

*This opinion is nonprecedential except as provided by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
A25-1512**

Ricardo Daniel Peralta Gutierrez, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed May 4, 2026
Reversed and remanded
Harris, Judge**

Hennepin County District Court
File No. 27-CR-20-5015

Cathryn Middlebrook, Chief Appellate Public Defender, Rochelle R. Winn, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

Mary F. Moriarty, Hennepin County Attorney, Nicholas G. Kimball, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Considered and decided by Ede, Presiding Judge; Harris, Judge; and Jesson, Judge.*

NONPRECEDENTIAL OPINION

HARRIS, Judge

Appellant challenges the district court's order denying his petition for postconviction relief seeking to withdraw his guilty plea, arguing that the district court

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

violated the terms of his plea agreement by imposing a sentence exceeding 120 months. He alternatively argues that he should be permitted to withdraw his guilty plea because the circumstances surrounding the agreement rendered his plea unintelligent. Because we conclude that appellant entered an unintelligent plea, and the district court therefore abused its discretion by denying appellant's postconviction petition, we reverse and remand.

FACTS

In February 2020, respondent State of Minnesota charged appellant Ricardo Daniel Peralta Gutierrez with first- and second-degree criminal sexual conduct under Minnesota Statutes sections 609.342, subdivision 1(a) and .343, subdivision 1(a) (2012). The complaint alleged that a Hennepin County social worker received a report that Peralta Gutierrez had engaged in criminal sexual conduct with his minor family member. Peralta Gutierrez had touched the victim's vagina with his hands, penis, and tongue, and forced his penis into the victim's mouth. These incidents occurred over the course of five years when the victim was between five and ten years old.

In February 2023, Peralta Gutierrez appeared before the district court for a jury trial. At that time, he entered into a plea agreement and pleaded guilty to first-degree criminal sexual conduct. During the plea hearing, the state summarized the terms of the agreement as follows:

. . . The state and defense have agreed on a plea in this case to count 1 which is criminal sexual conduct in the first degree. State is willing to dismiss count 2. All arguments would occur at sentencing. No agreements on any conditions or jail or prison time.

The mandatory minimum on a CSC-1 is 144 months to the department of corrections. The state's most recent offer in this case was 120 – 1-2-0 months

. . . .

This agreement obviously by the state would likely not be honored if the defendant fails to comply with the PSI [presentence investigation], fails to return for sentencing, or otherwise commits a new offense.

When the district court asked defense counsel whether there was anything to add about the negotiated resolution, counsel responded, “No, Your Honor.” Peralta Gutierrez submitted a petition in support of his guilty plea, which summarized the plea agreement as follows:

19. I have been told by my attorney and I understand that:

. . . .

b. The maximum penalty that the court could impose for this crime (taking into consideration any prior conviction or convictions) is imprisonment for 30 years per count. **If a minimum sentence is required by statute the court may impose a sentence of imprisonment of not less than 144 months for this crime per count.**

20. I have been told by my attorney and I understand that:

a. My attorney discussed this case with one of the prosecuting attorneys, and my attorney and the prosecuting attorney agree that **if I enter a plea of guilty, the prosecutor will do the following: Dismiss Count 2 and plea to Count 1, . . . cap sentence at 120 months**, all arguments at sentencing. Pre-Sentencing evaluation and a psychosexual evaluation.

(Emphasis added.)

When the district court asked the state if it reviewed the plea petition, the prosecutor said, “I did not, Your Honor, but I have no objection to its receipt. I know what our discussion has been and also defendant’s work with counsel.” The district court accepted the plea petition and entered it into the record. Towards the end of the hearing, the district court summarized what it understood to be the plea agreement:

It is my understanding as the attorneys have laid out . . . that the presumptive commit based on the criminal record summary that was completed is 144 months commitment to the department of corrections. **The state’s last offer was 120 months all with respect to count 1, and that count 2 would be dismissed at sentencing along with determining other conditions and what the sentence would be in terms of a commit or not commit and other terms and such that will be argued at sentencing,** and the Court will render its decision following those arguments and the receipt of the documentation that I’ve laid out with you with the PSI and the psychosexual evaluation.

(Emphasis added.)

After the plea hearing, the district court submitted a probation referral in which it described the “proposed negotiation” as a “[s]traight plea so no negotiation, but state was willing to dismiss count 2.”

According to the PSI, the plea negotiation was described as, “Dismiss Ct. 2 and plea to Ct. 1, cap sentence at 120 months, all arguments at sentencing.” The PSI author cited a lack of “mitigating factors” to support a departure and recommended that Peralta Gutierrez

be given a 144-month sentence of imprisonment.¹ At the sentencing hearing, the district court began by stating:

We are here set for sentencing on this matter following what was termed a straight plea to the Court meaning that there was a slight agreement between the defense and the state for a plea to the top count which was criminal sexual conduct in the first degree with the understanding that count 2 would be dismissed.

The district court then turned to the state for argument. The prosecutor stated:

As I explained to the Court, based on the defendant's willingness to plead guilty prior to trial and throughout the pendency of this case always attempting to negotiate a plea, the state did offer a departure of 120 months giving that courtesy that he was willing to prevent the victim in this case from having to go through a trial. However, based on the facts of this case and also probation's indication that there are not mitigating factors, the state agrees with probation's recommendations and also a prison sentence in this case.

Defense counsel argued for a downward dispositional departure, asserting that Peralta Gutierrez was particularly amenable to probation. The district court denied the departure request, expressing concern over Peralta Gutierrez's lack of accountability for his "grooming" and "involvement" with the minor child, and "[his] commentary that she started it . . . [o]r that it was mutual." The district court sentenced Peralta Gutierrez to the presumptive sentence of 144 months' imprisonment, which was within the presumptive term provided by the Minnesota Sentencing Guidelines. It also explained that:

¹ To protect the confidentiality of nonpublic information, we only include information from the PSI that was presented in Peralta Gutierrez's publicly filed brief. Minn. R. Pub. Access to Recs. of Jud. Branch 4, subds. 1(b), 4.

As a result of your plea and agreement of the state, . . . count 2 will be dismissed because this is only with respect to count 1. . . . [F]or purposes of the record and what has been put in the sentencing form is that this was a straight plea to the Court. You pled guilty to me. I am doing, in my estimation, what I think is fair and just with the agreement of the state to dismiss count 2, and it is a guideline sentence.

When the district court asked Peralta Gutierrez if there was anything that it failed to include as to sentencing, defense counsel answered, “No, Your Honor.”

In March 2025, Peralta Gutierrez filed a petition for postconviction relief asking the district court to enforce the plea agreement capping his sentence at 120 months. He argued that the “guilty plea clearly contemplated a sentence of no more than 120 months in prison.” The state opposed the petition, arguing that Peralta Gutierrez and his attorney knew that sentencing would be left to the district court’s discretion when he pleaded guilty. The district court denied Peralta Gutierrez’s petition. It concluded that the state “mentioned a prior *offer* to resolve the case outside of trial at 120 months of incarceration but only using past tense language.”

Peralta Gutierrez appeals.

DECISION

Peralta Gutierrez challenges the district court’s denial of his petition for postconviction relief to modify or correct his sentence, asserting that the terms of the plea agreement unambiguously capped his sentence at 120 months. Alternatively, he argues that his guilty plea was unintelligent.

To begin, the parties disagree as to whether Peralta Gutierrez entered a “straight plea” with no cap on sentencing or whether he was accepting the state’s “prior offer” to no

more than the 120 months. A “straight plea” means that the defendant “pleaded guilty to the offense but did not enter into any agreement regarding sentencing.” *State v. Sanchez-Sanchez*, 879 N.W.2d 324, 327 (Minn. 2016).

Here, the record suggests that there was no straight plea because the parties reached *some* agreement regarding Peralta Gutierrez’s sentence. However, we need not decide whether the agreement constituted a straight plea or the acceptance of a prior offer because the circumstances surrounding the plea agreement call into question whether the guilty plea was constitutionally valid.

Although we generally review the district court’s denial of a petition for postconviction relief for an abuse of discretion, the question of whether Peralta Gutierrez entered a constitutionally valid guilty plea is a question of law that we review de novo. *Dikken v. State*, 896 N.W.2d 873, 876 (Minn. 2017).

A defendant does not have an absolute right to withdraw a guilty plea. *Perkins v. State*, 559 N.W.2d 678, 685 (Minn. 1997). But a defendant may withdraw a guilty plea at any time if “withdrawal is necessary to correct a manifest injustice.” Minn. R. Crim. P. 15.05, subd. 1. “A manifest injustice exists if a guilty plea is not valid.” *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010). “To be constitutionally valid, a guilty plea must be accurate, voluntary, and intelligent.” *Id.* The only contested aspect of Peralta Gutierrez’s plea is whether it was intelligent.

“To be intelligent, a guilty plea must represent a knowing and intelligent choice among the alternative courses of action available.” *Dikken*, 896 N.W.2d at 877 (quotation omitted). Whether the defendant made an intelligent plea depends on what he knew at the

time he entered the plea. *Id.* More specifically, we look to whether the defendant understood the charges against him, the rights he waived, and the direct consequences of his plea. *Raleigh*, 778 N.W.2d at 96. “A direct consequence is one that has a definite, immediate and automatic effect on the range of a defendant’s punishment.” *State v. Crawford*, 13 N.W.3d 693, 697 (Minn. App. 2004) (quoting *Kaiser v. State*, 641 N.W.2d 900, 904 n.6 (Minn. 2002)).

Here, Peralta Gutierrez did not enter an intelligent plea because the terms and circumstances surrounding his sentence were unclear. According to the plea petition, Peralta Gutierrez expressed his understanding that if he pleaded guilty to count 1, then “the prosecutor *will*” dismiss count 2, *cap his sentence at 120 months*, with all arguments to be made at sentencing. (Emphasis added.) This language did not say that the state “may” cap his sentence at 120 months; it stated that it “will” cap his sentence at 120 months. The district court then accepted the petition and entered it into the record.

The state additionally made clear that the agreement would be honored so long as Peralta Gutierrez complied with the PSI, returned for sentencing, and committed no new offenses. Peralta Gutierrez fully complied with these conditions. And the prosecutor explained at the sentencing hearing that it did offer Peralta Gutierrez a 120-month sentence based on his willingness to plead guilty, which would obviate the need for the victim to testify during a jury trial. These circumstances, we believe, rendered Peralta Gutierrez’s guilty plea unintelligent by leading him to reasonably understand that his sentence would be capped at 120 months.

The state insists that there are other facts in the record indicating that Peralta Gutierrez understood the state's offer as merely a *prior* offer. For example, the plea petition also stated that a 144-month sentence may be imposed "if a minimum sentence [was] required by statute." And at the plea hearing, the prosecutor informed the district court that no agreements were made "on any conditions or jail or prison time." Then, at sentencing, despite acknowledging that it offered a 120-month sentence, the prosecutor still argued for a 144-month executed sentence as recommended by the PSI. Lastly, after the district court imposed the sentence of 144 month's imprisonment, it asked Peralta Gutierrez if it missed anything regarding the sentencing order; defense counsel responded, "No, Your Honor."

To support its claim, the state relies on *State v. Rhodes*, 675 N.W.2d 323, 324-27 (Minn. 2004), which involved a petition for postconviction relief that sought to withdraw a guilty plea. In that case, Rhodes pleaded guilty to first-degree criminal sexual conduct and agreed to a maximum executed sentence of 105 months. *Id.* at 325. There was no mention of whether Rhodes would be subject to a mandatory conditional-release period either in the written plea petition or at his plea hearing. *Id.* But the mandatory conditional release period was mentioned in the PSI and in the state's argument at his sentencing hearing. *Id.* Notably, neither Rhodes nor his defense counsel objected. *Id.* After pronouncing his sentence and the conditional-release period, the district court asked Rhodes if he had any questions or if it missed anything else. *Id.* Defense counsel answered, "No, Your Honor." *Id.*

Rhodes petitioned for postconviction relief, arguing that his guilty plea was not intelligent because he was not informed about the mandatory conditional-release period when he entered his guilty plea. *Id.* The district court denied his petition because the conditional-release term—despite its absence in the plea petition—was incorporated into Rhodes’s sentence at the sentencing hearing. *Id.* The Minnesota Supreme Court affirmed the district court’s decision, concluding that Rhodes was “on notice” both at the time of his plea and at sentencing “that the conditional release term for sex offenders was mandatory.” *Id.* at 327. The supreme court also concluded that Rhodes’s “failure to object” to the PSI’s recommendation, the state’s request at sentencing, and the district court’s imposition of the sentence allowed a reasonable inference that he “understood from the beginning that the conditional release term would be a mandatory addition to his plea bargain.” *Id.*

The state’s reliance on *Rhodes* is not persuasive. Unlike the plea petition in *Rhodes*, Peralta Gutierrez’s plea petition contained an express promise that the state would cap his sentence at 120 months. Peralta Gutierrez’s PSI also mentioned the state’s offer of a 120-month cap, which further evidences his understanding of his agreement to a capped sentence. Notable, too, is the fact that Peralta Gutierrez never confirmed on the record that he understood the consequences of his guilty plea. We observe that this was likely due to defense counsel’s failure to mention the 120-month capped sentence during the plea colloquy, as well as the prosecutor’s admission that they did not review the petition beforehand. And while reviewing the plea petition “line-by-line” on the record is not a requirement, it is a best practice. *See State v. Epps*, 977 N.W.2d 798, 802 (Minn. 2022) (observing that, despite a district court’s heavy caseload, a defendant’s plea colloquy could

have been improved by including questions about the defendant's past criminal convictions).

In sum, because the terms and consequences surrounding Peralta Gutierrez's guilty plea were less than clear, we conclude that his guilty plea was unintelligent. Accordingly, the district court abused its discretion by denying Peralta Gutierrez's postconviction petition, and we therefore reverse and remand for the court to allow him to withdraw his guilty plea.

Reversed and remanded.