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**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-1394**

Anthony Paul Schatz, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed May 18, 2020
Affirmed
Klaphake, Judge***

Le Sueur County District Court
File No. 40-CR-16-778

Zachary A. Longsdorf, Longsdorf Law Firm, PLC, Inver Grove Heights, Minnesota (for appellant)

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

Brent Christian, Le Sueur County Attorney, Jason L. Moran, Assistant County Attorney, Le Center, Minnesota (for respondent)

Considered and decided by Rodenberg, Presiding Judge; Smith, Tracy M., Judge;
and Klaphake, Judge.

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

UNPUBLISHED OPINION

KLAPHAKE, Judge

Appellant Anthony Paul Schatz challenges the district court's denial of his petition for postconviction relief in which he sought to withdraw his admission to a probation violation. Because we conclude that Schatz's admission was accurate, voluntary, and intelligent, we affirm.

DECISION

In October 2016, Schatz pleaded guilty to one count of first-degree driving while impaired (DWI). As part of his sentence, the district court imposed seven years of probation. Less than two years later, Schatz pleaded guilty to another DWI, and the district court ordered him to report to jail. At the jail, Schatz was given a urine test, which showed the presence of THC—a chemical commonly found in marijuana—but did not meet the threshold for a positive test. A few days after the test, Schatz signed a form admitting to using marijuana. At a hearing on Schatz's alleged probation violation, Schatz admitted to using marijuana, and the district court revoked his probation.

Over nine months later, Schatz filed a postconviction petition seeking to withdraw his admission to the probation violation. According to Schatz, his admission to the probation violation was not accurate, voluntary, and intelligent because officers at the jail coerced him into admitting that he used marijuana. The district court denied Schatz's petition, noting that it did not find Schatz's testimony at the hearing on his postconviction petition credible in light of his earlier testimony.

Schatz argues that the district court abused its discretion by denying his postconviction petition because his admission to a probation violation was not accurate or voluntary. “We review the denial of a petition for postconviction relief for an abuse of discretion.” *Pearson v. State*, 891 N.W.2d 590, 596 (Minn. 2017). In doing so, we consider legal issues de novo and review factual findings for clear error. *Id.*

We begin our analysis by noting that neither party has identified caselaw that explicitly addresses the standard for a defendant seeking to withdraw an admission to a probation violation. Rather, both parties rely on the body of caselaw establishing the parameters for withdrawal of a guilty plea. Without deciding whether this standard applies to requests to withdraw an admission to a probation violation, we review Schatz’s admission under the framework of a guilty-plea withdrawal.

A defendant has no absolute right to withdraw a guilty plea after entering it. *Dikken v. State*, 896 N.W.2d 873, 876 (Minn. 2017). After sentencing, a court must allow a defendant to withdraw a guilty plea only if “necessary to correct a manifest injustice.” Minn. R. Crim. P. 15.05, subd. 1. “A manifest injustice exists if a guilty plea is not valid.” *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010). To be valid, “a guilty plea must be accurate, voluntary, and intelligent.” *Id.* The validity of a guilty plea is a question of law, which we review de novo. *Id.*

Schatz first contends that his admission was not accurate. Specifically, he asserts that his admission to using marijuana was not accurate because his drug test was negative. He also points out that the record contains multiple stories surrounding his alleged marijuana use.

“The accuracy requirement protects the defendant from pleading guilty to a charge more serious than he could have been convicted of at trial.” *State v. Mikulak*, 903 N.W.2d 600, 603 (Minn. 2017). And a proper factual basis for a guilty plea must be established for it to be accurate. *State v. Theis*, 742 N.W.2d 643, 647 (Minn. 2007). “The defendant bears the burden of establishing the facts that support his claim that the guilty plea is invalid.” *Mikulak*, 903 N.W.2d at 603.

Here, Schatz signed a form admitting that he used marijuana. Additionally, at the probation-violation hearing, Schatz admitted to using marijuana. He told the court that he got a chewable form of medical marijuana from a coworker to help with his back pain. Counsel represented Schatz at the probation-violation hearing, and at no point during the hearing did Schatz indicate that anything in his admission was incorrect. Therefore, the record provides a sufficient basis to conclude that Schatz’s admission was accurate.

Still, Schatz maintains that because his drug test was negative and a specific type of testing was not performed, his admission was inaccurate. This argument ignores the fact that, on two occasions, Schatz *admitted* to using marijuana—by signing the drug usage form and by testifying during the probation-violation hearing that he used marijuana. Even ignoring the results of the drug test, Schatz’s own statements support a conclusion that his admission was accurate.

Additionally, Schatz points to the two separate descriptions of when he used marijuana as evidence that his admission was not accurate. He notes that, at the probation-violation hearing, he stated that he used marijuana he got from a coworker to ease his back pain. But at a later hearing, his probation officer testified that Schatz said he

was using marijuana with a “lady friend.” Regardless of when the alleged marijuana use occurred, each scenario still involves Schatz using marijuana in violation of his probation conditions. Because the key factual basis necessary to support Schatz’s admission is the use of marijuana, the inconsistencies about how and why Schatz allegedly used marijuana do not render his admission inaccurate. Accordingly, we conclude that Schatz’s admission was sufficiently accurate.

Schatz also contends that his admission was not voluntary. According to Schatz, he only admitted to using marijuana after officers at the jail told him he tested positive for the drug and convinced him that he had no other choice. “To be voluntary, a guilty plea may not be based on any improper pressures or inducements.” *Dikken*, 896 N.W.2d at 876-77 (quotation omitted). Improper pressures or inducements can include threatened or actual physical harm or mental coercion. *See State v. Ecker*, 524 N.W.2d 712, 719 (Minn. 1994). And “a plea is involuntary when it is induced by coercive or deceptive action.” *Dikken*, 896 N.W.2d at 877.

At the probation-violation hearing, when questioned by his attorney, Schatz testified that no one was forcing him to make any admissions. Schatz was represented by counsel and had the opportunity to explain his reasons for admitting to using marijuana. But he did not do so. Instead, he later asserted that jail officials pressured him into making the admission. But after a subsequent hearing, the district court found that Schatz’s testimony about allegedly coercive actions by jail officials was not credible. Nothing in the record suggests that this credibility determination is clearly erroneous. *See State v. Olson*, 884 N.W.2d 906, 911 (Minn. App. 2016) (noting that this court generally defers to a district

court's credibility determinations), *review denied* (Minn. Nov. 15, 2016). Accordingly, based on Schatz's testimony at the probation-violation hearing and the district court's credibility determination, we conclude that Schatz's admission was voluntary.

Schatz focuses his argument on why his initial admission—signing the drug-usage form—was not voluntary. Even if we agreed that Schatz's admission by signing the form was not voluntary because it was obtained through coercive means, this does not explain his admission during the probation-violation hearing. At the hearing, Schatz had an opportunity to explain that he only admitted to using marijuana because of pressure from officers at the jail. Instead, he testified that no one was forcing him to make the admission. Therefore, Schatz has not demonstrated that his admission was involuntary.¹

Affirmed.

¹ In passing, Schatz suggests that his admission was not intelligent. “To be intelligent, a guilty plea must represent a knowing and intelligent choice among the alternative courses of action available.” *Dikken*, 896 N.W.2d at 877 (quotation omitted). Determining whether a plea was intelligent involves evaluating whether a defendant understood the charges, the rights he waived by pleading guilty, and the consequences of the plea. *Nelson v. State*, 880 N.W.2d 852, 858 (Minn. 2016). It is clear from the record that Schatz's admission was intelligently made. Schatz testified that he understood the rights he was giving up by admitting to the violation. He also never indicated that he did not understand what was happening or that he had any questions. Further, at the probation-violation hearing, Schatz was represented by counsel. Accordingly, the record demonstrates that Schatz's admission was intelligently made.