

*This opinion is nonprecedential except as provided by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
A21-0245**

State of Minnesota,
Respondent,

vs.

James Tyjuan Moore,
Appellant.

**Filed December 20, 2021
Affirmed
Halbrooks, Judge***

Hennepin County District Court
File No. 27-CR-19-31316

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, Kathryn J. Lockwood, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Cochran, Judge; and
Halbrooks, Judge.

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

NONPRECEDENTIAL OPINION

HALBROOKS, Judge

Appellant seeks to withdraw his guilty plea on the ground that it was involuntary and, therefore, invalid. We affirm.

FACTS

Respondent State of Minnesota indicted appellant James Tyjuan Moore of first-degree murder, second-degree murder, and possession of a firearm as a prohibited person. At a hearing in June, Moore asked the district court about obtaining a different attorney than the public defender who had been assigned, asserting that his attorney was trying to force him to do things he did not want to do. Moore did not elaborate and rescinded his request after discussing with the district court the consequences of firing his public defender. At a hearing in August, the prosecutor offered to drop the first-degree murder and firearm-possession charges if Moore pleaded guilty to second-degree murder. Moore rejected the plea offer and demanded a speedy trial.

During jury selection, Moore agreed to plead guilty to second-degree murder and accept a sentence of 360 months in prison. In response to questions from his attorney, Moore stated that he understood that he was waiving several rights in accepting the offer, that no one had made any promises or threats to get him to plead guilty, and that he had spoken with his mother about resolving the case by accepting the plea. When questioned by the district court, Moore agreed that he had discussed the waiver of his trial rights with his attorney, was voluntarily waiving those rights, and no one was forcing or coercing him to do so. The district court then found that Moore had made a knowing, voluntary, and

intelligent waiver of his trial rights and had admitted facts sufficient to find him guilty of second-degree murder. The district court sentenced Moore to 360 months in accordance with the plea agreement.

This appeal follows.

DECISION

Moore argues that he should be able to withdraw his guilty plea because it was involuntary and, therefore, invalid. He contends that his plea was invalid because he was coerced into pleading guilty by his mother and his attorney. Whether a guilty plea is valid is a question of law that we review de novo. *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010).

“A defendant does not have an absolute right to withdraw a guilty plea once it [has been] entered.” *State v. Hughes*, 758 N.W.2d 577, 582 (Minn. 2008). Rather, a court “must allow a defendant to withdraw a guilty plea” after sentencing only when the defendant establishes “that withdrawal is 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.” *Raleigh*, 778 N.W.2d at 94. To be valid, a guilty plea must be “accurate, voluntary, and intelligent.” *Kaiser v. State*, 641 N.W.2d 900, 903 (Minn. 2002).

Moore challenges only the voluntariness of his guilty plea. A guilty plea is voluntary if it is not “based on any improper pressures or inducements.” *Dikken v. State*, 896 N.W.2d 873, 876-77 (Minn. 2017) (citation omitted). The voluntariness of a guilty plea is “determined by considering all relevant circumstances.” *Raleigh*, 778 N.W.2d at

96. And a defendant bears the burden of proving that his guilty plea is invalid. *Id.* at 94. Moore has not met that burden.

There is no support in the record for Moore's argument that his mother coerced him to plead guilty. After Moore entered his guilty plea, the following exchange occurred:

Counsel: Mr. Moore, before we took a break, you went down to the holding area. I came down there with my computer, and we made a phone call through my computer to your mother; is that true?

Moore: Yes.

Counsel: And you had an opportunity to speak to her about, you know, the discussions about resolving the case with a plea; is that right?

Moore: Yes.

Counsel: All right. Nothing further, Your Honor.

This record, which contains nothing about the substance of Moore's conversation with his mother, is insufficient to establish coercion.

Moore also asserts that his attorney pressured him into pleading guilty based on a statement his attorney made at the scheduling hearing several weeks before trial. The topic under discussion was a potential trial date. Moore's attorney suggested a trial date that was ten days past the speedy-trial window. But Moore refused to waive his right to a speedy trial in order to accommodate his attorney's schedule. The transcript reflects the following exchange:

Counsel: Do you understand, Mr. Moore, that because I'm going to be involved in other cases, that distracts my attention from my ability to focus on your case? So rather than just being—having one case for trial, which would be yours in

November, I'm going to have several cases. If you're okay with me being jammed up that way and my attention divided, then we'll find a date in October within in the timeframe. Is that agreeable to you?

Moore: Yeah.

Counsel: Very good, Your Honor.

Court: Okay. Then October 26th would be within speedy, I believe; is that correct?

Counsel: It would be, Your Honor.

This exchange does not support Moore's assertion that his guilty plea, ultimately made during jury selection, was coerced or the result of pressure.

Because Moore's argument that his guilty plea is invalid because it was not voluntary has no support in the record, we affirm.

Affirmed.