

*This opinion is nonprecedential except as provided by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
A24-1987**

Eric Dow Johnson, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

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

Hennepin County District Court
File No. 27-CR-20-26368

Eric Johnson, Lino Lakes, Minnesota (pro se appellant)

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

Mary F. Moriarty, Hennepin County Attorney, Mark V. Griffin, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Considered and decided by Johnson, Presiding Judge; Worke, Judge; and Smith, Tracy M., Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant challenges the denial of his petition for postconviction relief, arguing that the district court abused its discretion by concluding that his claim is *Knaffla*-barred. We affirm.

FACTS

Respondent State of Minnesota charged appellant Eric Dow Johnson in Hennepin County District Court with two counts of third-degree criminal sexual conduct. After the charges were filed, two additional individuals reported that Johnson had sexually assaulted them in Meeker County between 2003 and 2006. Johnson was not charged in those cases.

Johnson pleaded guilty to the Hennepin County charges. The plea agreement called for concurrent prison sentences of 57 and 70 months, along with conditional release. The agreement also included a promise that the state would not charge Johnson in one of the Meeker County cases. In addition, the state offered not to charge Johnson in the remaining Meeker County case as well, but Johnson would have to agree to the 70-month sentence being increased to 90 months.

Johnson pleaded guilty, and the district court accepted his plea. Prior to sentencing, Johnson moved to withdraw his plea, arguing, among other things, that the terms related to the Meeker County cases constituted an improper inducement that rendered the plea involuntary. The district court denied the motion, sentenced Johnson to concurrent prison terms of 57 months and 70 months, and imposed a lifetime conditional-release period. The 90-month provision in the agreement was not exercised. Johnson appealed both convictions. We consolidated the appeals and granted his motion to stay the appeal while he pursued postconviction relief.

In his first postconviction petition, Johnson argued that the district court's imposition of a lifetime conditional-release period was improper and that he was entitled to resentencing. The district court denied the petition and we reinstated his direct appeal.

On direct appeal, Johnson challenged the district court’s denial of his motion to withdraw his plea, arguing that the state’s promise in the plea agreement not to charge him in one of the Meeker County cases was illusory and rendered his plea involuntary. *State v. Johnson*, No. A23-0025, 2024 WL 227998, at *2-4 (Minn. App. Jan. 22, 2024). We affirmed the district court. *Id.*

After the conclusion of his direct appeal, Johnson filed a second postconviction petition, arguing that the district court sentenced him for uncharged conduct and that his plea was coerced. Regarding his coercion claim, Johnson alleged that his attorney was not prepared for trial and that, when advising Johnson on the plea agreement, his attorney “insisted” that if he did not take the agreement, he would be sentenced to 24 years in prison. The district court denied postconviction relief, concluding that Johnson’s claims were meritless and procedurally barred by *State v. Knaffla*, 243 N.W.2d 737, 741 (Minn. 1976).

Johnson filed a third postconviction petition, again seeking to withdraw his plea. He reasserted his claim that his attorney coerced his plea and argued that his attorney’s coercion and unpreparedness for trial constituted ineffective assistance of counsel (IAC). To support his claim, Johnson alleged that, in a recorded phone call with his attorney, his attorney admitted that he coerced Johnson and was unprepared for trial. Johnson provided no evidence of the phone call. The district court denied the petition, again concluding that Johnson’s claims were meritless and *Knaffla*-barred. This appeal followed.

DECISION

“We review a [district] court’s summary denial of a petition for postconviction relief for an abuse of discretion.” *Andersen v. State*, 913 N.W.2d 417, 422 (Minn. 2018). “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.” *Pearson v. State*, 891 N.W.2d 590, 596 (Minn. 2017) (quotation omitted). We review legal issues de novo and factual findings for clear error. *Id.*

“[A] [district] court may summarily deny a claim that is procedurally barred by the *Knaffla* rule.” *Id.* at 597. “Under the *Knaffla* rule, once a direct appeal has been taken, all claims raised in the direct appeal and all claims that were known or should have been known but were not raised in the direct appeal are procedurally barred.” *Id.* (quotation omitted). Additionally, “claims asserted in a second or subsequent postconviction petition are procedurally barred if they could have been raised on direct appeal or in the first postconviction petition.” *Schleicher v. State*, 718 N.W.2d 440, 449 (Minn. 2006).

Here, Johnson bases his coercion and IAC claims on statements that he alleges his attorney made when advising him on his plea. But because Johnson received his attorney’s statements personally, he knew or should have known of both claims at the time he filed his direct appeal and first postconviction petition. His claims are therefore *Knaffla*-barred unless he can demonstrate that an exception to the *Knaffla* rule applies.

The *Knaffla* bar is subject to two exceptions. Courts may consider a claim if (1) the claim “is so novel that its legal basis was not reasonably available at the time of the direct appeal,” or (2) “hearing the claim is in the interest of justice because fairness so requires and the petitioner did not deliberately and inexcusably fail to raise the issue on direct appeal.” *Crow v. State*, 923 N.W.2d 2, 9-10 (Minn. 2019) (quotations omitted).

Johnson argues that his claims satisfy both exceptions. First, he contends that his claims satisfy the novel-legal-theory exception because he presented “new evidence” in the form of the phone call in which his attorney allegedly admitted to coercing him and to being unprepared for trial. He argues that, because this evidence was not available when he filed his direct appeal and prior petitions, “the legal basis [for his claims] was not available.” Johnson misunderstands the exception. His “new evidence” adds to the *factual* basis of his claims, not the *legal* basis. Therefore, his argument under the novel-legal-theory exception fails.

Next, Johnson argues that his claims fall under the interest-of-justice exception because his new evidence is outside the district court’s record and his claim therefore cannot be resolved without an evidentiary hearing.

Johnson’s coercion claim does not satisfy the interest-of-justice exception because he knew or should have known of the claim at the time he filed his direct appeal, and he “offers no argument as to why his failure to raise this issue . . . on direct appeal was not deliberate and inexcusable.” *Swaney v. State*, 882 N.W.2d 207, 216 (Minn. 2016).

“[A]n ineffective assistance of counsel claim fits within the [interest-of-justice] exception to *Knaffla* if it cannot be determined from the district court record and requires additional evidence, such as that involving attorney-client communications.” *McKenzie v. State*, 754 N.W.2d 366, 369 (Minn. 2008) (quotation omitted). Such a claim “need not be brought on direct appeal and may be brought in a postconviction petition.” *Pearson*, 891 N.W.2d at 597. “But if such a claim could have been raised in a *previous*

postconviction petition, the *Knaffla* rule bars consideration of the claim in a subsequent petition for postconviction relief.” *Id.* (emphasis added).

Johnson’s IAC claim does not satisfy the interest-of-justice exception. Though his attorney’s alleged statements in the phone call are outside the district court’s record, the alleged statements are merely additional evidence of an IAC claim that arose before Johnson entered his plea, and that he therefore knew or should have known about but failed to raise in his direct appeal and prior postconviction petitions.

Because Johnson’s coercion and IAC claims are *Knaffla*-barred, and he cannot demonstrate that an exception to *Knaffla* applies, we conclude that the district court did not abuse its discretion by denying Johnson’s petition.

Affirmed.