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**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-0599**

State of Minnesota,
Respondent,

vs.

Samuel Louis Chase, Jr.,
Appellant.

**Filed April 15, 2019
Affirmed
Worke, Judge**

Anoka County District Court
File No. 02-CR-17-1032

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

Anthony C. Palumbo, Anoka County Attorney, Robert I. Yount, Assistant County
Attorney, Anoka, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Erik I. Withall, Assistant Public
Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Schellhas, Presiding Judge; Worke, Judge; and Kirk,
Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

UNPUBLISHED OPINION

WORKE, Judge

Appellant argues that his guilty plea to receiving stolen property was invalid because the supporting factual basis did not establish that he knew or had reason to know that he possessed stolen property. We affirm.

FACTS

On February 10, 2017, appellant Samuel Louis Chase Jr.'s father reported to law enforcement that Chase and Chase's friend, Daniel Miller, brought a Bobcat to his property that he suspected was stolen. Officers visited the Chase property. Chase told officers that he was working on a Bobcat that belonged to Miller. Miller stated that he was paying Chase to fix and paint the Bobcat that he bought a couple of weeks earlier. Officers located the Bobcat on the property. It had a fresh coat of paint, the VIN plate had been replaced, and the Bobcat brand stickers had been removed and replaced with Case and International Harvester brand stickers.

The Bobcat, along with a trailer, bucket, and snow blower, had been reported stolen on February 7. The Bobcat was identified by unique characteristics described by its owner. Law enforcement found the trailer and bucket at a different residence. The homeowner stated that Chase brought the equipment there.

On August 24, 2017, Chase pleaded guilty to receiving stolen property, in violation of Minn. Stat. § 609.53, subd. 1 (2016). In establishing the factual basis to support the guilty plea, Chase stated that he began to believe that the Bobcat was stolen “[w]hen [his] dad pointed out some things.” Chase admitted that the VIN plates had been modified.

Chase admitted that the Bobcat had been on his father's property for only a little over 24 hours and Miller kept moving it to different locations on the property. He agreed that this was suspicious. Chase admitted that a neighbor indicated to his father "that that was somebody else's trailer," and agreed that this "made [him] think this was stolen property." Chase also agreed that he took a trailer and a bucket to a different residence, and that those items were stolen. The prosecutor asked: "[S]o even though . . . it was suspicious and you knew it was stolen, you continued to work on that Bobcat, correct?" Chase responded: "Yes." The district court found that Chase provided a sufficient factual basis to support his guilty plea, accepted the guilty plea, and sentenced Chase to 21 months in prison. This appeal followed.

D E C I S I O N

Chase argues that his guilty plea is invalid because it was not supported by a sufficient factual basis. Chase did not move to withdraw his guilty plea before the district court, but a defendant may appeal directly from a judgment of conviction contending that the record made at the time the plea was entered is inadequate. *See Brown v. State*, 449 N.W.2d 180, 182 (Minn. 1989). This court reviews the validity of a guilty plea de novo. *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010).

A guilty plea is invalid if it is not "accurate, voluntary and intelligent." *State v. Ecker*, 524 N.W.2d 712, 716 (Minn. 1994). A guilty plea must be accurate to protect a defendant from pleading guilty to a more serious offense than he could be convicted of were he to have a trial. *State v. Trott*, 338 N.W.2d 248, 251 (Minn. 1983). An accurate guilty plea is supported by a proper factual basis, with "sufficient 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); *see also Nelson v. State*, 880 N.W.2d 852, 861 (Minn. 2016) (stating that a sufficient basis includes facts from which the defendant's guilt of the charged crime can be reasonably inferred).

Chase pleaded guilty to receiving stolen property. A person is guilty of this offense if he receives, possesses, transfers, buys or conceals stolen property, knowing or having reason to know it was stolen. Minn. Stat. § 609.53, subd. 1. Chase concedes that he admitted to possessing the Bobcat and that the Bobcat was stolen. Chase contends only that the factual basis is inadequate because he did not admit to knowing or having reason to know that the Bobcat was stolen. The record, however, shows that Chase's guilty plea was accurate because it includes sufficient facts from which Chase's guilt can be reasonably inferred.

Chase admitted that the VIN plates were modified. Chase agreed that during the short time that the Bobcat was on his father's property, Miller kept moving it. He admitted that this was suspicious. Chase agreed that when a neighbor indicated to his father that it was "somebody else's trailer," he "th[ought] this was stolen property." Chase also admitted that he took a stolen trailer and bucket to a different residence. Moreover, Chase agreed that he continued to work on the Bobcat even though at some point "it was suspicious and [he] knew it was stolen." These are facts in the record that are sufficient to show that Chase knew or had reason to know that the Bobcat was stolen.

Further, the complaint establishes facts demonstrating Chase's knowledge. *See Trott*, 338 N.W.2d at 252 ("The record also contains a copy of the complaint and defendant, by his plea of guilty, in effect judicially admitted the allegations contained in the complaint."); *see also Lussier v. State*, 821 N.W.2d 581, 589 (Minn. 2012) (stating that a "plea petition and colloquy may be supplemented by other evidence to establish the factual basis for a plea").

According to the complaint, Chase's father reported to law enforcement that he suspected that the Bobcat was stolen. When officers located the Bobcat, it had a fresh coat of paint, the VIN plate had been replaced, and the Bobcat brand stickers had been removed and replaced with Case and International Harvester brand stickers. *See State v. Simonson*, 214 N.W.2d 679, 681 (Minn. 1974) (stating that "concealing" property includes converting the property to make it more difficult to be discovered by its true owner). And the Bobcat had been reported stolen along with a trailer, bucket, and snow blower; the trailer and bucket were located at a residence where Chase dropped them off. The complaint provides sufficient facts from which Chase's knowledge that the property was stolen can be reasonably inferred. The record shows that the factual basis sufficiently supports Chase's guilty plea, making his guilty plea accurate and valid.

Chase also claims that his testimony negates his knowledge that the property was stolen. The factual basis is inadequate if a defendant makes statements that negate an essential element of the charged offense. *Iverson*, 664 N.W.2d at 350.

Chase argues that his testimony negated his knowledge that the property was stolen. He claims that, from the outset, Miller brought the Bobcat to the property and "held [it] out

as not stolen through his assertion that he purchased the property for \$4,000-\$4,500.” But Miller holding the property out as not stolen does not negate Chase’s admission that he subsequently became suspicious and developed the belief that the property was stolen.

Affirmed.