

*This opinion will be unpublished and
may not be cited except as provided by
Minn. Stat. § 480A.08, subd. 3 (2006).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-2423**

Wallace James Beaulieu,
petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed October 28, 2008
Affirmed
Klaphake, Judge**

Washington County District Court
File No. C5-07-5847

Wallace J. Beaulieu, M.S.O.P.-Moose Lake Annex, 1111 Highway 73 North, Moose Lake, MN 55767 (pro se appellant)

Lori Swanson, Attorney General, Barbara E. Berg Windels, Assistant Attorney General, 900 Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101-2134 (for respondent)

Considered and decided by Klaphake, Presiding Judge; Peterson, Judge; and Shumaker, Judge.

UNPUBLISHED OPINION

KLAPHAKE, Judge

Pro se appellant Wallace Beaulieu challenges the district court's denial of his habeas corpus petition, claiming that (1) the district court erred in concluding that the Commissioner of Human Services had the authority to transfer him from a state hospital

to a county jail pending resolution of criminal charges that allegedly occurred during his commitment, and (2) the district court erred in denying his habeas corpus petition without an evidentiary hearing. We affirm.

D E C I S I O N

A writ of habeas corpus is a statutory remedy that allows an imprisoned person to petition for “relief from imprisonment or restraint.” Minn. Stat. § 589.01 (2006). “The scope of inquiry in habeas corpus proceedings is limited to constitutional issues, jurisdictional challenges, claims that confinement constitutes cruel and unusual punishment, and claims that confinement violates applicable statutes.” *Loyd v. Fabian*, 682 N.W.2d 688, 690 (Minn. App. 2004), *review denied* (Minn. Oct. 19, 2004). In habeas corpus proceedings, the district court may decline to order an evidentiary hearing if there are no facts in dispute. *Seifert v. Erickson*, 420 N.W.2d 917, 920 (Minn. App. 1988) (“petitioner is entitled to an evidentiary hearing only if a factual dispute is shown by the petition.”), *review denied* (Minn. May 18, 1988). The district court’s findings of fact in a habeas corpus proceeding are entitled to great weight on appeal. *State ex rel. Holecek v. Ross*, 472 N.W.2d 185, 186 (Minn. App. 1991).

Appellant first claims that under Minn. Stat. § 253B.045, subd. 1 (2006), the Department of Human Services lacked authority to allow him to be confined in a jail rather than a treatment facility while criminal charges were pending against him. The statute states:

Except when ordered by the court pursuant to a finding of necessity to protect the life of the proposed patient or others, no person subject to the provisions of this chapter shall be

confined in a jail or correctional institution, except pursuant to chapter 242 [youth corrections] or 244 [criminal sentencing].

This statute is inapplicable because it applies to persons temporarily confined, i.e., those “held temporarily for observation, evaluation, diagnosis, treatment, and care.” Minn. Stat. § 253B.045, subd. 2 (2006). Here, appellant appeared before the court on a criminal charge and was transferred to jail at the request of his custodian, the Commissioner of Human Services; the department has a contract with Washington County to house its wards when requested. Appellant has cited no authority that would prohibit the commissioner from temporarily housing in a county jail a ward who is subject to criminal charges while under commitment status. We note that the commitment statute itself allows temporary confinement of a proposed patient or patient in a jail under certain conditions. Minn. Stat. § 253B.185, subd. 1a (2006). Because appellant’s claim that he was unlawfully transferred to jail pending resolution of criminal charges against him is without merit, we conclude that the district court did not err in denying his habeas corpus petition.

Appellant further claims that the district court erred by failing to order an evidentiary hearing. A petitioner is entitled to an evidentiary hearing only when the petition establishes the existence of a factual dispute. *Seifert*, 420 N.W.2d at 920. Here, the sole issue before this court is whether appellant was lawfully transferred from a treatment facility to a correctional facility pending the outcome of criminal charges. Because appellant’s transfer is authorized by statute and appellant has offered no factual

dispute regarding this issue, the district court correctly ruled that he was not entitled to an evidentiary hearing.

Affirmed.