

*This opinion is nonprecedential except as provided by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
A25-0024**

In the Matter of the Welfare of: T. J. D., Child.

**Filed July 28, 2025
Reversed and remanded
Reyes, Judge**

Anoka County District Court
File No. 02-JV-24-1297

Cathryn Middlebrook, Chief Appellate Public Defender, Laura Geyer Heinrich, Assistant Public Defender, St. Paul, Minnesota (for appellant T.J.D.)

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

Brad Johnson, Anoka County Attorney, Carl E. Erickson, Assistant County Attorney, Anoka, Minnesota (for respondent State of Minnesota)

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

NONPRECEDENTIAL OPINION

REYES, Judge

Appellant argues that he must be allowed to withdraw his guilty plea to domestic assault to correct a manifest injustice because he entered an inaccurate plea. We agree and reverse and remand to permit him to withdraw his guilty plea.

FACTS

Police arrested 17-year-old appellant T.J.D. on December 5, 2024, after he argued with his mother and she called the police. Respondent State of Minnesota charged him

with fear-based domestic assault. At a detention hearing on December 6, 2024, appellant pleaded not guilty. After spending the weekend in custody, at a detention hearing on December 9, 2024, appellant pleaded guilty to the domestic-assault charge and admitted to the following: on December 5, 2024, he had a friend over and was making them eggs; his mother became upset because he used the last of the eggs and started arguing with him about how he needed to get a job; he became upset, “exchanged a few words [with his mother], and she had [his] friend leave”; he yelled and swore at his mother “in front of her daycare,” which she runs out of their home; he smashed an egg carton on the ground; and he twice admitted that his actions put his mother in fear of bodily harm. No additional documents supplemented appellant’s plea colloquy. The district court found that appellant provided a sufficient factual basis of the assault, adjudicated him delinquent, and ordered probation for six months. This appeal follows.

DECISION

Appellant argues that he entered an inaccurate guilty plea to domestic assault because there was an insufficient factual basis that he intended his mother to fear immediate bodily harm, an element of the charged crime, and he must be allowed to withdraw it to correct a manifest injustice.¹ We agree.

Whether a guilty plea is valid is a question of law that this court reviews de novo. *State v. Brown*, 896 N.W.2d 557, 560 (Minn. App. 2017). There is no absolute right to

¹ Appellant also argues that his plea was unintelligent and that he received ineffective assistance of counsel. Because we agree that appellant’s plea was inaccurate and that he must be permitted to withdraw it, we need not address his other arguments.

withdraw a guilty plea. *State v. Raleigh*, 778 N.W.2d 90, 93 (Minn. 2010). However, “the court must allow a defendant to withdraw a guilty plea upon a timely motion and proof to the satisfaction of the court that withdrawal is necessary to correct a manifest injustice.” Minn. R. Crim. P. 15.05, subd. 1. “A manifest injustice exists when a guilty plea is not valid.” *State v. Jones*, 7 N.W.3d 391, 395 (Minn. 2024) (quotations omitted). To be valid, a guilty plea must be accurate, voluntary, and intelligent. *Id.* An accurate plea is one that is supported by a proper factual basis. *Id.* A proper factual basis includes sufficient facts in the record to support the conclusion that the defendant’s conduct meets the requirements of the charge to which he is pleading. *State v. Iverson*, 664 N.W.2d 346, 349 (Minn. 2003).

In Minnesota, a person is guilty of fear-based domestic assault when they “commit[] an act [against a family or household member] *with intent to cause fear* in [that person] of immediate bodily harm or death.”² Minn. Stat. § 609.2242, subd. 1(1) (2024) (emphasis added). The phrase “with intent to” is defined by statute as “the actor either has a purpose to do the thing or cause the result specified or believes that the act, if successful, will cause that result.” Minn. Stat. § 609.02, subd. 9(4) (2024). Assault-fear is a specific-intent crime. *State v. Fleck*, 810 N.W.2d 303, 311 (Minn. 2012). The “focal point for inquiry” for an assault-fear charge is the intent of the defendant, not the effect upon the victim. *Id.* at 308.

² As the state notes in its brief, “[t]he complaint and delinquency order cite subdivision 1(2), the assault-harm paragraph, instead of paragraph (1) for assault-fear. The charge has been treated as assault-fear throughout the proceedings in district court and T.J.D.’s brief, and the inaccurate citation does not undermine the validity of the plea. *See State v. Famuyiwa*, 15 N.W.3d 372, 378 (Minn. App. 2024).”

The factual basis for appellant’s guilty plea to assault was limited to the following information: he and his mother had an argument on December 5, 2024; he “was yelling and swearing in front of her daycare and her, and [he], like, smashed an egg carton on the ground”; he could not recall what he said to his mother during their argument, “[j]ust whatever [he]could”; and he did not lay his hands on his mother. The district court asked appellant, “And yelling, that would put [your mother] in fear of bodily harm; is that fair to say?” Appellant responded “Yeah.” After asking appellant if he put hands on his mother, the district court again asked, “You just put her in fear of bodily harm. Is that fair enough?” Appellant again responded “Yeah.”³ Appellant did not admit that he intended to cause his mother fear of bodily harm. Additionally, appellant did not acknowledge “the truth and accuracy of the facts of the complaint” and so our review is limited only to the facts he admitted on the record. *Rosendahl v. State*, 955 N.W.2d 294, 302 (Minn. App. 2021).

The state relies on our recent decision in *Woart v. State*, No. A24-0023, 2024 WL 4113000 (Minn. App. Sept. 9, 2024), *rev. denied* (Minn. Dec. 17, 2024). This reliance is misguided for two reasons. First, our nonprecedential opinions are not binding and can only be used as persuasive authority. Minn. R. Civ. App. P. 136.01, subd. 1(c). Second, despite some similarities, *Woart* is distinguishable from this case. We acknowledge that both cases involve the same charge of fear-based domestic assault, in which the appellants had an argument with the alleged victims. *Id.* at *1. Similarly, both appellants were asked

³ The supreme court has explicitly discouraged the use of leading questions to establish, as the district court did here, the factual basis of a defendant’s guilty plea. *Jones*, 7 N.W.3d at 396.

leading questions to establish the basis of their pleas and neither were expressly asked whether they intended to cause the victims fear of bodily harm. *Id.* at *2. But *Woart* is distinguishable because *Woart* engaged in a physical act towards the victim from which his intent to cause fear could be inferred—he swung a pillowcase at her. *Id.* at *1. Here, appellant did not admit to taking any physical action towards his mother that would provide evidence of his intent. While he admitted that he yelled at his mother, he could not remember what he said. Additionally, appellant stated that he smashed an egg carton on the ground, not at or even towards his mother. For these reasons, *Woart* is distinguishable and the state’s reliance upon it is unpersuasive.

The district court’s questions to appellant about putting his mother in fear of bodily harm focus on whether appellant’s mother was in fear, not whether appellant intended to cause her fear. *But see Fleck*, 810 N.W.2d at 308 (“The intent of the [defendant], as contrasted with the effect upon the victim, [is] the focal point for inquiry.” (quotations omitted)). Any answer appellant gave the district court in response to its leading questions about how his mother felt was purely speculative because he could not know what his mother was thinking or feeling at the time of their argument. Appellant did not admit that he intended to cause his mother to fear bodily harm, and there was no supplemental evidence for the district court to consider. *See Rosendahl*, 955 N.W.2d at 302. We therefore conclude that there was an insufficient basis to establish the intent requirement of the domestic-assault charge. *Id.* Accordingly, appellant entered an inaccurate guilty plea and must be permitted to withdraw it to correct a manifest injustice.

Reversed and remanded.