

*This opinion is nonprecedential except as provided by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
A25-1732**

Scott Solon Schaefer-Bonovsky, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed June 22, 2026
Affirmed
Larkin, Judge**

Stearns County District Court
File No. 73-CR-21-695

Scott Solon Schaefer-Bonovsky, Faribault, Minnesota (pro se 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 Larkin, Presiding Judge; Reyes, Judge; and Bratvold, Judge.

NONPRECEDENTIAL OPINION

LARKIN, Judge

In this pro se appeal from the postconviction court's denial of relief, appellant argues that the court erred by rejecting his claims of ineffective assistance of counsel. We affirm.

FACTS

In February 2021, respondent State of Minnesota charged appellant Scott Solon Schaefer-Bonovsky with two counts of second-degree criminal sexual conduct. The victim is the daughter of Schaefer-Bonovsky's former girlfriend. The victim was approximately five years old at the time of the sexual assaults and eleven years old when the case went to trial.

While these charges were pending, the state charged Schaefer-Bonovsky with additional crimes, including felony domestic assault, felony stalking, and fifth-degree controlled-substance possession. The state tendered a plea offer to resolve all charges in exchange for a sentence of 168 months. Schaefer-Bonovsky rejected that offer and maintained that he was innocent of the charges.

In August 2023, the criminal-sexual-conduct charges came on for trial. Schaefer-Bonovsky requested a court trial and waived his right to a jury trial, as well as his right to be present at trial. At the ensuing trial, the state called a number of witnesses including the victim, the victim's mother, and the victim's two older sisters. The district court found Schaefer-Bonovsky guilty. The district court entered judgment of conviction on only the second-degree criminal-sexual-conduct charge under Minn. Stat. § 609.343, subd. 1(h)(iii) (2016), concluding that the second charge was an included offense. The district court sentenced Schaefer-Bonovsky to 300 months' imprisonment.

Schaefer-Bonovsky appealed to this court. He was represented by counsel, who filed a brief on his behalf. Schaefer-Bonovsky filed a supplemental pro se brief alleging ineffective assistance of trial and appellate counsel. We affirmed his conviction, but we

declined to address his ineffective-assistance-of-counsel claims. *State v. Schaefer-Bonovsky*, No. A24-0232, 2025 WL 380129, *1, *4 (Minn. App. Feb. 3, 2025), *rev. denied* (Minn. May 13, 2025). Instead, we preserved those claims for further postconviction proceedings. *Id.* at *4.

After his appeal, Schaefer-Bonovsky petitioned the postconviction court for relief. In his pro se petition, he requested an evidentiary hearing and asserted claims of ineffective assistance of trial and appellate counsel. The postconviction court denied his request for an evidentiary hearing and his claims of ineffective assistance of counsel.

Schaefer-Bonovsky appeals.

DECISION

Schaefer-Bonovsky challenges the postconviction court’s summary denial of his claims of ineffective assistance of counsel.

I.

Under Minnesota’s postconviction statutes, a person convicted of a crime may seek relief by filing a petition claiming that the conviction “violated the person’s rights under the Constitution or laws of the United States or of the state.” Minn. Stat. § 590.01, subd. 1(1) (2024). The postconviction court must hold a hearing on the petition “[u]nless the petition and the files and records of the proceeding conclusively show that the petitioner is entitled to no relief.” Minn. Stat. § 590.04, subd. 1 (2024). We “generally review a summary denial of postconviction relief for an abuse of discretion.” *State v. Sardina-Padilla*, 7 N.W.3d 585, 602 (Minn. 2024).

Schaefer-Bonovsky argues that the postconviction court was required to hold a hearing because, in his direct appeal, we held we could not determine his claims of ineffective assistance of counsel because the record “was unclear” and “required consideration of facts not in the record.” He asserts that the “[l]aw of the case” principle “bars relitigation of an issue” already resolved and that, therefore, the district erred by concluding that an evidentiary hearing was not necessary. The law-of-the-case doctrine “provides that when a court decides upon a rule of law, that decision should continue to govern the *same issues* in subsequent stages in the *same case*.” *State v. Miller*, 849 N.W.2d 94, 98 (Minn. App. 2014) (quotations omitted).

Although we “decline[d] to address” Schaefer-Bonovsky’s claim of ineffective assistance of counsel in his initial appeal, we did so “[b]ecause it [was] unclear from the record whether [his] ineffective-assistance-of-trial-counsel claim succeed[ed] or fail[ed].” *Schaefer-Bonovsky*, 2025 WL 380129, at *4. But we did not hold that an evidentiary hearing would be required if Schaefer-Bonovsky pursued postconviction relief. *Id.* We merely “preserve[d] Schaefer-Bonovsky’s right to pursue this claim in a separate postconviction proceeding.” *Id.* Thus, the postconviction court’s denial of his petition without an evidentiary hearing did not violate the law-of-the-case doctrine. *See In re Welfare of M.D.O.*, 462 N.W.2d 370, 376 (Minn. 1990) (“Neither issue preclusion nor ‘law of the case’ applies [if] the issue has not yet been litigated or decided at trial or on appeal.”).

Schaefer-Bonovsky also argues that an evidentiary hearing was required to develop a factual record regarding his claims of ineffective assistance of counsel. But Schaefer-Bonovsky’s postconviction petition did not identify any facts to be proved at an evidentiary

hearing that were not already in the district court record. To the contrary, Schaefer-Bonovsky’s postconviction petition indicates that the trial record supported his claims.

The postconviction court “need not hold a hearing when the petitioner alleges facts that, if true, are legally insufficient to grant the requested relief.” *Sardina-Padilla*, 7 N.W.3d at 602-03 (quotations omitted). “Consequently, to be entitled to an evidentiary hearing on a claim of ineffective assistance of counsel, the appellant must allege facts that, if proven by a fair preponderance of the evidence, would satisfy the two-[part] test set forth in *Strickland v. Washington*.” *Id.* at 603 (quotations omitted). As explained below, “the petition and the files and records of the proceeding conclusively show” that Schaefer-Bonovsky “is entitled to no relief.” *See* Minn. Stat. § 590.04, subd. 1. Thus, the postconviction court did not abuse its discretion by declining to hold an evidentiary hearing.

II.

We “review the denial of postconviction relief based on a claim of ineffective assistance of counsel de novo because such claims involve mixed questions of law and facts.” *Sardina-Padilla*, 7 N.W.3d at 602. An ineffective-assistance-of-counsel claim is analyzed under the two-part test set forth in *Strickland v. Washington*, 466 U.S. 668, 687 (1984). *State v. Ellis-Strong*, 899 N.W.2d 531, 535 (Minn. App. 2017). The first part of the *Strickland* test requires a showing that “counsel’s representation fell below an objective standard of reasonableness.” *State v. Mouelle*, 922 N.W.2d 706, 715 (Minn. 2019) (quotations omitted). The “objective standard is defined as representation by an attorney exercising the customary skills and diligence that a reasonably competent attorney would

perform under similar circumstances.” *Opsahl v. State*, 677 N.W.2d 414, 421 (Minn. 2004) (quotation omitted). “There is a presumption that counsel’s performance was reasonable.” *Sardina-Padilla*, 7 N.W.3d at 603.

The second part of the *Strickland* test requires “a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Mouelle*, 922 N.W.2d at 715 (quotation omitted). “A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Strickland*, 466 U.S. at 694. “In analyzing the prejudice [factor], we consider the totality of the evidence before the [fact-finder].” *Sardina-Padilla*, 7 N.W.3d at 603 (quotation omitted).

Schaefer-Bonovsky asserts two primary allegations of deficient performance. The first is that “counsel lied about his chances” when counsel told Schaefer-Bonovsky that he had a “good chance” at trial. Schaefer-Bonovsky asserts that trial counsel “knew he couldn’t counter” the victim’s trial testimony about the sexual touching and that counsel therefore lied when he told Schaefer-Bonovsky that “he had a good chance when counsel knew he had none.”

“[A]n erroneous strategic prediction about the outcome of a trial is not necessarily deficient performance.” *Pearson v. State*, 891 N.W.2d 590, 599 (Minn. 2017). There is a distinction “between rejecting a plea based on erroneous legal advice, . . . and rejecting a plea based on a plausible but ultimately unsuccessful defense.” *State v. Vang*, 847 N.W.2d 248, 268 (Minn. 2014).

The postconviction court explained that trial counsel had a strategy that was evident throughout trial. Specifically, the court observed that counsel’s “clear strategy” included

“highlighting the inconsistencies in witness testimony and other evidence to suggest the disclosure of sexual abuse was fabricated to create reasonable doubt regarding the accuracy of the allegations.” Although trial counsel’s strategy was ultimately unsuccessful, it was not implausible. Moreover, we are not persuaded that Schaefer-Bonovsky’s counsel told him he had a “good chance” at trial based on erroneous legal advice. Thus, trial counsel’s advice that Schaefer-Bonovsky had a good chance at trial was not objectively unreasonable, and this allegation of deficient performance fails the first part of the *Strickland* test.

Schaefer-Bonovsky’s second allegation of deficient performance is that “counsel’s failure to investigate” the motivation of the victim and her sisters to fabricate the sexual-assault allegations prevented him from having a meaningful strategy at trial. He asserts that trial counsel failed to investigate the motivation of the victim and her sisters to lie about Schaefer-Bonovsky’s conduct and did not ask about their motive until they were called as witnesses at trial.

“[T]he extent of any investigation is a part of trial strategy and, thus, should not be readily second-guessed.” *State v. Nicks*, 831 N.W.2d 493, 506 (Minn. 2013). We need not decide whether any failure to investigate fell below an objectively reasonable standard of performance because there is no “reasonable probability” that, but for the alleged failure to investigate, “the result of the proceeding would have been different.” *Mouelle*, 922 N.W.2d at 715 (quotation omitted).

Again, “[a] reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Strickland*, 466 U.S. at 694. And “[i]n analyzing the prejudice

[factor], we consider the totality of the evidence before the [fact-finder].” *Sardina-Padilla*, 7 N.W.3d at 603 (quotation omitted).

Schaefer-Bonovsky argues that the failure to investigate prejudiced him because an investigation into the alleged motivation to lie could have presented a more “compelling defense” theory. Schaefer-Bonovsky further argues that a defense centered around the motivation of the victim and her sisters to lie based on their dislike of him would have presented a “better chance” of acquittal at trial. But as the postconviction court observed, there was ample evidence in the record to show that the victim and her sisters did not like Schaefer-Bonovsky. And Schaefer-Bonovsky does not explain how additional evidence regarding their dislike of him would have sufficiently undermined confidence in the guilty verdict. *See Strickland*, 466 U.S. at 694. As the postconviction court reasoned, despite the alleged failure to investigate, evidence was presented regarding the motivation of the victim and her sisters to lie about the accusations.

In sum, Schaefer-Bonovsky’s general assertions that he would have had a more “compelling defense” or a “better chance” are insufficient to show that there was a reasonable probability that, but for counsel’s alleged failure to investigate the motivation to lie, he would have been acquitted at trial. *See Mouelle*, 922 N.W.2d at 715. Thus, this allegation of deficient performance fails on the second part of the *Strickland* test.

Finally, to the extent that Schaefer-Bonovsky asserts that the postconviction court erred in denying his claim of ineffective assistance of appellate counsel, the assertion is unavailing. That claim is based on appellate counsel’s failure to pursue a claim of ineffective assistance of trial counsel on direct appeal. “When an ineffective assistance of

appellate counsel claim is based on appellate counsel's failure to raise an ineffective assistance of trial counsel claim," as is the case here, "the petitioner must first show that trial counsel was ineffective to prevail on the appellate counsel claim." *Zornes v. State*, 880 N.W.2d 363, 371 (Minn. 2016) (quotations omitted). Because we have concluded that Schaefer-Bonovsky's ineffective assistance of trial counsel claim does not prevail, appellate counsel's decision not to pursue such a claim does not provide a basis for relief.

In sum, the postconviction court did not err in denying Schaefer-Bonovsky's claims on the merits.

Affirmed.