

*This opinion is nonprecedential except as provided by  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  
A25-0210**

Kayd Mohamed Falug, petitioner,  
Appellant,

vs.

State of Minnesota,  
Respondent.

**Filed September 8, 2025  
Affirmed  
Ross, Judge**

Hennepin County District Court  
File No. 27-CR-20-17398

Cathryn Middlebrook, Chief Appellate Public Defender, Chelsie M. Willett, 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 Larkin, Presiding Judge; Ross, Judge; and Bond, Judge.

**NONPRECEDENTIAL OPINION**

**ROSS, Judge**

Kayd Falug stabbed and killed a man in Minneapolis, fled, and was intercepted at the Canadian border. Falug pleaded guilty to second-degree murder during a colloquy in which he acknowledged that he was not acting in self-defense when he stabbed the victim. Falug petitioned for postconviction relief, asserting unsuccessfully that his plea was

involuntary because he did not understand his affirmative-defense waiver. Because the postconviction court acted within its discretion by disbelieving Falug's contradiction of his plea-hearing statements that indicated he understood his waiver, we affirm.

## **FACTS**

According to a criminal complaint, during an argument in a Minneapolis park one evening in August 2020, Kayd Falug pulled out a pocketknife and stabbed it deeply into another man's neck, killing him. Falug promptly fled but was apprehended by Canadian border-patrol officers at the Canada-North Dakota border the next morning. He announced to a Canadian officer, "[I]t was self-defense." The state charged Falug with second-degree intentional murder and assault.

Falug petitioned to plead guilty to second-degree unintentional murder. The district court held a plea hearing assisted by a Somali language interpreter. One of Falug's attorneys asked him about self-defense claims:

Q: And you're not making a claim that you were acting in self-defense at the time of the crime, correct?

A: Yes. I understand that's what that means, self-defense.

Q: Okay. So we went over in detail what self-defense is, isn't that correct?

A: Yes. It's not what I thought it was.

Q: When you talked about your (indiscernible), correct?

A: Yes.

Q: And we also talked about the fact that how you can't use excessive force, correct?

A: Yes.

Later in the colloquy, Falug interjected to clarify he was waiving his right to call witnesses:

A: Since I'm pleading guilty, that means that I am not going to get a witness for my defense, correct?

Q: That's correct.

A: I had a witness for my side, but I forgone for the witness since we are doing a plea.

Q: Let me go back again. You understand by pleading guilty we're not going to be calling witnesses and having a trial. You understand that?

A: Yes. I know that.

The prosecutor clarified that Falug did not act in self-defense:

Q: . . . [Y]ou did not inten[d] to kill the victim, but you intended to use the knife to assault him. Is that correct?

A: Correct.

Q: And you did not do that action in self-defense. Is that correct?

A: Correct.

Falug also agreed that a later appeal “would be a waste of time” because he had signed the plea petition. The district court sentenced him to 144 months’ imprisonment.

Falug petitioned for postconviction relief, arguing that he had not understood he was waiving his right to claim self-defense and implying that language challenges impeded his understanding. The postconviction court held an evidentiary hearing where Falug was again assisted by an interpreter. He testified that he had difficulty with English but that his original attorney “was bringing interpreter with him.” He said he told his attorney that he had been defending himself and thought he could still argue self-defense after pleading guilty. But when asked if he would have pleaded guilty had he known he was waiving his right to argue self-defense, Falug responded: “I’m -- I really did not know when I -- all I know is I believe that I have the right to say any time and every time, even now, that I was -- I did what I did in self-defense.” His attorney reframed the question, asking if he would have gone to trial had he known he was waiving the right. Falug responded, “I didn’t even

find that out. I'm really confused about it." Falug's attorney directly asked if he was seeking to withdraw his plea, and he responded:

If the sentence is not being reduced and I am being denied the [God]-given right, which is to be able to defend myself, if I'm being denied of that, I want to withdraw my guilty plea. . . . I was in prison for four years. If I am sent back to my country now and this will be the end of it, I will not withdraw. . . . But, if not, I want to withdraw my guilty plea.

The state asked if he was asserting that the plea-hearing interpreter improperly translated his answers, and Falug responded, "I don't know what [the interpreter] was telling me. I have no idea if what I was saying to him and what he was telling you were different." He also said he believed he needed to agree he did not act in self-defense to take the plea deal.

The postconviction court denied Falug's postconviction petition. It found his "testimony that his plea was not intelligently entered . . . neither credible nor persuasive," and that he had presented no evidence disproving a valid plea. It also found not credible Falug's testimony suggesting that translation issues prevented him from understanding the plea agreement, relying in part on English-written documents from Falug. Falug appeals.

### **DECISION**

Falug appeals the postconviction court's order denying his request for relief. We review a district court's order denying a postconviction petition for an abuse of discretion, reviewing legal issues *de novo* and the court's fact findings for clear error. *Pearson v. State*, 891 N.W.2d 590, 596 (Minn. 2017). We discern no abuse of discretion.

Falug argues that he must be allowed to withdraw his allegedly invalid guilty plea. A district court must allow plea withdrawal when a defendant establishes that withdrawal

corrects a manifest injustice. *Dikken v. State*, 896 N.W.2d 873, 876 (Minn. 2017); Minn. R. Crim. P. 15.05, subd. 1. A manifest injustice exists if a guilty plea is not valid, meaning the plea is not accurate, voluntary, and intelligent. *Dikken*, 896 N.W.2d at 876. The validity of a guilty plea presents a question of law that we review *de novo*. *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010). Falug centers his challenge on the intelligence requirement.

We must decide whether the district court correctly rejected Falug’s assertion that he had not understood that he was waiving his right to argue self-defense. A guilty plea was intelligent only if it represented the defendant’s “knowing and intelligent choice,” including his understanding of “the charges against him, the rights he waived, and the consequences of the plea.” *Dikken*, 896 N.W.2d at 877 (quotations omitted). But we presume that a defendant was fully advised of the rights he waived by pleading guilty when he first discussed his case with his attorney. *State v. Clark*, 279 N.W.2d 836, 837 (Minn. 1979); see *State v. Gray*, 217 N.W.2d 737, 737 (Minn. 1974) (inferring a defendant’s “full awareness of the availability” of a self-defense claim based on the defendant’s discussing the matter with his attorney before pleading guilty). The presumption is bolstered in this case by the plea transcript, in which Falug affirmatively answered his attorney’s question, “So we went over in detail what self-defense is, isn’t that correct?” He similarly acknowledged that he had discussed the case with his attorneys who had fully advised him about his possible defenses, and, near the end of the hearing, he clearly agreed that he understood the rights he had waived. We also “presume that, prior to entry of a guilty plea, defense counsel reviews the plea petition with the defendant and the defendant understands its terms.” *State v. Byron*, 683 N.W.2d 317, 323 (Minn. App. 2004), *rev. denied* (Minn.

Sept. 29, 2004). Falug’s plea petition states that he did not make a claim he was acting in self-defense. Falug now speculates that “there was no mention in the record of an interpreter being present” when he and his attorneys reviewed the plea petition. But the postconviction court found that Falug “confirmed that he spoke with his attorneys with the assistance of an interpreter about his plea,” a finding that is supported by the record.

Contrary to Falug’s argument, the plea-hearing transcript reflects that he waived his right to claim self-defense. His attorney asked him to affirm that he was not claiming he was acting in self-defense at the time of the crime, and Falug responded, “Yes. I understand that’s what that means, self-defense.” He now argues that his response is unclear as to whether he was making a self-defense claim or stating that he then understood the term “self-defense.” But the exchange that immediately followed clarified the meaning. Falug’s attorney asked if they had gone over “in detail what self-defense is,” and Falug responded, “Yes. It’s not what I thought it was.” Shortly afterwards, Falug’s attorney asked, “And we also talked about . . . how you can’t use excessive force, correct?” Falug’s affirmative response is consistent with his having been advised that his conduct did not meet the definition of self-defense, which includes a duty to retreat and to use only reasonable force. *See State v. Baker*, 13 N.W.3d 401, 409–10 (Minn. 2024). At the sentencing hearing Falug’s attorney likewise suggested that he had discussed the contours of a self-defense claim with Falug, informing the district court, “[T]here was an issue of whether or not my client defended himself or not. A couple of the concerns that we have with this case was a duty to retreat and whether my client used excessive force and how it would look about the fact that he fled up to Canada.” Falug’s agreement at the plea hearing that he had not used

his knife in self-defense, as well as his own clarification that he would not present a defense witness because of the guilty plea, reflects both that Falug understood his right to claim self-defense and that he was waiving it.

His other arguments also fail. He suggests that he believed he was waiving his right to self-defense for only the plea hearing, but he had acknowledged he was giving up his right to trial, to call witnesses, and to testify. If he knew his claim of self-defense was deficient at the plea hearing, he also knew he could not raise it at a trial. And although he suggests that interpretation errors prevented him from understanding that he waived his right to argue self-defense, he fails to identify any specific instances where the interpreter inaccurately conveyed any statements, and his plea-hearing dialogue with his attorney suggests that he understood the discussion. Falug fails to show interpretation errors.

Falug challenges the postconviction court's finding that he presented no evidence challenging his valid self-defense waiver. But the court found that Falug's claims not to have intelligently entered his plea and to have had language misunderstandings were not credible, and we defer to a postconviction court's credibility determinations. *See State v. Lopez*, 379 N.W.2d 633, 638 (Minn. App. 1986), *rev. denied* (Minn. Feb. 14, 1986). The credibility determination also is abundantly supported by the record we have discussed. Because the only evidence Falug offered to undermine the plea colloquy was his own discredited testimony, the postconviction court rightly found that he presented "no evidence" casting doubt on the validity of his guilty plea.

**Affirmed.**