

*This opinion is nonprecedential except as provided by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
A25-0432**

Richard Preston Blackwell, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed August 25, 2025
Reversed and remanded
Frisch, Chief Judge**

Ramsey County District Court
File No. 62-CR-17-806

Cathryn Middlebrook, Chief Appellate Public Defender, Sharon E. Jacks, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

Lyndsey Olson, St. Paul City Attorney, Steven Heng, Assistant City Attorney, St. Paul, Minnesota (for respondent)

Considered and decided by Bjorkman, Presiding Judge; Frisch, Chief Judge; and Bratvold, Judge.

NONPRECEDENTIAL OPINION

FRISCH, Chief Judge

In this appeal from the postconviction court's order summarily denying postconviction relief, appellant argues that the postconviction court abused its discretion

by denying his petition as untimely without an evidentiary hearing. Because appellant's petition for postconviction relief and the record of the proceeding do not conclusively show that appellant is entitled to no relief, we reverse and remand for an evidentiary hearing.

FACTS¹

In September 2017, a jury found appellant Richard Preston Blackwell guilty of a gross misdemeanor for violating an order for protection pursuant to Minn. Stat. § 518B.01, subd. 14(a) (2016). The district court convicted Blackwell of this offense and sentenced him to 365 days' confinement, with 125 days stayed for two years, and supervised probation. During the sentencing hearing, the district court did not inform Blackwell that he had a right to appeal his conviction or sentence. In its sentencing order and subsequent amended sentencing orders, the district court did not notify Blackwell of these appeal rights.

In October 2024, Blackwell petitioned for postconviction relief. Blackwell asserted that his conviction "must be vacated" because the evidence was insufficient to sustain his conviction, because his constitutional right to confrontation was violated, and in the interests of justice. As to the timeliness of the petition, Blackwell asserted that his petition was timely because "it is being filed within two years of when Blackwell knew or should have known he had the right to challenge his conviction" and "[t]he court's lack of advisory as well as Blackwell's mental disease deterred him from challenging it sooner."

¹ The record in this matter does not contain trial transcripts or exhibits from either of Blackwell's two jury trials (the first one resulting in a deadlocked jury). Blackwell's attorney requested these transcripts but was informed that "there was a tech problem which caused the loss of 13 transcripts and recordings," including the trial transcripts.

Blackwell submitted an affidavit in support of his postconviction petition. In the affidavit, Blackwell asserts that the district court did not inform Blackwell of his right to appeal at his sentencing hearing or in any sentencing order in this case, that Blackwell thought that he “had no right to appeal in this case,” and that Blackwell appeared in this proceeding pro se and therefore did not have an attorney to inform him of his right to appeal. Blackwell also asserted in his affidavit that he experienced traumatic events from 2017 to 2023 that “significantly affected” his mental health, and during this time, he “repeatedly sought psychiatric medical attention” and was hospitalized twice. Blackwell declared that he was homeless after being released from the hospital and throughout the COVID-19 pandemic. After contacting the appellate defender’s office regarding an appeal in a different case where the district court had informed Blackwell of his right to appeal, he “learned that [he] had the right to challenge [his] conviction in this case.”

The postconviction court denied Blackwell’s postconviction petition as untimely without a hearing. Blackwell appeals.

DECISION

Blackwell challenges the summary denial of his petition for postconviction relief. We review the denial of a petition for postconviction relief for an abuse of discretion. *Brown v. State*, 863 N.W.2d 781, 786 (Minn. 2015). “A district court abuses its discretion when it exercises its discretion in an arbitrary or capricious manner, bases its ruling on an erroneous view of the law, or makes clearly erroneous factual findings.” *Paul v. State*, 20 N.W.3d 48, 54 (Minn. 2025) (quotation omitted).

A postconviction court may summarily deny a postconviction petition if “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 (2024). In so doing, the postconviction court must accept as true the evidence presented in support of the petition. *Williams v. State*, 5 N.W.3d 399, 407 (Minn. 2024).

A petition for postconviction relief must be filed no later than two years after the disposition of the direct appeal of the petitioner or, if no direct appeal was filed, after the entry of the judgment of conviction. Minn. Stat. § 590.01, subd. 4(a) (2024). This time limitation does not apply, however, if—among other exceptions—“the petitioner establishes that a physical disability or mental disease precluded a timely assertion of the claim” or “the petitioner establishes to the satisfaction of the court that the petition is not frivolous and is in the interests of justice.” *Id.*, subd. 4(b)(1), (5) (2024). Blackwell asserted that both exceptions to the time limitation apply to his postconviction petition.

The postconviction court concluded that Blackwell did not establish that either exception applied. Regarding the mental-disease exception, the postconviction court concluded that Blackwell’s experiences, including prior civil commitment, homelessness, stalking, and hospitalization for mental health, did not establish a mental disease that “precluded a timely assertion of his claim.” In reaching this conclusion, the postconviction court credited the state’s assertion that Blackwell represented himself in 2018 in a separate matter “during which he was presumably competent and not impaired by mental disease.” And with regard to the interests-of-justice exception, the postconviction court determined

that Blackwell “has not identified an injustice that caused him to miss the petition filing deadline by almost 5 years.”

Blackwell argues that the postconviction court abused its discretion in rejecting both exceptions to the time limitation. We agree that the postconviction court abused its discretion in summarily rejecting the interests-of-justice exception to the time limitation and do not reach the mental-disease exception.

Under the interests-of-justice exception, a petitioner may file for postconviction relief after the two-year deadline if “the petitioner establishes to the satisfaction of the court that the petition is not frivolous and is in the interests of justice.” *Id.*, subd. 4(b)(5). “The statutory interests-of-justice exception is only invoked in exceptional and extraordinary situations.” *Andersen v. State*, 913 N.W.2d 417, 428 (Minn. 2018) (quotation omitted). And this exception relates to the “*reason* the petition was filed after the [two]-year time limit in subdivision 4(a), not the *substantive claims* in the petition.” *Sanchez v. State*, 816 N.W.2d 550, 557 (Minn. 2012).

We first address whether Blackwell’s petition is frivolous. A postconviction petition is frivolous “if it is perfectly apparent, without argument, that the petition is without merit.” *Carlton v. State*, 816 N.W.2d 590, 607 (Minn. 2012) (quotation omitted). Under this standard, Blackwell “need show only that there is a good-faith basis for the claim made in the petition, not that he necessarily would succeed on the merits.” *Id.* (quotation omitted).

The state argues that Blackwell's petition is frivolous because he cannot show that his confrontation rights were violated given that he had an opportunity to "confront and cross examine" the state's witnesses and had the right to subpoena witnesses including the protected party who did not testify. The state does not address the merits of Blackwell's sufficiency claim, instead stating that "[t]his case is an example of why time limits on the right to review are important," and that Blackwell "cannot benefit from failing to assert his claim in a timely manner."

We are convinced that the postconviction court abused its discretion in denying Blackwell's request for an evidentiary hearing. As a threshold matter, we note that the postconviction court did not address whether Blackwell's postconviction claims were frivolous and instead rejected Blackwell's assertion of the interests-of-justice exception because he failed to "identif[y] an injustice that caused him to miss the petition filing deadline." Even so, the postconviction court did not, as it was required to do, accept the allegations in the petition and supporting affidavit as true. And the postconviction court had no basis to reject the petition as frivolous without an evidentiary hearing because significant record issues hamper the ability to assess the merits of either the insufficient-evidence claim or the confrontation-rights claim. We "cannot consider a sufficiency-of-evidence issue unless provided with a trial transcript." *Hoagland v. State*, 518 N.W.2d 531, 534, 536 (Minn. 1994) (vacating the postconviction court's denial of a petition where no record of the defendant's trial was available and "state court personnel [we]re directly responsible for th[is] inability to review the record"). Given these record limitations and construing the facts in Blackwell's favor, it is not "perfectly apparent" that Blackwell's

postconviction claims are frivolous. *Carlton*, 816 N.W.2d at 607 (quotation omitted). Thus, Blackwell’s postconviction petition does not conclusively show that he is entitled to no relief. Minn. Stat. § 590.04, subd. 1.

We next address the applicability of the interests-of-justice exception. In so doing, we consider five nonexclusive factors: (1) the substantive merit of the petitioner’s postconviction claim; (2) whether the petitioner “deliberately and inexcusably” failed to timely make their claim; (3) whether the petitioner is “at fault” for the asserted error and the degree of fault attributable to the opposing party; (4) whether fundamental unfairness “needs to be addressed”; and (5) whether application of the interests-of-justice exception “is necessary to protect the fairness, integrity, or public reputation of judicial proceedings.” *Gassler v. State*, 787 N.W.2d 575, 586-87 (Minn. 2010).

Instead of addressing these factors, the postconviction court abused its discretion in summarily determining that Blackwell had “not identified an injustice.” Blackwell stated in his petition that “[t]he court’s lack of advisory as well as Blackwell’s mental disease deterred him” from challenging his conviction and cited to the interests-of-justice exception. The record supports Blackwell’s assertion that the district court did not provide him with a mandatory notice of his right to appeal. *See* Minn. R. Crim. P. 27.03, subd. 5 (“After sentencing, the court *must* tell the defendant of the right to appeal both the conviction and sentence, and, if eligible, of the right to appeal at state expense by contacting the state public defender.” (emphasis added)). Blackwell also asserts that he “did not know

[he] had the right to challenge [his] OFP violation conviction.”² Based on these assertions, which the postconviction court was required to accept as true and which arose from a judicial error that was not the fault of Blackwell, we cannot summarily conclude that Blackwell’s postconviction petition is without merit. *Compare Stafford v. State*, No. A18-0946, 2019 WL 2079466, at *2 (Minn. App. May 13, 2019) (reversing and remanding a summary denial of a postconviction petition where “the postconviction court did not make any express findings on the dispositive issue of when [the defendant] knew or should have known of her right to appeal”), with *Brunner v. State*, No. A16-0582, 2017 WL 164416, at *3 (Minn. App. Jan. 17, 2017) (declining to apply the interests-of-justice exception because of the postconviction court’s failure to give the defendant notice of his right to appeal where the defendant was represented by counsel and told twice during sentencing of his appeal right).³

We therefore conclude that the postconviction court abused its discretion in denying Blackwell’s petition without a hearing. *See Gassler*, 787 N.W.2d at 586-87. We reverse and remand for an evidentiary hearing, during which Blackwell and the state may present

² The state’s argument that Blackwell knew of his right to appeal his conviction because of his experience in other criminal cases including his acknowledgment on the record in another case that he had an appeal right in that case is unavailing. Whether Blackwell knew of his right to appeal in this case during the years between his conviction and when he brought his claim, is an unresolved factual question. At this posture, we take Blackwell’s assertion that he did not know of his appeal right in *this* case and that he distinguished this case from other cases in which he received an appeal notice, as true. *See Williams*, 5 N.W.3d at 407.

³ We cite nonprecedential authority for its persuasive value. Minn. R. Civ. App. P. 136.01, subd. 1(c).

evidence of Blackwell's knowledge of his right to appeal and Blackwell's cognitive issues relevant to the interests-of-justice exception as well as other evidence related to the petition for postconviction relief.

Reversed and remanded.