STATE OF MINNESOTA
IN COURT OF APPEALS
A17-0475

State of Minnesota,
Respondent,

vs.

Darren Clinton,
Appellant.

Filed December 26, 2017
Affirmed
Florey, Judge

Hennepin County District Court
File No. 27-CR-16-25526

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

Michael O. Freeman, Hennepin County Attorney, Linda M. Freyer, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Veronica M. Surges, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Jesson, Presiding Judge; Connolly, Judge; and Florey, Judge.

U N P U B L I S H E D O P I N I O N

FLOREY, Judge

Appellant pleaded guilty to second-degree burglary after stealing property from a hotel room. He now challenges his conviction, arguing that a hotel room does not fall

under the definition of a "building" for purposes of the burglary statute. We disagree and affirm.

FACTS

On September 25, 2016, appellant Darren Clinton snuck into a hotel room, grabbed an individual's gym bag, and then attempted to abscond from the hotel with the bag. Clinton was quickly caught and charged with second-degree burglary. He pleaded guilty to the charge and admitted that he "enter[ed] a hotel room" without permission and stole the property. The district court accepted Clinton's guilty plea and sentenced him to forty months in prison. This appeal followed.

D E C I S I O N

Clinton argues that his conviction should be reversed because he did not lay a sufficient factual basis for his plea to second-degree burglary. Specifically, he argues that he only admitted to entering a hotel room without permission, but a hotel room is not a "building" under the meaning of the burglary statute.

Appellate courts "review issues of statutory interpretation de novo." *State v. Vasko*, 889 N.W.2d 551, 556 (Minn. 2017). Clinton was convicted under the second-degree burglary statute, which reads in relevant part,

> [w]hoever enters a building without consent and with intent to "commit a crime, or enters a building without consent and commits a crime while in the building, either directly or as an accomplice, commits burglary in the second degree . . . if. . . the building is a dwelling . . . ."

Minn. Stat. § 609.582, subd. 2(a)(1) (2016). The term "building" is defined as "a structure suitable for affording shelter for human beings including any appurtenant or connected structure." Minn. Stat. § 609.581, subd. 2 (2016). "Structure" is not defined.

This court recently addressed whether a motel room fits within the definition of a building under the same statute in *State v. Lopez* where we held that "[a] motel room is a building within the meaning of Minn. Stat. § 609.582." 897 N.W.2d 295, 298 (Minn. App. 2017), *review granted* (Minn. June 20, 2017). Clinton acknowledges that *Lopez* may be dispositive, but argues that it was wrongly decided because this court read new words into the statute. Clinton urges us to reconsider the *Lopez* decision. But under the doctrine of stare decisis, appellate courts are encouraged to "adhere to former decisions in order that there might be stability in the law." *State v. Ross*, 732 N.W.2d 274, 280 (Minn. 2007). Generally, we will not overrule a previous precedent without a compelling reason to do so. *State v. Obeta*, 796 N.W.2d 282, 288 (Minn. 2011).

Here, we see no compelling reason to overrule *Lopez*. We reasoned in *Lopez* that a motel room is a building because it is "intentionally constructed from the component parts of walls, a ceiling, and a door, for the express purpose of affording shelter for guests. It is precisely because a motel room is so constructed that a person rents such a room." *Lopez*, 897 N.W.2d at 298. The same reasoning holds for hotel rooms, and Clinton does not give us a compelling argument to backtrack from our *Lopez* decision.

Clinton also argues that even if we accept *Lopez*, his conviction should be reversed because he did not specifically admit that by entering the hotel room he also entered a "building" without consent. In essence, Clinton argues that entering a hotel room does not

necessarily imply that he entered a "building." However, a sufficient factual basis exists if there are "facts on the record to support a conclusion that [the] defendant's conduct falls within the charge to which he desires to plead guilty." *State v. Iverson*, 664 N.W.2d 346, 349 (Minn. 2003) (quotation omitted). Minnesota's appellate courts have never held that strict incantation of a criminal statute's exact statutory language is required in order to lay a sufficient factual basis.

Clinton admitted that he "enter[ed] a hotel room" with "the purpose of stealing," and he took property in that room without permission. He was not required to specifically say the word "building" in order to lay a sufficient factual basis. Instead, all that was required were sufficient facts on the record to support a conclusion that Clinton's conduct fell within the second-degree burglary charge. *Iverson*, 664 N.W.2d at 349. His admission that he entered a hotel room illustrates that his conduct fell within the charge.

Because we conclude that a hotel room is a building under the second-degree burglary statute, and because Clinton sufficiently admitted to entering a building, we affirm Clinton's conviction.

Affirmed.