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**STATE OF MINNESOTA
IN COURT OF APPEALS
A16-1066**

State of Minnesota,
Respondent,

vs.

Dashondra Webster,
Appellant.

**Filed April 24, 2017
Affirmed
Ross, Judge**

Scott County District Court
File No. 70-CR-16-5716

Lori Swanson, Attorney General, St. Paul, Minnesota; and

Ronald Hocesvar, Scott County Attorney, Todd P. Zettler, Assistant County Attorney, Shakopee, Minnesota (for respondent)

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

Considered and decided by Ross, Presiding Judge; Stauber, Judge; and Rodenberg, Judge.

UNPUBLISHED OPINION

ROSS, Judge

Appellant Dashondra Webster pleaded guilty to domestic assault after he admitted to grabbing his girlfriend by the wrists, yelling at her, and intending “to cause fear in her.”

The district court accepted Webster's plea and convicted him. On appeal, Webster argues that the district court accepted an inaccurate plea because his admission failed to establish that he intended to cause "fear of immediate bodily injury." Because Webster's admissions necessarily imply the requisite intent, we affirm.

FACTS

Savage police responded to reports of a domestic disturbance at a motel in Savage in March 2016. They met C.F., who said she and her boyfriend, Webster, had been in an argument and that Webster grabbed her wrist and pinned it against her chest. She told police that she was afraid that Webster would hit her. A witness accompanying C.F. said that Webster opened the door to the car where C.F. was sitting and grabbed C.F.'s wrist, yelling and swinging his hand. Webster told police that he went to the motel to confront C.F. for infidelity. But he denied touching or threatening C.F. and claimed that C.F. and the witness had fabricated their stories.

The state charged Webster with domestic assault with intent to cause fear of immediate bodily harm within ten years of a previous qualifying offense. Webster appeared for a plea hearing and acknowledged that he had reviewed the plea petition in its entirety, "line by line and page by page," and that he had enough time to discuss with his attorney his decision to plead guilty. The petition included Webster's statement that he "grabbed [his] girlfriend by the wrist and yelled at her causing fear."

The court examined Webster, in relevant part, as follows:

Q: All right. Mr. Webster, can you tell me what it is that you did on March 21st of 2016 that makes you guilty of

domestic assault, fear, subsequent violation? Where were you and what did you do?

A: Savage, Minnesota, at the hotel. Went to approach my girlfriend, [C.F.], about some allegations about her cheating on me. I gave her the opportunity to tell me what she did and what was going on. And I grabbed her wrists. And then I proceeded to call her names and curse her out.

Q: Okay. When you grabbed her wrists and cursed her out, do you think that she was fearful?

A: Yes, sir.

Q: And did you, in fact, intend to cause fear in her at that point?

A: Yes, sir.

....

Q: As you stand here today, do you believe you're, in fact, guilty of this crime?

A: Yes, sir.

The district court accepted the guilty plea and entered a judgment of conviction.

Webster appeals.

DECISION

Webster argues that he should be allowed to withdraw his guilty plea. A defendant may challenge his guilty plea on direct appeal from his judgment of conviction. *State v. Miller*, 849 N.W.2d 94, 97 (Minn. App. 2014). He can withdraw his 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 the guilty plea is invalid. *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010). And the plea is invalid if it was not accurate, voluntary, and intelligent. *Id.* We review a challenged guilty plea de novo. *Id.*

Webster argues that his guilty plea was inaccurate because he did not present an adequate factual basis to support it. A guilty plea is inaccurate if it rests on an inadequate factual basis. *State v. Ecker*, 524 N.W.2d 712, 716 (Minn. 1994). The adequate-factual-basis requirement protects defendants from pleading guilty to more serious crimes than they could have been convicted of at trial. *See Raleigh*, 778 N.W.2d at 94. An adequate factual basis will establish all the elements of the crime. *State v. Misquadace*, 629 N.W.2d 487, 491–92 (Minn. App. 2001), *aff'd*, 644 N.W.2d 65 (Minn. 2002).

Webster argues that the factual basis for his guilty plea was inadequate because he did not admit that he intended to cause “fear of immediate bodily harm.” We think he admitted just that when he presented the factual basis for his plea. Whoever commits an act against a family or household member “with intent to cause fear in another of immediate bodily harm or death” is guilty of misdemeanor domestic assault. Minn. Stat. § 609.2242, subd. 1(1) (2014). If that assault occurs “within ten years of a previous qualified domestic violence-related offense conviction,” then the offender is guilty of a gross misdemeanor. *Id.*, subd. 2. “With intent to” means “that the actor either has a purpose to do the thing or cause the result specified or believes that the act, if successful, will cause that result.” Minn. Stat. § 609.02, subd. 9(4) (2014).

Webster’s admission that he intended to cause C.F. to be fearful, he argues, was insufficient to establish his specific intent to cause her fear of *immediate bodily harm*. He proffers a variety of other things he might have intended by his admission that he “intend[ed] to cause fear in her.” He says that maybe he meant that he intended C.F. to feel fear that she was caught cheating, fear that Webster would break up with her, fear of what

Webster might say about her to others, or fear of what he might do to the person she was cheating with. Referencing the statutory definition of “with intent to,” Webster maintains that the record fails to establish that he “either had the purpose to cause fear of immediate bodily harm or believed that the act, if successful, would cause that result.”

With the clear perspective of hindsight, we can say that the district court might have pressed further so that Webster could expressly say that the “fear” he intended to cause was a “fear of immediate bodily harm.” *See Ecker*, 524 N.W.2d at 716 (stating that it is the district court’s responsibility to ensure an adequate factual basis in the record). But the district court can accept a guilty plea based not only on the admitted facts at the plea hearing but also on reasonable inferences from those facts. *See Nelson v. State*, 880 N.W.2d 852, 861 (Minn. 2016). And “a defendant may not withdraw his plea simply because the court failed to elicit proper responses if the record contains sufficient evidence to support the conviction.” *Raleigh*, 778 N.W.2d at 94. And we may look to the criminal complaint to determine whether a defendant’s plea was accurate because, by pleading guilty, a defendant effectively admits to the allegations contained in the complaint. *State v. Trott*, 338 N.W.2d 248, 252 (Minn. 1983).

Webster’s admissions at the plea hearing, complemented by the facts alleged in the complaint, defeat his argument. Webster admitted to “call[ing] [C.F.] names and curs[ing] her out.” He admitted that he went to confront her about “allegations” that she had cheated on him. And he admitted to grabbing her wrists. The complaint includes the additional details that Webster pinned C.F.’s arm against her chest and swung his hand about while

yelling at her. This adds temporal and substantive context for his admission that “in fact, [he] intend[ed] to cause fear in her at that point.”

These circumstances cannot reasonably support Webster’s contention that his admission to intending to cause “fear” in C.F. “at that point” refers to some hypothetical future fear or fear of something other than fear of her immediate physical harm. In context, the “fear” Webster admitted he intended to cause related to his actions, which were verbally and physically aggressive toward C.F. exclusively. His grabbing, cursing, yelling, and swinging his hand around in anger while confronting C.F. specifically about her supposed infidelity informed the district court that the fear he intended was the fear that he might harm C.F.—physically and immediately. The circumstances afford no other reasonable conclusion.

Webster’s plea was accurate.

Affirmed.