

*This opinion is nonprecedential except as provided by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
A20-1298**

State of Minnesota,
Respondent,

vs.

Harold Badillo Chaparro,
Appellant.

**Filed August 16, 2021
Affirmed
Reyes, Judge**

Hennepin County District Court
File No. 27-CR-18-18853

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

Michael O. Freeman, Hennepin County Attorney, Jacqueline Bailey, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Suzanne M. Senecal-Hill, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

NONPRECEDENTIAL OPINION

REYES, Judge

Appellant argues that the district court abused its discretion by denying his motion to withdraw his guilty plea because he experienced cognitive dysfunction that negatively

impacted his ability to understand and participate in a plea hearing, providing a fair-and-just reason for withdrawal. We affirm.

FACTS

In July 2018, police officers responded to a domestic-assault report at a gas station. The officers spoke with an employee of the gas station who witnessed a man in the passenger seat of an SUV repeatedly hit a woman in the driver's seat. The employee said that the man then exited the SUV and left on foot. The officers next interviewed the woman-victim, who identified appellant Harold Badillo Chaparro as the man who struck her. The victim explained that she and appellant were in a romantic relationship at the time and that they have twin children. The victim told the officers that after she began arguing with appellant, he bit her right shoulder and punched her in the face. The victim then pulled over into the gas station and struggled with appellant for the car keys before he fled on foot without the keys. The officers reported seeing a bite mark on the victim's right shoulder and bruising and swelling on her right eye.

On July 27, 2018, respondent State of Minnesota charged appellant with one count of felony domestic assault under Minn. Stat. § 609.224, subd. 4 (2016). On January 22, 2020, appellant attempted to plead guilty to the charge at an omnibus hearing, but the district court rejected the plea because appellant maintained that he acted in self-defense. On February 18, 2020, at a plea hearing, appellant again requested that the district court accept his guilty plea. Appellant answered the following questions, among others, from his counsel:

- Q: Now you are taking some medications that are prescribed for you?
- A: Yes.
- Q: Is there anything about those medications that causes you not to understand what you're doing today?
- A: No.
- Q: Are you clear headed and focused?
- A: Yes.
- Q: And you understand the terms of the plea negotiation that [the state] just put on the record?
- A: Yeah. I do.

Unlike the January 22 hearing, appellant unequivocally stated that he did not act in self-defense because he could have retreated. Appellant also agreed that the complaint outlined two prior qualifying domestic-violence-related offenses. The district court accepted appellant's guilty plea.

On June 4, 2020, before sentencing, appellant moved to withdraw his guilty plea, arguing that he suffered "cognitive dysfunction" at the time of the plea. Specifically, he asserted that he did "not knowingly and voluntarily enter[]" the plea because he labored under mental illness and his prescribed medications had not stabilized his thinking and decisionmaking faculties. In support of his motion, appellant submitted an affidavit from his mother detailing changes in his behavior, mood, and appetite as well as his medical records from December 24, 2019, to February 18, 2020.

The same district court judge who heard and accepted appellant's guilty plea held a hearing on appellant's motion to withdraw his plea on June 9, 2020. At the hearing, appellant first stated that he could remember "nothing" about the plea hearing and that he did not understand the terms of the agreement. But then on cross-examination, appellant stated that he remembered someone laughing at him in the background when he entered

the courtroom on the day of the plea and that he spoke with his brother about that incident. The district court denied appellant's motion to withdraw his guilty plea because it found that appellant's medical records and performance on the day of the plea did not support his allegations that he had been experiencing cognitive dysfunction. The district court sentenced appellant to 18 months in prison, stayed for three years, and three years of probation. This appeal follows.

DECISION

Appellant argues that the district court abused its discretion by denying his motion to withdraw his guilty plea under the fair-and-just standard. We are not persuaded.

Although a defendant has a right to withdraw a guilty plea, that right is not absolute. *State v. Raleigh*, 778 N.W.2d 90, 93 (Minn. 2010). The two standards for plea withdrawals are: (1) at any time, a plea withdrawal must be permitted if “necessary to correct a manifest injustice” or (2) before sentencing, a plea may be withdrawn when it is fair and just to do so. Minn. R. Crim. P. 15.05, subds. 1, 2. Under the fair-and-just standard, the defendant bears the burden of providing reasons supporting withdrawal, while the state bears the burden of showing it would be prejudiced by withdrawal. *Raleigh*, 778 N.W.2d at 97. “Even when there is no prejudice to the state, a district court may deny plea withdrawal under [the fair-and-just standard], if the defendant fails to advance valid reasons why withdrawal is fair and just.” *State v. Cubas*, 838 N.W.2d 220, 224 (Minn. App. 2013), *review denied* (Minn. Dec. 31, 2013).

Although it is a lower burden than the manifest-injustice standard, the fair-and-just standard “does not allow a defendant to withdraw a guilty plea for simply any reason.”

State v. Theis, 742 N.W.2d 643, 646 (Minn. 2007) (quotation omitted). Doing so would “undermine the integrity of the plea-taking process.” *Kim v. State*, 434 N.W.2d 263, 266 (Minn. 1989). Under both rule 15.05 standards, a plea must be valid, meaning that it must be accurate, voluntary, and intelligent. *Theis*, 742 N.W.2d at 646. We review a district court’s decision to deny a motion to withdraw before sentencing for an abuse of discretion, and its decision will rarely be reversed. *Raleigh*, 778 N.W.2d at 97. We defer to a district court’s credibility determinations during a plea hearing. *State v. Aviles-Alvarez*, 561 N.W.2d 523, 527 (Minn. App. 1997).

Here, appellant argues that his mental distress, anxiety, and medication adjustment negatively impacted his cognitive function. In *Raleigh*, the district court denied the defendant’s request for plea withdrawal because the defendant failed to provide any evidence to substantiate allegations that mental illness and stress prevented him from understanding the plea. 778 N.W.2d at 93. Appellant attempts to distinguish this case from *Raleigh* on the basis that he has provided sufficient evidentiary support for cognitive dysfunction. It is true that his medical records show he is diagnosed with post-traumatic-stress disorder, major depressive disorder recurrent with anxious distress, and generalized anxiety disorder with panic attacks. His medical records also show that he switched medications on February 7, 2020. However, as the district court noted, appellant’s medical records do not support the assertion that these conditions resulted in “cognitive dysfunction” and he does not direct this court to any specific portion of his records that could. To the contrary, appellant’s medical records refute his claim of cognitive dysfunction. To the extent that appellant relies on his mother’s affidavit for support, she

merely describes changes in appetite, mood, sleep, and anxiety. The record supports the district court's determination that appellant failed to show a fair and just reason for withdrawal.

Additionally, the district court relied on its own observation of appellant's performance at the plea hearing to determine that he did not suffer from cognitive dysfunction. At the plea hearing, appellant answered questions about the rights he was giving up, responded specifically that his medications were not affecting his ability to understand the proceedings, and that he was thinking with a clear head. The district court found that "his presentation was consistent with his testimony." Appellant argues that a comparison between the omnibus hearing and the plea hearings demonstrates his cognitive dysfunction. First, he points to the leading questions, that his counsel asked him, for the proposition that "[l]ittle can be discerned about what [appellant] understood when his responses were merely a series of yeses." But that assertion is inconsistent with the record. Appellant responded affirmatively that he was taking medications, then stated that those medications were *not* impacting his ability to understand the proceedings, and then responded again affirmatively that he was thinking with a clear head. Because the district court is in the best position to observe the witness and relied on its own observations of appellant during both hearings, we decline to disturb the district court's decision.

Finally, because appellant failed to advance substantiated reasons for withdrawal of his guilty plea, we need not address whether withdrawal would prejudice the state. *Cubas*,

838 N.W.2d at 224 (stating that district court need not address prejudice prong if defendant fails to carry burden to show valid reasons for withdrawal).

Affirmed.