

*This opinion is nonprecedential except as provided by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
A24-1516**

State of Minnesota,
Respondent,

vs.

Matthew Joel Hall,
Appellant.

**Filed December 22, 2025
Affirmed
Connolly, Judge**

Washington County District Court
File No. 82-CR-23-3831

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

Kevin M. Magnuson, Washington County Attorney, Andrew T. Jackola, Assistant County Attorney, Stillwater, Minnesota (for respondent)

Chelsey A. Fischbach, Christa J. Groshek, Groshek Law, P.A., Minneapolis, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Larson, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

On appeal from multiple convictions of possession of child pornography and disseminating pornographic work depicting a minor under the age of 14, and following a stay of appeal and remand for postconviction proceedings, appellant argues that the district

court abused its discretion in (1) summarily denying his postconviction petition because he received ineffective assistance of counsel and (2) denying his request for a downward dispositional departure. Because we discern no abuse of discretion, we affirm.

FACTS

In October 2023, respondent State of Minnesota charged appellant Matthew Joel Hall with seven counts of felony possession of pornographic work depicting a minor under the age of 14, and three counts of disseminating pornographic work depicting a minor under the age of 14. Without any agreement with respondent, appellant entered “straight” guilty pleas to all charged offenses. At sentencing, the district court denied appellant’s request for a downward dispositional departure and, after *Hernandizing* appellant’s criminal-history score,¹ sentenced appellant to 153 months in prison.

After filing this appeal, appellant moved to stay the appeal so that he could pursue postconviction relief. This court granted the motion, and appellant filed a postconviction petition in district court arguing that he should be allowed to withdraw his guilty plea because he received ineffective assistance of counsel. Specifically, appellant argued that his counsel was ineffective because he failed to conduct a thorough investigation of the alleged unlawful material possessed by appellant to confirm that the material was

¹ “*Hernandizing*” is a method of sentencing whereby district courts, when sentencing a criminal defendant for multiple felony convictions at the same time, use each of the defendant’s convictions—assuming the convictions are not part of the same behavioral incident—to calculate each ensuing criminal-history score for presumptive sentencing under the guidelines. *State v. Hernandez*, 311 N.W.2d 478, 479 (Minn. 1981).

consistent with child pornography. The district court summarily denied appellant's petition for postconviction relief, and this court subsequently dissolved the stay of this appeal.

DECISION

I.

Appellant challenges the district court's summary denial of his postconviction petition. This court reviews 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). The district court will not be reversed 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 postconviction petition may be summarily denied if "the petition and the files and records of the proceedings conclusively show that the petitioner is entitled to no relief." Minn. Stat. § 590.04, subd. 1 (2024).

"The Sixth Amendment to the United States Constitution and Article I, section 6, of the Minnesota Constitution guarantee a criminal defendant 'the right to the effective assistance of counsel.'" *Taylor v. State*, 887 N.W.2d 821, 823 (Minn. 2016) (quoting *Strickland v. Washington*, 466 U.S. 668, 686 (1984)). To establish that counsel was ineffective under the two-prong *Strickland* test, appellant must show that (1) his trial counsel's performance "fell below an objective standard of reasonableness" and (2) but for counsel's unreasonable performance, there is a reasonable probability that the result of the proceeding would have been different. *Strickland*, 466 U.S. at 687-88, 694. "A court may address the two prongs of the test in any order and may dispose of the claim on one prong

without analyzing the other.” *Schleicher v. State*, 718 N.W.2d 440, 447 (Minn. 2006). “Because claims of ineffective assistance of counsel are mixed questions of law and fact, [appellate courts] review the postconviction court’s legal conclusions on such questions de novo.” *State v. Nicks*, 831 N.W.2d 493, 503 (Minn. 2013).

Appellant argues that by admittedly “not review[ing] the alleged pornographic works that support[ed] the charges in the complaint,” his trial counsel’s performance fell below an objective standard of reasonableness, which led to appellant “blindly” pleading “guilty to possessing/disseminating items that may not even constitute child pornography.” But assuming, without deciding, that appellant’s trial counsel’s performance was deficient, appellant is entitled to relief only if he can show “that a reasonable probability exists that the outcome would have been different but for counsel’s errors.” *State v. Sardina-Padilla*, 7 N.W.3d 585, 603 (Minn. 2024) (quotation omitted). In the context of a guilty plea, a defendant must show, “a reasonable possibility that, but for counsel’s errors, he would not have pleaded guilty and would have insisted on going to trial.” *Campos v. State*, 816 N.W.2d 480, 486 (Minn. 2012) (quotation omitted).

Here, appellant did not allege in this postconviction petition and does not argue on appeal that, but for counsel’s errors, appellant would not have pleaded guilty. Instead, appellant contends that, if trial counsel had viewed, and then contested, the alleged child pornography, he “may” have received a shorter sentence because some of the charges “may” have been dismissed. Specifically, appellant refers to counts III and IV; count III alleged that appellant possessed “[a] 28 second video containing a nude prepubescent female fondling her breasts and genitals,” and count IV alleged that appellant possessed

“[a] 48 second video of an adult male touching a nude female child’s genitals.” Appellant argues that count III “should have been contested because touching one’s breasts does not constitute pornographic work.” And appellant claims that count IV should have been contested because the “video description . . . is vague and may not constitute pornographic work, if the nature of the touching was for example conducted for the purpose of caregiving.”

We are not persuaded. Under Minnesota law, it is unlawful to possess pornographic work involving “a minor under the age of 14 years.” Minn. Stat. § 617.247, subd. 4(b)(3) (2022). “Pornographic work” includes video that “uses a minor to depict actual or simulated sexual conduct.” Minn. Stat. § 617.246, subd. 1(f)(2)(i) (2022). And “sexual conduct” includes “physical contact with the . . . unclothed pubic areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex . . . in an act of apparent sexual stimulation or gratification.” *Id.*, subd. 1(e)(5) (2022).

Here, appellant does not dispute that the females in the videos are minors under the age of 14. And the descriptions of the videos are at least sufficient to establish probable cause that the videos constitute pornographic work because the descriptions establish that the minors were engaged in “sexual conduct” as defined in section 617.246, subdivision 1(e)(5). Because the descriptions of the videos establish probable cause that the videos contained depictions of child pornography, appellant is unable to show a reasonable probability that a motion to dismiss counts III and IV would have been successful. Although appellant claims that the content of the videos in counts III and IV may show

something other than sexual conduct, such as “caregiving” or simply “[t]ouching one’s breasts,” any factual dispute regarding whether the videos constitute child pornography would have been submitted to the finder of fact. Appellant fails to establish a reasonable probability that the finder of fact would conclude that the videos do not contain depictions of child pornography. Thus, appellant fails to establish a reasonable probability that, had trial counsel viewed the videos described in counts III and IV, he would not have pleaded guilty to these counts.

As to the remaining eight counts to which appellant pleaded guilty, appellant asserts that the evidence should have been “reviewed to confirm accuracy in description.” But appellant does not claim that a review of the evidence would have demonstrated that the descriptions were inaccurate or that the evidence failed to establish probable cause. And appellant does not claim that he would not have pleaded guilty to these counts if his trial counsel had viewed this evidence. In other words, appellant does not even claim that the result of the proceeding would have been different. Rather, he simply speculates that the descriptions alleged in the complaint may be inaccurate. Appellant’s speculation is insufficient to establish that the result of the proceeding would have been different but for counsel’s failure to review the evidence alleged in the complaint. *See Swaney v. State*, 882 N.W.2d 207, 218 (Minn. 2016) (concluding that the defendant failed to satisfy his burden of proving a reasonable probability that, had certain records been obtained, the result of the trial would have been different because such a conclusion was based on “nothing more than speculation”); *see also Gates v. State*, 398 N.W.2d 558, 563 (Minn. 1987) (stating that it is not proper to reverse a conviction on speculation that an investigation might have

found evidence that would have helped the defendant's case). Therefore, appellant has failed to meet his burden to show that he was denied the effective assistance of counsel.

Appellant further argues that the district court abused its discretion by denying his request for an evidentiary hearing on his petition for postconviction relief. But again, an ineffective-assistance-of-counsel claim fails if either one of the *Strickland* prongs is not satisfied. *Schleicher*, 718 N.W.2d at 447. As addressed above, appellant's petition and the files and records of the proceedings conclusively show that appellant has failed to establish the second prong of the *Strickland* test. As such, the district court did not abuse its discretion by summarily denying appellant's petition for postconviction relief.

II.

Appellant challenges the district court's denial of his request for a downward dispositional departure. We review sentencing decisions for an abuse of discretion. *State v. Soto*, 855 N.W.2d 303, 307-08 (Minn. 2014). Only in a rare case will we reverse a district court's refusal to depart. *State v. Abrahamson*, 758 N.W.2d 332, 337 (Minn. App. 2008), *rev. denied* (Minn. Mar. 31, 2009).

The district court "must order the presumptive sentence provided in the sentencing guidelines unless substantial and compelling circumstances warrant a departure." *State v. Pegel*, 795 N.W.2d 251, 253 (Minn. App. 2011) (quotation omitted). "Substantial and compelling circumstances are those circumstances that make the facts of a particular case different from a typical case." *State v. Olson*, 765 N.W.2d 662, 664 (Minn. App. 2009) (quotation omitted). A downward dispositional departure is appropriate when a defendant is "particularl[y] amenable to individualized treatment in a probationary setting." *Soto*,

855 N.W.2d at 308 (quotation omitted). Factors that may indicate a particular amenability to probation include the defendant’s “age, . . . prior record, . . . remorse, . . . cooperation, . . . attitude while in court, and the support of friends and/or family.” *State v. Trog*, 323 N.W.2d 28, 31 (Minn. 1982).

Appellant argues that the district court abused its discretion “by not finding substantial and compelling circumstances to depart” because he “positively demonstrated all of the *Trog* factors beyond a substantial and compelling standard.” We disagree. A district court is not required to grant a downward dispositional departure even if a defendant is particularly amenable to probation. *Olson*, 765 N.W.2d at 664-65. Moreover, the district court here specifically found that appellant is not “particularly amenable to probation.” Instead, the district court found that a “guideline sentence is appropriate . . . given the nature of the charges, the number of counts that appellant [pleaded] to, and the lack of insight that he has into his own criminal behavior.” In making this determination, the district court recognized the recommendation in the psychological and psychosexual evaluation but declined to adopt it because it was “based on self-reporting.” And the district court declined to find “credible” the reasons appellant provided for joining the social media application through which the child pornography was accessed. Finally, although the pre-sentence investigation stated that appellant is “amenable to community-based supervision,” it recommended that appellant be sentenced to prison. The district court’s explanations for denying appellant’s motion for a downward dispositional departure demonstrate that the court carefully evaluated all the information presented in making its decision. *See State v. Van Ruler*, 378 N.W.2d 77, 80-81 (Minn. App. 1985)

(stating that this court will affirm “as long as the record shows the [district] court carefully evaluated all the testimony and information presented before making a determination”). Accordingly, appellant has not shown that this is the rare case in which the district court abused its discretion in denying appellant’s motion for a downward dispositional departure.

Affirmed.