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Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A10-2054**

Rebecca Ann Seffinga, petitioner,  
Appellant,

vs.

State of Minnesota,  
Respondent.

**Filed August 1, 2011  
Affirmed  
Collins, Judge\***

Sherburne County District Court  
File No. 71-CR-09-258

David W. Merchant, Chief Appellate Public Defender, Sara J. Euteneuer, Assistant  
Public Defender, St. Paul, Minnesota (for appellant)

Lori Swanson, Attorney General, St. Paul, Minnesota; and

Kathleen A. Heaney, Sherburne County Attorney, Tim Sime, Assistant County Attorney,  
Elk River, Minnesota (for respondent)

Considered and decided by Peterson, Presiding Judge; Schellhas, Judge; and  
Collins, Judge.

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

## UNPUBLISHED OPINION

COLLINS, Judge

In this postconviction appeal challenging her conviction for second-degree manslaughter, appellant contends that she is entitled to withdraw her guilty plea because it lacked a sufficient factual basis and to correct a manifest injustice. We affirm.

### FACTS

Appellant Rebecca Seffinga was charged with third-degree murder and second-degree manslaughter for the death of Anna Burns.<sup>1</sup> *See* Minn. Stat. §§ 609.195(b), .205(1) (2006). Burns died from ingesting methadone provided to her by Seffinga at Seffinga's residence. In August 2009, Seffinga pleaded guilty to second-degree manslaughter in exchange for the dismissal of the other two counts and a specified sentence. The district court accepted the plea, convicted Seffinga, and in accordance with the plea agreement, imposed a 63-month executed prison sentence.

Starting in November 2009, Seffinga sent a series of letters to the district court that the court treated as petitions for postconviction relief and forwarded to the office of the state public defender. The state public defender also filed a supplemental petition for postconviction relief challenging the sufficiency of the factual support for Seffinga's guilty plea. On September 22, 2010, after concluding that "[t]he record conclusively demonstrates that [Seffinga] is not entitled to relief," the district court declined to hold an evidentiary hearing and denied Seffinga's petitions. This appeal followed.

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<sup>1</sup> Seffinga was also charged in the same complaint with a third-degree controlled-substance crime for selling methadone. Minn. Stat. § 152.023, subd. 1(1) (2006).

## DECISION

This court reviews the decision of a postconviction court for an abuse of discretion. *Moua v. State*, 778 N.W.2d 286, 288 (Minn. 2010). Issues of fact are reviewed for sufficiency of the evidence, and we review issues of law de novo. *Id.*

A defendant does not have an absolute right to withdraw a guilty plea. *State v. Farnsworth*, 738 N.W.2d 364, 371 (Minn. 2007). A defendant may withdraw a guilty plea after sentencing only if it is “necessary to correct a manifest injustice.” Minn. R. Crim. P. 15.05, subd. 1. There is a manifest injustice if a guilty plea is not valid. *State v. Theis*, 742 N.W.2d 643, 646 (Minn. 2007). To be constitutionally valid, a guilty plea must be accurate, voluntary, and intelligent. *Id.* (citing *Perkins v. State*, 559 N.W.2d 678, 688 (Minn. 1997)).

“The accuracy requirement protects the defendant from pleading guilty to a more serious offense than [she] could properly be convicted of at trial.” *Munger v. State*, 749 N.W.2d 335, 337 (Minn. 2008). Accuracy requires an adequate factual basis that establishes “sufficient facts on the record to support a conclusion that defendant's conduct falls within the charge to which [she] desires to plead guilty.” *Id.* at 337-38 (quotations omitted). The burden is on the district court to ensure that an adequate factual basis is established on the record. *State v. Ecker*, 524 N.W.2d 712, 716 (Minn. 1994).

A person having caused the death of another “by the person’s culpable negligence whereby the person creates an unreasonable risk, and consciously takes chances of causing death or great bodily harm to another,” is guilty of second-degree manslaughter. Minn. Stat. § 609.205(1). Culpable negligence is defined as “gross negligence coupled

with the element of recklessness.” *State v. Back*, 775 N.W.2d 866, 869 (Minn. 2009) (quotation omitted). Culpable negligence requires proof of both the objective element of a gross deviation from the standard of care of a reasonable person in that situation, and the subjective element of the actual conscious disregard for the risk created by the conduct. *Id.* at 869 n.5.

Seffinga disputes the validity of her guilty plea because the factual basis failed to satisfy the subjective element of culpable negligence; that is, that Seffinga acted with conscious disregard for the risk inherent in her conduct. We disagree. Testifying in support of her guilty plea, Seffinga admitted that (1) she possessed methadone; (2) she gave Burns five or six purported prescription pills; (3) Burns died from ingesting methadone; and (4) the pills she gave Burns caused her death. Seffinga also admitted that Burns asked for methadone pills that night and that either handing Burns the pills or placing them where Burns could get them was unreasonable and caused Burns’s death. Supported by Seffinga’s admissions, the district court did not abuse its discretion in confirming that Seffinga caused the death of Burns through culpable negligence and denying her postconviction relief.

Seffinga’s admissions alone were enough to support her plea and conviction. But we also note that in the plea hearing Seffinga affirmed that (1) she had reviewed the complaint; (2) the information in the complaint was true; and (3) the district court could rely on it to supplement the testimonial factual basis for the plea. The complaint includes Seffinga’s admission that she gave Burns at least one methadone pill and “may have given her as many as four or five additional methadone pills.” In considering Seffinga’s

petitions for postconviction relief, as well as in the plea hearing, the district court ensured the adequacy of the factual basis for Seffinga's guilty plea and conviction on the record.

Seffinga also argues that unresolved and unaddressed factual issues give rise to a manifest injustice rendering her guilty plea invalid. We disagree. In the plea hearing, Seffinga affirmed that (1) she had taken sufficient time to discuss the case with her attorney; (2) her attorney had answered all of her questions; (3) she was fully informed of her possible defenses; and (4) she was satisfied with her attorney's representation. We conclude that Seffinga's guilty plea was knowing, intelligent, and voluntary, and we are satisfied that no manifest injustice has occurred.

In her pro se supplemental brief, Seffinga raises no additional issues meriting relief.

**Affirmed.**