STATE OF MINNESOTA

IN SUPREME COURT

A19-0438

Hennepin County McKeig, J.

Leonard Goodloe,

Appellant,

vs. Filed: December 26, 2019
Office of Appellate Courts

State of Minnesota,

Respondent.

Leonard Goodloe, Bayport, Minnesota, pro se.

Keith Ellison, Attorney General, Saint Paul, Minnesota; and

Michael O. Freeman, Hennepin County Attorney, Jonathan P. Schmidt, Assistant County Attorney, Minneapolis, Minnesota, for respondent.

S Y L L A B U S

The district court did not abuse its discretion in summarily denying appellant's third petition for postconviction relief because, even when the alleged facts are viewed in a light most favorable to appellant, he is conclusively entitled to no relief.

Affirmed.

Considered and decided by the court without oral argument.

OPINION

McKEIG, Justice.

A Hennepin County jury found appellant Leonard Goodloe guilty of first-degree premeditated murder, Minn. Stat. § 609.185(a)(1) (2018), and he was sentenced to life in prison without the possibility of release. On direct appeal, Goodloe argued that the district court committed plain error when it gave the pattern jury instruction on premeditation. We affirmed Goodloe's conviction, concluding that the jury instruction accurately stated the law. Twelve years later, in November 2018, Goodloe filed his third petition for postconviction relief, arguing that the district court's instruction on premeditation did not accurately state the law. The district court summarily denied the petition. Because Goodloe is conclusively entitled to no relief, even when the alleged facts are viewed in a light most favorable to him, we affirm.

FACTS

On July 22, 2004, Akeen Brown was fatally shot in the back office of a convenience store.[1] Following a police investigation, a grand jury indicted appellant Leonard Goodloe for first-degree premeditated murder. Goodloe pleaded not guilty.

At trial, the State presented evidence that established the following facts. On July 22, 2004, Brown was standing in front of a convenience store when Goodloe stepped out of a car and waved a gun. Brown fled into the convenience store and hid in the office. A

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[1] A full recitation of the facts regarding the murder and Goodloe's trial are set forth in *State v. Goodloe*, 718 N.W.2d 413, 417–18 (Minn. 2006).

few seconds later, Goodloe entered the store and asked something to the effect of "where he at, where he at." He then forced open the office door and shot Brown in the head three times with a .357 caliber handgun.

Without objection, the district court provided the jurors the pattern jury instruction regarding the element of premeditation.[2] *See* 10 Minn. Dist. Judges Ass'n, *Minnesota Practice—Jury Instruction Guides, Criminal*, CRIMJIG 11.02 (4th ed. 1999). At the time of Goodloe's trial, CRIMJIG 11.02 stated in relevant part that "[i]t is not necessary that premeditation exist for any specific length of time." The jury found Goodloe guilty as charged, and the district court imposed a sentence of life without the possibility of release.

On direct appeal, Goodloe argued that "the jury instruction on premeditation constituted plain error affecting his substantial rights." *State v. Goodloe*, 781 N.W.2d 413, 420 (Minn. 2006). According to Goodloe, CRIMJIG 11.02 did not accurately incorporate our holding in *State v. Moore*, 481 N.W.2d 355, 361 (Minn. 1992), that "some appreciable time" must pass after forming an intent to kill. Concluding that CRIMJIG 11.02 was consistent with *Moore*, we affirmed Goodloe's conviction in 2006.

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[2] The court's instruction replicated the pattern jury instruction with one exception: in the phrase "[p]remeditation, being a process of the mind, is wholly subjective," the word "suggestive" was substituted for the word "subjective." On direct appeal, we acknowledged the "mistaken wording," which we attributed to one of two sources. *Goodloe*, 718 N.W.2d at 420 n.5. "[E]ither the district court misspoke, or the word was improperly transcribed by the court reporter." *Id.* Because Goodloe had not challenged the mistaken wording, we did not discuss the issue any further. *Id.* As part of his present petition for postconviction relief, Goodloe mentions the mistaken wording, but does not point to any injustice—substantive or procedural—that prevented him from raising the issue before the 2-year statute of limitations expired.

Goodloe filed a petition for postconviction relief in 2008, which the district court denied without a hearing. Goodloe filed a motion to compel discovery in 2015, which the district court construed as a postconviction petition and also denied without a hearing.

In 2015, a committee of the Minnesota District Court Judges Association revised CRIMJIG 11.02 to incorporate the premeditation language discussed in *Moore*. 10 Minn. Dist. Judges Ass'n, *Minnesota Practice—Jury Instruction Guides, Criminal*, CRIMJIG 11.02 (6th ed. 2015).[3] It now reads in relevant part: "It is not necessary for premeditation to exist for a specific length of time. Although premeditation requires no specific period of time for deliberation, some amount of time must pass between the formation of the intent and the carrying out of the act." *Id.*; *see Moore*, 481 N.W.2d at 360 ("Premeditation, by definition, requires some amount of time to pass between formation of the intent and the carrying out of the act.").

On November 2, 2018, Goodloe filed what he styled as a Postconviction Motion for a New Trial and Reconsideration. In his motion, Goodloe argued that when his trial occurred, CRIMJIG 11.02 did not accurately state the law. According to Goodloe, the 2015 revision of CRIMJIG 11.02 was a new interpretation of law that warranted a new trial. The district court construed Goodloe's motion as a third petition for postconviction relief, which it summarily denied without an evidentiary hearing. As part of its analysis,

[3] Goodloe identifies this change as a 2017 revision due to an October 2017 supplement to the Minnesota Practice Series. The language first appeared in the 6th edition, which was published in 2015.

the district court concluded that Goodloe's third petition was barred by the 2-year statute of limitations in the postconviction statute, Minn. Stat. § 590.01, subd. 4 (2018).[4]

ANALYSIS

On appeal, Goodloe argues that the district court abused its discretion when it concluded that his third petition for postconviction relief was barred by the 2-year postconviction statute of limitations.[5] According to Goodloe, the alleged facts satisfy the interest-of-justice exception to the postconviction statute of limitations because the law was "up in the air and in flux" before the committee revised CRIMJIG 11.02. For the reasons that follow, we affirm the district court.

We review the summary denial of a postconviction petition for an abuse of discretion. *Zornes v. State*, 903 N.W.2d 411, 416 (Minn. 2017). A district court abuses its discretion when it has "exercised its discretion in an arbitrary or capricious manner, based its ruling on an erroneous view of the law, or made clearly erroneous factual findings." *Reed v. State*, 793 N.W.2d 725, 729 (Minn. 2010).

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[4] In the alternative, the district court concluded that Goodloe's third request for postconviction relief was procedurally barred under the rule announced in *State v. Knaffla*, 243 N.W.2d 737 (Minn. 1976). It also observed that Goodloe's substantive claim failed on its merits because the district court did not commit an error that was plain when it used CRIMJIG 11.02 to instruct the jurors on the element of premeditation.

[5] Goodloe also argues the district court abused its discretion when it concluded that his third petition for postconviction relief was *Knaffla*-barred. According to Goodloe, his petition is not procedurally barred as raising "a similar issue to that raised upon direct appeal" because he established both exceptions to the *Knaffla* rule. Goodloe's argument fails as a matter of law because the *Knaffla* exceptions only apply to claims that were *not* raised on direct appeal. *Onyelobi v. State*, 932 N.W.2d 272, 279 (Minn. 2019); *Brocks v. State*, 753 N.W.2d 672, 675 (Minn. 2008).

A petitioner is entitled to a hearing unless 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 (2018). The court must "liberally construe the petition." Minn. Stat. § 590.03 (2018). But "a court need not hold an evidentiary hearing when the petitioner alleges facts that, if true, are legally insufficient to entitle [the petitioner] to the requested relief." *Rossberg v. State*, 932 N.W.2d 6, 9 (Minn. 2019). As a result, a court "may summarily deny a claim that is untimely under the 2-year statute of limitations." *Id.*

A petition for postconviction relief is untimely if "filed more than two years after . . . an appellate court's disposition of petitioner's direct appeal." Minn. Stat. § 590.01, subd. 4(a)(2). The 2-year statute of limitations can be overcome if "the petition is not frivolous and is in the interests of justice." *Id.*, subd. 4(b)(5). "A claim under this exception must relate to an injustice that delayed the filing of the petition,[6] not to the substantive merit of the petition, and applies only in exceptional and extraordinary situations." *Odell v. State*, 931 N.W.2d 103, 106 (Minn. 2019) (citations omitted) (internal quotation marks omitted).

Turning now to the facts of Goodloe's case, we begin by viewing them in a light most favorable to Goodloe. When so viewed, they establish the following. We affirmed Goodloe's conviction in 2006. As part of our decision, we held that the language "in CRIMJIG 11.02 is not a misstatement of the law as it stands following *Moore*." *Goodloe*,

6 For example, in *Rickert v. State*, 795 N.W.2d 236 (Minn. 2011), the petitioner satisfied the interests-of-justice exception when he requested a transcript of his guilty plea and sentencing "well within the original statute of limitations," but received the transcript only two business days before the statute of limitations expired. *Id.* at 242.

718 N.W.2d at 422. In 2015, a committee of the Minnesota District Court Judges Association revised CRIMJIG 11.02 based on the same language from *Moore* that was at issue in Goodloe's direct appeal. In 2018, Goodloe filed his third petition for postconviction relief. In the petition, he alleges that the revision of CRIMJIG 11.02 demonstrates that the pre-revision language of CRIMJIG 11.02 misstated the law.

Even viewing the alleged facts in a light most favorable to Goodloe, he is conclusively entitled to no relief because his claim is time-barred. Goodloe's request for postconviction relief is untimely under the postconviction statute of limitations because it was filed more than 2 years after the disposition of his direct appeal. *See* Minn. Stat. § 590.01, subd. 4(a)(2). The statute-of-limitations bar is not overcome because Goodloe's claim does not meet the interests-of-justice exception. Goodloe argues that he meets the exception because the revision to CRIMJIG 11.02—incorporating *Moore*—was a change in the law that meant the jury instruction given at his trial did not accurately state the law. In Goodloe's direct appeal, however, we explicitly discussed *Moore* and held that the jury instruction used at Goodloe's trial was an accurate statement of the law. Because Goodloe's argument is—as a practical matter—the same argument we addressed on direct appeal, i.e. whether the jury instruction was proper in light of *Moore*, he does not meet the interests-of-justice exception, and his claim is time-barred.

In sum, the district court did not abuse its discretion by summarily denying Goodloe's third petition for postconviction relief because, even when the alleged facts are viewed in a light most favorable to appellant, he is conclusively entitled to no relief.

CONCLUSION

For the foregoing reasons, we affirm the decision of the district court.

Affirmed.