

*This opinion is nonprecedential except as provided by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
A25-0108**

Emmanuel Troy Davis, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed September 15, 2025
Affirmed
Larson, Judge**

Hennepin County District Court
File No. 27-CR-22-6518

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

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

Mary F. Moriarty, Hennepin County Attorney, Nicholas G. Kimball, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Considered and decided by Wheelock, Presiding Judge; Larson, Judge; and Bentley, Judge.

NONPRECEDENTIAL OPINION

LARSON, Judge

Appellant Emmanuel Troy Davis challenges the postconviction court's decision to deny his petition for postconviction relief. Davis argues the postconviction court abused its discretion when it determined the district court acted properly when it accepted and

imposed Davis's agreed-upon sentence, without independently calculating the appropriate presumptive guidelines range under the Minnesota Sentencing Guidelines. Because we do not discern that the district court abused its discretion when it sentenced Davis to the agreed-upon 240 months in prison, we affirm the postconviction court's decision to deny Davis's petition for postconviction relief.

FACTS

On April 7, 2022, respondent State of Minnesota charged Davis with second-degree unintentional murder while committing a felony, under Minn. Stat. § 609.19, subd. 2(1) (2020). On May 19, 2022, the state filed its notice of intent to seek an upward sentencing departure based on particular cruelty. Davis pleaded guilty to the charged offense on June 3, 2022. In exchange for Davis's guilty plea, the state withdrew its motion for an aggravated sentence. The parties also agreed that 240 months in prison was an appropriate sentence under the Minnesota Sentencing Guidelines.

The district court deferred accepting the plea agreement until sentencing and ordered the completion of a presentence investigation report (PSI). The PSI calculated Davis's presumptive sentence at 228 months in prison, with a presumptive guidelines range of 197 to 270 months in prison. To reach this range, the PSI calculated the severity level at 10, Davis's criminal-history score at 4, and included an 18-month sentence enhancement for two prior severe violent offenses.

At sentencing, the district court stated that it had reviewed the PSI and confirmed with both parties that there were no additions or corrections to the PSI. The district court

then heard victim-impact statements and comments from Davis. Thereafter, the district court stated on the record:

I'm not going to intrude on negotiation in this case. The sentencing guidelines had a presumptive sentence according to the presentence report of 228 months in prison. The range was 197 to 270, and the sentence as part of the negotiation was 240, so slightly more than what the presumptive sentence is in this case. And it's up to the State how they charge and whether they're going to seek . . . any aggravated departures in this case and not up to the Court. So with regards to the negotiation, it is what the parties agreed to and I'm going to accept the negotiation of the parties in this case.

The district court then accepted Davis's guilty plea and sentenced Davis to 240 months in prison, with credit for 108 days' time served.

Davis petitioned for postconviction relief on July 19, 2024, asking the postconviction court to "vacate the sentence and conduct a re-sentencing hearing." On November 22, 2024, the postconviction court summarily denied Davis's petition.¹ When denying the motion, the postconviction court articulated the legal standard as follows:

22. The State has authority to offer plea deals to defendants. *See Johnson v. State*, 641 N.W.2d 912, 917-918 (Minn. 2002). Once a defendant accepts the State's offer to plea rather than proceed to trial, the Court has a specific and narrow role: "[the Court's] proper role is one of '*discreet*' inquiry into the propriety of the settlement.'" *Melde v. State*, 778 N.W.2d 376, 379 (Minn. Ct. App. 2010) (citing *State v. Johnson*, 156 N.W.2d 218, 223 (Minn. 1968) (emphasis added)). The Court must ensure an innocent person is not induced to plead guilty and "protect society" from the Defendant accepting an excessively lenient sentence. *Id.*

23. The Minnesota Rules of Criminal Procedure 15.01 through 15.11 provide both the parties and Court a clear

¹ The same judge presided over the sentencing hearing and postconviction proceedings.

process to follow when the defendant and the State enter a plea agreement. For the Court to accept a defendant's guilty plea, Rule 15.01, subd. 1 provides that the Court must first determine that the defendant intelligently and voluntarily pleads guilty to the crime charged, ensure that the defendant is aware of the rights he forfeits by pleading guilty, and ask the defendant if he has any claim of innocence. Minn. R. Crim. P. 15.01, subd. 1. Additionally, the Court must have the defendant testify to the factual basis of the crime. *Id.* Rule 15.04, subd. 3(1)-(2) prohibits the Court from participating in plea negotiations, and once a plea is entered and the defendant has testified, the Court "must reject or accept the plea of guilty *on the terms of the plea agreement.*" Minn. R. Crim. P. 15.04, subd. 3(1)-(2) (emphasis added).

24. While the Court may defer to accept the plea until it receives a presentence investigation report, "once a defendant enters a plea and the court accepts the plea, due process requires the court to honor the plea." *State v. Jeffries*, 806 N.W.2d 56, 62 (Minn. 2011); *State v. Johnson*, 617 N.W.2d 440, 442 (Minn. Ct. App. 2000) (citing *Santobello v. New York*, 404 U.S. 257, 262 (1971)).

The postconviction court then denied the petition on the basis that the district court complied with the process articulated in Minnesota Rules of Criminal Procedure and accepted the plea agreement in accordance with existing case law.

Davis appeals.

DECISION

"We review a postconviction 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 postconviction 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. *See id.*; *State v. Myers*, 627 N.W.2d 58, 62 (Minn. 2001).

Davis argues that the postconviction court abused its discretion when it determined the “plea agreement left the [district] court with only the ‘narrow’ role of making a ‘discreet inquiry’ into the parties’ agreement.” Davis also generally challenges his sentence on procedural grounds, asserting the district court failed to independently calculate his guidelines range.

“In the context of plea agreements, the separation of powers doctrine gives the state the authority to enter into plea agreements with a defendant.” *Johnson v. State*, 641 N.W.2d 912, 917 (Minn. 2002). “However, a district court may, in its discretion, refuse to accept a plea agreement and is not bound by a plea agreement as to any sentence to be imposed.” *Id.* at 918. But when the district court encounters a plea agreement that specifically includes an agreed-upon sentence, the district court has “no discretion to reject [the plea agreement] without tendering to [the defendant] his right to withdraw that plea and stand trial.” *State v. Kunshier*, 410 N.W.2d 377, 379-80 (Minn. App. 1987), *rev. denied* (Minn. Oct. 21, 1987); *see also* Minn. R. Crim. P. 15.04, subd. 3(2) (providing district court “must advise the parties in open court and then call upon the defendant to either affirm or withdraw the plea” when rejecting plea agreement). This is because an agreed-upon sentence is a promise that induces the guilty plea. *See Kunshier*, 410 N.W.2d at 379-80.

We agree with Davis that the postconviction court was imprecise in its articulation of the district court’s role when encountering a plea agreement with an agreed-upon sentence. Specifically, the postconviction court neglected to acknowledge that “a district

court may, in its discretion, refuse to accept a plea agreement and is not bound by a plea agreement as to any sentence to be imposed.” *See Johnson*, 641 N.W.2d at 918; *see also State v. Curtiss*, 353 N.W.2d 262, 263-64 (Minn. App. 1984) (remanding for resentencing where a district court failed to exercise its discretion). The postconviction court also failed to articulate that a district court has an independent responsibility “to ensure the accuracy of *every* defendant’s criminal history score.” *See State v. Maurstad*, 733 N.W.2d 141, 151 (Minn. 2007) (emphasis added).

Nevertheless, reversal is not required because our review of the sentencing transcript assures us that the district court did not abuse its discretion when it sentenced Davis to the agreed-upon sentence. “[O]n appeal error is never presumed. It must be made to appear affirmatively before there can be reversal . . . [and] the burden of showing error rests upon the one who relies on it.” *Waters v. Fiebelkorn*, 13 N.W.2d 461, 464-65 (Minn. 1944). Further, district courts are generally afforded “great discretion” to impose sentences and will be reversed only for an abuse of that discretion. *State v. Soto*, 855 N.W.2d 303, 307-08 (Minn. 2014) (quotation omitted). We “will not generally review a district court’s exercise of its discretion to sentence a defendant when the sentence imposed is within the presumptive guidelines range.” *State v. Delk*, 781 N.W.2d 426, 428 (Minn. App. 2010), *rev. denied* (Minn. July 20, 2010). Nor is the district court “required to explain its reasons for imposing a presumptive sentence.” *State v. Johnson*, 831 N.W.2d 917, 925 (Minn. App. 2013), *rev. denied* (Minn. Sept. 17, 2013).

Here, Davis does not substantively challenge the calculation of his sentence within the presumptive guidelines range. Instead, he presents procedural arguments, asserting the

district court *may* have reached a different calculation if it had independently reviewed Davis’s presumptive guidelines range on the record. Upon our inspection of the record, we do not discern that the district court abused its discretion in sentencing Davis to the agreed-upon 240 months in prison. The record reflects that the district court reviewed the PSI and its calculated range, and the parties agreed the PSI correctly calculated Davis’s criminal-history score and the presumptive guidelines range. Thereafter, the district court acknowledged that it was not required to impose the agreed-upon sentence, but decided it was “not going to intrude on negotiation in this case.” The district court noted that “the sentence as part of the negotiation was 240, so slightly more than” the middle of the guidelines range. And the district court noted that the state had decided not to pursue “any aggravated departures,” so the district court could not consider an upward departure.

Upon our review of the record, nothing indicates the district court did not independently calculate Davis’s presumptive guidelines range or appropriately exercise its discretion when it imposed the agreed-upon 240-month prison term. *Waters*, 13 N.W.2d at 464-65 (holding an error “must . . . appear affirmatively before there can be reversal”).² Accordingly, because Davis does not present any legal arguments regarding the miscalculation of his presumptive guidelines range, we affirm the postconviction court’s decision to deny Davis’s petition for postconviction relief.

Affirmed.

² Davis does not cite, and we have not found, any caselaw requiring a district court to make more specific statements or findings on the record to demonstrate that it independently calculated the appropriate guidelines range and exercised its sentencing discretion.