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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1088**

State of Minnesota,
Respondent,

vs.

David Devon Bryant,
Appellant.

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

Steele County District Court
File No. 74-CR-24-556

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

Robert J. Jarrett, Steele County Attorney, Darrell J. Johnston, Aaron D. Pulanco, Assistant
County Attorneys, Owatonna, Minnesota (for respondent)

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

Considered and decided by Cochran, Presiding Judge; Larkin, Judge; and Segal,
Judge.*

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

NONPRECEDENTIAL OPINION

COCHRAN, Judge

In this direct appeal, appellant argues that the district court abused its discretion by denying his motion to withdraw his guilty plea prior to sentencing under the fair-and-just standard. Alternatively, he argues that his plea is not constitutionally valid. Because we conclude that the district court did not abuse its discretion by denying his request to withdraw his plea prior to sentencing and he has not demonstrated his plea is invalid, we affirm.

FACTS

On April 7, 2024, police received a call reporting that an intoxicated man was at the Executive Inn in Owatonna waving a BB gun and threatening people. After arriving on the scene, police interviewed witnesses and the alleged victim, M.F. The witnesses told police that appellant David Devon Bryant was waving a gun, was visibly angry, and was threatening to shoot M.F., an individual who lived in the building. The witnesses further stated that, after Bryant threatened to shoot M.F., M.F. sprayed Bryant with mace. Bryant then fired the BB gun at M.F. M.F. reported a similar series of events to police. Officers found Bryant at the scene. Bryant told officers that he had been “maced.” When officers found him, he also had a BB gun in his waistband. The BB gun was shaped like a pistol. Officers observed that the tip and inside of the muzzle were spray-painted gold.

Respondent State of Minnesota charged Bryant with several crimes, including threats of violence—cause or attempt to cause terror in violation of Minnesota Statutes section 609.713, subdivision 3(a)(1) (2022) (count I); threats of violence in violation of

Minnesota Statutes section 609.713, subdivision 1 (2022) (count II); fifth-degree assault in violation of Minnesota Statutes section 609.224, subdivision 1(2) (2022) (count III); and second-degree attempted assault with a dangerous weapon in violation of Minnesota Statutes section 609.222, subdivision 1 (2022) (count IV).

On January 9, 2025, Bryant and the state entered into a plea agreement. Under the terms of the agreement, Bryant would plead guilty to the charge of threats of violence—cause or attempt to cause terror (count I) and the state would dismiss the remaining charges. The state also agreed to not make a recommendation as to sentencing.

Bryant signed a plea petition that day. In the plea petition, Bryant stated that he had sufficient time to discuss the case with his attorney, that he had discussed all possible defenses that he might have, and that he was advised by his attorney about the rights he was giving up. Bryant did indicate on the plea petition that he had a claim of self-defense on count I. But Bryant also stated that he was making “no claim that [he is] innocent” and he understood that, if he pleads guilty, he would “not have a trial by either a jury or by a judge.” Bryant further stated that he was making the plea voluntarily.

Later that same day, the district court held a plea hearing. After counsel explained the terms of the plea agreement, Bryant confirmed that he wished to proceed with the plea agreement. The district court then placed Bryant under oath and the following exchange took place:

THE COURT: As you are participating in the hearing this afternoon, I know it’s nerve-racking but do you feel like you are thinking clearly?

THE DEFENDANT: I am just having super bad anxiety.

THE COURT: Okay. Is there anything we can do to lessen your anxiety in the moment here?

THE DEFENDANT: No, no.

THE COURT: Okay. And I know that you've had the last two hours or so today to speak with [your attorney]. Are you satisfied with the legal work that he's done for you so far?

THE DEFENDANT: As far as what he's done for me, correct.

The court then confirmed that Bryant had a chance to review the plea petition with his attorney before he signed it. The court next explained to Bryant the significance of entering into a guilty plea:

You understand, then, from the conversations with [your attorney] and from reviewing the document yourself that if you move forward with this plea agreement then you're not going to have a trial next week. That means you're giving up your presumption of innocence on Count I. You're giving up your right to require the State to prove all four charges in the complaint to a jury of 12 people. If there's no trial, there's no witnesses, so you're giving up your right to question witnesses against you, and you're giving up your right to have the 12 people come to a unanimous decision on these charges. You understand that?

Bryant confirmed he understood. Bryant also confirmed that he was not pressured by anyone to plead guilty.

The court turned to the factual basis for the guilty plea. Bryant explained the events at the Executive Inn. He stated that he was "in a rage," he had a handgun-style BB gun with the orange tip that was painted gold, and he "was threatening" M.F. with the BB gun. He also agreed that the BB gun could easily have been mistaken for a real handgun and that he displayed the BB gun in a manner that could have caused terror for M.F. After testifying to these facts, Bryant explained that prior to going to the Executive Inn, he had

been arguing with his girlfriend, he went over to the Executive Inn to do some work painting with M.F., and the two got into an argument over the painting. Bryant then told the court that he has post-traumatic stress disorder (PTSD) and he “was not there completely” at the time of the incident. But, upon further questioning by the court, Bryant recalled threatening M.F. with a handgun-style BB gun and confirmed that he was displaying the gun in a manner that M.F. could see. He also agreed that his threats and display of the gun appeared to cause M.F. terror.

The district court accepted Bryant’s guilty plea and expressly found that the plea was “knowingly, intelligently, and voluntarily” entered. The district court convicted Bryant of threats of violence (count I) and scheduled the case for sentencing on March 5.

A presentence investigation report was completed on February 27. On March 4, Bryant’s counsel filed a letter stating that Bryant may wish to address the court at the beginning of the sentencing hearing and move to withdraw his plea. On March 5, Bryant appeared before the district court and confirmed that he wished to withdraw his plea. The district court requested that Bryant file a formal motion and continued the hearing until April 17.

On April 10, Bryant filed a plea-withdrawal motion. His motion stated he would move for withdrawal on the grounds that:

- “[Bryant] committed the offense due to his PTSD;”
- “[Bryant’s] guilty plea was not knowing, voluntary, and intelligent due to the medication he was taking at the time of his guilty plea”; and
- “[Bryant] pleaded guilty under duress due to anxiety he was experiencing at the time of his guilty plea.”

Bryant brought his motion pursuant to Minnesota Rule of Criminal Procedure 15.05, subdivision 2, on the basis that it would be “fair and just” to allow him to withdraw his plea. His motion did not make any reference to subdivision 1 of rule 15.05, which provides for plea withdrawal to correct a manifest injustice.

On April 17, the district court held a hearing to address Bryant’s motion and sentencing. At the hearing, Bryant addressed the court personally and explained that he wished to withdraw his plea because he was “under duress” when he entered his plea. He told the court that at the time he pleaded guilty, he was taking newly prescribed medication—Adderall and medical marijuana. He further stated that the medication contributed to his anxiety on the day of the plea. Bryant went on to say, “I feel the reason to withdraw this plea [is] not just based on that [reason]. It’s based on the fact [that] what happened was wrong.” He stated that he was the victim in the incident at the Executive Inn because he was “assaulted” and “maced” by M.F. At that point, the state objected. The district court told the parties that Bryant’s testimony about the incident “essentially” constituted a collateral attack on the facts that Bryant testified to at the plea hearing, which potentially could subject Bryant to perjury. Bryant’s attorney responded that he and Bryant discussed the possibility of perjury. The court then overruled the objection and allowed Bryant to continue with his testimony.

Bryant told the district court that “[d]uring that time, [he] was experiencing a lot of anxiety, confusion, worry, and stress.” He explained that he “felt when [he] took that plea,” he did so “out of . . . fear and confusion at that time, and . . . after it was done, [he] went home and immediately realized that was . . . a bad decision[.]” He further testified that, at

the time of the plea hearing, he was taking medical marijuana for his PTSD and Adderall twice daily. In support of withdrawal of his guilty plea, he also expressed concern about losing his employment once sentenced. During cross-examination, Bryant confirmed that he has continued to take Adderall and medical marijuana since the plea hearing and he uses the medication daily as prescribed. Bryant's attorney did not provide any argument after Bryant finished his testimony but relied on the testimony alone to support the plea-withdrawal motion.

The state argued that Bryant had not demonstrated a basis for plea withdrawal. The state asserted that "given the frequency that [Bryant] takes his medication," the medication did not affect Bryant's ability to understand the plea proceeding or his plea. The state further argued that Bryant was simply experiencing "buyer's remorse."

After hearing from the parties, the district court denied Bryant's motion to withdraw his plea. The district court judge noted that she was the judge who took Bryant's plea. The district court did not find Bryant's testimony in support of his plea-withdrawal motion to be credible. The district court stated that it did not have any concerns about Bryant's state of mind at the time of the plea hearing. The district court acknowledged that Bryant was anxious at the time of the guilty plea, but not any more than anyone would "be given the circumstances and the uncertainty as to the outcome of the case given the nature of the plea agreement[.]" The district court explained to Bryant that it did not "find that either [his] past diagnoses for which there's been no medical documentation or the medications [he] take[s] for which again there's no corroborating evidence interfered with [his] ability to knowingly and intelligently waive [his] rights to trial and enter a plea." And the district

court also explained that Bryant's claim that he was impaired at the time of the plea hearing was undercut by his testimony that, as soon as he got home from the plea hearing, he realized he made a mistake by pleading guilty. The district court stated that there was "no reason to believe" that Bryant could be impaired at the hearing and then have "clarity of thought" "mere minutes" after entering into the plea. For these reasons, the district court found that "this is a situation where you simply changed your mind and you want to avoid circumstances that might come along with the sentencing."

The district court then went to the sentencing phase of the hearing. Before imposing a sentence, the district court asked Bryant if there was anything else that he would like the court to consider before deciding his sentence. Bryant returned to his claim that his medication affected him on the day of the plea hearing, asserting that he had given counsel documentation of his prescriptions in late December and again in January when his prescriptions changed. Bryant again stressed that he was attacked by M.F., whom he threatened with the BB gun. The district court imposed a 12-month sentence, stayed for one year and placed Bryant on probation.

Bryant appeals.

DECISION

Bryant makes two arguments. First, Bryant argues that the district court abused its discretion by concluding that he failed to show that it would be fair and just to allow him to withdraw his guilty plea. In the alternative, Bryant argues that he must be allowed to withdraw his guilty plea because his plea is constitutionally invalid. We conclude that neither argument is persuasive.

I. The district court did not abuse its discretion by denying Brant’s motion to withdraw his guilty plea under the fair-and-just standard.

A criminal “defendant does not have an absolute right to withdraw a guilty plea.” *State v. Townsend*, 872 N.W.2d 758, 761 (Minn. App. 2015). But a district court may permit a defendant to withdraw a guilty plea prior to sentencing “if it is fair and just to do so.” Minn. R. Crim. P. 15.05, subd. 2. “The ‘fair and just’ standard requires district courts to give ‘due consideration’ to two factors: (1) the reasons a defendant advances to support withdrawal and (2) prejudice granting the motion would cause the [s]tate given reliance on the plea.” *State v. Raleigh*, 778 N.W.2d 90, 97 (Minn. 2010). The defendant bears the burden of proving a fair-and-just reason for withdrawal. *State v. Lopez*, 794 N.W.2d 379, 382 (Minn. App. 2011). The state bears the burden to show prejudice. *Raleigh*, 778 N.W.2d at 97.

We review a district court’s application of the fair-and-just standard for abuse of discretion. *Id.* “A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record.” *State v. Allwine*, 963 N.W.2d 178, 188 (Minn. 2021). When reviewing a district court’s decision denying a motion to withdraw a plea, we consider “the entire context in which [a defendant’s] plea of guilty occurred, as demonstrated by the record.” *State v. Abdisalan*, 661 N.W.2d 691, 695 (Minn. App. 2003), *rev. denied* (Minn. Aug. 19, 2003). Appellate courts rarely reverse a district court’s decision to deny a plea-withdrawal motion. *Raleigh*, 778 N.W.2d at 97.

Bryant argues that the district court abused its discretion by denying his motion because “[t]here is evidence in the record from Bryant’s plea hearing to support Bryant’s

claim that plea withdrawal would have been fair and just under the circumstances.” In particular, Bryant contends that his plea was made under duress. He claims the record shows that he pleaded guilty out of fear and confusion, emphasizing he entered the plea while on new medications and while experiencing anxiety.¹

We discern no abuse in the district court’s decision. The record reflects that the district court gave due consideration to Bryant’s stated reasons for withdrawing his plea. The district court rejected Bryant’s claim that he was under duress due to anxiety and fear because the district court did not find Bryant’s testimony to be credible. We defer to that credibility determination. *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988). Regarding his anxiety, the district court also found that Bryant was not any more anxious than anyone would “be given the circumstances and the uncertainty as to the outcome of the case given the nature of the plea agreement,” which did not address sentencing. Nor was the court persuaded by Bryant’s claim that his medication interfered with his ability to enter a guilty plea, noting that there was no evidence in the record regarding the prescriptions or his medical diagnoses. The district court also emphasized Bryant’s acknowledgment that he regretted pleading guilty immediately after the plea hearing. On this basis, the district court concluded that Bryant failed to show he was under duress when

¹ For the first time on appeal, Bryant also argues that he should be permitted to withdraw his plea because he acted in self-defense, and did not realize that he waived his right to claim self-defense by pleading guilty. But generally, we will not consider arguments raised for the first time on appeal. *Ferguson v. State*, 645 N.W.2d 437, 448 (Minn. 2002). Therefore, we confine our analysis to the argument that Bryant’s plea was not voluntary because he was under the influence of new medication and suffering from anxiety when he entered into his plea.

he pleaded guilty. Considering the record as a whole, including that the district court judge who denied this motion was the same district court judge who presided over the plea hearing and was able to observe Bryant's demeanor and behavior, we discern no abuse of discretion by the district court in this determination.

Bryant also argues that the district court abused its discretion by denying his motion to withdraw his plea because he testified at the plea-withdrawal hearing that he acted in self-defense when he made the threats of violence and it would be fair and just to allow him to withdraw his plea on this basis. He argues that, although the district court discounted his statements, the district court should have credited the statements because "they are statements against his own interest" and "Bryant could be perjuring himself" by making them. But again, the district court did not find Bryant's testimony at the plea-withdrawal hearing to be credible. We defer to that determination. *Id.* Appellate courts do not "reweigh the evidence or reassess the credibility of witnesses." *Tamarack Vill. Shopping Ctr., LP v. County of Washington*, 9 N.W.3d 820, 831 (Minn. 2024). The district court found that Bryant was seeking to withdraw his plea because he simply changed his mind. "[M]ore than a change of heart is needed to withdraw a guilty plea." *Lopez*, 794 N.W.2d at 382. Considering the record before us, we conclude the district court did not abuse its discretion by denying Bryant's motion to withdraw his guilty plea under the fair-and-just standard.

II. Bryant’s guilty plea is not constitutionally invalid.

Bryant next argues that his guilty plea is constitutionally invalid. Bryant did not raise this argument before the district court when he made his motion to withdraw his plea. We generally decline to consider issues not raised and decided by the district court. *State v. Anderson*, 871 N.W.2d 910, 915 (Minn. 2015). But “[a] defendant may challenge the constitutional validity of a guilty plea for the first time on direct appeal.” *State v. Crawford*, 13 N.W.3d 693, 696 (Minn. App. 2024) (citing *Brown v. State*, 449 N.W.2d 180, 182 (Minn. 1989)). Therefore, we consider the validity of Bryant’s guilty plea.

“To be constitutionally valid, a guilty plea must be accurate, voluntary, and intelligent.” *Raleigh*, 778 N.W.2d at 94. The validity of a guilty plea presents a legal question that we review de novo. *Id.* A defendant bears the burden of demonstrating that his guilty plea was invalid. *Id.* Bryant argues that his plea was not accurate, voluntary, or intelligent when entered. We consider each requirement in turn.

Accuracy

“Accuracy requires that the plea be supported by a proper factual basis” *State v. Jones*, 7 N.W.3d 391, 395 (Minn. 2024) (quotation omitted). The “factual-basis requirement is satisfied if the record contains sufficient evidence to support a conclusion that the defendant is guilty of at least as great a crime as that to which he pled guilty.” *Id.* at 396. “A factual basis is inadequate, though, when the defendant makes statements that negate an essential element of the charged crime, unless the defendant subsequently

withdraws or corrects the statement, or the guilty plea is otherwise rehabilitated.” *Id.* (quotations and citations omitted).

Bryant pleaded guilty to the offense of threats of violence—cause or attempt to cause fear of another—in violation of section 609.713, subdivision 3(a)(1). To support a conviction under this provision, Bryant needed to admit to facts establishing that he “display[ed], exhibit[ed], brandishe[d], or otherwise employ[ed] a replica firearm or a BB gun in a threatening manner” that “cause[d] or attempt[ed] to cause terror in another person.” Minn. Stat. § 609.713, subd. 3(a)(1). Bryant argues that he negated the mens rea for the charge when he testified that he “was not there completely” at the time he made the threat of violence. We are not persuaded.

As an initial matter, Bryant’s argument is inadequately briefed because Bryant does not identify the mens rea required for the offense at issue. Nor does he explain how his testimony—that he “was not there completely”—negated the mens rea for this offense. “An assignment of error based on mere assertion and not supported by any argument or authorities in appellant’s brief is waived and will not be considered on appeal unless prejudicial error is obvious on mere inspection.” *Anderson*, 871 N.W.2d at 915. Because the argument is inadequately briefed and we discern no prejudicial error, we could decline to address the argument.

Regardless, the record reflects that the plea was accurate. After Bryant stated that he “was not there completely,” the district court clarified: “But you do recall that you threatened [M.F.] and that you had that handgun style BB gun?” Bryant responded: “Yes.” Bryant then also agreed that he was displaying the gun so that M.F. could see it and that it

appeared to cause M.F. terror. Assuming without deciding that Bryant negated the mens rea for the offense when he stated that he “was not there completely,” Bryant’s responses to the district court’s questions after that statement were sufficient to rehabilitate the mens rea. *See Nelson v. State*, 880 N.W.2d 852, 860 (Minn. 2016) (explaining that “[i]ntent is generally proved by inferences drawn from a person’s words or actions in light of all the surrounding circumstances” when rejecting appellant’s assertion that “he made statements during the plea colloquy that negated the elements of intent and premeditation”). We are satisfied, based on the colloquy, that Bryant’s guilty plea is accurate.

To persuade us otherwise, Bryant relies on *Jones*, 7 N.W.3d at 391. In *Jones*, the supreme court concluded that the accuracy requirement was not met because the defendant testified that he did not commit the act that he was pleading guilty to, thereby negating an element of the offense. *Id.* at 397-98. Bryant made no such claim of innocence here. As discussed above, he testified on the record that he threatened M.F. with a BB gun and that the act appeared to cause M.F. terror. Considering the entirety of Bryant’s testimony, we have no problem concluding that the plea colloquy contains sufficient evidence to support the conclusion that Bryant is guilty of the crime of threats of violence under section 609.713, subdivision 3(a)(1).

Voluntariness

Voluntariness refers to “what the parties reasonably understood to be the terms of the plea agreement” and whether the defendant pleaded guilty due to “improper pressure or coercion.” *Raleigh*, 778 N.W.2d at 96. The state “may not produce a plea by actual or threatened physical harm or by mental coercion overbearing the will of the defendant.”

Brady v. United States, 397 U.S. 742, 750 (1970); see *State v. Ecker*, 524 N.W.2d 712, 719 (Minn. 1994). But “a defendant’s motivation to avoid a more serious penalty or set of charges will not invalidate a guilty plea.” *Ecker*, 524 N.W.2d at 719. “Whether a plea is voluntary is determined by considering all relevant circumstances.” *Raleigh*, 778 N.W.2d at 96.

Similar to his argument regarding his plea-withdrawal motion, Bryant argues that his remarks at the plea hearing about his anxiety “call into question the voluntariness of his plea.” We are not persuaded. Viewed as a whole, the record does not demonstrate that Bryant did not understand the plea or that he pleaded guilty due to improper pressure or coercion. While Bryant did tell the district court that he was experiencing strong anxiety at the plea hearing, that statement alone does not establish that his plea was not voluntary. As the district court noted at the plea-withdrawal hearing, Bryant was not any more anxious than anyone would “be given the circumstances and the uncertainty as to the outcome of the case given the nature of the plea agreement.” And, at the plea hearing, Bryant acknowledged that no one was pressuring or forcing him to plead guilty. At that hearing, the district court asked, “[p]utting the anxiety of being under criminal charges aside, do you feel in any way that you’re being forced or pressured into this agreement?” Bryant stated: “Under the circumstances outside of my hands, yes, nothing here that anybody did.” This statement reflects that the pressure Bryant felt to plead guilty was pressure to avoid a potentially more serious sentence after trial due to his own conduct—not that he faced improper pressure or coercion by the state or anyone else to plead guilty.

Bryant also argues that his plea was not voluntary because he was taking certain medication—Adderall and medical marijuana—that he claimed made him more anxious. The supreme court rejected a similar argument in *Perkins v. State*, 559 N.W.2d 678, 691 (Minn. 1997). In *Perkins*, the supreme court held that a defendant’s “medical condition in no way precluded an accurate, voluntary, and intelligent plea” where the defendant made no showing that his medical condition or prescriptions prevented him from understanding the proceedings. *Id.* The record here requires a similar conclusion. At the plea hearing, Bryant stated clearly that he understood the proceedings, and, at the plea-withdrawal hearing, he conceded that he “understood the [plea] petition.” Additionally, Bryant’s only support for his claim that his prescriptions made him anxious was his testimony, which the district court did not find to be credible. In short, the record does not support Bryant’s claim that his plea was not voluntary.

Intelligence

“The intelligence requirement ensures that a defendant understands the charges against him, the rights he is waiving, and the consequences of his plea.” *Raleigh*, 778 N.W.2d at 96 (citing *State v. Trott*, 338 N.W.2d 248, 251 (Minn. 1983)). “Consequences refers to a plea’s direct consequences, namely the maximum sentence and fine.” *Id.* (quotation omitted). A defendant bears the burden of demonstrating that his guilty plea was not intelligent. *Id.* at 94.

Bryant argues that his plea was not intelligent because he did not understand that, by pleading guilty, he was waiving his right to argue that he acted in self-defense. In support of his argument, Bryant emphasizes that when he signed the plea petition, he

checked a box to indicate that he acted in “self-defense.” But the signed plea petition also includes a statement that Bryant makes “no claim that [he] is innocent” and includes a list of rights that Bryant is waiving, such as the right to a trial to decide his guilt. In addition, at the plea hearing, the district court explained the significance of the guilty plea to Bryant:

[This plea] means you’re giving up your presumption of innocence on Count 1. You’re giving up your right to require the State to prove all four charges in the complaint to a jury of 12 people. If there’s no trial, there’s no witnesses, so you’re giving up your right to question witnesses against you, and you’re giving up your right to have the 12 people come to a unanimous decision on these charges.

Bryant agreed that he understood he was giving up these rights. And, at the subsequent plea-withdrawal hearing, Bryant never claimed that he was confused about the fact that he was waiving a self-defense claim; he simply claimed that he “made a bad decision” and “it’s not right” that he waived a self-defense claim given that he was “assaulted.” Bryant has not established that he did not understand the nature of the charges against him or the rights he was waiving by pleading guilty. We therefore reject his argument that his plea was not intelligent.

In sum, the record establishes that Bryant’s plea was knowing, voluntary, and intelligent.

Affirmed.