

*This opinion is nonprecedential except as provided by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
A24-1188**

State of Minnesota,
Respondent,

vs.

Mickela Joy Vredenburg,
Appellant.

**Filed July 14, 2025
Reversed and remanded
Cochran, Judge**

Goodhue County District Court
File No. 25-CR-23-1421

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

Stephen F. O’Keefe, Goodhue County Attorney, Elizabeth M.S. Breza, Assistant County Attorney, Red Wing, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Gina D. Schulz, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Reyes, Presiding Judge; Cochran, Judge; and Schmidt,
Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

In this direct appeal, appellant challenges her conviction of disorderly conduct, arguing that her *Alford* plea is invalid.¹ Because appellant's *Alford* plea was not supported by a strong factual basis and therefore is inaccurate, we reverse and remand to allow appellant to withdraw her plea.

FACTS

In July 2023, respondent State of Minnesota charged appellant Mickela Joy Vredenburg with four offenses: fifth-degree assault, misdemeanor domestic assault, felony threats of violence, and disorderly conduct. *See* Minn. Stat. §§ 609.224, subd. 1(2), .2242, subd. 1(2), .713, subd. 1, .72, subd. 1(3) (2022). She pleaded not guilty. On the day that trial was to begin, Vredenburg entered into a plea agreement with the state. Consistent with the agreement, Vredenburg entered an *Alford* plea to the offense of disorderly conduct, and the state dismissed the remaining charges.

After Vredenburg pleaded guilty to the offense, Vredenburg's counsel questioned her to establish a factual basis for the plea as follows.

Q: And it's an *Alford* plea which means that you're not saying, I was disorderly, I committed disorderly conduct; instead what you are saying is you understand that there's evidence in this case, and you understand that there's police reports, there would be testimony of some police officers and at least two other people, . . . and you are saying, yep, if we were to go ahead and have a jury trial there's a substantial likelihood that

¹ An *Alford* plea refers to a plea in which the defendant pleads guilty but continues to maintain their innocence. *North Carolina v. Alford*, 400 U.S. 25, 37-38 (1970).

I could be found guilty of that disorderly conduct charge; is that right?

A: I think that with the circumstances to the case, that yes.

....

Q: And specifically you made that decision because you know that disorderly conduct includes behavior such as shouting and yelling and swearing and could include things like pushing things over or throwing things around; do you understand that?

A: Yes.

Q: And do you understand that if we were to have a trial that there would be testimony from witnesses that included you performing those kinds of activities; is that right?

A: I think there could be; correct.

Q: Yeah, and you know that that was at least what the plan was for the evidence that the State would provide; is that right?

A: I don't doubt it, that's right.

After questioning Vredenburg, her counsel offered, and the district court received, a plea petition signed by Vredenburg. In the petition, Vredenburg stated that she had reviewed the "evidence that the State has against [her] including the police reports containing the statements of J.V. and R.O." and she "underst[ood] that if this matter were to go to trial, there is a substantial likelihood that [she] would be found guilty of Disorderly Conduct." She also added that there was a substantial likelihood that she would be determined to have "engaged in noisy, objectionable language and conduct (knocking over a table and shouting at R.O. and J.V.) in such a way that would tend to alarm, disturb, offend or anger other people." No other evidence was offered by Vredenburg or the state to support the factual basis for Vredenburg's *Alford* plea.

The district court accepted the plea, entered judgment of conviction on the disorderly conduct charge, dismissed the other charges, and sentenced Vredenburg to 90 days' imprisonment.

Vredenburg appeals.

DECISION

Vredenburg argues that her *Alford* plea is constitutionally invalid because the plea is not supported by a strong factual basis. The validity of a guilty plea presents a question of law, which we review de novo. *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010). “To be constitutionally valid, a guilty plea must be accurate, voluntary, and intelligent.” *State v. Bell*, 971 N.W.2d 92, 100 (Minn. App. 2022) (quotation omitted), *rev. denied* (Minn. Apr. 27, 2022). It is the defendant’s burden to show that the plea is invalid. *Raleigh*, 778 N.W.2d at 94.

Vredenburg does not dispute that her plea to disorderly conduct was voluntary or intelligent. She challenges only the accuracy of her plea. “The accuracy requirement protects a defendant from pleading guilty to a more serious offense than that for which [s]he could be convicted if [s]he insisted on [her] right to trial.” *Id.* “A proper factual basis must be established for a guilty plea to be accurate.” *State v. Ecker*, 524 N.W.2d 712, 716 (Minn. 1994). More specifically, “a factual basis must be established on the record showing that the defendant’s conduct meets all elements of the charge to which [s]he is pleading guilty.” *Barnslater v. State*, 805 N.W.2d 910, 914 (Minn. App. 2011). The sufficiency of the factual basis for a guilty plea is determined “from the record established

when the plea was tendered.” *State v. Lillemo*, 410 N.W.2d 66, 69 (Minn. App. 1987) (emphasis omitted).

Typically, the accuracy of a plea is established “by asking the defendant to express in [her] own words what happened.” *Rosendahl v. State*, 955 N.W.2d 294, 297 (Minn. App. 2021) (quotation omitted). A district court “need not personally interrogate the defendant prior to acceptance of a guilty plea if defense counsel and the prosecutor have established an adequate factual basis.” *Ecker*, 524 N.W.2d at 716. But the district court has the responsibility “to ensure that an adequate factual basis has been established in the record.” *Id.* “The [district court] must be particularly attentive to situations in which a defendant is pleading guilty and is asked only leading questions by counsel.” *Id.* And before a guilty plea can be accepted, “the [district court] must make certain that facts exist from which the defendant’s guilt of the crime charged can be reasonably inferred.” *Nelson v. State*, 880 N.W.2d 852, 861 (Minn. 2016) (quotation omitted).

However, when a defendant enters an *Alford* plea, she pleads guilty while maintaining her innocence. 400 U.S. at 37-38. As a result, there is an inherent conflict in an *Alford* plea between a defendant’s decision to plead guilty and her continued insistence on her innocence. *See id.* at 32 (stating that a defendant’s assertion of innocence could be viewed as negating their admission of guilt). Consequently, an *Alford* plea requires a “strong factual basis,” and the defendant must clearly express “[her] desire to enter the plea based on [her] belief that the State’s evidence would be sufficient to convict [her].” *State v. Theis*, 742 N.W.2d 643, 647 (Minn. 2007) (quoting *Alford*, 400 U.S. at 38).

Further, the United States Supreme Court left it to the individual states to decide whether to accept *Alford* guilty pleas. *Alford*, 400 U.S. at 38 n.11.

In *State v. Goulette*, the Minnesota Supreme Court considered whether an *Alford* plea is permissible under state law. 258 N.W.2d 758, 761 (Minn. 1977). The Minnesota Supreme Court concluded that a district court may accept an *Alford* plea when “the [district] court, on the basis of its interrogation of the accused and its analysis of the factual basis offered in support of the plea, *reasonably concludes that there is evidence* which would support a jury verdict of guilty and that the plea is voluntarily, knowingly, and understandingly entered.” *Id.* at 760 (emphasis added). The Minnesota Supreme Court emphasized that a district court “should not cavalierly accept the plea” and must ensure “there is a sufficient factual basis to support it.” *Id.* at 761.

In *Ecker*, the Minnesota Supreme Court reiterated the requirement for a sufficient factual basis in an *Alford* plea. 524 N.W.2d at 717. In that case, Ecker pleaded guilty to, among other crimes, felony murder but asserted that he was innocent because he could not remember shooting the victim. *Id.* at 715. Ecker was “questioned . . . extensively during his guilty plea” by the prosecutor and his attorneys and admitted that he remembered committing a robbery of a convenience store before and after the murder and that he was responsible for the death of the victim. *Id.* And he agreed “several times” that the state’s evidence was sufficient to convict him. *Id.* This evidence included, among other evidence, surveillance photos of the robbery committed by Ecker, Ecker’s written confession, and the murder weapon which was recovered from the car that Ecker was in. *Id.* at 714-15. The Minnesota Supreme Court affirmed Ecker’s plea, concluding that an adequate factual

basis had “[c]learly” been established, and reiterated the importance of district court interrogating the defendant when they enter an *Alford* plea. *Id.* at 717.

In *Theis*, the Minnesota Supreme Court noted that “[s]everal guiding principles are drawn” from *Alford*, *Goulette*, and *Ecker* regarding *Alford* pleas, including that there must be “careful scrutiny of the factual basis for the plea.” 742 N.W.2d at 648. In discussing how the requisite “strong factual basis” for an *Alford* plea can be established, the Minnesota Supreme Court emphasized “that the better practice is for the factual basis to be based on evidence discussed with the defendant on the record at the plea hearing, as it was in both *Goulette* and *Ecker*.” *Id.* at 649. The supreme court noted that the “discussion may occur through an interrogation of the defendant about the underlying conduct and the evidence that would likely be presented at trial,” “introduction at the plea hearing of witness statements or other documents,” or “presentation of abbreviated testimony from witnesses likely to testify at trial.” *Id.* at 649.

Together, *Theis*, *Goulette*, and *Ecker* instruct that, to establish a strong factual basis, the record must allow the district court to determine that the state’s evidence is sufficient to convict, despite the defendant maintaining their innocence. *Id.*; *Goulette*, 258 N.W.2d at 761; *Ecker*, 524 N.W.2d at 716. In other words, the factual basis must include sufficient information regarding evidence indicating guilt for the district court to “independently conclude that there is a *strong* probability that the defendant would be found guilty of the charge to which [the defendant] pleaded guilty.” *Theis*, 742 N.W.2d at 649.

Vredenburg argues that the record lacks the necessary strong factual basis to support her *Alford* plea of guilty to disorderly conduct. Vredenburg was charged with disorderly

conduct under Minnesota Statutes Section 609.72, subdivision 1(3) (2022). A person is guilty of disorderly conduct under this statutory provision if the person engaged in “offensive, obscene, abusive, boisterous, or noisy conduct, or in offensive, obscene, or abusive language tending reasonably to arouse alarm, anger, or resentment in others.” Minn. Stat. § 609.72, subd. 1(3). In addition, the person must do so “knowing[] or having reasonable grounds to know that” the conduct or language “will, or will tend to, alarm, anger or disturb others or provoke an assault or breach of the peace.” *Id.*, subd. 1 (2022).² “[W]hether particular conduct is disorderly ‘must at all times be dependent upon the facts of each particular case and the circumstances that surround the incident.’” *State v. Janecek*, 903 N.W.2d 426, 430 (Minn. App. 2017) (quoting *State v. Reynolds*, 66 N.W.2d 886, 890 (Minn. 1954)).

Vredenburg argues that the factual basis for her plea to disorderly conduct is too vague to meet the strong-factual-basis requirement for an *Alford* plea. We agree.

We begin by noting that Vredenburg’s plea colloquy was presented entirely through Vredenburg’s responses to leading questions by Vredenburg’s attorney, a practice that is disfavored for traditional guilty pleas as well as *Alford* pleas. *See Raleigh*, 778 N.W.2d at

² Vredenburg argues that disorderly conduct includes a third element, that the language was used, or conduct occurred, in a “public or private place.” The statute defining disorderly conduct does state that the individual who engages in the prohibited conduct “in a public or private place . . . is guilty of disorderly conduct.” Minn. Stat. § 609.72, subd. 1. However, Vredenburg provides no precedential authority, and we are aware of none, that concludes that this language creates a separate element of the crime of disorderly conduct. And because it is difficult to conceive of a location that is neither public nor private, this language appears to be a clarification that disorderly conduct can occur both in public and in private, rather than a required element.

94-95 (addressing traditional pleas); *Ecker*, 524 N.W.2d at 716-17 (discussing *Alford* pleas). And the factual basis for Vredenburg’s *Alford* plea was presented in summary form by Vredenburg’s attorney, another practice that is disfavored when entering an *Alford* plea. *Goulette*, 258 N.W.2d at 761. Additionally, the colloquy was very brief, providing no substantive details about what the state’s evidence would show. And, significantly, the state offered no witness testimony, exhibits, or other evidence to support the factual basis, leaving only Vredenburg’s agreement with her attorney’s leading questions and her plea petition to establish the factual basis for her *Alford* plea.

Based on our review of Vredenburg’s limited plea colloquy and the plea petition, we can only conclude that Vredenburg’s *Alford* plea lacks the necessary *strong* factual basis. Vredenburg’s colloquy and plea petition, even taken together, would not allow a district court to determine that there is a strong probability that a jury would find that she “engage[d] in offensive, obscene, abusive, boisterous, or noisy conduct or in offensive, obscene, or abusive language tending reasonably to arouse alarm, anger, or resentment in others.” Minn. Stat. § 609.72, subd. 1(3).

In her plea colloquy, Vredenburg answered affirmatively to her attorney’s leading, summary questions on whether she understood (1) “that there’s evidence in this case, and . . . that there’s police reports, there would be testimony of some police officers and at least two other people”; (2) “that disorderly conduct includes behavior such as shooting and yelling and swearing and could include things like pushing things over or throwing things around”; and (3) if there was a trial “there would be *testimony from witnesses that included [her] performing those kinds of activities.*” (Emphasis added.) These general

statements discuss the elements of disorderly conduct, but they do not provide any meaningful information about the state's evidence. For example, Vredenburg did not indicate, and the state did not inquire into, the identity of the "witnesses." Nor did she provide any specific details regarding the "activities" to which the unknown witnesses would testify. Vredenburg's vague statements lack sufficient detail for a district court to conclude that there is a strong probability that Vredenburg would be found guilty of disorderly conduct based on the state's evidence. *See* Minn. Stat. § 609.72, subd. 1(3).

Vredenburg's plea petition is only slightly more specific. In the petition, Vredenburg states that she "understand[s] that if this matter were to go to trial, there is a substantial likelihood that" she would be determined to have "engaged in noisy, objectionable language and conduct (knocking over a table and shouting at R.O. and J.V.) in such a way that would tend to alarm, disturb, offend or anger other people." But Vredenburg's plea petition does not indicate what evidence the state has that supports her understanding. And, without knowing what evidence the state has to support its case, it is unclear how a district court could determine whether the conduct referenced in her plea petition rises to the level of disorderly conduct.

Because the plea petition lacks any discussion of the state's evidence and her plea colloquy is similarly vague, we conclude that her plea colloquy and petition, even taken together, are insufficient to establish a strong factual basis for the *Alford* plea. In reaching this conclusion, we are mindful that the determination of whether an individual engaged in criminal disorderly conduct requires a consideration of "the facts of each particular case and the circumstances that surround the incident." *Janecek*, 903 N.W.2d at 430 (quotation

omitted). In sum, Vredenburg's plea lacks a strong factual basis because the plea colloquy and plea petition do not support an "independent[] conclu[sion] that there is a strong probability that the defendant would be found guilty of the charge to which [s]he pleaded guilty, notwithstanding [her] claims of innocence." *Theis*, 742 N.W.2d at 649 (emphasis omitted).

We are not persuaded otherwise by the state's argument that Vredenburg's plea is specific enough to establish a strong factual basis because Vredenburg agreed that she reviewed the state's evidence, including the complaint and police reports, and she agreed that the state's evidence is sufficient for a jury to find her guilty of disorderly conduct. In entering an *Alford* plea, the district court may not rely on documents "such as a complaint" unless the defendant expressly admits to the accuracy of the document. *Rosendahl*, 955 N.W.2d at 301. That did not happen here. Vredenburg did not expressly admit to the accuracy of either the complaint or the police reports. Nor did the state present the police reports, the complaint, or any of the underlying evidence at the plea colloquy. The state also did not examine Vredenburg regarding any facts therein. Instead, the record is limited to Vredenburg's answers to her attorney's leading questions and the plea petition, which, as discussed above, fail to establish a strong factual basis. *See Lillemo*, 410 N.W.2d at 69 (stating that the factual basis for the plea is determined "from the record established when the plea was tendered" (emphasis omitted)).

In sum, the district court erred when it accepted Vredenburg's *Alford* plea of guilty to disorderly conduct because the plea lacked the requisite strong factual basis. We

therefore reverse the judgment of conviction and remand to allow Vredenburg to withdraw her guilty plea.

Reversed and remanded.