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

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A11-572**

Dennis Joseph Pearson, petitioner,  
Appellant,

vs.

State of Minnesota,  
Respondent.

**Filed December 19, 2011  
Affirmed  
Schellhas, Judge**

Hennepin County District Court  
File No. 27-CR-04-3703

Dennis Joseph Pearson, Eagan, Minnesota (pro se appellant)

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

Michael O. Freeman, Hennepin County Attorney, Lee W. Barry, Assistant County  
Attorney, Minneapolis, Minnesota (for respondent)

Considered and decided by Johnson, Chief 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## UNPUBLISHED OPINION

SCHELLHAS, Judge

In this postconviction appeal, appellant seeks relief from an order denying his motion to discontinue the requirement that he register as a predatory offender and to review his risk-level classification. He also asserts an ineffective-assistance-of-counsel claim. We affirm.

### FACTS

In 2004, a jury found appellant Dennis Pearson guilty of one count of fourth-degree criminal sexual conduct, two counts of fifth-degree criminal sexual conduct, and one count of contributing to the delinquency of a child. Departing upward, the district court sentenced Pearson to 24 months' imprisonment and five years of supervised release. Pearson appealed his conviction and sentence to this court. Because Pearson's sentence violated his Sixth Amendment rights under *Blakely v. Washington*, 542 U.S. 296, 124 S. Ct. 2531 (2004), we reversed and remanded for sentencing in accordance with the dictates of *Blakely* but otherwise affirmed Pearson's conviction, including the district court's dispositional departure. *State v. Pearson*, No. A04-1632, 2005 WL 2127467 (Minn. App. Sept. 6, 2005). On Pearson's petition for further review, the supreme court reversed the dispositional departure and remanded for resentencing in light of *State v. Allen*, 706 N.W.2d 40 (Minn. 2005). *State v. Pearson*, No. A04-1632 (Minn. Dec. 13, 2005).

On remand for resentencing, the district court credited Pearson for time served, noted that Pearson had already served all the time required under the presumptive

guidelines sentence, informed Pearson that he would have to register as a predatory offender, and “discharge[ed] [Pearson] from the felony criminal justice system because [his] case [was] over.” The court subsequently imposed a term of conditional release on Pearson, which this court reversed. *In re Pearson*, No. A06-1927 (Minn. App. Dec. 27, 2006). Eventually, an end-of-confinement review committee assigned Pearson a risk level of three.

In November 2010, Pearson moved the district court for postconviction relief, challenging his level-three risk classification and his predatory-offender registration requirement. The district court denied Pearson’s petition.<sup>1</sup> This appeal follows.

### DECISION

On appeal from a postconviction order, this court reviews issues of law de novo but examines the district court’s findings to determine if they are supported by sufficient evidence. *Leake v. State*, 737 N.W.2d 531, 535 (Minn. 2007). We will reverse the denial of postconviction relief only if the district court has abused its discretion. *Id.*

In its order denying Pearson’s petition for postconviction relief, the district court directed Pearson to “continue to comply with the offender registration requirements of Minn. Stat. § 243.166.” That statute requires persons to register who have been “charged with . . . and convicted of . . . criminal sexual conduct under section . . . 609.345.” Minn.

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<sup>1</sup> The district court concluded that Pearson is “a qualifying offender for imposition of a period of conditional release,” but the court did not reinstate Pearson’s conditional release. We note for clarification that the district court cannot impose a conditional-release period in this case. *In re Pearson*, No. A06-1927.

Stat. § 243.166, subd. 1b(a)(1)(iii) (2010).<sup>2</sup> Pearson was convicted of fourth-degree criminal sexual conduct under Minn. Stat. § 609.345 (2002). The district court noted that although the supreme court reversed Pearson’s sentence, it did not reverse his conviction. The district court therefore correctly concluded that Pearson must register as a predatory offender.

Although requested by Pearson, the district court did not address Pearson’s challenge to his risk-level classification. The court did not err by not addressing this challenge. Risk-level classifications are subject to administrative review under Minn. Stat. § 244.052, subd. 6 (2010). Until an offender completes the administrative-review process, a district court has no jurisdiction to hear a challenge to a classification. *R.G.C. v. Minn. Dep’t of Corr.*, 760 N.W.2d 329, 330–31 (Minn. App. 2009). Here, the record does not show that Pearson completed the administrative review process.<sup>3</sup>

Pearson also claims that his trial counsel was ineffective, but he raised this claim on direct appeal to this court. *Pearson*, 2005 WL 2127467, at \*8–9. “[W]here direct appeal has once been taken, all matters raised therein . . . will not be considered upon a subsequent petition for postconviction relief.” *State v. Knaffla*, 309 Minn. 246, 252, 243

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<sup>2</sup> The offense for which Pearson was convicted was committed in 2004, he was convicted in 2004 and directed to register as a predatory offender, and he challenged the risk-level classification and the registration requirement in 2010. Because the applicable statutes have not substantively changed in any way pertinent to our analysis, we refer to the current statutes in this opinion.

<sup>3</sup> A challenge to a risk-level classification may not be within the scope of postconviction relief. *See* Minn. Stat. § 590.01, subd. 1 (2010) (stating that postconviction petitions may be used to challenge a conviction or sentence or other disposition imposed).

N.W.2d 737, 741 (1976). We therefore do not address Pearson's ineffective-assistance-of-counsel claim.

**Affirmed.**