This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).

STATE OF MINNESOTA
IN COURT OF APPEALS
A20-1010

State of Minnesota,
Respondent,

vs.

Lawrence Carl Demetrious White,
Appellant.

Filed September 27, 2021
Affirmed
Slieter, Judge

Blue Earth County District Court
File No. 07-CR-17-708

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

Patrick R. McDermott, Blue Earth County Attorney, Susan B. DeVos, Assistant County Attorney, Mankato, Minnesota (for respondent)

Craig E. Cascarano, Minneapolis, Minnesota (for appellant)

Considered and decided by Worke, Presiding Judge; Slieter, Judge; and Rodenberg, Judge.*

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

NONPRECEDENTIAL OPINION

SLIETER, Judge

On appeal from the district court's denial of his postconviction petition seeking to withdraw his guilty plea, appellant argues his plea was unintelligent because he was not made aware of the "special conditions" of probation imposed by the court. Because appellant was aware and understood the direct consequences of his guilty plea and is not required to be aware of or understand all potential conditions of probation because they are collateral, his guilty plea was valid, no manifest injustice occurred by the court accepting his guilty plea, and we therefore affirm.

FACTS

Following appellant Lawrence Carl Demetrious White's suspected involvement in prostitution in Blue Earth County, respondent State of Minnesota charged appellant with fleeing a peace officer in a motor vehicle, promotion of prostitution of an individual, and engaging in sex trafficking of an individual.

In July 2020, appellant pleaded guilty via an *Alford*[1] plea to promotion of prostitution of an individual, in violation of Minn. Stat. § 609.322, subd. 1a(2) (2016). The district court accepted the plea agreement, dismissed the other counts, and ordered a presentence investigation (PSI) report. The district court stayed execution of 74 months' imprisonment and placed appellant on probation for ten years. The district court imposed ten "general conditions" and 21 "special conditions" of probation. The "special

[1] *North Carolina v. Alford*, 400 U.S. 25, 39 (1970).

conditions," each of which were recommended by probation as part of the PSI,[2] include "[p]rovid[ing] all banking and investment records" and "monthly reporting of all income . . . as requested by [his] supervising agent" as well as "[f]il[ing] income taxes as required by state and federal law and provid[ing] any proof of such to probation upon request."

The district court denied appellant's postconviction petition without holding an evidentiary hearing. This appeal follows.

DECISION

Appellate courts review a district court's "summary denial of a petition for postconviction relief for an abuse of discretion." *Andersen v. State*, 913 N.W.2d 417, 422 (Minn. 2018). A district court abuses its discretion "when its decision is based on an erroneous view of the law or is against logic and the facts in the record." *Id.*

A district court "must allow a defendant to withdraw a guilty plea" when "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 plea "must be accurate, voluntary, and intelligent." *Id.* Appellant argues that the plea was not intelligent.

A plea is intelligent if a defendant "understands the charges against him, the rights he is waiving, and the consequences of his plea." *Id.* at 96. The defendant must understand the plea's "direct consequences." *Id.* Direct consequences "are those which flow

[2] During oral argument before our court, counsel for the state informed the court that appellant desired to relocate to California while on probation. As a result, and as part of the PSI, the Minnesota probation agent contacted a California probation agent who would be supervising appellant and who recommended many of the "special conditions."

definitely, immediately, and automatically from the guilty plea—the maximum sentence and any fine to be imposed." *Alanis v. State*, 583 N.W.2d 573, 578 (Minn. 1998); *State v. Crump*, 826 N.W.2d 838, 841-42 (Minn. App. 2013) (holding direct consequences "are those which flow definitely, immediately, and automatically from the guilty plea, such as the maximum sentence to be imposed and the amount of any fine") (quotation omitted), *rev. denied* (Minn. May 21, 2013). "A defendant need not be advised of every consequence for his plea to be intelligent" and "[i]gnorance of a collateral consequence does not entitle a criminal defendant to withdraw a guilty plea." *Kaiser v. State*, 641 N.W.2d 900, 903-04 (Minn. 2020) (emphasis omitted).

Unlike direct consequences—which a defendant is required to understand for a plea to be intelligent—collateral consequences are those which "flow[] from the plea that are not punishment" and "serve a substantially different purpose than those that serve to punish, as they are civil and regulatory in nature and are imposed in the interest of public safety." *Id.* at 905. The Minnesota Supreme Court has held that "[f]ailure to advise [a defendant] of" collateral consequences "does not make [a] plea unintelligent, and does not constitute a manifest injustice that mandates the withdrawal of [a] plea." *Id.* at 907.

Appellant believes that because "he was not informed of all the conditions the [district] court could impose on a probationary sentence," and in particular the "special conditions" recommended in the PSI and imposed by the district court, his plea was not intelligent.

Appellant's argument is not persuasive. The record reflects that appellant was made aware at multiple times during the plea hearing of the direct consequences of his guilty

plea. The plea petition, which appellant indicated he reviewed "line by line" with his attorney before signing it, states that he had "received, read and discussed a copy of the [c]omplaint" and "[appellant has] been told by [his] attorney and [he] understand[s] . . . [t]hat the maximum sentence which may be imposed is fifteen years in jail/prison and/or $40,000 fine." The sentencing transcript also reflects that the district court informed appellant of the direct consequences of a guilty plea during the plea hearing, stating that "the presumptive duration of sentence [for count two] is between 53 months and 74 months, with a middle of the box range of 62 months and a presumptive disposition is commitment to the Commissioner of Corrections." The district court reiterated to appellant the plea agreement which states that appellant would accept a "downward dispositional departure, meaning that the 74-month sentence would not be executed . . . [but] that he would be sentenced at the top of the applicable box . . . which would be 74 months." Finally, the criminal complaint indicated that the "Maximum Sentence" that could be imposed for count two was "15 years and/or $40,000."

Appellant asserts the "special conditions" recommended in the PSI and imposed by the district court should be viewed as direct consequences because they are "Draconian[3] and overly regulatory" and he "was not aware that the [district] court could impose" them. But Minnesota caselaw requires only that a defendant be aware of the direct consequences

[3] "Draco [was an] Athenian lawgiver whose harsh legal code punished both trivial and serious crimes in Athens with death—hence the continued use of the word draconian to describe repressive legal measures." *Draco*, Encyclopedia Britannica, https://www.britannica.com/biography/Draco-Greek-lawgiver (last visited September 20, 2021)

of a guilty plea. The failure to inform a defendant of collateral consequences before pleading guilty does not render a guilty plea unintelligent. *Kaiser*, 641 N.W.2d at 907.[4]

In sum, it is clear from the record that appellant was well-informed of the direct consequences he would face from his guilty plea and the plea was therefore intelligent.[5]

Affirmed.

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[4] There exists another avenue by which a defendant may challenge specific conditions imposed by a district court, which is that a defendant may request to modify probation conditions in district court and, if unsuccessful, appeal the sentence. *State v. Franklin*, 604 N.W.2d 79, 82 (Minn. 2000).

[5] Appellant also argues that the district court should have held an evidentiary hearing. But, no evidentiary hearing is required when the alleged facts "are legally insufficient to entitle [the petitioner] to the requested relief." *Rossberg v. State*, 932 N.W.2d 6, 9 (Minn. 2019). Because there are no alleged facts that would entitle appellant to withdraw his guilty plea, summary dismissal was proper, and we need not remand for an evidentiary hearing.