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Minn. Stat. § 480A.08, subd. 3 (2018).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-0672**

Carlos Heard, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed December 21, 2020
Affirmed
Larkin, Judge**

Hennepin County District Court
File No. 27-CR-10-34107

Carlos Heard, Rush City, Minnesota (pro se appellant)

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

Michael O. Freeman, Hennepin County Attorney, Jonathan P. Schmidt, Assistant County
Attorney, Minneapolis, Minnesota (for respondent)

Considered and decided by Larkin, Presiding Judge; Johnson, Judge; and Bjorkman,
Judge.

UNPUBLISHED OPINION

LARKIN, Judge

Appellant, a self-represented litigant, challenges the summary denial of his fourth postconviction petition. He argues that the convicting court lacked subject-matter jurisdiction. We affirm.

FACTS

Following the fatal shooting of two people, appellant Carlos Heard¹ was indicted and charged with multiple counts of murder. *State v. Heard*, No. A11-1628, 2012 WL 3263775, at *1 (Minn. App. Aug. 13, 2012), *review denied* (Minn. Oct. 24, 2012). The case was tried to a jury, and Heard was convicted of second- and third-degree murder. *Id.* Heard appealed to this court, we affirmed the convictions, and the supreme court denied review. *Id.* at *1, *3-6.

In 2014, Heard petitioned for postconviction relief. The postconviction court summarily denied the petition, concluding that the claims were *Knaffla* barred. *See State v. Knaffla*, 243 N.W.2d 737, 741 (Minn. 1976) (“[W]here direct appeal has once been taken, all matters raised therein, and all claims known but not raised, will not be considered upon a subsequent petition for postconviction relief.”). This court affirmed the postconviction court’s denial of relief. *Heard v. State*, No. A14-1578, 2015 WL 1758005, at *1 (Minn. App. Apr. 20, 2015).

¹ Heard is also known as Carlos Clark.

In 2016, Heard filed his second postconviction petition. The postconviction court summarily denied the petition, concluding that the claims were *Knaffla* barred.

In 2018, Heard filed a motion to dismiss for lack of personal and subject-matter jurisdiction. The district court treated the motion as a petition for postconviction relief. The court summarily denied relief, concluding that the claims were *Knaffla* barred.

In November 2019, Heard filed his fourth postconviction petition. The postconviction court summarily denied the petition. The court concluded that Heard's challenge to the convicting court's subject-matter jurisdiction was *Knaffla* barred and without merit. Heard appeals.

D E C I S I O N

Heard seeks reversal of his convictions and a remand to the district court “to put the [s]tate to its burden to prove that it had jurisdiction.” He contends that the state lacked a valid warrant and argues that “a warrant has the sole function of giving the [courts] jurisdiction over the accused person.”

Minnesota's postconviction statute authorizes “a person convicted of a crime” to seek postconviction relief by filing a petition claiming that the conviction “violated the person's rights under the Constitution or laws of the United States or of the state.” Minn. Stat. § 590.01, subd. 1(1) (2018). Upon the filing of a postconviction petition, an evidentiary hearing must be held “[u]nless the petition and the files and records of the proceeding conclusively show that the petitioner is entitled to no relief.” Minn. Stat. § 590.04, subd. 1 (2018).

We review a denial of a postconviction petition and request for an evidentiary hearing for an abuse of discretion. *Riley v. State*, 819 N.W.2d 162, 167 (Minn. 2012). A postconviction court abuses its discretion when it makes clearly erroneous factual findings, bases its ruling on an erroneous view of the law, or exercises discretion in an arbitrary or capricious manner. *Pearson v. State*, 891 N.W.2d 590, 596 (Minn. 2017). We review legal issues de novo. *Id.*

“In determining whether an evidentiary hearing is required, a postconviction court considers the facts alleged in the petition as true and construes them in the light most favorable to the petitioner.” *Andersen v. State*, 913 N.W.2d 417, 424 (Minn. 2018) (quotation omitted). “But a court need not hold an evidentiary hearing when the petitioner alleges facts that, if true, are legally insufficient to entitle him to the requested relief.” *Jackson v. State*, 929 N.W.2d 903, 905 (Minn. 2019) (quotation omitted). A petitioner bears the burden to establish by a preponderance of the evidence that facts exist that warrant postconviction relief. *Tscheu v. State*, 829 N.W.2d 400, 403 (Minn. 2013).

Under *Knaffla*, a postconviction court generally does not consider claims that were raised, or that could have been raised, on direct appeal or in a previous postconviction petition. *Hooper v. State*, 838 N.W.2d 775, 787 (Minn. 2013). Heard’s challenge to jurisdiction could have been raised in his direct appeal or prior postconviction petitions. In fact, Heard challenged subject-matter jurisdiction in a previous postconviction proceeding. Thus, Heard’s current postconviction claim is *Knaffla* barred.

A court may consider *Knaffla*-barred claims if the defendant presents a novel legal issue or if the interests of justice so require. *Id.* The postconviction court determined that

Heard failed to satisfy either of those two exceptions. Indeed, Heard did not raise either exception to the postconviction court. In *Ashby v. State*, the supreme court concluded that the postconviction court did not err by failing to apply *Knaffla* exceptions when the petitioner failed to raise them. 752 N.W.2d 76, 79 (Minn. 2008).

Heard suggests that his jurisdictional challenge is not barred because “there is no discretion to ignore [a] lack of subject-matter jurisdiction.” See *Pearson v. State*, 946 N.W.2d 877, 884 (Minn. 2020) (acknowledging possibility that challenges to subject-matter jurisdiction are never untimely). For support, Heard cites *Birchfield v. North Dakota*, 136 S. Ct. 2160 (2016), *Johnson v. State*, 916 N.W.2d 674 (Minn. 2018), and *Fagin v. State*, 933 N.W.2d 774 (Minn. 2019).² Those cases regard the unconstitutional application of Minnesota’s chemical-test-refusal statute, Minn. Stat. § 169A.20, subd. 2 (2018). Heard relies on those cases for the proposition that “a court is without jurisdiction to convict a defendant of conduct that is not criminal.” *Johnson*, 916 N.W.2d at 680. But Heard does not explain why the conduct underlying his murder convictions is not criminal, such that his jurisdiction challenge is valid.

² In *Birchfield*, the Supreme Court held that although a warrantless breath test was permissible as a search incident to arrest, a blood test did not fall within that warrant exception and that, therefore, a suspected drunk driver’s refusal to give a blood sample could only be criminalized if the police had a valid warrant or an exception to the warrant requirement applied. 136 S. Ct. at 2185-86; see also *Fagin*, 933 N.W.2d at 778 (discussing *Birchfield*). In *Johnson*, the supreme court concluded that the rule announced in *Birchfield* is essentially a challenge to the subject-matter jurisdiction of the convicting court and that a guilty plea therefore did not bar an as-applied Fourth Amendment challenge to convictions in chemical-test-refusal cases. 916 N.W.2d at 680-81; see also *Fagin*, 933 N.W.2d at 778 (discussing *Johnson*). In *Fagin*, the supreme court concluded that “the burden of proof in a *Birchfield/Johnson* postconviction proceeding is on the petitioner.” 933 N.W.2d at 780.

In sum, we conclude that the postconviction court did not err by denying relief on procedural grounds under *Knaffla*.

Even if Heard's claim was not procedurally barred, it would fail on the merits. Subject-matter jurisdiction refers to a court's authority to hear the type of dispute at issue and to grant the type of relief sought. *State v. Vang*, 847 N.W.2d 248, 257 (Minn. 2014). The question of whether subject-matter jurisdiction exists is a question of law that this court reviews de novo. *Id.* at 257-58. A district court has original jurisdiction in all criminal cases. Minn. Const. art. VI, § 3; *see also Johnson*, 916 N.W.2d at 680 ("A district court has subject-matter jurisdiction to convict a defendant of all crimes cognizable under the laws of the State of Minnesota.").

Heard argues that subject-matter jurisdiction was lacking because the state failed to obtain a valid warrant. But he fails to identify the type of warrant to which he refers or to explain why the lack of a warrant deprived the district court of subject-matter jurisdiction in his criminal case. We discern no basis to conclude that the convicting court lacked subject-matter jurisdiction.

Heard also argues that he was not timely brought before the district court following his arrest. The Minnesota Rules of Criminal Procedure provide timelines for bringing a suspect before the district court following an arrest. *See, e.g.*, Minn. R. Crim. P. 4.02, subd. 5. Heard does not cite authority indicating that compliance with those timelines is a jurisdictional requirement, and caselaw refutes that proposition. *See Reed v. State*, 793 N.W.2d 725, 731 (Minn. 2010) (discussing the difference between rules governing subject-matter jurisdiction and inflexible claim-processing rules). We fail to discern how a

violation of those timelines deprived the district court of jurisdiction. *See United States v. Crews*, 445 U.S. 463, 474, 100 S. Ct. 1244, 1251 (1980) (“An illegal arrest, without more, has never been viewed as a bar to subsequent prosecution, nor as a defense to a valid conviction.”).

In sum, like the postconviction court, we conclude that Heard’s petition fails on the merits.

Affirmed.