

*This opinion is nonprecedential except as provided by  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  
A20-0379**

State of Minnesota,  
Respondent,

vs.

Ashaunti Quantay Prowell,  
Appellant.

**Filed September 12, 2022  
Reversed and remanded  
Reilly, Judge**

Hennepin County District Court  
File No. 27-CR-19-1303

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

Michael O. Freeman, Hennepin County Attorney, Adam E. Petras, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Leah C. Graf, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Larkin, Presiding Judge; Reilly, Judge; and Reyes, Judge.

**NONPRECEDENTIAL OPINION**

**REILLY**, Judge

Following his conviction for unlawful possession of a firearm, appellant argues that he is entitled to withdraw his guilty plea because it was unintelligent and therefore manifestly unjust. We agree, and reverse and remand.

## FACTS

In January 2019, police officers from the Golden Valley Police Department responded to the scene of a single-vehicle crash and identified appellant Ashaunti Quantay Prowell as the driver. While speaking with appellant, an officer saw a firearm on the driver's-side floor. The officer also detected a strong odor of alcohol and noticed that appellant was slurring his words. The officer searched the vehicle and found pills that field-tested positive for methamphetamine. Respondent State of Minnesota charged appellant with unlawful possession of a firearm, possession of a controlled substance, two counts of impaired driving, and giving false information to a police officer.

Appellant was at first represented by a public defender, but later dismissed his public defender and hired private counsel. In October 2019, appellant pleaded guilty to unlawful possession of a firearm by an ineligible person. In exchange for his plea, the state dismissed the remaining counts and dismissed another pending case. The parties also agreed to recommend a 60-month prison sentence. The district court accepted the plea agreement and imposed sentence. In September 2020, appellant petitioned for postconviction relief. Appellant asserted that he received ineffective assistance of counsel and that his plea was not accurate, voluntary, or intelligent. The district court denied appellant's petition, and this appeal follows.

## DECISION

Appellant challenges the district court's denial of his request to withdraw his guilty plea. We review a denial of postconviction relief for an abuse of discretion. *Reed v. State*, 925 N.W.2d 11, 18 (Minn. 2019). We review the "[district] court's legal determinations

de novo, and its factual findings for clear error.” *Brown v. State*, 895 N.W.2d 612, 617 (Minn. 2017) (citations omitted). “A [district] 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 or exercises its discretion in an arbitrary or capricious manner.” *Crow v. State*, 923 N.W.2d 2, 9 (Minn. 2019) (quotation omitted).

A criminal defendant does not have an absolute right to withdraw a guilty plea. *State v. Raleigh*, 778 N.W.2d 90, 93 (Minn. 2010). That said, a district court must allow a defendant to withdraw a guilty plea at any time if it is necessary to correct a manifest injustice. Minn. R. Crim. P. 15.05, subd. 1. “A manifest injustice exists if a guilty plea is not valid.” *Raleigh*, 778 N.W.2d at 94. A guilty plea must be “accurate, voluntary, and intelligent.” *Perkins v. State*, 559 N.W.2d 678, 688 (Minn. 1997). “If a plea fails to meet any one of these requirements, it is invalid.” *State v. Theis*, 742 N.W.2d 643, 650 (Minn. 2007). “A defendant bears the burden of showing his plea was invalid.” *Raleigh*, 778 N.W.2d at 94. We review the validity of a plea de novo. *Id.*

Appellant argues his guilty plea was not intelligent. The intelligence requirement ensures that the defendant understands the state’s charges against him, the rights he is waiving, and the consequences of his plea. *Id.* at 96. Here, appellant claims his plea was unintelligent because he did not understand the rights he was waiving by pleading guilty.<sup>1</sup> Appellant claims his attorney misadvised him that he could enter a guilty plea and still

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<sup>1</sup> Appellant asserts additional bases for reversing the denial of his postconviction petition and claims he received ineffective assistance of counsel. Because we conclude that appellant is entitled to withdraw his guilty plea because it is unintelligent, we decline to address these other arguments.

preserve his right to challenge the state's evidence for the first time on appeal. Generally, "[a] guilty plea by a counseled defendant has traditionally operated . . . as a waiver of all non-jurisdictional defects arising prior to the entry of the plea." *State v. Ford*, 397 N.W.2d 875, 878 (Minn. 1986). This includes the right to challenge the admissibility of the state's evidence. *Korman v. State*, 262 N.W.2d 161, 161 (Minn. 1977); *see also State v. Goebel*, 654 N.W.2d 700, 702 (Minn. App. 2002) (stating general rule requiring that issues be first litigated in district court).

Appellant claims his attorney affirmatively misadvised him about the effect a guilty plea would have on a challenge to the state's evidence. We agree. During appellant's plea colloquy, he waived his rights to contest probable cause for the charge and the admissibility of the state's evidence, including the firearm. But appellant's plea petition shows he was pleading guilty with the understanding that he could challenge the state's evidence on appeal. On the plea petition, appellant acknowledged his right to a pretrial hearing to "determine whether or not the evidence the prosecution has could be used against me" and placed an "X" next to the statement, "I specifically do not now waive my right to have such a pre-trial hearing." And at the postconviction hearing, appellant testified he went into the plea hearing understanding that he was preserving the suppression issue for appeal. The district court acknowledged in its postconviction order that when appellant appeared for the plea hearing,

he thought he was appearing for a motion hearing challenging the officer's entry into his car. He was surprised that the case was set for trial. [Appellant] then asked [attorney] if the suppression issue had been waived. According to [appellant], [attorney] told him that the issue had not been waived but

instead [attorney] had missed the filing deadline to file a motion to suppress. [Attorney] then told [appellant] that the Court was not going to continue the trial date so his options were to plead guilty or go to trial. [Attorney] also told [appellant] that [he] could pursue the suppression issue on appeal.

Based on our de novo review, we conclude that appellant's attorney affirmatively misadvised appellant that he could challenge the suppression issue on appeal, even though appellant pleaded guilty and did not challenge that issue in district court. The district court therefore abused its discretion, and appellant's guilty plea was unintelligent.<sup>2</sup> Because the guilty plea is invalid, we reverse and remand with instructions to permit appellant to withdraw his guilty plea.

**Reversed and remanded.**

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<sup>2</sup> Appellant also claims his plea was inaccurate and involuntary. Based on our determination that appellant is entitled to withdraw his guilty plea because it was unintelligent, we need not address the remaining factors. *See Raleigh*, 778 N.W.2d at 94 (noting that a plea that does not satisfy all three requirements is constitutionally invalid).