

*This opinion is nonprecedential except as provided by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
A24-1468**

State of Minnesota,
Respondent,

vs.

Nicole Corrine Puckett,
Appellant.

**Filed July 21, 2025
Affirmed
Johnson, Judge**

Hubbard County District Court
File No. 29-CR-23-396

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

John Olson, Hubbard County Attorney, Seth S. Keysor, Assistant County Attorney, Park Rapids, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Greg Scanlan, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Johnson, Presiding Judge; Worke, Judge; and Smith, John, Judge.*

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

NONPRECEDENTIAL OPINION

JOHNSON, Judge

Nicole Corine Puckett¹ pleaded guilty to fourth-degree assault of a peace officer. On appeal, she challenges the validity of her plea. We conclude that Puckett’s guilty plea is accurate because it has an adequate factual basis. Therefore, we affirm.

FACTS

The complaint in this case alleges as follows. On April 7, 2023, an off-duty police officer reported that Puckett was driving “all over the road,” crossing both the center line and the fog line, in the city of Park Rapids. Officer Farden responded to the report and saw Puckett’s vehicle parked in front of an apartment building. The officer saw Puckett remove a case of beer and a case of alcoholic seltzer from the vehicle and walk toward the apartment building.

When Officer Farden approached Puckett, she immediately was confrontational toward him. Officer Farden noticed that she had glossy eyes, poor balance, and slurred speech and that she smelled strongly of alcohol. Officer Farden administered field sobriety tests, which indicated impairment. Puckett submitted to a preliminary breath test, which indicated an alcohol concentration of 0.128.

¹The case caption in the district court identifies the plaintiff as “Nicole Corrine Puckett.” The caption of this opinion conforms to the caption used in the district court, as required by the rules of appellate procedure. *See* Minn. R. Civ. App. P. 143.01. But appellant’s testimony indicates that she spells her middle name “Corine.” Thus, we use her preferred spelling in the body of this opinion.

Officer Farden arrested Puckett for driving while impaired. As he did so, Puckett tried to pull away from him, refused to follow his commands, and yelled loudly. Puckett was transported to the county jail. After she was removed from a squad vehicle at the jail, she spit on Officer Farden's left leg.

Officer Farden sought and obtained a warrant authorizing a search of Puckett's blood or urine. Puckett refused to submit to the tests, saying to Officer Farden, "I refuse your f---ing test." She also said that she would spit in Officer Farden's face.

The state charged Puckett with the felony-level offense of fourth-degree assault of a peace officer, in violation of Minn. Stat. § 609.2231, subd. 1(c)(2) (2022), and second-degree refusal to submit to chemical testing, in violation of Minn. Stat. § 169A.20, subd. 2(2) (2022).

In March 2024, the parties entered into a plea agreement by which Puckett agreed to plead guilty to fourth-degree assault of a peace officer and the state agreed to dismiss the test-refusal charge and to request a stay of imposition on the assault charge. At the outset of the plea hearing, Puckett stated her intention to plead guilty to fourth-degree assault of a peace officer. Puckett stated under oath that she had had an opportunity to review the complaint and that the complaint is true and accurate. In response to questions asked by the prosecutor, she admitted that, while in the sally port of the county jail, she spit at Officer Farden and that her spit landed on his left leg.

One month later, before sentencing, Puckett moved to withdraw her guilty plea on the ground that she did not understand the terms of the plea agreement when she entered her plea. In June 2024, the district court denied the motion.

At a sentencing hearing in July 2024, the district court ordered a stay of imposition of sentence and placed Puckett on supervised probation for three years, with conditions. The following month, Puckett admitted an allegation that she violated a condition of her probation. The district court revoked her probation, imposed a one-year sentence, and, at Puckett's request, executed the sentence. Puckett appeals from the judgment of conviction and sentence.

DECISION

Puckett's primary argument on appeal is that her guilty plea is invalid. She does not challenge the district court's pre-sentence denial of her motion to withdraw her plea. Rather, she argues only that the requirements of a constitutionally valid guilty plea are not satisfied. A criminal offender may challenge the validity of a guilty plea on direct appeal without having filed, or without regard for, a motion to withdraw the plea. *State v. Farnsworth*, 738 N.W.2d 364, 371-72 (Minn. 2007); *Brown v. State*, 449 N.W.2d 180, 182 (Minn. 1989).

A guilty plea is valid if it is "accurate, voluntary and intelligent." *State v. Ecker*, 524 N.W.2d 712, 716 (Minn. 1994) (citing *State v. Trott*, 338 N.W.2d 248, 251 (Minn. 1983)). If a guilty plea does not satisfy any one of these three requirements, the plea is invalid. *State v. Theis*, 742 N.W.2d 643, 650 (Minn. 2007). The defendant bears the burden of proving that a guilty plea is invalid. *State v. Epps*, 977 N.W.2d 798, 801 (Minn. 2022). This court applies a *de novo* standard of review when determining the validity of a guilty plea. *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010).

In this case, Puckett argues that her guilty plea is invalid on the ground that the accuracy requirement is not satisfied. To satisfy the accuracy requirement, a guilty plea “must be established on a proper factual basis.” *Id.* A proper factual basis exists if there are “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). Stated differently, a proper factual basis exists “if the record contains a showing that there is credible evidence available which would support a jury verdict that defendant is guilty of at least as great a crime as that to which he pled guilty.” *Nelson v. State*, 880 N.W.2d 852, 859 (Minn. 2016) (quotation omitted). This standard is satisfied if a defendant admits the facts necessary for a finding of guilt or if such facts may be inferred from the admitted facts. *See id.* at 859-61. To ensure a proper factual basis, a district court “must make certain that facts exist from which the defendant’s guilt of the crime charged can be reasonably inferred.” *Id.* at 861 (quotation omitted).

A person commits felony fourth-degree assault of a peace officer if he or she “intentionally throws or otherwise transfers bodily fluids or feces at or onto” a person who is a licensed Minnesota peace officer and is “effecting a lawful arrest or executing any other duty imposed by law.” Minn. Stat. § 609.2231, subd. 1(a), (c)(2). The word “intentionally” is defined by statute to mean that the defendant “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).

Puckett contends that the factual basis of her plea is inadequate on the ground that it does not establish that she *intentionally* spat at Officer Farden. She contends that her

plea colloquy does not make clear that she did not inadvertently spit or that her spit did not land on Officer Farden by coincidence. The offense of fourth-degree assault of a peace officer is a general-intent crime. *State v. Cogger*, 802 N.W.2d 407, 411 (Minn. App. 2011), *rev. denied* (Minn. Mar. 28, 2012). Accordingly, the defendant “need not intend that the spitting produce a specific result,” and “the only intent necessary under the statute is to intentionally engage in the prohibited conduct of throwing or otherwise transferring bodily fluids” at or onto a peace officer. *Id.* at 411.

A defendant’s intent “is generally proved by inferences drawn from a person’s words or actions in light of all of the surrounding circumstances.” *Nelson*, 880 N.W.2d at 860 (quotation omitted). In evaluating the adequacy of the factual basis, this court is not limited to a defendant’s admissions. We also may consider the allegations in a complaint if a defendant admits that the allegations are truthful and accurate. *Ibrahim v. State*, 14 N.W.3d 294, 302-03 (Minn. App. 2024); *Rosendahl v. State*, 955 N.W.2d 294, 302 (Minn. App. 2021). Puckett admitted at the plea hearing that the complaint is true and accurate. The complaint provides more information about the circumstances of Puckett’s spitting than her plea colloquy. The complaint states that she previously had resisted arrest by trying to pull away from Officer Farden, refusing to follow his commands, and yelling loudly. When Officer Farden later asked her whether she would submit to chemical testing, she refused with profanity and by threatening to spit in Officer Farden’s face. These facts, in addition to Puckett’s admission at the plea hearing, allow for a reasonable inference that Puckett intentionally spat at or onto Officer Farden at the county jail. *See Nelson*, 880 N.W.2d at 859-61.

Puckett also contends that the factual basis of her plea is inadequate on the ground that she made a statement at the plea hearing that negates a reasonable inference that she intentionally spit at or onto Officer Farden. The factual basis of a guilty plea may be inadequate if “the defendant makes statements that negate an essential element of the charged crime.” *State v. Jones*, 7 N.W.3d 391, 396 (Minn. 2024) (quoting *Iverson*, 664 N.W.2d at 350). Puckett refers to a moment during the plea hearing when, in response to the district court’s question about why she spat at Officer Farden, she stated, “When I drink, I spit a lot.” That statement does not negate the general-intent element of fourth-degree assault of a peace officer. The statement could mean that she tends to inadvertently spit a lot when drunk, but it also could mean that she intentionally spits a lot when drunk because she is more confrontational when drunk. In any event, Puckett’s statement must be considered in the context of the entire record, including the facts alleged in the complaint, which she admitted are true and which reveal conduct that is consistent with intentional spitting.

Thus, Puckett’s guilty plea is not invalid on the ground that there is an inadequate factual basis.

Puckett also asserts a claim of ineffective assistance of counsel. She argues that the attorney who represented her in connection with her motion to withdraw her guilty plea performed deficiently by not challenging the accuracy of her guilty plea. But Puckett also makes a conditional concession that, if this court were to conclude that there is an adequate factual basis for her guilty plea, she could not prove the second requirement of her claim of ineffective assistance of counsel: that her attorney’s deficient performance “prejudiced

the defense.” *See Strickland v. Washington*, 466 U.S. 668, 687 (1984). We have concluded above that there is an adequate factual basis for Puckett’s guilty plea. Thus, Puckett cannot prove a claim of ineffective assistance of counsel.

Affirmed.