

*This opinion is nonprecedential except as provided by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
A25-1488**

John Kevin Melina, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

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

Stearns County District Court
File No. 73-CR-20-1280

Cathryn Middlebrook, Chief Appellate Public Defender, Charles F. Clippert, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

Janelle P. Kendall, Stearns County Attorney, Michael J. Lieberg, Chief Deputy County Attorney, St. Cloud, Minnesota (for respondent)

Considered and decided by Wheelock, Presiding Judge; Larson, Judge; and Harris, Judge.

NONPRECEDENTIAL OPINION

LARSON, Judge

Appellant John Kevin Melina challenges the postconviction court's decision to deny his petition for postconviction relief. Melina argues the postconviction court abused its discretion when it concluded that his petition was time-barred and that he entered a

constitutionally valid guilty plea. Because the postconviction court did not abuse its discretion when it denied Melina’s postconviction petition, we affirm.

FACTS

Melina pleaded guilty to one count of felony domestic assault by strangulation under Minn. Stat. § 609.2247, subd. 2 (2018). At the plea hearing, Melina answered questions from his attorney to establish a factual basis for his guilty plea. Melina described that, on the day of the assault, A.N.J. (victim) was “upset” when “she arrived home” because he failed to “pick her up from work.” An argument ensued that escalated when Melina strangled victim, causing her to briefly lose consciousness. Melina also described his relationship with victim:

COUNSEL: And on [the day of the offense] did you get into a dispute by [sic] someone who is a domestic partner or was at that time, a domestic partner to you?

DEFENDANT: Yes, she was my *significant other* at that time, correct.

(Emphasis added.) And when asked whether certain sexual acts were “part of [his] intimate relationship with [victim],” Melina replied, “[t]hat is correct.” The district court determined that Melina provided a sufficient factual basis and concluded that Melina entered a “knowing[], intelligent[], and voluntar[y] guilty plea.”

At an August 2021 sentencing hearing, the district court adjudicated Melina guilty and stayed imposition of his sentence, placed him on probation for up to five years “subject to the standard conditions,” and ordered that he complete at least thirty-six hours of domestic-abuse counseling or educational programming.

In June 2022, Melina appeared for a probation-violation hearing. Melina acknowledged that he had failed to complete the domestic-abuse counseling or educational programming. Melina then asked the district court to execute his sentence. The district court agreed and vacated the stay of imposition and executed his sentence. Thereafter, the parties jointly requested that the district court amend the sentencing order to vacate Melina's demand to execute his sentence, impose an eighteen-month prison term, stay execution for five years, give Melina credit for time served, and discharge Melina from probation. The district court granted the request and issued an amended sentencing order in January 2023, reflecting the joint request.

In October 2024, Melina filed a motion to withdraw his guilty plea. Then, in November 2024, Melina filed a self-represented postconviction petition. And in February 2025, after obtaining representation by the Office of the Appellate Public Defender, Melina filed an amended postconviction petition, claiming that his plea was inaccurate.

In July 2025, the postconviction court denied Melina's postconviction petition without an evidentiary hearing, concluding that Melina's claim was time-barred under Minn. Stat. § 590.01, subd. 4(a) (2024), and, even if it was not time-barred, Melina entered an accurate guilty plea.

Melina appeals.

DECISION

Melina argues the postconviction court abused its discretion when it summarily denied his postconviction petition. "We review a postconviction court's summary denial of a petition for postconviction relief for an abuse of discretion." *Andersen v. State*, 913

N.W.2d 417, 422 (Minn. 2018). A postconviction court “abuses its discretion when it has 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.” *Pearson v. State*, 891 N.W.2d 590, 596 (Minn. 2017) (quotation omitted).

Melina challenges the postconviction court’s determinations that (1) his postconviction petition was time-barred and (2) he entered a constitutionally accurate guilty plea. Because we conclude the postconviction court did not abuse its discretion when it determined Melina entered a constitutionally accurate guilty plea, we need not decide whether the postconviction petition was time-barred. *See Townsend v. State*, 834 N.W.2d 736, 739 (Minn. 2013) (reaching the merits of a postconviction petition without deciding timeliness).

After sentencing, a defendant may challenge the constitutional validity of their guilty plea in a postconviction petition. *State v. Arola Johnson*, 999 N.W.2d 103, 108 (Minn. App. 2023); *see also Lussier v. State*, 821 N.W.2d 581, 586 n.2 (Minn. 2012) (stating that motions to withdraw a guilty plea after sentencing “must be raised in a petition for postconviction relief”). To be constitutionally valid, “a guilty plea must be accurate, voluntary, and intelligent.” *Taylor v. State*, 887 N.W.2d 821, 823 (Minn. 2016).

Melina argues his plea was inaccurate. The accuracy requirement “protects the defendant from pleading guilty to a charge more serious than he could have been convicted of at trial.” *State v. Mikulak*, 903 N.W.2d 600, 603 (Minn. 2017). “For a guilty plea to be accurate, a factual basis must be established showing that the defendant’s conduct meets all elements of the offense to which he is pleading guilty.” *State v. Jones*, 921 N.W.2d

774, 779 (Minn. App. 2018), *rev. denied* (Minn. Feb. 27, 2019). “Establishing a proper factual basis is typically accomplished by asking the defendant to express in his own words what happened.” *Rosendahl v. State*, 955 N.W.2d 294, 297 (Minn. App. 2021) (quotation omitted).

Here, Melina pleaded guilty to felony domestic assault by strangulation under Minn. Stat. § 609.2247, subd. 2. Thus, for his plea to be accurate, Melina’s factual basis needed to establish that he “assault[ed] a family or household member by strangulation.” *See* Minn. Stat. § 609.2247, subd. 2. Melina argues he entered an inaccurate guilty plea because he did not admit that victim was “a family or household member.”¹ Under the statute, the phrase “family or household member” has the meaning given in Minn. Stat. § 518B.01, subd. 2 (2018). *See* Minn. Stat. § 609.2247, subd. 1(b). This definition includes, in relevant part, “persons involved in a significant romantic or sexual relationship.” Minn. Stat. § 518B.01, subd. 2(b)(7).

We are not persuaded that Melina entered an inaccurate guilty plea on this element. During his plea colloquy, Melina called victim his “significant other.” He also described the location where the assault occurred as the parties’ “home,” allowing the district court to infer that Melina and victim resided together. *See Rosendahl*, 955 N.W.2d at 299 (“Even if an element to an offense is not verbalized by the defendant, a district court may nevertheless draw inferences from the facts admitted to by the defendant.”). And, Melina

¹ In his postconviction petition, Melina also argued that his plea was inaccurate because he lacked the requisite intent to commit the offense. The postconviction court rejected this argument, and Melina does not challenge that decision on appeal.

admitted he had a sexual relationship with victim when he confirmed aspects of their “intimate relationship.”²

We conclude that Melina provided a sufficient factual basis at the plea hearing to demonstrate that he was “involved in a significant romantic or sexual relationship” with victim. As such, Melina’s plea colloquy established that victim met the definition of “family or household member.” Accordingly, the postconviction court did not abuse its discretion when it summarily denied Melina’s postconviction petition.

Affirmed.

² Melina also argues the postconviction court failed to consider the factors listed in Minn. Stat. § 518B.01, subd. 2, to determine “whether the persons are or have been involved in a significant romantic or sexual relationship.” But Melina cites no case law to support that a postconviction court must expressly consider each of these factors, and we have found none upon our own review. Moreover, the record supports that the postconviction court did, in fact, consider the “type of relationship” between the parties.