, Assistant County Attorney, Shakopee, Minnesota (for respondent)

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

NONPRECEDENTIAL OPINION

LARSON, Judge

Appellant Daniel John Wyatt challenges the district court's decision to deny his petition for postconviction relief, arguing he entered an unconstitutional guilty plea due to

a mutual mistake over his criminal-history score. Because we conclude Wyatt entered a voluntary and intelligent guilty plea, we affirm.

FACTS

In January 2020, respondent State of Minnesota charged Wyatt with three felony counts of violating a domestic-abuse-no-contact order after “two or more domestic violence related offenses within the past 10 years.” *See* Minn. Stat. § 629.75, subd. 2(d)(1) (2018). Wyatt discharged his attorney and proceeded to represent himself.

In April 2020, Wyatt signed a petition to plead guilty to one count in exchange for the state dismissing the remaining two counts and dismissing a separate charge in another court file. Moreover, the state agreed “to a bottom of the box, 21 month sentence, with credit for any local jail time served up to the date of sentencing.” At his plea hearing, Wyatt acknowledged that he understood the terms of the agreement, the factual basis for his plea, and the rights he was waiving by pleading guilty.

In May 2020, the district court held a sentencing hearing. Consistent with the plea agreement, the district court executed a 21-month sentence—14 months in prison, 7 months on supervised release, and credit for 348 days served. The district court also dismissed the two remaining charges in the same court file and the charge in the separate court file.

A year later, in May 2021, Wyatt moved to correct his sentence. Wyatt argued that the state miscalculated his criminal-history score, and based on the correct calculation, he was entitled to a stayed probationary sentence of 21 months rather than an executed 21-month prison term. In June 2021, the district court granted Wyatt’s motion and changed the disposition to a 21-month stayed sentence.

In May 2022, after he received his corrected sentence, Wyatt petitioned for postconviction relief, seeking to withdraw his guilty plea on the basis that he entered an involuntary and unintelligent guilty plea. The district court denied the motion without an evidentiary hearing. We reversed the district court’s summary denial and remanded for an evidentiary hearing. *Wyatt v. State*, No. A22-1598, 2023 WL 3939490, at *3 (Minn. App. June 1, 2023), *rev. denied* (Minn. Sept. 19, 2023).

On remand, the district court held an evidentiary hearing. At the hearing, Wyatt testified that, at the time he pleaded guilty, he believed he was “amenable to probation and . . . that was where the misunderstanding was.” Wyatt also stated that he “wanted a probationary sentence,” and that if he had the chance, he would have signed a plea agreement to go to probation “instead of signing a plea to go to prison.” He argued the state induced him to sign the plea under the false pretense of “having four-and-a-half points which was illegal.” In February 2024, the district court denied Wyatt’s petition for postconviction relief on the grounds that Wyatt entered a voluntary and intelligent guilty plea.

Wyatt appeals.

DECISION

Wyatt challenges the district court’s decision to deny his petition for postconviction relief on the ground that he entered an unconstitutional plea. We review a district court’s decision to deny a petition for postconviction relief for an abuse of discretion. *Riley v. State*, 819 N.W.2d 162, 167 (Minn. 2012). We will not reverse the district court unless it has “exercised its discretion in an arbitrary or capricious manner, based its ruling on an

erroneous view of the law, or made clearly erroneous factual findings.” *Brown v. State*, 863 N.W.2d 781, 786 (Minn. 2015) (quotation omitted).

“A defendant may withdraw a guilty plea after sentencing upon a timely motion and proof to the satisfaction of the court that withdrawal of the plea is necessary to correct a manifest injustice.” *State v. Ecker*, 524 N.W.2d 712, 715-16 (Minn. 1994) (quotation omitted) (applying Minn. R. Crim. P. 15.05, subd. 1, in context of postconviction challenge to the validity of guilty plea). A manifest injustice exists if a guilty plea is not valid. *State v. Theis*, 742 N.W.2d 643, 646 (Minn. 2007). To be valid, a guilty plea must be “accurate, voluntary and intelligent.” *Ecker*, 524 N.W.2d at 716. “A defendant bears the burden of showing [their] plea was invalid.” *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010). We review de novo whether a defendant entered a valid guilty plea. *Id.*

Here, Wyatt challenges the validity of his guilty plea on the grounds that he entered: (1) an involuntary plea because the criminal-history-score miscalculation induced his guilty plea and (2) an unintelligent plea because the criminal-history-score miscalculation demonstrated that he did not understand the consequences of his plea. We address each argument in turn below.

I.

Wyatt argues that he entered an involuntary plea because his mistaken belief that he had a higher criminal-history score induced his plea. Whether a guilty “plea is voluntary is determined by considering all relevant circumstances.” *Raleigh*, 778 N.W.2d at 96. To determine whether a guilty plea is voluntary, we examine “what the parties reasonably understood to be the terms of the plea agreement.” *Id.* The state “cannot induce a guilty

plea based on a promise that goes unfulfilled or was unfulfillable from the start.” *Dikken v. State*, 896 N.W.2d 873, 877 (Minn. 2017).

The supreme court has decided three cases evaluating whether a defendant has the right to withdraw a guilty plea when the guilty plea was entered under the mistaken belief that the defendant faced a less-severe sentence than was correct under the law. *See State v. Jumping Eagle*, 620 N.W.2d 42, 43 (Minn. 2000) (defendant pleaded guilty without awareness that there would be additional period of conditional release after incarceration); *State v. DeZeler*, 427 N.W.2d 231, 233 (Minn. 1988) (defendant pleaded guilty based on lower criminal-history score than was correct); *State v. Benson*, 330 N.W.2d 879, 880 (Minn. 1983) (same). In each case, the supreme court concluded that the defendant was entitled to a remedy. *See Jumping Eagle*, 620 N.W.2d at 45; *DeZeler*, 427 N.W.2d at 235; *Benson*, 330 N.W.2d at 880-81. In *DeZeler*, the supreme court required plea withdrawal when “[t]he agreement to plead guilty was based entirely on the assumption that the presumptive sentence was a stayed sentence” and “there were no grounds for an upward departure from the stayed sentence.” 427 N.W.2d at 235. However, the supreme court has also indicated that, in some instances, resentencing rather than plea withdrawal is the appropriate remedy. *See Jumping Eagle*, 620 N.W.2d at 45 (concluding that, on remand, state should be allowed to present argument to district court as to whether plea withdrawal or sentence modification was most appropriate remedy); *Benson*, 330 N.W.2d at 880-81 (holding that guilty plea entered under mistaken belief that defendant had lower criminal-history score could be withdrawn or district court could resentence defendant).

We have applied this caselaw in two nonprecedential decisions where the defendant entered a guilty plea under the mistaken belief that the defendant had a higher criminal-history score. In *Peterson v. State*, a defendant sought to withdraw her guilty plea because she had a lower criminal-history score than contemplated by the plea agreement—meaning she was entitled to a shorter, stayed sentence. No. A19-1660, 2020 WL 4280017, at *1-2 (Minn. App. Jul 27, 2020), *rev. denied* (Minn. Oct. 20, 2020).¹ Applying the supreme court caselaw cited above, we concluded that resentencing rather than plea withdrawal was the appropriate remedy. *Id.* at *2-3. And in *State v. Howard*, the defendant pleaded guilty to a single-count indictment under the mistaken belief that his criminal-history score would yield a presumptive executed sentence. No. A03-180, 2004 WL 235805, at *1 (Minn. App. Feb. 10, 2004). After learning his criminal-history score would yield a presumptive stayed sentence, the defendant moved for plea withdrawal on the basis that “he would have had no incentive to plead guilty to avoid an executed prison sentence” if he knew he faced a presumptive stayed sentence. *Id.* at *4. We agreed with the defendant that plea withdrawal was the appropriate remedy. *Id.*

Here, Wyatt entered his guilty plea under the mistaken belief that he faced a presumptive executed sentence. However, unlike in *Howard*, Wyatt did not testify that he would have proceeded to trial if he had known his criminal-history score yielded a presumptive stayed sentence. To the contrary, Wyatt admitted at the evidentiary hearing

¹ We note this opinion is nonprecedential and, therefore, not binding. We cite nonprecedential opinions as persuasive authority only. See Minn. R. Civ. App. P. 136.01, subd. 1(c).

that, at the time he pleaded guilty, he “wanted a probationary sentence,” and that if he had the chance, he would have signed a plea agreement to go to probation “instead of signing a plea to go to prison.” Further, unlike in *Howard*, Wyatt faced a greater risk had he proceeded to trial because, as part of the plea agreement, the district court dismissed three additional charges.

Under these facts, we conclude the appropriate remedy to correct the mistake in Wyatt’s criminal-history score was resentencing. Wyatt received this remedy when the district court granted his motion to correct his sentence and changed the disposition to a 21-month stayed sentence. For this reason, the district court did not abuse its discretion when it denied Wyatt’s petition for postconviction relief on the ground that he entered an involuntary plea.

II.

Wyatt next argues that he entered an unintelligent plea because the criminal-history-score miscalculation made him misunderstand “the true and correct consequences of the plea,” or “the alternative courses of action available to him.” A guilty plea is intelligent when “a defendant understands the charges against him, the rights he is waiving, and the consequences of his plea.” *Nelson v. State*, 880 N.W.2d 852, 858 (Minn. 2016).

We have previously concluded in a nonprecedential opinion that a plea based on an incorrect criminal-history score did not render the plea unintelligent. *See Mullins v. State*, No. A23-0841, 2024 WL 3024666, at *5 (Minn. App. June 17, 2024), *rev. denied* (Minn. Oct. 15, 2024). We reasoned that: (1) the “criminal-history score was not part of the plea agreement”; (2) the initial sentence the defendant received was within the presumptive

range for his correct criminal-history score; (3) at the plea hearing, the defendant demonstrated an understanding of “the charges against him, the rights he waived, and the consequences of the plea”; (4) and he ultimately received a sentence that reflected his correct criminal-history score. *Id.* at *7.

We find *Mullins* persuasive and, likewise, conclude that Wyatt entered an intelligent plea. Wyatt’s written plea agreement does not mention his criminal-history score, and the initial executed sentence that Wyatt received was the same duration (21 months) as the subsequent stayed sentence that he received after he moved to correct his sentence. Moreover, at the plea hearing, Wyatt demonstrated that he understood the charges against him, the rights he waived, and the basic terms of the plea agreement. And, like in *Mullins*, Wyatt eventually received a sentence that reflected his correct criminal-history score.

Therefore, we conclude the district court did not abuse its discretion when it denied Wyatt’s petition for postconviction relief on the basis that he entered an unintelligent plea.

Affirmed.