

*This opinion is nonprecedential except as provided by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
A22-0363**

Jerrmaine Winston Knowles, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed December 27, 2022
Affirmed
Bratvold, Judge**

Ramsey County District Court
File No. 62-CR-13-10054

Jerrmaine Winston Knowles, Faribault, Minnesota (pro se appellant)

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

John Choi, Ramsey County Attorney, Alexandra Meyer, Assistant County Attorney, St. Paul, Minnesota (for respondent)

Considered and decided by Connolly, Presiding Judge; Bratvold, Judge; and Frisch,
Judge.

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

Appellant challenges the district court's order denying his postconviction petition to withdraw his guilty plea after determining his petition was untimely and procedurally barred. Appellant argues that the district court erred because no time limit applies to

motions for guilty-plea withdrawal. Alternatively, if his motion is governed by the postconviction-petition statute, Knowles claims his petition satisfies two exceptions to the two-year deadline. Because appellant's motion is an untimely postconviction petition and neither of the two asserted exceptions apply to Knowles's petition, we affirm.

FACTS

On December 31, 2013, respondent State of Minnesota charged appellant Jerrmaine Winston Knowles with identity theft under Minn. Stat. § 609.527 subds. 2, 3(5) (2012) (eight or more victims). At a plea hearing, the district court heard the parties' arguments and testimony in support of Knowles's *Alford* plea¹ and scheduled sentencing. Knowles moved for a downward dispositional departure and contended that if the departure was not granted, he should be allowed to withdraw his guilty plea. Knowles did not appear at the hearing at which his motion was to be heard, and the district court issued a warrant for Knowles's arrest. Knowles was arrested nearly two years later.

At an August 2016 hearing on Knowles's motion to withdraw his plea, the district court determined the plea was "knowing, voluntary, intelligent, and supported by an adequate factual basis" and denied the motion. At a later hearing, the district court accepted the plea and imposed a sentence of 108 months in prison. In February 2017, the district court ordered Knowles to pay \$11,000 in restitution to 11 victims.

¹ See *North Carolina v. Alford*, 400 U.S. 25, 38 (1970) (holding that a court may constitutionally accept a defendant's guilty plea even though the defendant maintains their innocence).

Knowles appealed, challenging the validity of his plea, his criminal-history score, and the restitution award, among other issues. *State v. Knowles*, No. A17-0004, 2017 WL 6273124, at *2-6 (Minn. App. Dec. 11, 2017), *rev. denied* (Minn. Feb. 28, 2018). This court affirmed, determining that Knowles’s *Alford* plea was valid and that the district court did not err in calculating his criminal-history score or in awarding restitution. *Id.* at *3-7.

In December 2021, Knowles again moved to withdraw his plea. The state argued that Knowles’s motion was an untimely postconviction petition and, alternatively, was procedurally barred under *State v. Knaffla*, 243 N.W.2d 737 (Minn. 1976). The district court determined that Knowles’s motion was a postconviction petition that was “time barred and procedurally invalid” because his “claims were, or could have been, addressed in his direct appeal, and no exception to the time bar applie[d].”

Knowles appeals.²

DECISION

We review the denial of a postconviction petition for an abuse of discretion. *Colbert v. State*, 870 N.W.2d 616, 621 (Minn. 2015). In doing so, we review legal issues de novo and factual findings for clear error. *Id.* The postconviction 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.” *State v. Nicks*, 831 N.W.2d 493, 503 (Minn. 2013) (quotation omitted).

² Knowles submitted an untimely reply brief along with a motion to accept the late brief, which this court granted. *Knowles v. State*, No. A22-0363 (Minn. App. Sept. 29, 2022) (order). This matter was submitted to this court for decision on October 3, 2022. *Id.*

Knowles raises three issues on appeal: (1) whether his plea was invalid because it was not “accurate” or “intelligent”; (2) whether his trial counsel provided ineffective assistance of counsel; and (3) whether the district court lacked jurisdiction to accept his plea. The state argues Knowles’s postconviction petition is untimely and procedurally barred. Because the timeliness of Knowles’s postconviction petition is dispositive, we address this issue first and need not decide whether Knowles’s claims are also procedurally barred under *Knaffla*.

Minnesota law permits persons convicted of a crime to seek postconviction relief when they claim, among other things, that the conviction violates their “rights under the Constitution or laws of the United States or of the state.” Minn. Stat. § 590.01, subd. 1(1) (2020). Petitioners must file postconviction petitions within two years of their conviction or sentence, or of their direct appeal’s final disposition, whichever is later. *Id.*, subd. 4(a) (2020).

The district court determined Knowles’s petition was untimely because more than two years had elapsed since his direct appeal’s disposition became final. The supreme court denied review of Knowles’s first appeal on February 28, 2018. And that disposition became final 90 days later on May 29, 2018. *See Moua v. State*, 778 N.W.2d 286, 288 (Minn. 2010) (holding that a disposition was final 90 days after entry of judgment). Two years after the final disposition in Knowles’s direct appeal was May 29, 2020. Knowles filed the motion giving rise to this appeal on December 14, 2021. Thus, Knowles’s motion was untimely under the postconviction statute.

Knowles first argues he filed a motion for plea withdrawal under Minn. R. Crim. P. 15.05, subd. 1, which, he contends, does not have a time limit, and he appears to imply that the two-year postconviction deadline does not apply to his claims. Knowles’s brief to this court cites no legal authority for this contention, so we decline to consider it. *Nelson v. State*, 880 N.W.2d 852, 859 n.2 (Minn. 2016) (declining to consider a postconviction claim “lacking supporting argument or authority unless prejudicial error appears obvious upon inspection of the record”).³

Alternatively, Knowles contends his motion is timely as a postconviction petition under two exceptions to the two-year time limit. *See* Minn. Stat. § 590.01, subd. 4(b) (2020) (providing five exceptions to the postconviction-petition time limit). We address these exceptions in turn.

First, Knowles relies on subdivision 4(b)(2), which allows review of postconviction claims asserting newly discovered evidence “that could not have been ascertained by the exercise of due diligence” within the two-year time limit and “is not for impeachment purposes.” Knowles argues that in presenting the factual basis for his *Alford* plea, the state summarized anticipated testimony by S.L., who, Knowles claims, was later convicted of identity theft. Even if we assume evidence of S.L.’s conviction was neither known nor could have been ascertained until after Knowles’s direct appeal, the purported new

³ We also note that no prejudicial error is obvious. While Minn. R. Crim. P. 15.05, subd. 1, allows a motion to withdraw a plea “at any time” to correct a manifest injustice, Knowles’s manifest-injustice claim was raised and decided in Knowles’s first appeal, *Knowles*, 2017 WL 6273124, at *3. Thus, it is *Knaffla*-barred. *Knaffla*, 243 N.W.2d at 741 (holding that claims raised on direct appeal, or claims that were known or should have been known but were not raised on direct appeal, are procedurally barred).

evidence merely challenges S.L.'s credibility. We therefore reject Knowles's claim to this exception because S.L.'s conviction was relevant only for impeachment purposes. *Id.*, subd. 4(b)(2).

Second, Knowles relies on subdivision 4(b)(3), which permits review of postconviction claims asserting a new interpretation of constitutional law by the United States Supreme Court or a Minnesota appellate court when the interpretation is retroactively applicable to the petitioner. Knowles relies on *Mattson v. State*, No. A20-1540, 2021 WL 2528457 (Minn. App. June 21, 2021), *rev. denied* (Minn. Aug. 24, 2021). Knowles argues that *Mattson* held that an *Alford* plea cannot be supported by circumstantial evidence. We disagree, in part because *Mattson* is nonprecedential and, therefore, not a binding interpretation of law. Minn. R. Civ. App. P. 136.01, subd. 1(c) (“Nonprecedential opinions and order opinions are not binding authority . . .”).

Knowles also incorrectly analyzes the *Mattson* opinion, where this court reversed the district court after determining that the factual basis for Mattson's *Alford* plea was insufficient. *Mattson*, 2021 WL 2528457, at *5. Although this court noted that the circumstantial evidence could not support Mattson's conviction, our opinion does not state that circumstantial evidence *cannot* support an *Alford* plea. *Id.* at *2 (citing *State v. Mattson*, No. A18-0952, 2019 WL 1233556, at *2-3 (Minn. App. Mar. 18, 2019)). Instead, this court emphasized that “a ‘strong factual basis’ is necessary for an *Alford* plea.” *Id.* at *3 (quoting *State v. Theis*, 742 N.W.2d 643, 649 (Minn. 2007)). This same standard was cited to and applied by this court in Knowles's direct appeal. *Knowles*, 2017 WL 6273124, at *2. Thus, we reject Knowles's claim that the new-interpretation-of-law exception applies

to his late petition because no applicable new rule on circumstantial evidence was announced in *Mattson*.

Because we conclude that Knowles's motion is an untimely postconviction petition, we need not determine whether Knowles's claims are also procedurally barred under *Knaffla*.

Affirmed.