This opinion is nonprecedential except as provided by Minn.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
A25-0517

State of Minnesota,
Respondent,

vs.

Stevie Ray Samaniego,
Appellant.

Filed March 30, 2026
Reversed and remanded
Bentley, Judge

Ramsey County District Court
File No. 62-CR-23-4811

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

John Choi, Ramsey County Attorney, Anna R. Light, Assistant County Attorney, St. Paul, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jessica Merz Godes, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Frisch, Chief Judge; Ede, Judge; and Bentley, Judge.

NONPRECEDENTIAL OPINION

BENTLEY, Judge

In this direct appeal from a judgment of conviction for first-degree criminal sexual conduct, appellant argues that his conviction must be reversed because the Ramsey County Public Defender (RCPD) simultaneously represented him and the victim in this case, violating his right to conflict-free representation. We agree and, therefore, reverse and remand.

FACTS

The following summarizes evidence from the pretrial proceedings and jury trial in this case.

Appellant Stevie Ray Samaniego was charged with and convicted of first-degree criminal sexual conduct, in violation of Minn. Stat. § 609.342, subd. 1a(e) (2022), arising from allegations that he sexually abused an 11-year-old child, N.M. At the time of the alleged offense in February 2023, Samaniego had been residing in the same home as N.M. N.M. disclosed the allegations to her mother shortly after it occurred, but her mother did not report it to authorities at that time. About five months later, N.M. disclosed the allegations during an interview with Dr. Sommer McInerney at the Midwest Children's Resource Center. Samaniego was arrested in December 2023.

At Samaniego's first appearance, the RCPD notified the court that an attorney (attorney A) would represent Samaniego. Samaniego was unable to post bail, so he remained in custody throughout the proceedings. At his next hearing in January 2024, attorney A did not appear and the RCPD attorney who did appear notified the district court that another attorney from the RCPD (attorney B), would represent Samaniego going forward. Attorney B represented Samaniego at hearings in February, May, and June 2024. At the June hearing, attorney B informed the district court that attorney B would be leaving the RCPD and joining the prosecutor's office. At Samaniego's next hearing in July 2024, another attorney with the RCPD (attorney C), appeared on behalf of Samaniego. Attorney C would go on to represent Samaniego for the remainder of the case.

Samaniego appeared for a jury trial on September 30, 2024. Before the trial began, Samaniego requested substitution of counsel. Attorney C told the district court that there were "exceptional circumstances" underlying Samaniego's request. Specifically, attorney C had learned that another attorney with the RCPD (attorney D), had been representing N.M. in a different matter at the same time that the RCPD was representing Samaniego in this case, and attorney D had "assist[ed] the government in locating and accepting service for [N.M.] to appear and testify as it relates to this case."[1] Attorney C added,

> [Attorney D] in our office, again, agreed to accept service and negotiate travel and lodging expenses for [N.M.], in this case, to come to court to testify, in this case, when at that time the government, in this case, didn't know where she was. [N.M.] was housed out of State.

Attorney C said that, after learning of the situation, attorney C contacted RCPD management, who determined that a conflict existed and assigned N.M.'s case to an attorney outside of the RCPD office. The state took no position on Samaniego's request for substitution of counsel.

The following exchange occurred on the record and is relevant to the issues on appeal:

[1] The record neither identifies attorney D nor reflects whether attorney D had any involvement in Samaniego's representation. The record does not show that attorney D is the same person as attorney A or attorney B.

> THE COURT: [RCPD] knew about this over a month ago. I was informed about it at the Trial Management Conference. [Attorney C] did his due diligence in bringing it to his office's attention in raising the issue. And here we are set for trial, I believe it's for a second time, I believe [Samaniego] had [attorney B] as an attorney. [They] left [RCPD] and [are] now a prosecutor again. And so, [Samaniego has] been in custody for quite some time. The date of the offense in this case is February 4th, 2023. [RCPD] was aware of this and here we are ready to pick a jury, and they did not make any substitutions. Sounds like the person who was . . . representing [N.M.] no longer represents that person. I take it that [RCPD], I would hope, ethically looked into this to determine which case should be sent out and why and they did not. I think it puts [Samaniego] in a difficult position because he's been in custody this entire time and is ready for trial. . . . [T]his is a conflict that he has been—that he—there's been an inquiry as to whether he wants to waive the conflict and go forward with trial with [attorney C]; or is that a conversation—do you want to go to trial, [Samaniego]? Do you want to have [attorney C] represent you at trial?
> SAMANIEGO: Yeah. He could represent me.
>
> THE COURT: You want to waive that conflict and have him do that?
> SAMANIEGO: I want to wait.[2]
>
> THE COURT: Cause here's the deal. We don't have another lawyer here available to try your case. It's probably gonna be a couple months before they get another lawyer up to speed on your case. And I don't want to pressure you to do something that you don't want to do, but it sounds to me like their office made a decision on how to represent you and the complaining witness here. And this is the decision that they've arrived at. This is a serious case and we are set and ready for trial today. Do you want to talk to [attorney C] privately and come out and give me an answer or do you want to—
> SAMANIEGO: Talk to him privately.

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[2] The state asserts that Samaniego may have said "waive" instead of "wait." The transcript says "wait" and the state did not move the district court under Minnesota Rule of Civil Appellate Procedure 110.05 to correct the record. But even if Samaniego did say "waive," it would not change our analysis.

> THE COURT: Okay.

Following a recess, the exchange continued:

> THE COURT: All right. [Samaniego], what would you like to do?
> SAMANIEGO: I'm gonna move forward with [attorney C] and just fight with him.
>
> THE COURT: Okay. All right. Did you have enough time to talk with him about that?
> SAMANIEGO: Yes.
>
> THE COURT: And are you sure this is what you want to do?
> SAMANIEGO: Yes. This is sure. I'm sure.
>
> THE COURT: Okay. All right. Then we'll call up the jury and I'll introduce the case to them.

The jury trial began that day. N.M., her mother, Dr. McInerney, and a law-enforcement officer testified for the state. Samaniego did not testify and did not call any witnesses. The jury found Samaniego guilty of first-degree criminal sexual conduct. On December 30, 2024, the district court granted Samaniego's motion for a downward dispositional departure based on his particular amenability to probation and sentenced him to 144 months' imprisonment, execution stayed for five years. The district court also ordered Samaniego to serve one year at the workhouse but found that he had satisfied the sentence with 485 days of custody credit. The district court told Samaniego, "if you are ever sent to prison on this case, you will have a ten-year conditional release period added to the end of that sentence." The warrant of commitment states, "Conditional release after confinement has been set at ten years."

Samaniego appeals.

DECISION

Samaniego argues that an actual conflict of interest adversely affected his trial counsel's representation and, because he did not validly waive that conflict, we must reverse. Under the U.S. and Minnesota State Constitutions, a criminal defendant has the "right to representation that is free from conflicts of interest." *Wood v. Georgia*, 450 U.S. 261, 271 (1981); U.S. Const. amend. VI; Minn. Const. art. I, § 6.[3] The right to conflict-free representation "extends to any situation in which a defendant's counsel owes conflicting duties to that defendant and some other third person." *State v. Brocks*, 587 N.W.2d 37, 43 (Minn. 1998) (quotation omitted). "[A] defendant may waive his right to the assistance of an attorney unhindered by a conflict of interest." *State v. Patterson*, 796 N.W.2d 516, 528 (Minn. App. 2011), *aff'd*, 812 N.W.2d 106 (Minn. 2012).

Lawyers have a "duty to avoid conflicts of interest," and a violation of that duty can form the basis for an ineffective-assistance-of-counsel claim. *Strickland v. Washington*, 466 U.S. 668, 688 (1984). Minnesota courts apply the *Strickland* test when considering ineffective-assistance-of-counsel claims. *State v. Westrom*, 6 N.W.3d 145, 160 (Minn. 2024) (citing *Strickland*, 466 U.S. at 687), *cert. denied*, 145 S. Ct. 418 (2024). "Under this test, a party must demonstrate that: (1) counsel's performance fell below an objective standard of reasonableness"—the performance prong—and "(2) there is a reasonable probability that, but for counsel's error, the outcome would have been different"—the

[3] Because there is no dispute in this appeal as to whether there is any difference between the United States and Minnesota Constitutions with respect to the issues presented, we assume without deciding for purposes of our analysis that the legal rules are the same under both constitutions.

prejudice prong. *Id.* (quotation omitted). But "[w]hen a defendant shows that a conflict of interest actually affected the adequacy of his representation, he need not demonstrate prejudice in order to gain relief." *Id.* (quotation omitted); *see also State v. Paige*, 765 N.W.2d 134, 140 (Minn. App. 2009) ("A lawyer's performance is deficient if he represents a client despite having a conflict of interest."). "Claims of ineffective assistance of counsel involve mixed questions of law and fact, which we review de novo." *Vance v. State*, 752 N.W.2d 509, 513 (Minn. 2008).

We first address whether there is a conflict of interest that adversely affected the proceedings. Then, we address waiver.

I

Minnesota appellate courts "rel[y] on the Minnesota Rules of Professional Conduct when determining whether an attorney has a conflict that implicates the constitutional right to counsel." *Patterson*, 796 N.W.2d at 524. Absent an express exception:

> A concurrent conflict of interest exists if:
>
> (1) the representation of one client will be directly adverse to another client; or
>
> (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person, or by a personal interest of the lawyer.

Minn. R. Prof. Conduct 1.7(a). Also, "[w]hen a lawyer has been directly involved in a specific transaction, subsequent representation of other clients with materially adverse interests in that transaction clearly is prohibited." Minn. R. Prof. Conduct 1.9, cmt. 2.[4]

The rules provide that the conflicts of one attorney will be imputed to other attorneys in the same firm. Minn. R Prof. Conduct Rule 1.10(a). Under rule 1.10(a), "[w]hile lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so." Minn. R Prof. Conduct Rule 1.10(a). A "firm" for these purposes includes the RCPD. *See* Minn. R Prof. Conduct Rule 1.10, cmt. 1 ("The term 'firm' denotes lawyers in a law partnership, professional corporation, sole proprietorship or other association authorized to practice law; or lawyers employed in a legal services organization or the legal department of a corporation or other organization."). A defendant's "attorney is in [the] best position professionally and ethically to determine when [a] conflict of interest exists." *Cooper v. State*, 565 N.W.2d 27, 32 (Minn. App. 1997) (describing and applying the holding in *Holloway v. Arkansas*, 435 U.S. 475, 484 (1978)), *rev. denied* (Minn. Aug. 5, 1997).

Here, the record establishes an actual conflict of interest. The representation of one client, N.M., was directly adverse to another client, Samaniego. *See* Minn. R. Prof. Conduct

[4] "Although the comments to the Minnesota Rules of Professional Conduct ordinarily are not binding," *State ex rel. Swanson v. 3M Co.*, 845 N.W.2d 808, 816 n.3 (Minn. 2014), they may "provide[] guidance" as we interpret and apply the Rules, *In re Charges of Unprofessional Conduct in Panel File No. 39302*, 884 N.W.2d 661, 668 (Minn. 2016). *See also In re Charges of Unprofessional Conduct in Panel File No. 41755*, 912 N.W.2d 224, 229 (Minn. 2018) ("In interpreting the plain language of the Rules of Professional Conduct, we may consider . . . the comments to the Rules[.]").

1.7(a). Specifically, N.M. was the complaining witness in the state's case against Samaniego, the RCPD facilitated N.M.'s testimony against Samaniego while simultaneously representing him, and N.M. later testified against Samaniego at trial. Attorney C, who was in the best position to determine whether a conflict existed, *Cooper*, 565 N.W.2d at 32, determined that it did. He told the district court that by the time N.M.'s case had been reassigned to an attorney outside of the RCPD office, Samaniego's "right to have an unbiased defense had already been damaged."

The state makes various arguments as to why an actual conflict did not exist, none of which we find persuasive. It argues that no actual conflict existed because attorney C did not personally represent both N.M. and Samaniego, but this argument ignores the imputation rule that prohibits multiple lawyers in the same firm from representing clients with conflicting interests. *See* Minn. R. Prof. Conduct Rule 1.10(a). The state then asserts in a footnote that rule 1.10(a) applies only when an attorney *knowingly* represents "a client that the lawyer would be prohibited from representing." That assertion misunderstands the imputation rule. As the comments to the rule explain, the imputation rule is premised on the idea that "a firm of lawyers is essentially one lawyer for purposes of the rules governing loyalty to the client," and "that each lawyer is vicariously bound by the obligation of loyalty owed by each lawyer with whom the lawyer is associated." Minn. R Prof. Conduct Rule 1.10, cmt. 2. If ignorance of a conflict were a defense to rule 1.10(a), the rule would be toothless. We understand the "knowing" requirement to mean that an attorney must knowingly represent the client, not that the attorney must have personal knowledge of the conflict for rule 1.10(a) to apply. Finally, the state argues that no actual conflict existed because, given N.M.'s age, the RCPD likely did not represent N.M. in a criminal matter. But the nature of N.M.'s other case is irrelevant—the conflict is that she is the alleged victim in Samaniego's case and, as a result, the two have adverse interests. Attorney D also acted as N.M.'s counsel for purposes of Samaniego's criminal case by reaching out to the prosecution to facilitate her appearance.

Because an actual conflict existed, we turn to whether the "conflict of interest actually affected the adequacy of [Samaniego's] representation." *Westrom*, 6 N.W.3d at 160. We conclude that it did, and for that reason, "he need not demonstrate prejudice in order to gain relief." *Id.* Indeed, it is difficult to conceive of conduct that has a more direct adverse effect on the adequacy of a representation than facilitating the testimony of the victim of the charged offense in a criminal case.

The state asserts that the conflict did not adversely affect Samaniego because N.M. was in the child protection system at that point and it would have been easy for the state to locate her and secure her testimony. That argument does not address the inquiry. It is irrelevant for these purposes whether Samaniego was prejudiced by the conflict of interest, *id.*, and whether the state could procure N.M.'s testimony by other means goes to prejudice, not adequacy of representation. Regardless, the state's argument is also not supported by the record. Attorney C informed the district court that before attorney D facilitated N.M.'s testimony at trial, "the government . . . didn't know where [N.M.] was. She was housed out of state." Had attorney D not arranged for N.M. to testify, it is possible that N.M. would not have appeared and, without her testimony, Samaniego may never have been convicted.

We are also not persuaded that this case is analogous to others that the state cites, in which we determined that there was no violation of the defendant's right to effective assistance of counsel. The state relies on two cases where the defendant's public defender worked in the same office as a public defender who was representing the victim in another matter. *See State v. Holscher*, 417 N.W.2d 698, 701 (Minn. App. 1988), *rev. denied* (Minn. Mar. 18, 1988); *State v. Stephani*, 369 N.W.2d 540, 549 (Minn. App. 1985), *overruled on unrelated grounds by State v. Baker*, 13 N.W.3d 401 (Minn. 2024). Neither opinion offers much detail in its analysis, but we understand them to have concluded that there was no indication that the simultaneous representations actually affected the adequacy of the defendants' representations. *See Stephani*, 369 N.W.2d at 549 (noting that the district court determined that the "issue was inconsequential"); *Holscher*, 417 N.W.2d at 701 (noting the case involved "similar facts" to *Stephani* and citing rule that, to establish a deprivation of one's right to effective assistance of counsel, the "defendant must demonstrate that an actual conflict of interest adversely affected his lawyer's performance" (quotation omitted)). Here, in contrast, the conflict adversely affected Samaniego's lawyer's performance because one attorney in the RCPD was representing Samaniego while another attorney in the RCPD was facilitating the key witness's testimony against Samaniego.

Given these circumstances, the RCPD's simultaneous representation of both Samaniego and N.M. is an actual conflict that adversely affected Samaniego's representation. And because Samaniego is not required to prove prejudice in that circumstance, his right to effective assistance of counsel was violated. *See Westrom*, 6 N.W.3d at 160.

Next, we address whether Samaniego validly waived the conflict.

II

"[A] waiver of the constitutional right to conflict-free counsel must be voluntary, knowing, and intelligent," and it must be done with "sufficient awareness of the relevant circumstances and likely consequences." *Patterson*, 796 N.W.2d at 528 (quoting *Brady v. United States*, 397 U.S. 742, 748 (1970)).

Before granting such a waiver, the court should (1) "advise the defendant of his right to separate and conflict-free representation," (2) "instruct the defendant as to the problems inherent in being represented by an attorney with divided loyalties," (3) "allow the defendant to confer with chosen counsel," (4) "encourage defendant to seek advice from independent counsel," and (5) "allow a reasonable time for the defendant to make his decision." *Id.* (quoting *United States v. Falzone*, 766 F. Supp. 1265, 1271 (W.D.N.Y. 1991)). Appellate courts review de novo the validity of a waiver of constitutional rights. *See State v. Anderson*, 789 N.W.2d 227, 233 (Minn. 2010) (reviewing de novo whether a waiver was voluntary, knowing, and intelligent).

Samaniego argues that he did not voluntarily, knowingly, and intelligently waive his constitutional right to conflict-free counsel, and that any purported waiver was not procedurally valid under rule 1.7(b)(4) of the Minnesota Rules of Professional Conduct. The state concedes that Samaniego's waiver did not "technically compl[y] with all the procedural requirements" under the rules, but it maintains that the waiver was valid because it was "voluntary, knowing, and intelligent" as demonstrated by the conversation between Samaniego and the district court prior to trial.

Considering the five factors set forth in *Patterson*, we disagree with the state and conclude that Samaniego's waiver was not voluntary, knowing, and intelligent. First, the district court did not inform Samaniego of his "right to separate and conflict-free representation" or any of his rights related to representation. *Patterson*, 796 N.W.2d at 528 (quotation omitted). Second, the district court did not caution Samaniego about any "problems inherent in being represented by an attorney with divided loyalties." *Id*. (quotation omitted). Third, while we acknowledge that the district court allowed Samaniego to speak with attorney C for several minutes off the record, we do not give that conversation great weight in our analysis. Without having been advised of his right to conflict-free counsel or the inherent risks in being represented by a conflicted lawyer, Samaniego did not enter that conversation from an informed perspective. Just moments earlier he had asked for substitution of counsel. Fourth, the district court did not ask Samaniego if he wanted to consult with independent counsel before moving forward. *Id*. Rather, Samaniego was told, "We don't have another lawyer here available to try your case. It's probably gonna be a couple months before they get another lawyer up to speed on your case." Fifth, with respect to whether Samaniego had reasonable time to make a decision, the record is mixed. The district court asked Samaniego whether he had had enough time to consult with counsel and reach a decision, and Samaniego said yes. But considering the record as a whole, it appears as though Samaniego was under pressure to make a decision quickly and go forward with trial that day. The district court acknowledged that, stating, "I don't want to pressure you to do something that you don't want to do, but it sounds to me like their office made a decision on how to represent you and [N.M.]. And this is the decision that they've arrived at."

Ultimately, the record does not show that Samaniego had "sufficient awareness of the relevant circumstances and likely consequences" of waiving his right to conflict-free counsel. *Id*. (quotation omitted). To the district court's credit, it recognized the conflict and expressed concern about the length of time Samaniego had spent in custody awaiting trial and about the number of times the RCPD had substituted counsel. And yet, we cannot conclude on this record that Samaniego made a voluntary, knowing, and intelligent decision about whether to proceed with trial that day or postpone so that he could secure conflict-free counsel. The only substantive comment Samaniego made on the record was, "I'm gonna move forward with my lawyer and just fight with him." That statement gives us little indication of his understanding about the right he was waiving.

We conclude that Samaniego's constitutional rights were violated because an actual conflict of interest exists, that conflict impacted the adequacy of Samaniego's representation, and Samaniego did not validly waive his constitutional right to conflict-free counsel. We therefore reverse Samaniego's conviction and remand to the district court for a new trial.[5]

Reversed and remanded.

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[5] Samaniego also argues that the warrant of commitment erroneously imposed a ten-year conditional release period onto his stayed sentence. Because we reverse and remand for a new trial, we do not reach this issue.