

*This opinion is nonprecedential except as provided by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
A24-1773**

James Ervin Owen, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed July 28, 2025
Affirmed
Bond, Judge**

Stearns County District Court
File No. 73-CR-19-8297

Cathryn Middlebrook, Chief Appellate Public Defender, Jessica Merz Godes, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

Janelle P. Kendall, Stearns County Attorney, Michael J. Lieberg, Chief Deputy County Attorney, St. Cloud, Minnesota (for respondent)

Considered and decided by Ede, Presiding Judge; Slieter, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

BOND, Judge

On appeal from the district court's order denying his petition for postconviction relief without an evidentiary hearing, appellant argues that the district court abused its discretion because he alleged facts sufficient to show that his jury-trial waiver was not knowing, voluntary, and intelligent. We conclude that the district court did not abuse its

discretion by summarily denying appellant's postconviction petition because the facts alleged in appellant's petition do not affect the validity of his jury-trial waiver under Minn. R. Crim. P. 26.01, subd. 3. We therefore affirm.

FACTS

In 2019, respondent State of Minnesota charged appellant James Ervin Owen with theft of a firearm, unlawful firearm possession, and reckless discharge of a firearm. In January 2020, the district court found Owen incompetent to proceed under Minn. R. Crim. P. 20.01 and suspended the criminal proceedings. In June 2020, Owen was restored to competency and the proceedings resumed. Owen waived omnibus issues at a hearing in December 2020.

In August 2021, Owen pleaded guilty to unlawful firearm possession with the agreement that he could seek a downward dispositional departure at sentencing. At a hearing in October 2021, the district court informed the parties that it lacked authority to grant a downward dispositional departure because of Owen's prior conviction involving a firearm. *See* Minn. Stat. § 609.11, subd. 8(b) (2018) (providing that district courts may not depart from the mandatory minimum sentence if the defendant has been convicted of certain offenses involving firearms). The district court granted Owen's motion to withdraw his guilty plea.

On April 26, 2022, Owen appeared for a jury trial and stipulated to his prior conviction making him ineligible to possess a firearm. Owen indicated that, because he wanted to personally question witnesses, he might discharge counsel and represent himself. The district court recessed to give Owen time to talk with his attorney. When the hearing

resumed, the district court indicated that Owen had decided to proceed with a trial based on stipulated facts under Minn. R. Crim. P. 26.01, subd. 3(b). The following exchange occurred:

THE COURT: I understand that, Mr. Owen, you've had a chance to talk with your attorney, and that it's my understanding that you are simply wanting to make sure you preserve any issues that you have for appeal, but aren't necessarily contesting the facts at this time. Is that my understanding?

OWEN: Yes, Your Honor.

THE COURT: All right. I think—I had a chance to discuss with counsel in chambers how we want to proceed today in light of the fact that you are interested in waiving your right to a jury trial and proceeding in that way. . . . I wanted to give your attorney some time to meet with you and make sure that everything is done correctly in presenting that to the Court [I]s that what you want to do today, sir?

OWEN: It would give me the right in the future to appeal anything as far as these proceedings at this point—

THE COURT: I have to see what the attorneys put together for us, and we will address that when we come back this afternoon, but it's my understanding that that's what you want to work on, correct?

OWEN: That is all I want, Your Honor.

THE COURT: Okay. . . . What I would be most interested in, I think, when we're discussing this afternoon is, you know, under *Lothenbach* there is that standard that the issue is contested is dispositive, and I think that it's something that we're going to need to kind of talk about. Go ahead, [defense counsel].

DEFENSE COUNSEL: We actually would just go under Minnesota Rules of Criminal Procedure. It's 26—

THE COURT: The subpart A, the stipulated facts trial?

DEFENSE COUNSEL: Right, subdivision 3.

THE COURT: 3(a)? That's how you're thinking you'd proceed?

DEFENSE COUNSEL: Well, 3(b). I mean it's really—because, like, if you turn to then F, “If the Court finds the defendant guilty based entirely on the stipulated facts, stipulated evidence, or both, the defendant may appeal from the judgment of conviction and raise issues on appeal as from any trial to the Court.”

THE COURT: Okay. So that's the rule under which you're contemplating we'll proceed today?

DEFENSE COUNSEL: Correct.

The court recessed for nearly three hours to allow Owen to consult with his attorney and prepare the stipulated facts for trial. When the court reconvened, Owen waived his right to a jury trial. Owen's counsel confirmed with Owen that Owen had an opportunity to review and complete a written waiver of his right to a jury trial. In the written waiver and on the record, Owen confirmed that he had been advised of his right to trial by jury and, after having had an opportunity to consult with counsel, was waiving that right. Owen also confirmed he understood that if the court found him guilty based on stipulated facts, he could “appeal from the judgment of conviction and raise issues on appeal as from any trial to the Court.” When the court confirmed with Owen that the checked boxes on the written waiver reflected his intentions, Owen replied, “As long as I have my right to appeal, yes.”

The state dismissed the charges of theft of a firearm and reckless discharge and the district court took the matter under advisement based on the stipulated facts. On April 29, 2022, the district court found Owen guilty of unlawful firearm possession. The court

sentenced Owen to 60 months in prison. Owen filed a notice of appeal but later voluntarily dismissed his appeal.

On June 20, 2024, Owen filed a petition for postconviction relief and a supporting affidavit. In his petition, Owen alleged that his jury-trial waiver was not knowing, intelligent, and voluntary because he “did not understand when he waived his right to a jury trial and stipulated to the state’s facts and evidence that he would not be able to raise issues on appeal that had not been litigated in the first instance in district court.” Owen recited the facts of his jury-trial waiver as described above and averred that, when he completed the waiver, he thought he “could thereafter litigate on appeal any issues related to the case,” including the admissibility of his statements to law enforcement and “whether [his] right to due process had been violated by requiring [him] to undergo multiple Rule 20 examinations.” He alleged that, when he filed his direct appeal, he learned that he could not raise on appeal any of the issues he had intended to appeal when he waived his jury-trial right “because those issues had not been raised or litigated in the district court.”

The district court denied Owen’s postconviction petition without an evidentiary hearing. The court determined that Owen’s petition did not allege facts that, if proven, would entitle him to relief because there was no factual dispute that his waiver complied with Minn. R. Crim. P. 26.01, subd. 1(2)(a), and it was knowing, voluntary, and intelligent. The court reasoned that the misunderstandings Owen alleged in his petition had no effect on the validity of his jury-trial waiver because he had the same right to appeal issues as he would have had after a jury trial.

Owen appeals.

DECISION

We review the summary denial of a petition for postconviction relief for an abuse of discretion. *State v. Nicks*, 831 N.W.2d 493, 503 (Minn. 2013). “A district court abuses its discretion when 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.” *Davis v. State*, 15 N.W.3d 635, 642 (Minn. 2025) (quotation omitted). We review the district court’s factual findings for clear error and its legal determinations de novo. *Bonga v. State*, 797 N.W.2d 712, 718 (Minn. 2011).

When a defendant files a petition for postconviction relief, the district court must hold an evidentiary hearing “[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 (2022). In determining whether to hold a hearing, the district court must consider “the facts alleged in the petition as true and [construe] them in the light most favorable to the petitioner.” *Andersen v. State*, 913 N.W.2d 417, 422-23 (Minn. 2018) (quotation omitted). A district court “may summarily deny a petition without holding an evidentiary hearing when the petitioner alleges facts that, if true, are legally insufficient to grant the requested relief.” *Davis*, 15 N.W.3d at 642 (quotation omitted).

Owen argues that he is entitled to an evidentiary hearing on his postconviction petition because he alleged facts sufficient to establish that his jury-trial waiver was invalid. When, as here, a case is submitted to a district court on stipulated facts, the defendant must waive their right to a jury trial. *State v. Sandmoen*, 390 N.W.2d 419, 423-24 (Minn. App. 1986); Minn. R. Crim. P. 26.01, subd. 3(b). A defendant’s waiver of their jury-trial right

must “be knowing, intelligent and voluntary.” *State v. Ross*, 472 N.W.2d 651, 653 (Minn. 1991); *see also Brady v. United States*, 397 U.S. 742, 748 (1970). The waiver must be done “personally, in writing or on the record in open court, after being advised by the court of the right to trial by jury, and after having had an opportunity to consult with counsel.” Minn. R. Crim. P. 26.01, subd. 1(2)(a).

The “focus” of a court’s colloquy with a defendant advising them of their jury-trial right “is on whether the defendant understands the basic elements of a jury trial.” *Ross*, 472 N.W.2d at 654. In general, “[a] waiver made in compliance with Rule 26.01, subdivision 1(2)(a), meets the knowing, voluntary, and intelligent requirement.” *State v. Thompson*, 720 N.W.2d 820, 827 (Minn. 2006). But ultimately, “[w]hether a waiver of a constitutional right was knowing, intelligent, and voluntary depends on the facts and circumstances of the case, including the background, experience, and conduct of the accused.” *State v. Little*, 851 N.W.2d 878, 882 (Minn. 2014).

Owen contends that his waiver was invalid because, when he waived his right to a jury trial, he thought he would be able to appeal any issue in the case, including issues surrounding his rule 20 evaluations and the admissibility of his statements to police, even if those issues had not been raised to the district court. Owen alleged that he first learned that he would not be able to raise those issues on appeal because he had not presented them to the district court when he initiated his direct appeal.

For three reasons, we conclude that the district court did not abuse its discretion when it denied Owen’s postconviction petition without a hearing. First, Owen’s jury-trial waiver complied with rule 26.01, subdivision 1(2)(a). After Owen decided to proceed with

a stipulated-facts trial, the district court recessed for nearly three hours to allow him time to consult with his attorney. When the court recalled the case, Owen’s attorney went through his written jury-trial waiver with him on the record, asking Owen to confirm his understanding that he has the “right to a 12-person jury trial” at which the jurors “would hear testimony from the various witnesses that would be called by the State,” that he “would have the ability to subpoena witnesses” to testify and “would have the ability to testify” himself, “would have the right to a unanimous verdict,” would have “the right to have the State prove by proof beyond a reasonable doubt” his prior conviction, and that by going forward with a stipulated-facts trial, he was waiving all those rights. Owen confirmed he understood each component of his jury-trial right, that he was waiving that right, and that he had had time to consult with his attorney in making the decision to do so. The facts Owen alleged in his petition are not related to his understanding of any of the “basic elements” of his jury-trial right or to his time to consult with his attorney. Therefore, Owen’s waiver satisfied rule 26.01, subdivision 1(2)(a).

Second, Owen’s jury-trial waiver was valid under *Little*. We agree with Owen that the district court could have more explicitly considered “the facts and circumstances of the case, including the background, experience, and conduct of the accused” when considering the validity of Owen’s jury-trial waiver. 851 N.W.2d at 882. But Owen did not allege any facts in his postconviction petition or accompanying affidavit related to his background or experience that might render his jury-trial waiver invalid. Instead, Owen argued that his jury-trial waiver was unintelligent because he was unaware that he could not argue issues on appeal that had not been raised in the district court.

Third, the scope of an appeal from the judgment of conviction after a stipulated-facts trial is the same “as from any trial to the court.” Minn. R. Crim. P. 26.01, subd. 3(f). Consistent with this provision, Owen expressly confirmed when he waived his jury-trial rights that he understood, if the court found him guilty based on stipulated facts, that he could “appeal from the judgment of conviction and raise issues on appeal as from any trial to the court.”

In this case, Owen waived omnibus issues and he did not move to suppress his statements to the police or challenge the rule 20 evaluations in district court. Thus, even if Owen had exercised his right to a jury trial, he generally would not have been able to obtain appellate review of issues he failed to raise in the district court. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (providing that “[a] reviewing court must generally consider only those issues that the record shows were presented and considered by the trial court in deciding the matter before it” (quotation omitted)); *State v. Roby*, 463 N.W.2d 506, 508 (Minn. 1990) (stating that an appellate court does not “decide issues which are not first addressed by the trial court and are raised for the first time on appeal even if the issues involve constitutional questions regarding criminal procedure” (quoting *State v. Sorenson*, 441 N.W.2d 455, 457 (Minn. 1989))). Owen does not direct us to any authority, and we have found none, establishing that a defendant’s jury-trial waiver is unintelligent if the defendant is not informed about appellate issue-preservation rules that apply in an appeal from the judgment of conviction after a stipulated-evidence trial.

We therefore conclude that the district court did not abuse its discretion in determining that, even if the facts alleged in Owen’s postconviction petition were proved,

Owen is not entitled to relief because his unawareness of appellate issue-preservation rules does not render his jury-trial waiver under Minn. R. Crim. P. 26.01, subd. 3, invalid.

Affirmed.