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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1357**

State of Minnesota,
Respondent,

vs.

Anthony Lee Prellwitz,
Appellant.

**Filed June 29, 2026
Affirmed
Cochran, Judge**

Wilkin County District Court
File No. 84-CR-22-270

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

Jason M. Hastings, Wilkin County Attorney, Breckenridge, Minnesota (for respondent)

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

Considered and decided by Ross, Presiding Judge; Cochran, Judge; and Bentley,
Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

In this direct appeal, appellant challenges the validity of his *Alford* plea to the charge of unlawful possession of a firearm without a serial number, arguing that the plea is constitutionally inaccurate because it lacks a sufficient factual basis. We affirm.

FACTS

In July 2022, respondent State of Minnesota filed a complaint charging appellant Anthony Lee Prellwitz with unlawful possession of a firearm in violation of Minnesota Statutes section 624.713, subdivision 1(2) (2022) (count I), unlawful possession of ammunition in violation of this same statute (count II), and unlawful possession of a firearm without a serial number in violation of Minnesota Statutes section 609.667(3) (2022) (count III). The matter proceeded to a jury trial, at which Prellwitz represented himself. *State v. Prellwitz*, No. A23-0971, 2024 WL 3093650, at *1 (Minn. App. June 24, 2024), *rev. denied* (Minn. Sept. 25, 2024) (*Prellwitz I*). The jury found Prellwitz guilty on all three counts, and Prellwitz was sentenced on counts I and III. *Id.* at *3.

Prellwitz appealed his convictions, arguing, in relevant part, that he was entitled to a new trial because he did not waive his constitutional right to counsel. *Id.* at *6. We concluded that “the record shows that the district court failed to obtain a valid waiver of counsel from Prellwitz.” *Id.* Consequently, we reversed Prellwitz’s convictions and remanded the matter to the district court. *Id.*

On June 10, 2025, Prellwitz appeared with counsel to enter an *Alford* guilty plea on count III—unlawful possession of a firearm without a serial number.¹ Under the terms of the plea agreement with the state, the remaining counts would be dismissed, and Prellwitz would be sentenced to 22 months’ imprisonment, with credit for the 22 months already served. At the plea hearing, Prellwitz agreed that he had enough time to discuss the matter

¹ An *Alford* plea occurs when a defendant pleads guilty but continues to assert that they are not guilty. *North Carolina v. Alford*, 400 U.S. 25, 37-38 (1970).

with his attorney and that he was voluntarily entering into the guilty plea. He also agreed that he understood the rights he was waiving by entering the guilty plea.

Prellwitz's attorney then engaged in a colloquy with Prellwitz to establish the factual basis for the *Alford* plea. During the colloquy, Prellwitz agreed that the state had evidence that police found a gun without a serial number in a room that he occupied. He also agreed that, if this evidence was presented at trial, there was a substantial likelihood he would be convicted. And, upon further questioning by the district court, he confirmed that he was already convicted once on this evidence at his first trial, and he understood that the state would likely produce this evidence again at a second trial. He also testified that he was relying on this evidence in entering his *Alford* plea. The district court accepted Prellwitz's guilty plea and sentenced Prellwitz to 22 months in prison with credit for 22 months.

Prellwitz appeals.

DECISION

Prellwitz's sole argument on appeal is that his *Alford* guilty plea lacks a sufficient factual basis to meet the constitutional accuracy requirement and therefore is invalid. Prellwitz argues that his plea lacks a sufficient factual basis because his counsel "asked a long, compound question" in establishing the factual basis for the plea. He "requests that this [c]ourt review the factual basis for [Prellwitz's] *Alford* plea" to determine if there was a sufficient factual basis. The state argues that the colloquy during Prellwitz's *Alford* plea hearing provides a sufficient factual basis to meet the constitutional accuracy requirement. We agree with the state.

The validity of a guilty plea presents a question of law that this court reviews de novo. *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010). A defendant does not have an absolute right to withdraw his guilty plea, but a court must allow the defendant to withdraw their plea to correct a manifest injustice. *Id.* at 93. There is a manifest injustice if a guilty plea is invalid. *Id.* at 94. “To be constitutionally valid, a guilty plea must be accurate, voluntary, and intelligent.” *State v. Bell*, 971 N.W.2d 92, 100 (Minn. App. 2022) (quotation omitted), *rev. denied* (Minn. Apr. 27, 2022).

“The accuracy requirement protects a defendant from pleading guilty to a more serious offense than that for which he could be convicted if he insisted on his right to trial.” *Raleigh*, 778 N.W.2d at 94. “For a guilty plea to be accurate, a factual basis must be established on the record showing that the defendant’s conduct meets all elements of the charge to which he is pleading guilty.” *Barnslater v. State*, 805 N.W.2d 910, 914 (Minn. 2011). The sufficiency of the factual basis for a guilty plea is determined “from the record established when the plea was tendered.” *State v. Lillemo*, 410 N.W.2d 66, 69 (Minn. App. 1987).

When a defendant pleads guilty by entering an *Alford* plea, the defendant maintains innocence while also pleading guilty. *Raleigh*, 778 N.W.2d at 94. Because the defendant maintains innocence, an *Alford* plea must be supported by a strong factual basis. *State v. Theis*, 742 N.W.2d 643, 649 (Minn. 2007). In general, to demonstrate a strong factual basis the state must at a minimum “describe key evidence it would have presented at trial to secure” a conviction. *State v. Steichen*, ___ N.W.3d ___, ___, No. A24-0097, 2026 WL 1741014, at *8 (Minn. June 17, 2026) (applying this standard to a *Norgaard* plea

and holding that the accuracy requirement for a *Norgaard* plea is the same as the requirement for *Alford* pleas). In addition, the defendant must agree that evidence the state is likely to offer at trial is sufficient to convict. *Id.* “[A] strong factual basis and the defendant’s agreement that the evidence is sufficient to support his conviction provide the district court a basis to independently conclude that there is a *strong* probability that the defendant would be found guilty of the charge to which he pleaded guilty, notwithstanding his claims of innocence.” *Id.* at *5 (quotations omitted). The supreme court has instructed that an *Alford* plea’s factual basis requires “careful scrutiny,” and *Alford* pleas should not be accepted “cavalierly.” *Theis*, 742 N.W.2d at 648-49.

Prellwitz argues that the record lacks the strong factual basis necessary to support his *Alford* plea of guilty to Minnesota Statutes section 609.667(3). This statutory provision makes it a crime to “receive[] or possess[] a firearm that is not identified by a serial number.” Minn. Stat. § 609.667(3) (2022). Prellwitz does not specifically identify how or why the record indicates that his plea lacks an adequate factual basis.

In Prellwitz’s brief, he makes passing reference to the fact that his trial counsel “asked a long, compound question” during the plea colloquy. The supreme court has “discouraged the use of leading questions to establish a factual basis,” but leading questions do not necessarily invalidate a guilty plea. *State v. Jones*, 7 N.W.3d 391, 396 (Minn. 2024). Here, Prellwitz’s trial counsel asked the following compound question regarding the evidence the state was likely to present at trial:

And you would agree that if they were—if the evidence were to come in, that they’d testify that they found this gun and that it was in a room that you had used and that it didn’t have a

serial number on it. If that evidence came out in court, do you believe that it would be a substantial likelihood you could be convicted and therefore you want to take advantage of this deal which dismisses the two gun and ammunition charges?

Prellwitz responded, “Yes.” The affirmative answer to the compound question, in context, can most reasonably be interpreted as Prellwitz’s agreement with every component of the question. And to the extent that Prellwitz’s trial counsel’s questioning was unclear, the district court clarified the matter in its own questioning:

Q. Mr. Prellwitz, this is a unique situation in that this matter has already been tried to the jury once. Is that correct?

A. Yes.

Q. And you were present during that entire trial. Is that correct?

A. Yes.

Q. So, you heard the evidence that the State would present if we were to go back to trial again. Is that correct?

A. Yes.

Q. And you are also aware that at the first trial the jury did convict you of this charge. Is that correct?

A. Yes.

Q. And so, is it all of the information that you have been aware of throughout this file, is that what you are relying upon today in entering your guilty plea?

A. Yes.

The district court’s clarifying questions regarding the factual basis for the guilty plea were proper and permissible. *See Raleigh*, 778 N.W.2d at 94 (noting the usual way for the factual basis requirement to be satisfied is for the district court to ask questions of the defendant).

Based on our de novo review, we conclude that the plea colloquy establishes a strong factual basis for Prellwitz's guilty plea. During the plea colloquy, Prellwitz agreed that the state's evidence included that Prellwitz possessed a firearm that was not identified with a serial number. And Prellwitz further agreed that the circumstances of this case are unique because a jury had already found him guilty of this offense once before. Prellwitz also acknowledged that he had heard the state's evidence at trial and that there was a substantial likelihood that he would be convicted again if he had a new trial. Under these unique circumstances, we are satisfied that the plea colloquy did not require an extensive description of "key evidence [the state] would have presented at trial" because the district court and Prellwitz already heard the evidence during the prior trial. *Steichen*, 2026 WL 1741014, at *8. Because the state's evidence was sufficient to convict Prellwitz during his first trial and Prellwitz acknowledged there was a substantial likelihood that he would be convicted again, we conclude that Prellwitz's plea colloquy establishes a strong factual basis for the *Alford* plea and is accurate. *Theis*, 742 N.W.2d at 648-49. We therefore affirm the conviction.

Affirmed.