

*This opinion is nonprecedential except as provided by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
A26-0101**

Devin Matthew Weiland, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed August 24, 2026
Affirmed
Rasmusson, Judge**

Freeborn County District Court
File No. 24-CR-20-1674

Devin Weiland, Rush City, Minnesota (pro se appellant)

Keith Ellison, Attorney General, Timothy C. Rank, Assistant Attorney General, St. Paul, Minnesota; and

David Walker, Freeborn County Attorney, Albert Lea, Minnesota (for respondent)

Considered and decided by Rasmusson, Presiding Judge; Johnson, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

RASMUSSON, Judge

In this postconviction appeal, appellant argues that the district court erred by denying his various legal claims without conducting an evidentiary hearing. Because all of appellant's challenges are barred or fail on the merits, we affirm.

FACTS

In December 2020, respondent State of Minnesota charged appellant Devin Matthew Weiland with three counts of attempted first-degree murder in violation of Minn. Stat. § 609.185(a) (2020) and three counts of second-degree assault with a dangerous weapon in violation of Minn. Stat. § 609.222, subd. 1 (2020). Prior to trial, the district court addressed Weiland's competency. After two evaluations and a hearing, the district court determined that Weiland was competent to stand trial. Following a September 2022 trial, a jury found Weiland guilty on all charges. The district court entered convictions on each count and sentenced him to three consecutive 200-month prison terms. The district court additionally ordered that Weiland pay \$30,602.54 in restitution.

We affirmed Weiland's convictions on direct appeal. *State v. Weiland*, No. A23-0771, 2024 WL 3025081, at *1 (Minn. App. June 17, 2024), *rev. denied* (Minn. Oct. 15, 2024). In his direct appeal and pertinent here, Weiland argued that the statute underlying the murder offense is unconstitutionally vague. *Id.* at *6. We concluded that he forfeited appellate review of this argument by failing to raise it to the district court and that *State v. Moore*, 846 N.W.2d 83, 87 n.1 (Minn. 2014), held that the statute is not void for vagueness. *Id.*

In August 2025, Weiland filed a petition for postconviction relief. In his petition, he alleged that (1) he received ineffective assistance of counsel, (2) the statute underlying the murder offenses was unconstitutionally vague, (3) his right to present a complete defense was violated by exclusion of evidence regarding his ability to form required intent,

(4) he was incompetent to stand trial, (5) he was deprived of his right to a speedy trial, and (6) the district court erroneously awarded restitution to nonvictims.

In December 2025, the district court denied Weiland’s petition for postconviction relief, determining that all of his arguments were barred and otherwise fail on the merits.

Weiland appeals.

DECISION

Under Minnesota law, 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 district 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).

Appellate courts review a district court’s summary denial of a petition for postconviction relief for an abuse of discretion. *Zornes v. State*, 903 N.W.2d 411, 416 (Minn. 2017). “A [postconviction] court abuses its discretion when it has exercised its discretion in an arbitrary or capricious manner, based its ruling on an erroneous view of the law, or made clearly erroneous factual findings.” *El-Shabazz v. State*, 984 N.W.2d 569, 573 (Minn. 2023) (quotation omitted). When reviewing a summary denial of a postconviction petition, appellate courts “take the facts alleged in the light most favorable to the petitioner.” *Andersen v. State*, 982 N.W.2d 448, 453 (Minn. 2022).

I. Most of Weiland’s arguments are barred.

Weiland argues that the district court erred by denying the following claims: (1) the first-degree murder statute is unconstitutionally vague, (2) he was prohibited from conducting a complete defense, (3) he was not competent at trial, and (4) he received ineffective assistance of counsel.

Before addressing the merits of Weiland’s arguments, we address whether we will consider these claims. After a party takes a direct appeal, “all matters raised therein, and all claims known but not raised, will not be considered upon a subsequent petition for postconviction relief.” *State v. Knaffla*, 243 N.W.2d 737, 741 (Minn. 1976). “There are two exceptions to the *Knaffla* rule: (1) if a novel legal issue is presented, or (2) if the interests of justice require review.” *Schleicher v. State*, 718 N.W.2d 440, 447 (Minn. 2006) (quotation omitted). “The petitioner has the burden of demonstrating that the exception to the *Knaffla* rule applies.” *Gilbert v. State*, 2 N.W.3d 483, 489 (Minn. 2024). The petitioner forfeits appellate review of whether a *Knaffla* exception applies by failing to raise it to the district court. *See Brocks v. State*, 883 N.W.2d 602, 605 (Minn. 2016).

We begin by addressing Weiland’s claim that the statute underlying the murder offenses is unconstitutionally vague. The district court determined that this claim is barred by the law-of-the case doctrine and *Knaffla*. Weiland raised this same claim on direct appeal, and we rejected his argument. *Weiland*, 2024 WL 3025081, at *6. Therefore, the law-of-the-case doctrine bars this claim. Under this doctrine, a court’s decision upon a rule of law “should continue to govern the *same issues* in subsequent stages in the *same case*.” *Lynch v. State*, 749 N.W.2d 318, 321 (Minn. 2008) (quotations omitted). In *Lynch*, the

supreme court applied this doctrine to bar a postconviction claim when it had addressed the same claim on direct appeal. *Id.* For the same reason, Weiland's claim that the underlying statute is unconstitutionally vague is barred under this doctrine.¹

Weiland's claims regarding his right to conduct a complete defense, competency, and ineffective assistance of trial counsel are all claims that were known but not raised at the time of his direct appeal. As Weiland failed to identify any exception to the *Knaffla* rule for any of these claims, they are *Knaffla* barred. As such, the district court's denial of Weiland's petition for postconviction relief regarding these claims is not an abuse of discretion.

II. The district court properly denied Weiland's restitution claim.

Weiland next argues that the district court erred by denying his restitution challenge because he had a right to a jury trial on restitution and restitution can only be awarded to direct victims of the charged crime rather than secondary victims of acts related to the crime. We assume, without deciding, that this challenge is not barred.

We are unpersuaded by Weiland's arguments. Regarding Weiland's jury-trial argument, we have held that a criminal defendant does not have a jury-trial right on the issue of restitution. *State v. Maxwell*, 802 N.W.2d 849, 851-52 (Minn. App. 2011), *rev. denied* (Minn. Oct. 26, 2011).

Nor do we find Weiland's argument persuasive regarding the scope of restitution. The district court's \$30,602.64 restitution award included restitution for the police

¹ The claim is also procedurally barred because Weiland does not assert a *Knaffla* exception.

department and housing authority related to property damaged during the offense. Weiland contends that he can only be required to pay restitution to the direct victims of the crimes charged (i.e., the three people that he shot) and that he cannot be required to pay restitution to individuals who were not victims of a charged crime. A district court may award restitution to a victim of the defendant's crime. Minn. Stat. § 611A.04, subd 1(a) (2024). A "victim" is "a natural person," including corporations and government entities, "who incurs loss or harm as a result of a crime." Minn. Stat. § 611A.01(b) (2024). A loss must be "directly caused by, or follow naturally as a consequence of, the defendant's crime." *State v. Boettcher*, 931 N.W.2d 376, 381 (Minn. 2019). Because the property losses were either directly caused by or followed naturally as a consequence of Weiland's offense, it is within the permissible scope of restitution.

III. Weiland's argument regarding ineffective assistance of appellate counsel fails on the merits.

Weiland also appears to argue that his appellate counsel was ineffective by failing to challenge his competency to stand trial. An ineffective-assistance-of-appellate-counsel claim is not procedurally barred because it could not have been brought on direct appeal. *Leake v. State*, 737 N.W.2d 531, 536 (Minn. 2007). A criminal defendant raising an ineffective-assistance-of-counsel claim must show that (1) "counsel's representation fell below an objective standard of reasonableness and (2) there is a reasonable probability that, but for the counsel's unprofessional errors, the result of the proceeding would have been different." *State v. Jones*, 977 N.W.2d 177, 193 (Minn. 2022) (quotation omitted). Failure

to satisfy one of these requirements is dispositive and requires denial of the claim. *See State v. Mosley*, 895 N.W.2d 585, 591 (Minn. 2017).

Assuming, without deciding, that this claim is properly before us, we conclude that it fails on the merits. “Appellate counsel need not raise all possible claims on direct appeal, and a claim need not be raised if appellate counsel could have legitimately concluded that it would not prevail.” *Leake*, 737 N.W.2d at 536 (quotation omitted). Weiland’s competency was litigated at length prior to trial. Appellate counsel could have legitimately concluded that a challenge would not succeed given the evidence supporting Weiland’s competency. Therefore, Weiland has not established that his appellate counsel’s performance was deficient.

The district court is not required to hold a hearing if the petition, files, and records conclusively show that an individual is not entitled to relief. Minn. Stat. § 590.04, subd. 1. Because Weiland’s claims are either barred or fail on their merits, the district court did not abuse its discretion by denying Weiland’s postconviction petition without holding an evidentiary hearing.

Affirmed.