

*This opinion is nonprecedential except as provided by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
A25-1876**

Abdiel Josadac Aguilar-Pineda, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

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

Ramsey County District Court
File No. 62-CR-22-3105

Cathryn Middlebrook, Chief Appellate Public Defender, Sharon E. Jacks, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

John J. Choi, Ramsey County Attorney, Peter R. Marker, Assistant County Attorney, St. Paul, Minnesota (for respondent)

Considered and decided by Bentley, Presiding Judge; Ede, Judge; and Beane, Judge.

NONPRECEDENTIAL OPINION

BENTLEY, Judge

Appellant challenges the district court's denial of his postconviction petition seeking withdrawal of his guilty plea based on alleged ineffective assistance of counsel. Appellant argues that he is entitled to withdraw his guilty plea because his attorney failed to inform him that the conviction would make his deportation presumptively mandatory.

Because the record supports the district court’s finding that counsel informed appellant that his plea would make him presumptively subject to mandatory deportation, we affirm.

FACTS

The following facts derive from the plea and sentencing hearings, and the postconviction record.

Underlying Offense

Appellant Abdiel Josadac Aguilar-Pineda tried to take several items from a department store in May 2022 without paying for them. As Aguilar-Pineda was leaving the store, he was confronted by an employee and dropped some of the items he was holding. After that confrontation, Aguilar-Pineda left the store, went to a car nearby, and grabbed an axe. He then ran back towards the employee with the axe raised over his head. The employee ran inside the store and Aguilar-Pineda picked up some of the items he had dropped and left with them. Respondent State of Minnesota charged Aguilar-Pineda with first-degree aggravated robbery under Minn. Stat. § 609.245, subd. 1 (2020).

Plea Hearing

The district court took Aguilar-Pineda’s plea in December 2022. Before addressing the facts of the underlying crime, both parties and the district court discussed the agreement that Aguilar-Pineda would plead guilty to the sole count of aggravated robbery and, in exchange, the prosecutor would argue for the lower end of the presumptive sentencing guideline range and the defense could argue for dispositional and durational departures. Aguilar-Pineda answered in the affirmative when asked by the court if he “had enough time to talk to [his] lawyer about this decision.”

After Aguilar-Pineda entered a guilty plea, his attorney conducted the waiver-of-rights inquiry. During the inquiry, Aguilar-Pineda was shown the “Petition to Enter a Plea of Guilty” and agreed with his attorney that they previously went through all the information in the document together “line by line.” Most relevant for purposes of this appeal, the petition contains the following language: “My attorney has told me and I understand that if I am not a citizen of the United States, my plea of guilty may result in deportation, exclusion from admission to the United States, or denial of naturalization as a United States citizen.” Aguilar-Pineda’s attorney asked him if he believed he understood everything in the petition document, and Aguilar-Pineda answered in the affirmative. He was also asked if he had sufficient time to discuss the case with his counsel and if he felt that his counsel was fully informed of the facts of the case, to which he responded, “Yes.” The two went through a waiver of trial rights, then counsel asked, “[F]inally, we did discuss that if you were not a citizen of the United States, there could be collateral consequences?” Aguilar-Pineda replied, “Yes.” The court reserved acceptance of the plea and adjudication of guilt until sentencing.

Sentencing

Before the sentencing hearing, a presentence investigation report was completed.¹ The report stated that Immigration and Customs Enforcement (ICE) had been contacted

¹ Some documents in the record are not accessible to the public. *See* Minn. R. Pub. Access to Recs. of Jud. Branch 4, subd. 1(f)(1). But “we are not precluded ‘from mentioning the contents’ of confidential or sealed documents when the information is ‘relevant to the particular issues or legal argument being addressed in the proceeding.’” *Life Time, Inc. v. Zurich Am. Ins. Co.*, 25 N.W.3d 901, 904 n.1 (Minn. App. 2025) (quoting Minn. R. Pub. Access to Recs. of Jud. Branch 4, subd. 4), *rev. denied* (Minn. Oct. 29, 2025). We also are

and mentioned that a conviction “would strengthen any possibility of removal but would not guarantee it.” (Quotation omitted.)

At the sentencing hearing, Aguilar-Pineda’s attorney argued for downward durational and dispositional departures. When discussing the possibility of probation or supervised release, the prosecutor stated that, “[i]f [Aguilar-Pineda] is not a United States citizen, he will be facing immigration consequences. Under immigration law, first-degree aggravated robbery is considered an aggravated felony.” The prosecutor further explained that “[a]ggravated felonies trigger mandatory deportation” as well as “mandatory detention without possibility of bond. And once [Aguilar-Pineda] is deported, he will be permanently barred from returning to the United States. . . . And it’s a near certainty that once [he] is released from state custody, that ICE will take [him into] custody directly.”

The court then formally accepted Aguilar-Pineda’s plea and adjudicated him guilty. It did not find that a departure was appropriate and sentenced him to 41 months in prison.

Postconviction Proceedings

Almost two years later, Aguilar-Pineda submitted a petition for postconviction relief seeking withdrawal of his guilty plea. At the time, Aguilar-Pineda had served his period of imprisonment but was being held in ICE custody. Relevant to this appeal, Aguilar-Pineda argued that he is entitled to withdraw his guilty plea because he received ineffective

not “constrained from disclosing information contained in the publicly filed briefs.” *Id.* Any reference to confidential documents herein is based on the parties’ publicly filed briefs, other public records, or is relevant to our determination of the issues on appeal.

assistance of counsel, rendering his plea unintelligent and involuntary.² With his petition, Aguilar-Pineda submitted an affidavit in which he alleged that his attorney told him a conviction for aggravated robbery “could lead to [his] deportation” but that he was never told deportation would be mandatory.

Aguilar-Pineda subsequently filed an additional affidavit by his previous counsel. In the affidavit, counsel confirmed that he knew that Aguilar-Pineda was a noncitizen and had been a legal permanent resident for less than five years. He also made the following sworn statements:

Prior to my representation of [Aguilar-Pineda], I had consulted . . . the public defender’s immigration consultant, on a case with a number of similarities to [Aguilar-Pineda’s] situation. . . .

That case also involved an Aggravated Robbery and a defendant who was here a legal permanent resident for less than 5 years. . . .

I was advised that Robbery was classified as a crime of moral turpitude and would make that defendant a presumptive mandatory deportation. Furthermore, were he to be sentenced to a period of greater than 365 days, it would be considered an aggravated felony that would severely limit his defenses to deportation and that he would become a priority deportation. . . .

It is my practice to both show and explain the consultation emails to my clients. My notes indicate I did explain potential consequences to him prior to his plea on December 13, 2022. . . .

Due to the number of years that have passed, as well as the hundreds of cases I have subsequently been appointed to as a public defender, I do not recall the exact details of the conversation, though it is my practice to be very thorough on

² Before the district court, Aguilar-Pineda also argued that his guilty plea was inaccurate. However, Aguilar-Pineda has not challenged the district court’s ruling on that basis on appeal.

potential outcomes and to not make any promises that are not guaranteed by the plea agreement itself. . . .

It is unlikely I would have only said that it was a “mandatory” deportation as opposed to a “presumptive mandatory” as indicated by [the immigration consultant] in her consultation with me. This may have led to confusion as to the likelihood of deportation as a consequence of this conviction.

Aguilar-Pineda requested that the district court decide his petition based on his filings, declining an evidentiary hearing. Relying on the filings, the district court denied Aguilar-Pineda’s petition. Reaching Aguilar-Pineda’s argument that his plea was unintelligent and involuntary, the district court determined that his plea was valid. The district court noted, among other factors, that his prior counsel “affirmed that [Aguilar-Pineda] was advised that presumptive deportation was a consequence of a conviction for the charged crime.” The district court also concluded that Aguilar-Pineda’s plea was voluntary based on his statement at the plea hearing “that no one had forced him to enter his guilty plea” and because “[n]othing in the record suggests coercion.”

The district court also determined that Aguilar-Pineda did not show that his prior counsel’s representation “fell below an objective standard of reasonableness.” Explaining its reasoning, the district court stated that “[t]he record demonstrates that [Aguilar-Pineda’s] attorney both knew and advised [Aguilar-Pineda] of the collateral consequences of the plea, including his presumptive deportation if he was not a United States citizen.” The district court based this determination primarily on prior counsel’s affidavit, asserting that the “affidavit establishes that [prior counsel] had been advised by the public defender’s immigration consultant that a conviction for first-degree aggravated robbery would subject a defendant to presumptively mandatory deportation, and that a sentence over one year

would further limit deportation defenses.” The court also credited counsel’s statement “that it is his practice to both show and explain the consultation emails to his clients, and that his notes indicate he did explain potential consequences to [Aguilar-Pineda] prior to his plea on December 13, 2022.” (Quotation omitted.) The district court further expressed that it specifically found counsel’s description of “his practice of being very thorough on potential outcomes” to be “particularly credible.” (Quotation omitted.) Finally, the district court explained that it did not find that the less definitive language used on the record and in the petition—that Aguilar-Pineda *could* face immigration consequences—negated its conclusion because “the language is not nearly as compelling as counsel’s assurance that [Aguilar-Pineda] received particularized pre-plea advice regarding his presumptive deportation.”

Aguilar-Pineda appeals.

DECISION

Aguilar-Pineda maintains that his guilty plea was unintelligent and involuntary because his counsel failed to inform him that his plea would subject him to presumptively mandatory deportation.

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. Theis*, 742 N.W.2d 643, 646 (Minn. 2007). To be constitutionally valid, a guilty plea must be “accurate, voluntary and intelligent.” *State v. Ecker*, 524 N.W.2d 712, 716 (Minn. 1994). A defendant’s guilty plea is constitutionally

invalid if the defendant received ineffective assistance of counsel, which renders the plea involuntary. *Id.* at 718.

Ineffective-assistance-of-counsel claims are reviewed under the two-prong test from *Strickland v. Washington*, 466 U.S. 668, 687 (1984). *Gates v. State*, 398 N.W.2d 558, 561 (Minn. 1987). Under the first prong of the test, this court determines “whether counsel’s performance fell below an objective standard of reasonableness.” *State v. Bobo*, 770 N.W.2d 129, 137 (Minn. 2009) (quotation omitted). For the second prong, appellate courts analyze “whether a reasonable probability exists that the outcome would have been different but for counsel’s errors.” *Id.* (quotation omitted).

“A petition for postconviction relief is a collateral attack on a conviction that carries a presumption of regularity.” *Hummel v. State*, 617 N.W.2d 561, 563 (Minn. 2000). Appellate courts review a district court’s postconviction decision for an abuse of discretion. *Riley v. State*, 819 N.W.2d 162, 167 (Minn. 2012). In the context of a postconviction petition asserting a claim of ineffective assistance of counsel, appellate courts consider whether the district court’s factual findings are sufficiently supported in the record. *State v. Nicks*, 831 N.W.2d 493, 503-04 (Minn. 2013). The district court’s factual findings should “not be disturbed unless they are clearly erroneous.” *Id.* at 503. Appellate courts then “conduct a de novo review of the legal implication of those facts on the ineffective assistance claim, and either affirm the court’s decision or conclude that the court abused its discretion because postconviction relief is warranted.” *Id.* at 504. On review of an ineffective-assistance claim, “[t]here is a strong presumption that counsel’s performance was reasonable.” *Boitnott v. State*, 631 N.W.2d 362, 370 (Minn. 2001). The validity of a

guilty plea is also a question of law that this court reviews de novo. *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010).

Aguilar-Pineda's ineffective-assistance-of-counsel claim relies on the United States Supreme Court's decision in *Padilla v. Kentucky*, 559 U.S. 356 (2010). *Padilla* established that, under the Sixth Amendment, defendant's counsel must provide advice regarding the immigration consequences of a guilty plea. 559 U.S. at 366. The nature of that required advice varies depending on the clarity of the applicable law. *Id.* at 369. "When the immigration consequences of a guilty plea are 'truly clear,' defense counsel must affirmatively advise a defendant that the plea will 'subject [the defendant] to automatic deportation.'" *Sanchez v. State*, 890 N.W.2d 716, 720 (Minn. 2017) (quoting *Padilla*, 559 U.S. at 360, 369). Here, both parties and the district court agree that it was clear that a conviction for aggravated robbery would make Aguilar-Pineda presumptively mandatorily deportable and, therefore, that counsel was required to convey to Aguilar-Pineda that deportation would be presumptively mandatory. Failure to advise consistent with these requirements amounts to conduct which falls "below an objective standard of reasonableness," and satisfies the first prong of *Strickland*. See *Padilla*, 559 U.S. at 366-70, 374.

Having established the standard to which Aguilar-Pineda's counsel needed to adhere, we turn back to the district court's order in this matter. The district court made several findings of fact that are central to our review. Specifically, the district court made the following findings: prior counsel "both knew and advised [Aguilar-Pineda] of the collateral consequences of the plea, including his presumptive deportation if he was not a

United States citizen”; counsel “had been advised by the public defender’s immigration consultant that a conviction for first-degree aggravated robbery would subject a defendant to presumptively mandatory deportation, and that a sentence over one year would further limit deportation defenses”; it was counsel’s “practice to both show and explain the consultation emails to his clients”; counsel’s “notes indicate he did explain potential consequences to [Aguilar-Pineda] prior to his plea” hearing; and counsel’s assertion that it was his practice to be “very thorough on potential outcomes” was “particularly credible.” (Quotations omitted.) Essentially, the district court inferred from prior counsel’s affidavit, that counsel did, in fact, inform Aguilar-Pineda that his guilty plea would subject him to presumptively mandatory deportation.

On review, this court’s role is to ensure that the district court’s factual findings are sufficiently supported in the record. *Nicks*, 831 N.W.2d at 503. Looking at the record, we conclude that all of the above factual findings are adequately supported. The district court found prior counsel’s affidavit credible, and the affidavit directly supports the district court’s factual findings.

Aguilar-Pineda takes issue with the district court’s interpretation of prior counsel’s affidavit and argues that it at most implies, but does not “affirmatively aver[] that he informed [Aguilar-Pineda] that deportation was presumptively mandatory as a result of the plea.” It is true that prior counsel’s affidavit does not explain with precision what he told Aguilar-Pineda because counsel did not remember the exact conversations. That said, the district court may draw reasonable inferences from the evidence when acting as a factfinder. *See Thake v. Backhauls, Inc.*, 345 N.W.2d 745, 748 (Minn. 1984) (“Where

reasonable minds might reach different conclusions based upon inferences which may reasonably be drawn from the evidence, the determination of the factfinder is conclusive.” (quotation omitted)). This court must treat such inferences with the traditional deference owed to findings of fact. *Sommers v. City of St. Paul*, 237 N.W. 427, 430 (Minn. 1931) (“The presumption that the trial court has properly determined questions of fact applies not only to its conclusions from disputed facts, but also to its inferences reasonably drawn from undisputed facts.”). The district court drew a reasonable inference from prior counsel’s affidavit that counsel relayed to Aguilar-Pineda that a conviction of first-degree aggravated robbery would subject him to presumptively mandatory deportation. And Aguilar-Pineda’s concession that prior counsel’s affidavit implied as much further supports our determination.

Aguilar-Pineda also argues that the district court erred because it relied only on prior counsel’s affidavit and did not consider other evidence, including the plea colloquy, the presentence investigation report, and his personal affidavit. In other words, Aguilar-Pineda asks this court to reweigh the evidence which this court cannot do under clear-error review. *In re Commitment of Kenney*, 963 N.W.2d 214, 223 (Minn. 2021) (“In sum, the role of an appellate court is not to weigh, reweigh, or inherently reweigh the evidence when applying a clear-error review; that task is best suited to, and therefore is reserved for, the factfinder.”). None of the evidence Aguilar-Pineda identifies establishes that the district court’s findings are clearly erroneous.³

³ The only evidence that directly contradicts prior counsel’s affidavit is Aguilar-Pineda’s affidavit, which asserts that he was never told he would be subject to mandatory

Having concluded that the district court’s factual findings are not clearly erroneous, this court must next “conduct a de novo review of the legal implication of those facts.” *Id.* Assuming that the deportation consequences of Aguilar-Pineda’s plea are as clear as the parties acknowledge, his counsel was required to tell him that the plea would subject him to presumptively mandatory deportation to avoid counsel’s conduct falling below and objective standard of reasonableness. *See Sanchez*, 890 N.W.2d at 720 (quoting *Padilla*, 559 U.S. at 360). The district court found that Aguilar-Pineda’s prior counsel informed him of that consequence. Therefore, counsel fulfilled his obligation under the law, *id.*, and his representation did not fall “below an objective standard of reasonableness.” *Bobo*, 770 N.W.2d at 137 (quotation omitted).

To convince us otherwise, Aguilar-Pineda cites three nonprecedential cases from this court in which we concluded that counsel fell short of their duties under *Padilla*. *See Guevara v. State*, No. A15-0295, 2016 WL 208222 (Minn. App. Jan. 19, 2016), *rev. denied* (Minn. Apr. 18, 2017); *Cortes v. State*, No. A14-0628, 2015 WL 2456750 (Minn. App. May 26, 2015); *Simonovich v. State*, No. A11-0821, 2011 WL 6141661 (Minn. App. Dec. 12, 2011), *rev. denied* (Minn. Feb. 28, 2012). These cases are nonbinding, *see* Minn. R. Civ. App. P. 136.01, subd. 1(c), and they are also materially different from this case. In

deportation. The district court did not make a specific finding with respect to Aguilar-Pineda’s credibility, but we read its order to have found counsel’s affidavit more credible than Aguilar-Pineda’s. The district court may make such credibility determinations, and appellate courts defer to those determinations. *Kenney*, 963 N.W.2d at 222-23. We also note that the district court offered Aguilar-Pineda the opportunity for an evidentiary hearing, at which prior counsel and Aguilar-Pineda could have testified, but Aguilar-Pineda declined and asked for the district court to make a determination on the written record, as submitted by the parties.

all three cases, plea counsel specifically acknowledged, either by live testimony at an evidentiary hearing or by affidavit, that they did not tell their clients that the guilty plea would definitively result in deportation and instead only indicated that the client could or may be deported. *Guevara*, 2016 WL 208222, at *1; *Cortes*, 2015 WL 2456750, at *1; *Simonovich*, 2011 WL 6141661, at *2. Here, in contrast, plea counsel’s affidavit supports the reasonable inference that he explained to Aguilar-Pineda that a plea would result in presumptively mandatory deportation. These cases, therefore, do not persuade us that Aguilar-Pineda is entitled to relief.

Aguilar-Pineda has not met his burden under the first prong of *Strickland*, so his ineffective-assistance-of-counsel claim cannot succeed. *Bobo*, 770 N.W.2d at 138; *see Sanchez*, 890 N.W.2d at 720 (stating that appellate courts “need not analyze both elements of the *Strickland* test if one or the other is determinative”). The district court did not abuse its discretion in denying the petition for postconviction relief.

Affirmed.