STATE OF MINNESOTA
IN COURT OF APPEALS
A22-0104

Matthias Jacob Gould, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

Filed August 8, 2022
Reversed and remanded
Ross, Judge

St. Louis County District Court
File No. 69DU-CR-19-535

Tayler J. Rahm, Rahm Law, PLLC, Minnetonka, Minnesota (for appellant)

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

Kimberly J. Maki, St. Louis County Attorney, Nathaniel T. Stumme, Anthony Rubin, Assistant County Attorneys, Duluth, Minnesota (for respondent)

Considered and decided by Slieter, Presiding Judge; Ross, Judge; and Kirk, Judge.*

NONPRECEDENTIAL OPINION

ROSS, Judge

A convicted sex offender serving a 144-month prison sentence petitioned for postconviction relief, challenging his recent guilty plea as invalid due to his alleged lack

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

of understanding that his guilty plea would result in his imprisonment. The district court summarily dismissed the petition without an evidentiary hearing after it declared that a postconviction petitioner bears the "burden to set forth facts in the petition by a fair preponderance of the evidence" and then rejected the petition by considering his statements made at the plea hearing. Because the district court applied the wrong legal standard, and because the petition, supporting documents, and the record do not conclusively show that Gould is entitled to no relief, we reverse and remand for an evidentiary hearing.

FACTS

The state charged 18-year-old Matthias Gould with first-degree criminal sexual conduct and fifth-degree assault because he allegedly sexually penetrated a 12-year-old girl and struck the girl's mother with his backpack when she confronted him about it. Gould agreed to a straight plea on both charges in March 2020 with no sentencing deal. His plea petition summarized the arrangement as, "Plead to Count I and II; PSI; Defendant will argue for a dispositional departure."

At the plea hearing Gould testified that he received the petition and signed it. Gould's attorney then questioned him about his understanding of the plea's consequences:

> Q: Today, Matthias, you'll be pleading guilt[y] to Count 1 and Count 2, as you recall, and there will be a PSI. And then you and I are going to argue for a departure at sentencing. You understand that, correct?
>
> A: Yes.
>
> Q: And not a part of the plea agreement but a part of the plan, we're going to attempt to get you to treatment, through Mr. Pogatchnik in Probation, up at [the treatment center]. Correct?
>
> A: Yes.

Q: And our hope is that you can avoid potential prison time by doing well in treatment on a pretrial status, correct?

A: Yes.

Q: And that's your hope, correct?

A: Yes.

The district court followed up: "And then while at [the treatment center], he'll participate -- Mr. Gould then, all the, you know, programming that's made available to you at this time. Okay? And clearly, that would be in your best interests to do so."

Gould failed in treatment. The PSI report recommended the presumptive guidelines sentence of 144 months' imprisonment. At Gould's sentencing hearing, his attorney moved for a downward dispositional departure and shed light on Gould's lack of comprehension related to the guilty plea and the potential for prison: "He thought he was in the clear. He didn't think he was going to prison, even though I've routinely . . . told him that. The implications of that he doesn't get, even though he's told . . . . He will nod . . . . But he doesn't get it, like a young kid would." The district court denied Gould's motion and sentenced him to 144 months in prison.

Within two weeks after the sentencing Gould petitioned for postconviction relief. He asserted that he did not intelligently enter his guilty plea and that he received ineffective assistance from his attorney. He submitted five affidavits and six exhibits to support his allegation that he had a previous traumatic brain injury, he has very low cognitive ability, he had very little contact with his attorney before the guilty plea, and his attorney was

aware that Gould needed family members to explain things to him but failed to include them in substantive discussions before he pleaded guilty.

The district court summarily denied Gould's petition without holding an evidentiary hearing based on its factual conclusion that Gould understood the consequences of his guilty plea and that "[e]ven if his attorney was not as communicative as the family or the Petitioner would have liked, he worked out a reasonable deal."

Gould appeals.

DECISION

Gould challenges the district court's summary denial of his petition for postconviction relief. We review a summary denial of a postconviction petition for an abuse of discretion, which occurs when a district court bases its decision on an erroneous view of the law, flawed logic, or factual findings not supported in the record. *Andersen v. State*, 913 N.W.2d 417, 422 (Minn. 2018). The district court employed an erroneous view of the law, requiring reversal.

The district court rejected Gould's petition without a hearing under an erroneous legal understanding. Although the controlling statute requires the district court to hold an evidentiary hearing on a postconviction petition "[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 (2020), the district court believed that the petitioner bears the "burden to set forth facts in the petition by a fair preponderance of the evidence." The district court cited *State v. Ecker* for this incorrect legal proposition. 524 N.W.2d 712, 715–16 (Minn. 1994). What *Ecker* actually says is, "The petitioner seeking postconviction relief

has the burden of establishing the facts alleged in the petition by a fair preponderance of the evidence." *Id.* The *Ecker* court accurately stated the standard to be applied to a fact-weighing inquiry during the evidentiary hearing on the petitioner's claims, nearly quoting and then citing Minnesota Statutes section 590.04, subdivision 3 (1992). *Id.* at 716. The burden restated in *Ecker* is best understood in that statutory context: "A verbatim record of any hearing shall be made and kept. Unless otherwise ordered by the court, the burden of proof of the facts alleged in the petition shall be upon the petitioner to establish the facts by a fair preponderance of the evidence." Minn. Stat. § 590.04, subd. 3 (2020). It is only in the context of directing "the court [to] promptly set an early hearing on the petition and response thereto" that the statute then directs the court to "make findings of fact and conclusions of law" on the matter. *Id.*, subd. 1. By framing the weight-of-evidence standard as a burden of postconviction pleading rather than an evidentiary burden of proof for a hearing, the district court set the stage for a prehearing weighing of the evidence, which it then undertook, wrongly.

Compounding this error, the district court weighed evidence without treating the facts alleged in the petition as true and without construing them in the light most favorable to the petitioner, as required. *Brown v. State*, 895 N.W.2d 612, 618 (Minn. 2017). The district court weighed the evidence without addressing the substance (or even acknowledging the existence) of the five affidavits and six exhibits that Gould submitted with his petition to support his allegations that he pleaded guilty without understanding the consequences and that he was not properly advised or represented by counsel. The district court similarly failed to address or even mention the statements that Gould's attorney made

at sentencing, which were consistent with Gould's later claim that he always believed that he would avoid prison by pleading guilty regardless of whether he succeeded in treatment. Rather than address any of this evidence, the district court based its decision entirely on Gould's statements made during the plea hearing, finding that "[t]he record is void of anything" that supports Gould's claim of having been confused or having not intelligently entered his plea. The district court therefore compounded its improper decision to weigh facts without a hearing by failing to actually weigh the relevant, asserted facts.

We recognize that Gould's plea-hearing statements, made under oath and quoted above, constitute evidence that bear on whether, as a matter of fact, he understood the consequences of his plea. But they cannot be considered in a vacuum at the postconviction pleading stage, in which the petition's factual allegations are supposed to be accepted as true. We of course have affirmed summary denial of a postconviction petition because of a petitioner's plea-hearing testimony. *See, e.g.*, *Williams v. State*, 760 N.W.2d 8, 15 (Minn. App. 2009), *rev. denied* (Minn. Apr. 21, 2009). But we have done so "[b]ecause [petitioner] did not submit any factual support for her allegations and her allegations are directly refuted by her own testimony." *Id.* This is not the case here, where Gould did submit factual support for his allegations and his allegations are not directly refuted by his own testimony.

In addition to the district court's legal and factual fallacies, it also based its decision on a logical fallacy. It referenced Gould's "Yes" answer to his attorney's question at the plea hearing, "And our hope is that you can avoid potential prison time by doing well in treatment on a pretrial status, correct?" It then dismissed Gould's contention that his low cognitive functioning resulted in any misunderstanding about whether he could receive a

probationary sentence without first succeeding in treatment. It did so on what it believed to be a certain principle of formal logic: "[Even] someone with the cognitive ability of a 14-year-old understands that when told if you do x (i.e., participate in treatment) then y (avoid prison) could happen. This of course logically means that if you do not do x then y will not happen." This reasoning follows a classic propositional fallacy, not a formal logical truth. It is true that this statement, *if x then y*, makes certain the statement, *not y therefore not x*. For example, accepting as true that, if you eat 50 donuts daily you will become overweight, necessarily also means that if you did not become overweight you must not have been eating 50 donuts daily. But the district court is wrong that the statement, *if x then y*, makes certain the statement, *not x therefore not y*. This is a fallacy. The first can be true and the second false; accepting that by eating 50 donuts daily you will become overweight does not (and should not) lead you to believe that if you do *not* eat 50 donuts daily you certainly will not become overweight—a daily gallon of ice cream, among other indulgences, could prompt the same result. The district court errantly reasoned that, because Gould understood that he could avoid prison by doing well in treatment, he certainly also understood that failing in treatment meant he could not avoid prison. Again, Gould's testimony might support the state's position that Gould understood that failing in treatment meant that he could not avoid prison, but it does not certainly establish that fact, and it therefore does not directly refute his petition allegations.

We are satisfied that this is not a case suited for summary dismissal. Taking the affidavits and exhibits as true, drawing favorable inferences from the statements made by Gould's attorney at sentencing about Gould's intractable but mistaken understanding that

his plea would not result in a prison sentence, recognizing that the defense attorney, prosecutor, and district court did not precisely clarify Gould's understanding of (or capacity to understand) the consequences of pleading guilty, the record does not "conclusively show" that Gould is entitled to no postconviction relief. The affidavits and other evidence indicate that Gould suffered a traumatic brain injury, that he has the cognitive functioning of a 14-year-old, that he relies heavily on his grandfather to process information and make decisions, that he genuinely informed his grandparents immediately before sentencing that he was "ready to come home," and that his own attorney believed that Gould consistently thought that by pleading guilty he would avoid prison but counseled him to take a straight plea anyway. The submissions justify a hearing regarding both theories of relief.

We of course do not offer any opinion as to how the evidence ought to be weighed or what findings should result. Nor do we intend to imply whether Gould's petition should ultimately prevail once the evidence has been presented and tested. We hold only that the pleadings justify an evidentiary hearing, and we remand for that purpose.

Reversed and remanded.