

STATE OF MINNESOTA
IN SUPREME COURT

A22-0298
A22-0300

Blue Earth County

Anderson, J.

Joel Marvin Munt,

Appellant,

vs.

Filed: January 11, 2023
Office of Appellate Courts

State of Minnesota,

Respondent.

Joel Munt, Rush City, Minnesota, pro se.

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

Patrick R. McDermott, Blue Earth County Attorney, Susan B. DeVos, Assistant Blue Earth County Attorney, Mankato, Minnesota, for respondent.

S Y L L A B U S

1. The district court did not abuse its discretion by denying appellant’s motion for relief from judgment under Rule 60.02 of the Minnesota Rules of Civil Procedure as untimely.

2. The district court did not abuse its discretion by summarily denying appellant’s second petition for postconviction relief because the claims are time-barred.

Affirmed.

Considered and decided by the court without oral argument.

O P I N I O N

ANDERSON, Justice.

This opinion addresses appeals by appellant Joel Marvin Munt—which we consolidate for purposes of this opinion—from two orders issued by the Blue Earth County District Court denying his separate requests for postconviction relief. This is not the first time that Munt has been before this court. In 2011, Munt was convicted of first-degree murder. We affirmed Munt’s murder conviction on direct appeal. *State v. Munt (Munt I)*, 831 N.W.2d 569 (Minn. 2013). We also affirmed the district court’s denial of Munt’s first postconviction petition, *Munt v. State (Munt II)*, 880 N.W.2d 379 (Minn. 2016), and the district court’s denial of Munt’s motion to correct his sentence, *Munt v. State (Munt III)*, 920 N.W.2d 410 (Minn. 2018). Munt now challenges the district court’s denial of his motion under Rule 60.02 of the Minnesota Rules of Civil Procedure to vacate the denial of his first postconviction petition and the district court’s denial of his second postconviction petition. Because we conclude that the district court did not abuse its discretion by denying Munt’s motion and second petition, we affirm.

FACTS

On March 28, 2010, Munt’s former wife, Svetlana, and their three children were sitting inside a vehicle in the parking lot of a local park waiting for a scheduled visitation with Munt. Munt crashed his car into the driver’s side of Svetlana’s vehicle, pinning it against a tree, before exiting his vehicle and shooting her four times in the head in front of

their children. A family returning from church saw smoke rising from the park and approached the scene of the crash. They discovered two of Munt's children—one bleeding and one crying—after the crash and the shooting. When the parents of the family attempted to help the children, Munt threatened them and took the keys to their family car at gunpoint, loaded his three children into the vehicle, and left the park. A police officer apprehended Munt shortly thereafter, and the children were transported to a hospital to treat their injuries.¹

At trial, a jury rejected Munt's mental-illness defense and found him guilty of several crimes, including first-degree premeditated murder, first-degree aggravated robbery, second-degree assault, kidnapping, and criminal vehicular operation causing injury. The district court imposed a life sentence without the possibility of release. On direct appeal, we affirmed.

On August 3, 2015, Munt filed his first petition for postconviction relief asserting multiple claims, including that the district court gave improper instructions on circumstantial evidence to the jury, the circumstantial evidence presented by the State was insufficient to support his convictions, and his mandatory life sentence without the possibility of release was unconstitutional. *Munt II*, 880 N.W.2d at 381. The district court denied Munt's postconviction petition as untimely and did not reach the substance of his claims. *Id.* at 381. On appeal, we determined that Munt's petition was timely, but we still

¹ A more complete description of the facts underlying Munt's conviction and sentence can be found in our opinion from Munt's direct appeal. *See Munt I*, 831 N.W.2d at 574–76.

affirmed the district court's denial of the petition in an opinion issued June 15, 2016. *Id.* at 380 & 381 n.2. We held that Munt's jury-instruction and sufficiency-of-the-evidence claims were procedurally barred because they were known or should have been known to him at the time of direct appeal, and his constitutional claim lacked substantive merit. *Id.* at 382–83.

In 2021, Munt filed a motion for relief from judgment under Rule 60.02 of the Minnesota Rules of Civil Procedure. Munt also filed a second petition for postconviction relief. In his Rule 60.02 motion, Munt claimed that a lack of access to legal materials and intentional interference by the State during his incarceration affected his ability to persuasively argue his first postconviction petition. He claimed that the denial of his first petition for postconviction relief should therefore be vacated, and the petition should be reconsidered along with his second petition for postconviction relief. The district court denied the Rule 60.02 motion on grounds that the motion was untimely. In his second postconviction petition, Munt claimed that there were double-jeopardy violations in his criminal case and that the criminal homicide statutes under which he was convicted are unconstitutionally vague, among other claims. The district court summarily denied the second petition on grounds that his claims are time-barred. This appeal follows.

ANALYSIS

I.

We turn first to Munt's motion under Rule 60.02 of the Minnesota Rules of Civil Procedure. We review a district court's decision to grant or withhold relief under Rule 60.02 for an abuse of discretion. *See Bender v. Bernhard*, 971 N.W.2d 257, 262

(Minn. 2022). The district court abuses its discretion when it “exercise[s] its discretion in an arbitrary or capricious manner, base[s] its ruling on an erroneous view of the law, or [makes] clearly erroneous factual findings.” *Reed v. State*, 793 N.W.2d 725, 729 (Minn. 2010).

A motion filed under Rule 60.02 may seek relief from a final judgment on limited grounds. The Rule reads as follows:

On motion and upon such terms as are just, the court may relieve a party or the party’s legal representatives from a final judgment (other than a marriage dissolution decree), order, or proceeding and may order a new trial or grant such other relief as may be just for the following reasons:

- (a) Mistake, inadvertence, surprise, or excusable neglect;
- (b) Newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial pursuant to Rule 59.03;
- (c) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;
- (d) The judgment is void;
- (e) The judgment has been satisfied, released, or discharged or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or
- (f) Any other reason justifying relief from the operation of the judgment.

Minn. R. Civ. P. 60.02. If the motion seeks relief on the grounds of Rule 60.02(a)–(c), it must be made within a reasonable time, not to exceed 1 year “after the judgment, order, or proceeding was entered or taken.” Minn. R. Civ. P. 60.02. Otherwise, seeking relief on the grounds of Rule 60.02(d)–(f) requires the motion to be filed “within a reasonable time.” *Id.* How a “reasonable time” is measured depends on the case and “must be determined by considering all attendant circumstances.” *Bode v. Minn. Dep’t of Nat. Res.*, 612 N.W.2d 862, 870 (Minn. 2000).

We have yet to directly address the question of whether Rule 60.02 applies in the context of petitions for postconviction relief under Minnesota Statutes chapter 590 (2022). *See Evans v. State*, 868 N.W.2d 227, 229 (Minn. 2015) (declining to decide whether Rule 60.02 applies to chapter 590 postconviction petitions because petitioner’s claims were untimely regardless). Generally, a petition for postconviction relief is the exclusive remedy for challenging the validity of a conviction “unless it is inadequate or ineffective.” Minn. Stat. § 590.01, subd. 2. Nor have we decided whether Rule 60.02 applies when the core of the movant’s request is to challenge his underlying conviction and sentence rather than merely the denial of his first petition for postconviction relief. *Cf. Evans*, 868 N.W.2d at 229 n.2 (affirming the denial of a motion under Rule 60.02 for relief from an order denying the movant’s postconviction petition as untimely when the district court construed the motion as a petition for postconviction relief).

We need not decide these questions now, however, because even if Rule 60.02 applies to postconviction proceedings, Munt’s motion is untimely under that rule. The district court denied Munt’s first petition for postconviction relief on August 27, 2015, and Munt’s Rule 60.02 motion was filed almost 6 years later, on July 26, 2021. Munt’s Rule 60.02 petition was filed more than 1 year after the denial of his postconviction petition and is untimely under the rule.

In response, Munt claims that his Rule 60.02 motion may be construed under Rule 60.02(d) and 60.02(f), because his underlying conviction is void and because his lack of access to legal materials and interference by corrections officers otherwise justify granting relief. Consequently, he claims that the applicable time limitation is “a reasonable time,”

rather than the stricter 1-year time-bar applicable to clauses (a), (b), and (c). *See* Minn. R. Civ. P. 60.02. But Munt cannot change the nature of his claims by placing a different name on them. *See Chapman v. Special Sch. Dist. No. 1*, 454 N.W.2d 921, 924 (Minn. 1990) (“Clause (f) [of Rule 60.02] has been designated as a residual clause, designed only to afford relief in those circumstances exclusive of the specific areas addressed by clauses (a) through (e).”). Munt’s objections amount to excusable neglect because of the alleged inadequacy of legal resources in the prison law library, *see* Minn. R. Civ. P. 60.02(a), and misconduct by the State because of its alleged interference with his legal research and filings, *see* Minn. R. Civ. P. 60.02(c). The 1-year time-bar applies to those claims, and Munt’s motion was not filed within that period. Minn. R. Civ. P. 60.02.

Even if we construed Munt’s claims as arising under Rule 60.02(d) and (f), a delay of almost 6 years after the district court’s denial of Munt’s first postconviction petition and over 5 years after this court affirmed that denial is not a “reasonable” amount of time. *See Evans*, 868 N.W.2d at 229 (affirming the denial of a motion under Rule 60.02 as untimely when it was filed 4 years after this court affirmed the denial of the movant’s petition for postconviction relief); *Simons v. Schiek’s, Inc.*, 145 N.W.2d 548, 552 (Minn. 1966) (suggesting that a court must “consider with some hesitation” a delay of 3 years, but leaving that discretion to the district court); *cf. Osterhus v. King Constr. Co.*, 107 N.W.2d 526, 530 (Minn. 1961) (holding that moving to vacate almost 3 years after learning of entry of default judgment was not reasonable when movant did not act “with reasonable diligence”).

In the alternative, Munt argues that the doctrine of equitable tolling—which has been held to apply to federal habeas corpus petitions—should revive his untimely claims here. *See Holland v. Florida*, 560 U.S. 631, 645 (2010) (holding that equitable tolling applies to federal habeas corpus petitions). If applicable, “[t]he doctrine of equitable tolling allows a court to consider the merits of a claim when it would otherwise be barred by a statute of limitations.” *Sanchez v. State*, 816 N.W.2d 550, 560 (Minn. 2012) (discussing tolling under *Holland*). Even if Rule 60.02 is generally subject to equitable tolling, for equitable tolling to apply under the *Holland* standard, Munt must have diligently pursued his rights, but some “extraordinary circumstance” prevented him from vindicating those rights. *See Holland*, 560 U.S. at 649 (citation omitted); *see also Roby v. State*, 808 N.W.2d 20, 30 (Minn. 2011).

Munt argues that he was diligently pursuing his rights under the postconviction statute but that prison policies and deliberate confiscation of his legal materials by prison officials prevented him from filing his motion in a timely manner. Specifically, Munt asserts that prison policies have afforded him limited access to legal materials and the prison law library. Munt also claims that he lost access to his legal papers following charges filed against him and transfers in 2015 and 2018, as well as another transfer in 2019.

We need not decide whether the equitable-tolling doctrine from *Holland* is applicable to motions filed under Rule 60.02 because, even if such motions are subject to equitable tolling, here it would afford Munt no relief. *See Sanchez*, 816 N.W.2d at 561; *Roby*, 808 N.W.2d at 30. Although the wrongful confiscations of legal materials may be

an extraordinary circumstance, Munt offers no compelling reason why the circumstances prevented the *timely* filing of his petition. See *Valverde v. Stinson*, 224 F.3d 129, 133–34 (2d Cir. 2000) (holding that “[t]he intentional confiscation of a prisoner’s habeas corpus petition and related legal papers by a corrections officer is extraordinary as a matter of law. . . . [But] we must still determine whether [the extraordinary circumstance] prevented him from filing his petition on time” (citation omitted) (internal quotation marks omitted)). Munt successfully filed his first petition for postconviction relief in 2015, and the district court denied that petition on August 27, 2015. We affirmed the denial on June 15, 2016. *Munt II*, 880 N.W.2d at 380. The subsequent allegedly wrongful confiscations of his legal materials occurred in 2018 and 2019. But Munt did not file his Rule 60.02 motion until July 26, 2021, several years after the alleged wrongful confiscations occurred. And even if prison officials intentionally targeted Munt to prevent him from filing the motion for some time, Munt has not shown that any alleged misconduct by prison officials, which occurred several years after his petition for postconviction relief was denied, prevented him from filing the instant motion “within a reasonable time” after this first postconviction petition was denied. Minn. R. Civ. P. 60.02.

Addressing Munt’s other arguments, we have previously explained that “the difficulties of prison life are not extraordinary circumstances warranting equitable tolling.” *Roby*, 808 N.W.2d at 30 (citing *Earl v. Fabian*, 556 F.3d 717, 724–25 (8th Cir. 2009)); see also *Lindo v. Lefever*, 193 F. Supp. 2d 659, 663 (E.D.N.Y. 2002) (“Transfers between prison facilities, solitary confinement, lockdowns, restricted access to the law library and an inability to secure court documents do not qualify as extraordinary circumstances.”).

Here, Munt’s other arguments amount to assertions that his difficulties in prison prohibited the timely filing of his Rule 60.02 motion, including policies restricting his time in the prison law library, false charges filed against him, and prison transfers. But, according to *Roby*, those difficulties are not enough to invoke equitable tolling. *Roby*, 808 N.W.2d at 30; *see also Kreutzer v. Bowersox*, 231 F.3d 460, 463 (8th Cir. 2000) (“Even in the case of an unrepresented prisoner alleging a lack of legal knowledge or legal resources, equitable tolling has not been warranted.”).

Accordingly, the district court did not abuse its discretion in denying Munt’s motion under Rule 60.02 as untimely.

II.

Next, we turn to Munt’s second petition for postconviction relief. This court reviews a district court’s summary denial of a postconviction petition for an abuse of discretion. *Martin v. State*, 969 N.W.2d 361, 363 (Minn. 2022).

Here, the district court summarily denied Munt’s second petition for postconviction relief by concluding that the State correctly argued that Munt’s claims were time-barred under Minnesota Statutes section 590.01, subdivision 4. On appeal, Munt’s arguments can be broken into five categories: (1) the district court violated the separation-of-powers doctrine during this postconviction proceeding by “adopting” the State’s argument without discussion; (2) a general separation-of-powers claim alleging that the district court misapplied the law at his trial; (3) the prohibition against double jeopardy was violated based on Minnesota Statutes sections 609.035, 609.04, and 611.02 (2022); (4) a claim that juries cannot adequately distinguish between “premeditated” murder under Minnesota

Statutes section 609.185 (2022) and “intentional” murder under Minnesota Statutes section 609.19 (2022), making the two homicide statutes unconstitutionally vague; and (5) a claim that section 590.01 is not “jurisdictional” because the statute is instead an affirmative defense that must be raised by the State, meaning that each of his claims are subject to equitable tolling and this court should decide them on the merits.

“[D]efendants do not have an unlimited right to review.” *Carlton v. State*, 816 N.W.2d 590, 615 (Minn. 2012). When a petitioner has previously filed a direct appeal, section 590.01, subdivision 4(a), requires the person to file for postconviction relief within 2 years of the appellate court’s disposition of the direct appeal. The statute provides some exceptions to the 2-year time-bar, including the interests-of-justice exception. *Id.*, subd. 4(b)(5). Under these exceptions, however, a claim must still be brought within 2 years from “the date the claim arises.” *Id.*, subd. 4(c).

In reviewing the record here, we find no separation of powers issue because the district court did not, as Munt suggests, adopt the State’s argument without sufficient review. The district court’s order noted that it reviewed over 200 pages of material that Munt attached to his petition as well as the State’s response before ruling on the petition. Munt’s first claim lacks merit.

Further, the district court did not abuse its discretion in summarily denying Munt’s second petition because Munt’s next three categories of claims were all known, or should have been known, within 2 years of his direct appeal. Because he asks this court to consider

them now—nearly a decade later—each claim is time-barred under section 590.01, subdivision 4(a), and we will not address the claims on the merits.²

The subdivision 4(c) time-bar—which requires that a petition invoking an exception to the general time limit still be filed within 2 years of the date the claimed exception arises—applies to the interest-of-justice exception. *See Sanchez*, 816 N.W.2d at 556–58. Munt acknowledges as much in his briefing, but asks us to apply the doctrine of equitable tolling to his case. He correctly notes that we have held that the statute of limitations may be equitably tolled under “extraordinary circumstances.” *Bolstad v. State*, 878 N.W.2d 493, 497 (Minn. 2016) (internal quotation marks omitted). But as previously discussed, limited access to legal materials in prison will not qualify for equitable tolling when a petitioner has previously filed a timely postconviction petition. *Id.*; *see also Roby*, 808 N.W.2d at 30.

Munt’s fifth and final argument that the time-bar does not apply because section 590.01 is not jurisdictional is misguided. To support his argument, he cites our decision in *Hooper v. State*, 838 N.W.2d 775 (Minn. 2013), which held that the State must raise the section 590.01, subdivision 4, time-bar as an affirmative defense, or the argument is forfeited. What Munt fails to demonstrate, however, is that the State forfeited the defense here. It did not. In fact, the State’s main argument at the district court was that Munt’s

² Munt’s double jeopardy claims are also procedurally barred. Munt raised, and we resolved, these claims in his appeal from his second motion to correct his sentence. *Munt III*, 920 N.W.2d at 416 n.9. We will not consider matters previously raised on appeal in subsequent postconviction actions. *State v. Knaffla*, 243 N.W.2d 737, 741 (Minn. 1976).

claims were time-barred. We therefore hold that his claims are time-barred under the postconviction statute.³

CONCLUSION

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

Affirmed.

³ Munt filed numerous motions along with his second petition, including a motion for production of documents, a motion for leave to amend his postconviction petition, a request for an evidentiary hearing on his petition for postconviction relief, a motion to remove the judge for cause, a motion for the production of transcripts, and a motion for the production of other discovery. But all of these motions are premised on the notion that a timely postconviction petition was filed. There is thus no need for this court to address the substantive arguments regarding these motions made on appeal; they necessarily fail because the postconviction petition to which they pertain is time-barred. *See* Minn. Stat. § 590.01, subd. 4(a) (requiring that any postconviction claim must be brought within 2 years of a case's final disposition).