

*This opinion is nonprecedential except as provided by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
A26-0003**

State of Minnesota,
Respondent,

vs.

Rolland Laverne Basswood,
Appellant.

**Filed October 12, 2026
Reversed and remanded
Bratvold, Judge**

Clay County District Court
File No. 14-CR-25-1967

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

Brian J. Melton, Clay County Attorney, Caitlin Rose Hurlock, Assistant County Attorney,
Moorhead, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jennifer Lauermann, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Rasmusson, Presiding Judge; Bratvold, Judge; and
Slieter, Judge.*

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

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

In this direct appeal from a judgment of conviction for failure to register as a predatory offender, appellant asks us to reverse and remand with instructions to allow withdrawal of his guilty plea. Appellant argues that his guilty plea is invalid as inaccurate because the plea-hearing record does not establish that his conduct met all elements of the offense. Alternatively, appellant argues that the district court abused its discretion during sentencing by denying his motion for a downward dispositional departure from the Minnesota Sentencing Guidelines. Because we conclude that appellant's plea is inaccurate and therefore invalid, we reverse and remand and need not decide the sentencing issue.

FACTS

On June 6, 2025, respondent State of Minnesota charged appellant Rolland Laverne Basswood with count one, failing to register as a predatory offender under Minnesota Statutes section 243.166, subdivision 5(a)(1) (2024), and count two, giving a false name to a peace officer under Minnesota Statutes section 609.506, subdivision 1 (2024). The complaint alleged that Basswood “has been a homeless offender within the City of Moorhead for the past several years. [Basswood], as a homeless registrant, is required to conduct weekly check-ins to update any change to the area he is currently residing or address.”

In August 2025, Basswood informed the district court that he wanted to enter an “open” plea of guilty to count one with no agreement on sentencing.¹ Basswood’s attorney explained that Basswood had “gone back and forth a few times on whether or not he want[ed] to go to trial” or plead guilty. Basswood’s attorney requested that the district court ask whether Basswood wanted to enter a guilty plea, “given that he’s changed his mind three times sitting here.” In response to a colloquy with the district court, Basswood said that he wanted to plead guilty.

The prosecuting attorney questioned Basswood about his trial rights and his waiver of constitutional rights, as well as the factual basis for his plea. Basswood testified to the facts of the offense as follows:

Q. Mr. Basswood, are you required to register as a predatory offender in the state of Minnesota?

A. Yes, ma’am.

Q. Is that as a result of a previous conviction?

A. Yes, ma’am.

Q. And . . . were you in treatment in early 2025?

A. Yes, ma’am.

Q. And did you leave that treatment facility on February 7th of 2025?

A. Yes, ma’am.

Q. Did you have permission to leave that treatment facility?

A. No, ma’am.

Q. Did you tell your probation or supervised release agent that you left?

A. No, ma’am.

¹ An open plea or “straight plea” is a guilty plea with no agreement regarding sentencing. *State v. Sanchez-Sanchez*, 879 N.W.2d 324, 327 (Minn. 2016).

Q. When you left that treatment facility, did you inform your agent that you left?

A. No, ma'am.

Q. Did you inform your agent where you were staying after you left?

A. No, ma'am.

Q. And did you update your registration at any time after you left treatment?

A. No, ma'am.

Q. Were you aware that you needed . . . to update your registration?

A. Yes, ma'am.

Q. Were you aware that you needed to check in as a homeless registrant if you were homeless?

A. Yes, ma'am.

Q. Did you do that?

A. No, ma'am.

Q. And did you come into contact with law enforcement on June 5th of 2025?

A. Yes, ma'am.

Q. Were you at a house that was the subject of a search warrant?

A. Yes, ma'am.

Q. And at that time, did law enforcement determine that you had a DOC warrant?

A. Yes, ma'am.

Q. And that's when you came back into compliance with registration, when you were taken into custody?

A. Yes, ma'am.

The district court also confirmed with Basswood that he had a prior conviction for failure to register from 2024, that he was in Clay County after he left the treatment facility,

and “that law enforcement and [his] agent did not know” where he was after he left treatment. The district court found that Basswood “knowingly, intelligently, and voluntarily waived his rights” and “provided a factual admission” to the failure-to-register offense. The state moved for dismissal of count two, and the district court scheduled the case for sentencing. No written plea petition was filed with the district court.

On the day of his scheduled sentencing hearing, Basswood moved for a downward dispositional departure from the presumptive guidelines sentence. Basswood’s attorney asked the district court to “consider releasing him into treatment.” The district court denied Basswood’s sentencing motion and imposed a guidelines sentence of 24 months in prison.

Basswood appeals.

DECISION

Basswood argues that his conviction must be reversed and the case remanded with instructions to allow the withdrawal of his guilty plea. Basswood contends that “the admissions tendered during his plea hearing were inaccurate to establish [his] offense of failing to register as a predatory offender.” Alternatively, Basswood argues that the district court abused its discretion in denying his motion for a downward dispositional departure. Because it is dispositive of this appeal, we consider the plea-withdrawal issue first and need not decide the sentencing issue.

The validity of a guilty plea may be raised for the first time on appeal. *State v. Crawford*, 13 N.W.3d 693, 696 (Minn. App. 2024). Whether a guilty plea is valid is a question of law that appellate courts review de novo. *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010). A defendant “does not have an absolute right to withdraw a guilty plea once

it has been entered.” *Dikken v. State*, 896 N.W.2d 873, 876 (Minn. 2017) (quotation omitted). But “[a]t any time the court must allow a defendant to withdraw a guilty plea upon a timely motion and proof to the satisfaction of the court that 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.” *Raleigh*, 778 N.W.2d at 94. The defendant bears the burden of showing that his plea was invalid. *Id.*

To be valid, a guilty plea must be “accurate, voluntary, and intelligent.” *Id.* Basswood challenges the accuracy of his guilty plea. “To be accurate, a plea must be established on a proper factual basis.” *Id.* The accuracy requirement “protects a defendant from pleading guilty to a more serious offense” than he could be convicted of at trial. *Id.* “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).

Basswood pleaded guilty to violating Minnesota Statutes section 243.166, subdivision 5(a)(1), which imposes a criminal penalty for a “person required to register” as a predatory offender who “was given notice, knows, or reasonably should know of the duty to register,” and “knowingly commits an act or fails to fulfill a requirement that violates any provision of” section 243.166. Therefore, to be accurate, the factual basis at Basswood’s plea hearing must establish four facts: (1) Basswood is a person required to register as a predatory offender; (2) Basswood was given notice, knew, or should have known of his duty to register; (3) Basswood knowingly committed an act or failed to fulfill a registration requirement; and (4) by his act or omission, Basswood violated a registration

requirement. Minn. Stat. § 243.166, subd. 5(a)(1). To be clear, Basswood “must know that he is violating the statute when the violation occurs.” *State v. Mikulak*, 903 N.W.2d 600, 603 (Minn. 2017).

Basswood acknowledges that, during his plea-hearing testimony, he admitted some of the elements of count one. But Basswood argues that the fourth fact is not established because it is unclear *how* he violated the registration requirements. Basswood emphasizes that a person with a “primary address” has different registration requirements from a person who lacks a primary address.

We agree with Basswood’s argument that different registration requirements apply depending on whether the registrant has a primary address or lacks a primary address. The relevant statute defines primary address as “the mailing address of the person’s dwelling,” or if the mailing address differs from the actual location of the dwelling, then “primary address also includes the physical location of the dwelling described with as much specificity as possible.” Minn. Stat. § 243.166, subd. 1a(k) (2024).

A person required to register as a predatory offender must do so “at least five days before the person starts living at a new primary address” and also must notify law enforcement “immediately after the person is no longer living or staying” at a primary address. Minn. Stat. § 243.166, subd. 3(b) (2024). “If a person leaves a primary address and does not have a new primary address, the person shall register” with local law enforcement “within 24 hours of the time the person no longer has a primary address.” *Id.*, subd. 3a(a) (2024). A person who “continues to lack a primary address” must check in with

law-enforcement authorities each week. *Id.*, subd. 3a(e) (2024). We acknowledge that the parties describe a registrant who lacks a primary address as homeless.

In his brief to this court, Basswood concedes that he “walked away from treatment without permission or notifying his agent,” but argues that his plea-hearing testimony “did not establish whether [the] treatment [facility] was or should have been considered as a primary address for Basswood.” Basswood also maintains that he “never admitted that he was homeless and thus never admitted that he needed to ‘check in’” with law enforcement each week.

The state counters that Basswood “admitted that he was homeless.” We disagree. Basswood answered, “Yes,” to the prosecuting attorney’s conditional question, “Were you aware that you needed to check in as a homeless registrant *if* you were homeless?” (Emphasis added.) This exchange did not establish that Basswood was homeless—only that he was aware of the registration requirements *if* he were homeless.

The state also contends that specifying which registration requirement Basswood violated is unnecessary. The state points out that Basswood admitted he did not notify law enforcement when he left the treatment center or inform law enforcement of where he was staying—and that he did not update his registration or check in as a homeless registrant until he was arrested about four months later. The state asks this court to “infer, based on [Basswood’s] admissions, that he knew of his registration requirement and knowingly committed an act or failed to fulfill the requirement to register” in violation of section 243.166.

The state accurately summarizes Basswood’s plea-hearing testimony. Even so, we conclude that Basswood’s testimony at the plea hearing did not establish that he violated either the primary-address registration requirement or the homeless-offender check-in requirement. Either requirement *might* have applied to Basswood *if* the treatment facility was his primary address or *if* he was homeless after leaving the treatment facility. But Basswood’s testimony did not establish Basswood’s primary address or that he was homeless during the time of his alleged offense.

The state refers to the complaint, which alleges that Basswood was homeless at the time of his offense. But we do not consider the complaint’s allegations to supplement Basswood’s plea-hearing testimony because Basswood was not questioned about the complaint and did not admit to its truth and accuracy. *See Rosendahl v. State*, 955 N.W.2d 294, 296 (Minn. App. 2021) (“In determining the accuracy of a guilty plea, the reviewing court does not consider allegations contained in the complaint unless the truthfulness and accuracy of the allegations have been expressly admitted to by the defendant.”).

We acknowledge that Basswood’s testimony at the plea hearing established that, after leaving the treatment facility in February 2025, Basswood did not notify law enforcement or his parole officer that he had left treatment or inform them where he was staying. Basswood also testified that he did not update his registration, though he was aware that he was required to do so. Still, Basswood did not testify to facts that establish whether, during the time of his alleged offense, he was subject to registration requirements for a person who has a primary address, a person who lacks a primary address, or both.

Therefore, Basswood's plea-hearing testimony does not establish that he failed to fulfill a registration requirement in violation of section 243.166, subdivision 5(a)(1).

Because the plea-hearing record did not establish that Basswood's conduct violated a specific registration requirement, the factual basis for his guilty plea is not accurate and is therefore invalid. *See Jones*, 921 N.W.2d at 779 (stating that a factual basis must show that a defendant's conduct "meets *all elements* of the offense" (emphasis added)). Thus, Basswood is entitled to withdraw his guilty plea to correct a manifest injustice. *See Minn. R. Crim. P. 15.05*, subd. 1. We therefore reverse and remand to the district court to allow Basswood to withdraw his guilty plea and for further proceedings consistent with this opinion.

Reversed and remanded.