

*This opinion is nonprecedential except as provided by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
A25-1641**

Ronald Lee Schober, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed May 26, 2026
Affirmed
Connolly, Judge**

Carver County District Court
File No. 10-CR-21-173

Christina Zauhar, Halberg Criminal Defense, Bloomington, Minnesota (for appellant)

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

Mark Metz, Carver County Attorney, Angella M. Erickson, Assistant County Attorney,
Chaska, Minnesota (for respondent)

Considered and decided by Wheelock, Presiding Judge; Connolly, Judge; and
Smith, Tracy M., Judge.

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

Appellant challenges the denial of his petition for postconviction relief without an evidentiary hearing, arguing that the district court abused its discretion in concluding that appellant's claims were barred by both *State v. Knaffla*, 243 N.W.2d 737, 741 (1976)

(holding that, “where direct appeal has once been taken, all matters raised therein, and all claims known but not raised, will not be considered upon a subsequent petition for postconviction relief”) and the law-of-the-case doctrine. We affirm.

FACTS

In 2021, appellant Ronald Schober was charged with third-degree criminal sexual conduct. He was represented by attorney B.H. Respondent State of Minnesota empaneled a grand jury and, because appellant had a 1988 sexual-conduct conviction in Washington, received an indictment that permitted the state to seek a life sentence for “repeat offenders” under Minn. Stat. § 609.3455, subd. 4(a)(2)(i), (ii) (2020). Count I alleged that appellant committed third-degree criminal sexual conduct and had a previous sex-offense conviction for which he had received an upward durational departure from the sentencing guidelines; count II alleged that appellant committed third-degree criminal-sexual conduct and that the present offense involved an aggravating factor, i.e., the offense was committed in a place where the victim had an expectation of privacy, and appellant had a previous sex-offense conviction.

At an appearance before the district court in April 2021, B.H. said that he had received discovery and was reviewing it. Three months later, in July 2021, B.H. asked for a continuance because he was not able to open some of the electronic discovery. At a motion hearing in April 2022, the district court said it had asked B.H. to provide a witness

list prior to the June 14, 2022, trial date; B.H. never filed a witness list or an exhibit list. The state moved to admit *Spreigl* evidence.¹

The state told appellant that, in exchange for a guilty plea, the state would agree to a minimum sentence of 41 months in prison, after which appellant would be eligible for parole or conditional release, and appellant would still be subject to remaining in custody for life. The state told him that, if he were convicted at trial, the state would seek a sentence of more than 57 months. The district court asked appellant if B.H. had provided him with all the information the state would present at trial and if appellant felt B.H. had done a good job for him; appellant answered these questions in the affirmative. Appellant answered in the negative when asked if he had any complaints about B.H. A jury was empaneled on June 15, 2022. After the jury was empaneled, appellant informed the district court that he had been given time to discuss the situation with B.H. and had decided to accept the state's offer and plead guilty. Appellant again answered in the affirmative when asked if he had sufficient time to discuss the matter with B.H. and if he was satisfied with B.H.'s representation of him.

In September 2022, before sentencing, appellant asked the district court to discharge B.H. and applied for a public defender. His application was denied. In October 2022, he

¹ See *State v. Kennedy*, 585 N.W.2d 385, 389 (Minn. 1998) (“Other crimes evidence, often referred to in Minnesota as *Spreigl* evidence after this court’s decision in *State v. Spreigl*, 139 N.W.2d 167 (Minn. 1965), shall not be admitted in a criminal prosecution unless: (1) notice is given that the state intends to use the evidence; (2) the state clearly indicates what the evidence is being offered to prove; (3) the evidence is clear and convincing that the defendant participated in the other offense; (4) the *Spreigl* evidence is relevant and material to the state’s case, and (5) the probative value of the *Spreigl* evidence is not outweighed by its potential for unfair prejudice.”).

retained attorney C.Z., who filed a motion to withdraw appellant’s guilty plea on the ground that, because B.H. had failed to provide adequate representation, appellant’s guilty plea was not voluntarily and intelligently made.

In January 2023, the district court denied appellant’s motion to withdraw his plea and sentenced him to life imprisonment with a mandatory minimum term of 41 months on count II and dismissed count I. On direct appeal, we affirmed the district court’s “thorough and well-reasoned order,” and appellant did not seek supreme court review. *State v. Schober*, No. A23-0243, 2024 WL 323337, at *7 (Minn. App. Jan. 29, 2024).

In March 2025, appellant filed a petition for postconviction relief with the district court, arguing that, because he was denied effective assistance of counsel, his guilty plea was deficient. The district court denied the petition on the ground that the claim was barred under both *Knaffla* and the law-of-the-case doctrine. Appellant challenges the denial, repeating his ineffective-assistance of counsel and deficient-guilty-plea claims and arguing that recent Minnesota Supreme Court decisions support his position.

DECISION

This court reviews 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).

Appellant based his March 2025 petition for postconviction relief on his claims that he was denied effective assistance of counsel and that his guilty plea was defective. Two months earlier, this court had addressed similar claims in Schober’s first appeal. *Schober*, 2024 WL 323337, at *4 (stating that “Schober maintains that his guilty plea was not valid

because he received ineffective assistance of counsel” and “Schober argues that his plea was unintelligent because his counsel failed to inform him of the consequences of pleading guilty and that his plea was involuntary based on his attorney’s deficient performance throughout the representation.”).

Our *Schober* opinion notes that an ineffective-assistance of counsel claim requires both “that counsel’s representation fell below an objective standard of reasonableness” and that the defendant suffered “prejudice in the form of a reasonable probability that, but for counsel’s unprofessional errors, [he] would not have pleaded guilty.” *Id.* (quotations omitted). The opinion then discusses the transcript and concludes:

Assuming without deciding that counsel’s performance fell below an objective standard of reasonableness, Schober cannot show prejudice. Although Schober initially expressed unawareness that his conditional release would be for life, after follow-up questioning by the state, Schober stated that he had no other questions or additional concerns he needed addressed and that he understood his lifetime conditional-release term[.]

. . . .

On this record, there is no probability—much less a reasonable probability—that Schober would not have pleaded guilty but for his attorney’s alleged failure to advise him about lifetime conditional release and lifetime predatory-offender registration . . . because Schober testified to his understanding that he would be subject to conditional release and predatory-offender registration upon release from prison.

Id. at *5. Clearly, appellant brought his ineffective-assistance claim on direct appeal, and “[c]laims that were raised on direct appeal . . . are procedurally barred.” *Sontoya v. State*, 829 N.W.2d 602, 604 (Minn. 2013).

“When a claim of ineffective assistance of trial counsel can be determined on the basis of the trial record, the claim must be brought on direct appeal or it is *Knaffla*-barred.” *Id.* Appellant relies on this language to argue that his claim is not barred because: (1) an ineffective-assistance of counsel claim is not *Knaffla*-barred if review of the claim requires consideration of facts outside the trial court record, (2) additional facts on the activities of B.H. are now available, and (3) attorney C.Z. did not have time to review these facts. But appellant asserted sufficient facts to support his ineffective-assistance of counsel claim when he first moved to withdraw his plea after retaining C.Z., and the operative factor in this court’s affirming the denial of that motion was not what B.H. had done or failed to do, but rather the fact that appellant could not show that the result would have been different if his attorney had not been ineffective.² The exception to *Knaffla* does not apply because consideration of facts outside the trial court record was not necessary to review appellant’s claim, as this court noted in *Schober*. “Schober confirmed that he understood that there was no guarantee that he would be released from prison after 41 months and that he could remain in prison for the remainder of his life.” *Schober*, 2024 WL 323337, at *5. The district court did not abuse its discretion in concluding that appellant’s claim was *Knaffla*-barred.

The two post-*Schober* cases that appellant relies on are distinguishable. The first is *Mason-Kimmons v. State*, 26 N.W.3d 858, 874 (Minn. 2025) (holding, inter alia, that the

² Appellant’s addendum includes 60 pages regarding other cases involved in B.H.’s history of attorney discipline. While *Schober* focuses on appellant’s failure to demonstrate that the result would have been different, appellant continues to focus on the deficiencies of B.H.’s representation.

defendant was prejudiced by trial counsel's deficient advice to plead guilty to second-degree intentional murder because counsel was unprepared for trial). *Mason-Kimmons* observed that whether a defendant whose counsel had advised him to plead guilty because counsel was unprepared for trial was prejudiced was

a close question. During his plea hearing, Mason-Kimmons made a statement indicating that, consistent with his trial counsel's advice, he pled guilty because his trial counsel told him he was unprepared and that, as a result, Mason-Kimmons would not get a fair trial. We also consider that, before his trial counsel's constitutionally deficient conduct, Mason-Kimmons refused to even consider an offer to plead guilty in return for precisely the sentence to which he ultimately agreed—even though he learned, after the initial plea offer, that, among other things, W.S. [a witness who had previously testified that Mason-Kimmons was not the shooter] had changed his story and was now telling the police that Mason-Kimmons was the shooter. Finally, although there is substantial evidence that Mason-Kimmons was involved in shooting [the victim], at the time Mason-Kimmons made his decision to plead guilty it was possible that the district court would exclude some of the State's evidence. Mason-Kimmons also could introduce witness testimony describing the shooter (consistent with the video) in ways that do not match Mason-Kimmons's appearance. On these unique facts, we conclude that Mason-Kimmons was prejudiced by his trial counsel's constitutionally deficient performance.

Id. Here, there is no indication that B.H. encouraged appellant to plead guilty because B.H.'s lack of preparation meant appellant would not get a fair trial. In fact, when appellant was asked if he felt "pressured or persuaded by the court, [the prosecutor, or B.H.] to enter into this [plea] agreement[,] or is this your decision to do this?" he answered, "This will be my decision." When asked, "[D]o you feel like [B.H.] has done a good job representing you in these proceedings?," appellant answered, "Absolutely."

In the other case, *State v. Jones*, the defendant’s testimony that he “was going to fight this case cuz [he was] not scared of this case and [he] *never raped [his] baby momma*, so it will never happen again” negated an element of the offense that was never “cured” or clarified by further questioning, so the defendant had not admitted all the elements of the crime. 7 N.W.3d 391, 394, 396, 399 (Minn. 2024) (citing *State v. Iverson*, 664 N.W.2d 346, 350 (Minn. 2003) for the proposition that, for a guilty plea to be accepted, any statement of the defendant that negates an element of the crime must be withdrawn or corrected). The district court noted that appellant’s reliance on *Jones* was misplaced because, in *Jones*, during his waiver of rights, the defendant’s soliloquy negated an element of the offense and “[h]ere, [appellant’s] plea was accurate per *State v. Schober*.” Neither *Mason-Kimmons* nor *Jones* provides a basis for allowing appellant to relitigate the issues decided in *Schober*.

Because we conclude that appellant’s claims are barred by *Knaffla*, we do not reach the issue of whether his claims are also barred by the law-of-the-case doctrine.

Affirmed.