

*This opinion is nonprecedential except as provided by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
A25-1069**

Paul Scott Seeman, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed April 27, 2026
Affirmed
Ede, Judge**

Rice County District Court
File No. 66-CR-14-1473

Paul Scott Seeman, Faribault, Minnesota (self-represented appellant)

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

Brian M. Mortenson, Rice County Attorney, Sean R. McCarthy, Assistant County Attorney, Faribault, Minnesota (for respondent)

Considered and decided by Ede, Presiding Judge; Bentley, Judge; and Smith, John P., Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

NONPRECEDENTIAL OPINION

EDE, Judge

This is an appeal from a district court's order summarily denying appellant's petition for postconviction relief. Appellant argues that the district court abused its discretion by: (A) improperly determining that his claim that a witness testified falsely failed under the applicable standard; (B) improperly determining that his claims that the state elicited false testimony and failed to disclose exculpatory evidence are procedurally barred; and (C) relying on the challenged testimony, which unlawfully resulted in prejudice as to the sentence appellant received. We affirm.

FACTS

In June 2014, respondent State of Minnesota charged appellant Paul Scott Seeman with 26 counts, which included racketeering, perjury, receiving stolen property, providing false information in a motor-vehicle-title application, and theft. According to the complaint, Seeman had been switching out vehicle-identification-number plates from legitimately scrapped vehicles, putting the plates on stolen vehicles, and reselling the vehicles. The state later amended the complaint, bringing the number of counts to 36, which included multiple counts of receiving stolen property and theft. Seeman moved—and the parties ultimately agreed—to sever the 36 counts into three matters. Two counts were severed into “Matter 1,” which involved perjury and receiving stolen property relating to a motorcycle; one count was severed into “Matter 2,” which involved receiving stolen property relating to a trailer; and the other counts remained as “Matter 3.”

The three matters proceeded to separate jury trials, after which Seeman was convicted of: 1 count of racketeering, in violation of Minnesota Statutes section 609.903, subdivision 1(1) (2012); 1 count of perjury, in violation of Minnesota Statutes section 609.48, subdivision 1(1) (2012); 19 counts of receiving stolen property, in violation of Minnesota Statutes section 609.53, subdivision 1 (2012); and 3 counts of providing false information in a motor-vehicle-title application, in violation of Minnesota Statutes section 168A.30, subdivision 1 (2012).

In Matter 1, which concerned charges of perjury and receiving stolen property, the district court imposed concurrent sentences of 15 months' imprisonment on both counts but stayed execution of the sentences and set probationary conditions. As to Matter 2, which concerned one count of receiving stolen property, the district court sentenced Seeman to 19 months in prison. And on Matter 3, the district court convicted Seeman of racketeering (Count 1) and imposed a 117-month sentence concurrent to the sentence in Matter 2. Under Minnesota Statutes section 609.035, subdivision 1 (2012), the district court did not impose sentences on the remaining convictions in Matter 3. This appeal focuses on three of Seeman's convictions in Matter 3: Count 1 (racketeering); Count 27 (receiving stolen property, a military truck); and Count 28 (theft, altering identification symbols on a military truck).

Alleging ineffective assistance of trial counsel, Seeman filed a self-represented petition for postconviction relief on the same day that he was sentenced in Matter 2 and Matter 3. He later retained counsel, who filed an amended postconviction petition in

January 2023. The district court summarily denied Seeman’s ineffective-assistance-of-trial-counsel claim because the record established that he was not entitled to relief.

Seeman also filed two direct appeals, both of which resulted in this court affirming his convictions and sentences. *See State v. Seeman*, No. A19-2084, 2021 WL 79524, at *1, *3–7 (Minn. App. Jan. 11, 2021) (affirming the denial of Seeman’s motion to suppress evidence obtained during the execution of a search warrant because the affidavit established probable cause to search Seeman’s property for a motorcycle and the district court did not abuse its discretion in denying his request to reopen the omnibus hearing) (*Seeman I*), *rev. denied* (Minn. Mar. 30, 2021); *see also State v. Seeman*, No. A22-1117, 2023 WL 8178144, at *1–10 (Minn. App. Nov. 27, 2023) (affirming the convictions and sentences in Matter 2 and Matter 3 and rejecting ten claims that Seeman raised in a self-represented brief) (*Seeman II*), *rev. denied* (Minn. Feb. 20, 2024).

At issue here is Seeman’s second petition for postconviction relief, filed in February 2025. In that petition, Seeman asserted that there was new evidence that a key witness, D.O., falsely testified at trial, that the state elicited this false testimony (i.e., a “*Napue* claim”),¹ and that the state failed to disclose favorable evidence (i.e., a “*Brady* claim”).²

¹ *See State v. Hill*, 871 N.W.2d 900, 907 (Minn. 2015) (“‘[I]mplicit in any concept of ordered liberty’ is the principle that ‘a State may not knowingly use false evidence’ to obtain a conviction.” (quoting *Napue v. Illinois*, 360 U.S. 264, 269 (1959))).

² *See Ezeka v. State*, 16 N.W.3d 768, 779 (Minn. 2025) (“*Brady* addresses the prosecution’s failure to turn over exculpatory evidence, holding that suppressing evidence that is ‘favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.’” (quoting *Brady v. Maryland*, 373 U.S. 83, 87 (1963))).

Seeman also submitted an affidavit from S.S., who, after a conversation with D.O., alleged that D.O.: (1) “lied when he testified that he had stolen a 6x6 military truck for . . . Seeman”; (2) “[p]urposely misidentified [a vehicle] as a truck that he had stolen” when shown a picture of it; and (3) “fabricated a claim of stealing 200 vehicles for . . . Seeman.” The district court summarily denied Seeman’s second postconviction petition, determining that Seeman was not entitled to relief on his false-testimony claim and that Seeman’s remaining claims were procedurally barred by *Knaffla*.³

This appeal follows.

DECISION

Seeman challenges the district court’s summary denial of his second petition for postconviction relief. He contends that the district court abused its discretion by: (A) improperly determining that his false-testimony claim failed under the *Larrison* standard;⁴ (B) improperly determining that Seeman’s *Napue* and *Brady* claims are *Knaffla*-barred; and (C) relying on the challenged testimony, which unlawfully resulted in prejudice as to the sentence Seeman received in Matter 3. As explained below, we discern no abuse

³ See *State v. Knaffla*, 243 N.W.2d 737, 741 (Minn. 1976) (precluding review of postconviction claims that were known but not raised on direct appeal).

⁴ The *Larrison* standard applies to claims of recanted or false testimony. See *Larrison v. United States*, 24 F.2d 82, 87–88 (7th Cir. 1928), *overruled by United States v. Mitrione*, 357 F.3d 712, 718 (7th Cir. 2004). “Although *Larrison* was overruled in *Mitrione*, Minnesota courts continue to apply the *Larrison* test in cases involving witness-recantation and false-testimony claims.” *State v. Duol*, 25 N.W.3d 135, 139 n.4 (Minn. 2025) (quotation omitted).

of discretion in the district court's order summarily denying Seeman's second postconviction petition.

“[Appellate courts] review the denial of a petition for postconviction relief, including the petitioner's request for an evidentiary hearing, for an abuse of discretion.” *Tichich v. State*, 4 N.W.3d 114, 119 (Minn. 2024) (quotation omitted). “An abuse of discretion occurs if a district court 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.” *Gilbert v. State*, 2 N.W.3d 483, 487 (Minn. 2024) (quotation omitted). Appellate courts “review the district court's legal conclusions de novo and its findings of fact for clear error.” *Tichich*, 4 N.W.3d at 119 (quotation omitted).

A person convicted of a crime may seek postconviction relief by filing a petition alleging that the conviction “violated the person's rights under the Constitution or laws of the United States or of the state.” Minn. Stat. § 590.01, subd. 1(1) (2024). After a petition is filed, the district court must schedule a hearing, “[u]nless 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 deciding whether to summarily deny a petition, the district court presumes the facts alleged in the petition to be true.” *Reese v. State*, 992 N.W.2d 373, 378 (Minn. 2023) (quotation omitted). “[A] district court need not hold an evidentiary hearing when the petitioner alleges facts that, if true, are legally insufficient to entitle him to the requested relief.” *Tichich*, 4 N.W.3d at 119 (quotation omitted).

With these principles in mind, we address Seeman's arguments in turn.

A. The district court acted within its discretion in determining that Seeman’s false-testimony claim did not satisfy the *Larrison* standard.

Seeman asserts that the district court abused its discretion by determining that his false-testimony claim failed under the *Larrison* standard.⁵

Under the *Larrison* standard: “(1) the court must be reasonably well-satisfied that the testimony in question was false; (2) without that testimony the jury might have reached a different conclusion; and (3) the petitioner was taken by surprise at trial or did not know of the falsity until after trial.” *Kaiser v. State*, 4 N.W.3d 95, 101 (Minn. 2024) (quotation omitted). Under the second prong of this standard, “might” means something more than “an outside chance” but much less than “would probably.” *Ortega v. State*, 856 N.W.2d 98, 104 (Minn. 2014) (quotation omitted). “The first two prongs are compulsory, but the

⁵ Seeman also contends that the district court erroneously applied the *Rainer* standard—which applies to claims of newly discovered evidence, see *Rainer v. State*, 566 N.W.2d 692, 695 (Minn. 1997)—to his false-testimony claim. The district court did consider this claim under both the *Rainer* and *Larrison* standards, and we agree with Seeman that his claim is properly analyzed under *Larrison* and not *Rainer*. The Minnesota Supreme Court has “consistently considered witness recantation to be newly discovered evidence of false testimony and [has] therefore applied the *Larrison* test in such cases.” *Tichich*, 4 N.W.3d at 120; see also *Opsahl v. State*, 677 N.W.2d 414, 422–23 (Minn. 2004) (applying the *Larrison* standard to the appellant’s claim that several witnesses gave false testimony, which the appellant supported with affidavits in which three of the state’s witnesses recanted their testimony, as well as affidavits of individuals who claimed to have heard certain state witnesses recant trial testimony). That said, we conclude that any error by the district court in analyzing Seeman’s claim under the *Rainer* standard, in addition to the *Larrison* standard, is harmless. See Minn. R. Crim. P. 31.01 (requiring that harmless error be disregarded). Indeed, the district court determined that Seeman “failed to allege facts regarding [D.O.’s] alleged false testimony that, if proven by a fair preponderance of the evidence, would entitle [Seeman] to a new trial” under both the *Rainer* and *Larrison* standards. Cf. *Greer v. State*, 973 N.W.2d 918, 924 (Minn. 2022) (concluding that the Minnesota Supreme Court “need not resolve [a] . . . procedural dispute because . . . the alleged error was harmless”).

third prong is not required in order to grant a new trial.” *Kaiser*, 4 N.W.3d at 101 (quotation omitted). Appellate courts review a district court’s application of the *Larrison* test for an abuse of discretion. *Id.* at 103.

1. False Testimony

Under the first *Larrison* prong, the district court concluded that it was “not reasonably well-satisfied” that the *entirety* of D.O.’s testimony was false. The district court acknowledged that S.S. “alleges in his affidavit that [D.O.] admitted to lying about stealing the military truck for [Seeman] and about the number of vehicles [D.O.] stole for [Seeman].” But the district court also observed that “there is no claim that [D.O.] perjured himself regarding any of the other vehicles and equipment that [D.O.] specifically testified about at trial.” And the district court ruled that, “if proven, [Seeman’s claims] would only satisfy the court that [D.O.’s] testimony [was] false only in relation to the military truck stolen by [D.O.] (as opposed to the military truck found on [Seeman’s] property) and the estimated number of vehicles [D.O.] stole for [Seeman].”

Seeman maintains that D.O. falsely testified in three instances. According to S.S.’s affidavit, D.O.: (1) “lied when he testified that he had stolen a 6x6 military truck for . . . Seeman”; (2) “[p]urposely misidentified [a vehicle] as a truck that he had stolen” when shown a picture of it; and (3) “fabricated a claim of stealing 200 vehicles for . . . Seeman.” And Seeman argues that the district court’s decision disregards S.S.’s affidavit.⁶ This argument is unavailing.

⁶ The state responds that Seeman failed to satisfy the first *Larrison* prong because S.S.’s affidavit did not meet the requirement that the recantation “bear sufficient indicia of

In its analysis of the first *Larrison* prong, the district court properly considered S.S.’s affidavit as true and correctly considered some of D.O.’s statements to be false. On that basis, the district court decided that Seeman had satisfied the first *Larrison* prong with respect to the statements about the military truck and the number of stolen vehicles but not with respect to many other statements that supported Seeman’s guilt. We discern no abuse of discretion in this aspect of the district court’s analysis.

2. Effect on the Jury

On the second *Larrison* prong, the district court determined that other evidence besides D.O.’s testimony supported Seeman’s convictions of Counts 27 and 28. The district court reasoned that “the jury could have still reached the same conclusions on Count[s] 27 and 28 regarding the military vehicle without [D.O.’s] testimony” and “could have still reached the same conclusion on Count 1 regarding racketeering without the alleged perjured testimony of [D.O.]”

Seeman argues that “[t]he [district] court conceded that the jury still ‘could have’ convicted without [D.O.’s] testimony” and that “*Larrison* requires only that the jury might have reached a different result.” We take Seeman’s point that whether the jury could have reached the same conclusion is a distinct inquiry from whether the jury might have reached a different conclusion without the false testimony. The language of the district court’s

trustworthiness.” As Seeman points out, however, a district court should not determine that a witness is unreliable without first evaluating the witness’s credibility at an evidentiary hearing. *See Opsahl*, 677 N.W.2d at 423–24; *see also Ferguson v. State*, 779 N.W.2d 555, 561 (Minn. 2010) (stating that any “doubts about whether to conduct an evidentiary hearing should be resolved in favor of granting the hearing” (quotation omitted)). We therefore reject the state’s argument in that regard.

order—that D.O.’s testimony was “not necessary” and the other evidence “was sufficient for a conviction”—appears to focus on the former inquiry rather than the latter. But considering the district court’s decision as a whole, the court’s phrasing does not amount to a determination in Seeman’s favor on the second *Larrison* prong. For the following reasons, we conclude that the district court acted within its discretion in determining that Seeman’s claim fails on the second *Larrison* prong.

Notwithstanding the phrasing of the order, the district court ruled that Seeman did not show that the jury might have reached a different result without the recanted testimony. The district court properly relied on the “significant additional [trial] evidence” of Seeman’s guilt on Counts 1, 27, and 28. *See Ortega*, 856 N.W.2d at 104. As the district court observed, testimony from witnesses other than D.O. established that the military truck had been stolen, found on Seeman’s property, and altered by Seeman, such that the jury would still have convicted Seeman of Counts 27 and 28. As to D.O.’s testimony about stealing 200 vehicles, the district court reasoned that “the jury was instructed that the criminal act was conduct constituting receiving stolen property and that the pattern of criminal activity was three or more criminal acts.” Because the jury “received evidence supporting several counts against [Seeman] of receiving stolen property, including Count 27 regarding the military truck, Count 6 regarding . . . four green truck doors, and Count 7 regarding [an] International Tractor,” the district court ruled that the jury would not have reached a different result without the allegedly false testimony.

Seeman does not dispute the district court’s characterization of the record and therefore has not shown that the court abused its discretion in determining that his

postconviction claim failed on the second *Larrison* prong. *See Hooper v. State*, 680 N.W.2d 89, 96 (Minn. 2004) (concluding that a district court did not abuse its discretion in denying the appellant an evidentiary hearing on a postconviction claim because, while recanted testimony was relevant to the appellant’s guilt, “[t]here was ample evidence independent of . . . [the recanted] testimony implicating [appellant]”); *see also Morgan v. State*, 384 N.W.2d 458, 460 (Minn. 1986) (deciding that the appellant was not entitled to an evidentiary hearing on a postconviction claim because there was other convincing evidence of guilt and, even without certain recanted testimony, the jury would not have reached a different conclusion because the recanted testimony went to credibility rather than guilt).

In short, the district court properly determined that the allegations in Seeman’s petition, when viewed as true, meet the first *Larrison* prong. And on the second *Larrison* prong, the district court acted within its discretion by determining that Seeman did not demonstrate that, without the allegedly false testimony, the jury might have reached a different conclusion. Because the facts alleged in Seeman’s postconviction petition are thus legally insufficient to warrant relief, the district court acted within its discretion by denying Seeman’s false-testimony claim without an evidentiary hearing.⁷ *See Tichich*, 4 N.W.3d at 119.

⁷ Given our conclusion that Seeman has not established that the district court abused its discretion in its determinations about the first two *Larrison* prongs—which are “compulsory”—we need not and do not review the district court’s consideration of the third prong, which “is not required in order to grant a new trial.” *Kaiser*, 4 N.W.3d at 101 (quotation omitted).

B. The district court acted within its discretion in determining that Seeman’s remaining postconviction claims are procedurally barred by *Knaffla*.

Seeman argues that the district court erred in applying the *Knaffla* procedural bar to his *Napue* and *Brady* claims.

The *Knaffla* procedural bar precludes review of “all claims raised in the direct appeal and all claims that were known *or should have been known* but were not raised in the direct appeal.” *Ezeka*, 16 N.W.3d at 776 (quotation omitted); *see also* Minn. Stat. § 590.01, subd. 1(2) (2024) (“A petition for postconviction relief after a direct appeal has been completed may not be based on grounds that could have been raised on direct appeal of the conviction or sentence.”). “[T]here are two exceptions to the *Knaffla* procedural bar: (1) if a novel legal issue is presented; or (2) if the interests of justice require review.” *Gilbert*, 2 N.W.3d at 487. Appellate courts review a district court’s decision that a claim is procedurally barred by *Knaffla* for an abuse of discretion. *Reed v. State*, 793 N.W.2d 725, 730 (Minn. 2010). As mentioned above, an abuse of discretion occurs when a district court 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. *Gilbert*, 2 N.W.3d at 487.

1. *Napue* Claim

Seeman contends that the district court abused its discretion in applying the *Knaffla* procedural bar to his *Napue* claim. As noted above, this claim is based on “the principle that ‘a State may not knowingly use false evidence’ to obtain a conviction.” *Hill*, 871 N.W.2d at 907 (quoting *Napue*, 360 U.S. at 269).

In his memorandum supporting his postconviction petition, Seeman asserted that “the state elicited [D.O.’s] knowingly false testimony in violation of [his] due process rights under the fourteenth amendment.” And Seeman maintained that “[t]he state had reason to know that [D.O.] would make misrepresentations in his testimony, given his history of false statements to law enforcement,” certain cellphone data, D.O.’s propensity for dishonesty, and the inconsistent questions that the state asked D.O.

The district court considered Seeman’s contentions that the state intentionally elicited D.O.’s false testimony but determined that his claim was procedurally barred by *Knaffla*. In making that determination, the district court stated that Seeman “d[id] not provide any explanation regarding why [he] failed to raise this issue during trial or at the time of appeal.” And the district court reasoned that, because Seeman had retained a cellphone expert, he “certainly knew or, at the very least, should have known about any allegedly exculpatory or impeaching information contained in reports created prior to trial.”

On appeal, Seeman contends that “[d]ue process prohibits convictions obtained through false testimony” and “[t]he reliability of [D.O.], the key witness, was central.” Nevertheless, Seeman neither challenges the district court’s reasoning in applying the *Knaffla* procedural bar nor explains why his *Napue* claim was not known or could not have been known at the time of his direct appeal. Consequently, Seeman has not established that the district court abused its discretion in determining that Seeman’s *Napue* claim is procedurally barred by *Knaffla*.

2. *Brady* Claim

Seeman also asserts that the district court abused its discretion in determining that the *Knaffla* procedural bar applies to his *Brady* claim. As discussed earlier, “*Brady* addresses the prosecution’s failure to turn over exculpatory evidence, holding that suppressing evidence that is ‘favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.’” *Ezeka*, 16 N.W.3d at 779 (quoting *Brady*, 373 U.S. at 87). *Brady* also applies to “material evidence that could be used to impeach a witness’s credibility.” *Id.* To establish a *Brady* violation, a defendant must show: “(1) the evidence is favorable to the defendant because it would have been either exculpatory or impeaching; (2) the evidence was suppressed by the prosecution, intentionally or otherwise; and (3) the evidence is material—in other words, the absence of the evidence must have caused prejudice to the defendant.” *Id.* (quotations omitted). “The facts . . . must meet all three requirements to establish a *Brady* violation.” *Zornes v. State*, 903 N.W.2d 411, 417 (Minn. 2017).

In his memorandum supporting his postconviction petition, Seeman contended that the state did not comply with its *Brady* obligations because it suppressed evidence of D.O.’s potential accomplices who acted as drivers. Seeman maintained that “[D.O.] testified that he ‘had a friend drop him off’ to the theft location of the military truck, where he crashed through the gates of the business.” And Seeman asserted that “[D.O.’s] claim of stealing 200 vehicles requires 200 individual rides to those thefts.”

The district court determined that Seeman’s *Brady* claim was procedurally barred by *Knaffla* because Seeman “was aware at [the] time [of trial] of at least one unidentified driver and of the state’s alleged failure to corroborate the existence of the driver (or drivers), but [Seeman] failed to raise the issue at trial or on [direct] appeal.” Moreover, the district court reasoned that Seeman did not argue that any of the exceptions to the *Knaffla* procedural bar apply.

As with his *Napue* claim, Seeman does not challenge the district court’s reasoning related to its application of *Knaffla*. Instead, Seeman contends that “[t]he record shows [that he] attempted to identify [D.O.’s] driver-accomplice during trial, but the state objected, and the objection was sustained.” This argument acknowledges that Seeman was aware of the state’s alleged failure to corroborate the driver’s identity or that he should have known of this claim at the time of trial, such that he could have raised the claim on direct appeal or in his first postconviction petition—confirming the applicability of the *Knaffla* procedural bar. And Seeman does not argue that any exception to *Knaffla* obtains. Accordingly, Seeman has not established that the district court abused its discretion in determining that Seeman’s *Brady* claim is procedurally barred by *Knaffla*.⁸

⁸ We also note that the district court determined that Seeman’s *Brady* claim fails on the merits because, “[w]hile [Seeman’s] claim could potentially meet the first prong of the *Brady* test as [evidence that is favorable to Seeman because it would have been] impeaching,” the court ruled that the second and third *Brady* prongs were not satisfied because “the state cannot suppress information it does not have” and Seeman did not specify “how the evidence would have made a material difference in [the] *outcome* of the trial.” Although he argues that “[t]he suppressed evidence was material” and “could have led to exculpatory testimony undermining [D.O.’s] credibility and supporting Seeman’s innocence,” Seeman has not shown on appeal that the purported evidence was in the state’s

C. Seeman has forfeited his sentencing argument.

Finally, we conclude that Seeman has forfeited his argument that the district court's reliance on the challenged testimony unlawfully resulted in prejudice as to the sentence he received in Matter 3.

While Seeman lists this argument in the "Statement of Legal Issues" portion of his brief, he neither elaborates upon it nor supports it with any analysis or citations to legal authority. Thus, Seeman has forfeited his sentencing argument. *See State v. Vasko*, 889 N.W.2d 551, 555–56 (Minn. 2017) ("Generally, we consider an argument not raised in the parties' briefs to be forfeited.").

Affirmed.

possession, that the state suppressed such evidence, and that—absent speculation—he was prejudiced because of the alleged suppression. *See Ezeka*, 16 N.W.3d at 780.