STATE OF MINNESOTA
IN COURT OF APPEALS
A22-0570

State of Minnesota,
Respondent,

vs.

Michael Joseph Letourneau,
Appellant.

Filed July 3, 2023
Affirmed
Reilly, Judge

Ramsey County District Court
File No. 62-CR-21-618

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

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

Cathryn Middlebrook, Chief Appellate Public Defender, St. Paul, Minnesota; and

Mark D. Nyvold, Special Assistant Public Defender, Fridley, Minnesota (for appellant)

Considered and decided by Larkin, Presiding Judge; Reilly, Judge; and Slieter, Judge.

NONPRECEDENTIAL OPINION

REILLY, Judge

In this appeal from the final judgment of conviction for two counts of first-degree criminal sexual conduct, appellant argues that the district court erred by finding that good

cause existed to hold his trial outside the six-month timeline permitted by the Uniform Mandatory Disposition of Detainers Act. In a pro se supplemental brief, Letourneau asks this court to reverse his convictions, arguing that he received ineffective assistance of counsel. Because the district court did not abuse its discretion in finding that good cause existed to hold appellant's trial outside the six-month timeline and because appellant's counsel's conduct did not fall below an objective standard of reasonableness, we affirm.

FACTS

On February 3, 2021, respondent State of Minnesota charged appellant Michael Joseph Letourneau with two counts of first-degree criminal sexual conduct. The complaint alleged that Letourneau, a level three sex offender, sexually abused 13-year-old M.D. two times. On February 24, 2021, Letourneau was in custody on other charges and signed a request for final disposition of the first-degree criminal-sexual-conduct charges under the Uniform Mandatory Disposition of Detainers Act (UMDDA). On March 8, 2021, the district court filed Letourneau's request for final disposition. A month later, the state submitted a letter to the district court acknowledging Letourneau's request for final disposition and requesting that the first appearance be scheduled within 30 days and trial be set on or before September 3.

An omnibus hearing was held on May 20. During that hearing, Letourneau made an oral request for a speedy trial. On the same day, the state filed its notice of intent to seek an upward sentencing departure noting two aggravating factors: (1) Letourneau engaged in multiple forms of penetration against the victim; and (2) the victim was particularly vulnerable.

At the next hearing on June 18, counsel for Letourneau informed the district court that Letourneau's attorney of record was changing. Counsel requested that the district court set a pretrial hearing in July. The state responded that the request would be "running up against [Letourneau's] speedy demand" but believed that there was good cause to go beyond the deadline, noting that Letourneau was being detained on other charges until February 2022. The district court found that good cause existed to extend the timing for the speedy trial demand and set the pretrial for July 20.

The July hearing was continued because Letourneau's new counsel of record had a conflict. As a result, the next pretrial hearing occurred on August 16. At the hearing, counsel for Letourneau stated that Letourneau continued his plea of not guilty and raised concerns about his speedy trial demand. The state agreed that the speedy trial deadline had passed but argued that there was no prejudice to Letourneau because he was in custody until February 2022.

The district court outlined the timeline of Letourneau's requests for speedy trial under the rules of criminal procedure and for final disposition under the UMDDA. The district court noted that counsel for Letourneau orally requested a speedy trial on May 20 and that the 60-day deadline had run on that request. The district court noted that Letourneau filed a request for final disposition under the UMDDA on March 8, 2021. The district court determined that the detainer statute, Minn. Stat. § 629.292 (2020), required the start date of trial to be "within six months of receipt of the request and certificate by the Court and prosecuting attorney." The district court determined that the prosecuting

attorney received the detainer filing on April 4, and that "180 days from that date would be October 1st."

The district court noted that Letourneau was facing a minimum sentence of 12 years on the charges and expressed concern that his counsel had just recently been assigned the case in June, stating, "I certainly want defense to be fully prepared to match the state with such serious allegations on the table." Thus, the district court found that good cause existed to continue the matter to ensure that defense counsel would be prepared for trial. The district court set a trial management conference for October 7 and the trial date for October 11.

The final pretrial hearing occurred on October 11. Counsel for Letourneau moved to dismiss the case asserting that Letourneau's rights under the UMDDA had been violated. The state agreed that the deadline had passed under the UMDDA but argued that the district court found good cause at the prior hearing to extend the time beyond the six-month statutory deadline. The state also argued that any delay in bringing the case to trial was caused by the defense and thus the six-month deadline had been tolled. The district court denied Letourneau's motion to dismiss the charges in open court, finding that good cause was shown to extend the trial beyond the statutory timeframe.

At trial, M.D. testified on behalf of the state. When M.D. first met Letourneau, he was married to her mother. After Letourneau and her mother separated, he began spending time alone with M.D. They would often go to the mall together or out to eat. M.D. also texted Letourneau using her tablet nearly "every second" of the day. M.D. sometimes sent Letourneau photographs of her clothing outfits—a few of which he requested from her.

M.D. testified that in early October Letourneau picked her up to go shopping and they later drove to the Maplewood Mall parking lot to watch TV on Letourneau's phone while "cuddling." Letourneau dropped M.D. off at the inn where she was staying with her mother and brother but picked her up later that night and again drove to the Maplewood Mall parking lot to watch TV in the parked car. While in the car, Letourneau touched M.D. on her breasts and vagina with his hands. A short while later, Letourneau drove her back to the inn. The next evening, Letourneau again picked up M.D. The two drove to pick up food and returned to the parking lot of the Maplewood Mall to again watch TV in the car. While in the car, Letourneau touched M.D.'s breasts and vagina with his hands and penis. He then drove her back to the inn.

M.D.'s mother later found the text messages between M.D. and Letourneau and asked M.D. about them. M.D. "didn't want to tell anyone what happened" and attempted to take her life. After M.D.'s mother intervened, M.D. told her what happened. A few days later, M.D. was interviewed at Midwest Children's Resource Center.

M.D.'s mother also testified. She testified that she married Letourneau in 2018 and they separated in 2020. After the separation, she allowed Letourneau to spend time with M.D. and her brother. At some point, Letourneau began seeing M.D. alone and would take her to malls or out to eat. She testified that in early October, Letourneau picked up M.D. and was gone for a couple of hours. When M.D. returned home in the early hours of the next day, M.D.'s mother noticed a lock on M.D.'s electronic tablet, which was against mother's rules. The next day Letourneau picked up M.D. again and the two left for a "long time." M.D.'s mother looked through M.D.'s texts and found some troubling messages.

M.D.'s mother asked M.D. if she had a sexual relationship with Letourneau; M.D. eventually disclosed what happened.

Along with M.D. and her mother's testimony, a nurse with Midwest Children's Resource Center testified about M.D.'s forensic interview. Finally, a detective with the Maplewood Police Department testified. Letourneau declined to testify. At the end of the trial, the jury found Letourneau guilty of both charges.

The district court next held a court trial to consider whether aggravating factors existed to support an upward departure. In a subsequent order, the district court found that the state proved beyond a reasonable doubt that two aggravating factors existed to support an upward departure. The district court sentenced Letourneau to 280 months in prison.

This appeal follows.

DECISION

Letourneau argues that the district court abused its discretion by finding that good cause was shown to allow his trial to extend beyond the time permitted under the UMDDA. In a pro se supplemental brief, Letourneau also argues that his convictions must be reversed because he received ineffective assistance of counsel. We address each argument in turn.

I. The district court did not abuse its discretion in finding that good cause existed to extend Letourneau's trial beyond the time frame permitted under the UMDDA.

"The UMDDA is designed to provide a speedy trial for prisoners who face additional criminal charges." *State v. Vonbehren*, 777 N.W.2d 48, 50 (Minn. App. 2010), *rev. denied* (Minn. Mar. 16, 2010). The UMDDA allows an incarcerated person to "request final disposition of any untried indictment or complaint pending against the person in this

state." Minn. Stat. § 629.292, subd. 1(a). Once a request for final disposition is received by the district court and prosecuting attorney, the incarcerated person is entitled to a trial within six months "or within such additional time as the court for good cause shown in open court may grant." *Id.*, subd. 3. If the defendant is not brought to trial within the six-month period, absent a good-cause extension of the deadline or the parties' agreement to a continuance, no court will have jurisdiction, and the case must be dismissed with prejudice. *Id.* "[W]hether good cause exists to grant additional time beyond the six-month period is within the judicial discretion of the district court." *State v. Wilson*, 632 N.W.2d 225, 228 (Minn. 2001); *see also State v. Miller*, 525 N.W.2d 576, 580 (Minn. App. 1994) (recognizing that a good cause determination for extending the UMDDA time limit is a "subjective, factual question"). For that reason, we review a district court's finding of good cause to try a defendant outside the six-month timeframe for an abuse of discretion. *Wilson*, 632 N.W.2d at 229.

Here, the record shows that the district court and prosecuting attorney received Letourneau's request for final disposition under the UMDDA around March 8, 2021. Thus, Letourneau's trial should have started before September 8, 2021, which would have been within the six-month period allowed by the UMDDA following his request for final disposition. Letourneau's trial started on October 12, 2021. The parties do not dispute that Letourneau's trial fell outside the six-month period allowed under the UMDDA. The only issue is whether the district court abused its discretion in finding that good cause existed to hold his trial outside the six-month period.

The district court ruled on August 16, before the six-month deadline, that good cause was shown to continue the trial start date to mid-October to allow Letourneau's newly-appointed attorney "to be fully prepared to match the state with such serious allegations on the table." Letourneau argues that the district court abused its discretion in its good-cause finding because the district court assumed, without asking, that defense counsel could not be prepared for trial before the six-month period passed. Letourneau's argument lacks merit.

The supreme court has stated, in dicta, that a district court may find that good cause supports conducting the trial outside the six-month period to ensure a defendant receives a fair trial. *Id.* at 229. Additionally, in *State v. Hamilton*, the supreme court determined that good cause was shown when the delay was "minimal" and there was no showing that the defendant was prejudiced by the delay. 268 N.W.2d 56, 62 (Minn. 1978). The circumstances are similar here. The district court based its good-cause ruling on the fact that Letourneau's defense counsel of record changed about two months before the trial's original start date and that Letourneau was facing up to 12 years in prison on his charges. The district court moved the trial from September to October—a short time—to allow for his defense counsel to "fully prepare[]" for the trial. Letourneau did not object to the continuance. Like *Hamilton*, Letourneau does not claim that he was prejudiced by the delay, and our review of the record reveals no indication that the delay was prejudicial because Letourneau was in custody on another matter until February 2022. *See id.* Thus, we discern no abuse of discretion in the district court's ruling that good cause existed to hold Letourneau's trial outside the six-month period established under the UMDDA.

II. Letourneau cannot show that he received ineffective assistance of counsel.

In a pro se supplemental brief, Letourneau argues that his conviction is unconstitutional because he received ineffective assistance of counsel. Criminal defendants are guaranteed the right to effective assistance of counsel by both the United States and Minnesota Constitutions. U.S. Const. amend. VI; Minn. Const. art. I, § 6. An ineffective-assistance-of-counsel claim requires Letourneau to show that: (1) "counsel's representation fell below an objective standard of reasonableness"; and (2) "there was a reasonable probability that, but for counsel's errors, the result of the proceeding would have been different." *State v. Nicks*, 831 N.W.2d 493, 504 (citing *Strickland v. Washington*, 466 U.S. 668, 687-96 (1984)). "If a claim fails to satisfy one of the *Strickland* prongs, we need not consider both prongs in determining that the claim fails." *Swaney v. State*, 882 N.W.2d 207, 217 (Minn. 2016). The evaluation of a court's application of the *Strickland* two-prong test is reviewed de novo "because it involves a mixed question of law and fact." *State v. Mosley*, 895 N.W.2d 585, 591 (Minn. 2017) (citation omitted).

Letourneau argues that he received ineffective assistance of counsel because his defense counsel was not assertive during cross-examination of M.D. He argues that his defense counsel asked "questions [that were] irrelevant to the crimes" including asking her about her medication, pets, and relationship with her mother. Letourneau appears to disagree with defense counsel's strategy of starting cross-examination by building rapport with the witness and building confirmation of previous testimony—including discussions on M.D.'s pets and the medication she was prescribed. But Letourneau's argument ignores

that his counsel also asked M.D. several specific questions including when M.D. first reported the sexual conduct, and when and where the sexual conduct took place.

Letourneau also argues that defense counsel's performance fell below the acceptable objective standard because "defense counsel committed several unprofessional errors and omissions" by resting his case without presenting evidence or examining any witnesses. We conclude that Letourneau's arguments are a challenge to his trial counsel's defense strategy. And, on appeal, we decline to review matters of trial strategy. *See State v. Jones*, 392 N.W.2d 224, 236 (Minn. 1986) ("[T]rial tactics should not be reviewed by an appellate court, which, unlike the counsel, has the benefit of hindsight."); *Andersen v. State*, 830 N.W.2d 1, 13 (Minn. 2013) (reasoning that the decisions to call certain witnesses falls within trial strategy and are not reviewable); *State v. Davis*, 820 N.W.2d 525, 539 n.10 (Minn. 2012) (stating that whether to cross-examine a witness constituted trial strategy). Because Letourneau cannot show that his counsel's representation fell below an objective standard of reasonableness, we need not determine whether Letourneau can establish the prejudice prong of the *Strickland* test.

Affirmed.