STATE OF MINNESOTA
IN COURT OF APPEALS
A22-0431

Pariss Demond Wright, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

Filed December 27, 2022
Affirmed
Frisch, Judge

St. Louis County District Court
File Nos. 69DU-CR-17-739, 69DU-CR-17-2396

Cathryn Middlebrook, Chief Appellate Public Defender, Sean Michael McGuire, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

Kimberly J. Maki, St. Louis County Attorney, Victoria Wanta, Assistant County Attorney, Duluth, Minnesota (for respondent)

Considered and decided by Slieter, Presiding Judge; Reyes, Judge; and Frisch, Judge.

NONPRECEDENTIAL OPINION

FRISCH, Judge

Appellant argues that the district court erred by denying his request to withdraw his guilty plea and in calculating and executing his sentence. Because appellant's guilty pleas were voluntary and accurate and his sentencing argument is moot, we affirm.

FACTS

In February 2017, respondent State of Minnesota charged appellant Pariss Demond Wright with felony domestic assault in violation of Minn. Stat. § 609.2242, subd. 4 (2016), following an incident with his girlfriend (February offense). On June 5, he pleaded guilty to the February offense. On June 30, the state charged Wright with felony domestic assault in violation of Minn. Stat. § 609.2242, subd. 4, following another incident with the same girlfriend (June offense). In July, he pleaded guilty to the June offense.

In August, the district court sentenced Wright to 15 months in prison for the February offense and 21 months in prison for the June offense. The sentences were imposed concurrently and both were stayed for a period of three years.

During 2018, the district court found that Wright violated his probationary terms on multiple occasions and ultimately executed the sentences.

In 2021, Wright moved to withdraw his guilty pleas for both the February and June offenses. The district court denied the motion. Wright sought reconsideration by the district court, and the district court denied that motion.

Wright appeals.

DECISION

Wright argues that the district court erred by denying his request to withdraw his guilty pleas because they were inaccurate and involuntary. Wright also argues that the district court improperly calculated and executed his sentences. We address each argument in turn.

I. Wright's guilty pleas were accurate and voluntary.

Wright argues that his guilty pleas were inaccurate because the record does not set forth an adequate factual basis to show (1) his intent to cause fear for the February offense and (2) that he intentionally caused harm for the June offense. Wright also argues, in a pro se supplemental brief, that his guilty pleas were involuntary. We disagree.

Withdrawal of a guilty plea must be allowed when necessary to correct a manifest injustice. Minn. R. Crim. P. 15.05, subd. 1. A manifest injustice occurs when a guilty plea is not constitutionally valid. *See State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010). "To be constitutionally valid, a guilty plea must be accurate, voluntary, and intelligent." *Id.* "The defendant bears the burden of establishing the facts that support his claim that the guilty plea is invalid." *State v. Mikulak*, 903 N.W.2d 600, 603 (Minn. 2017). A guilty plea is accurate when supported by an adequate factual basis. *Nelson v. State*, 880 N.W.2d 852, 859 (Minn. 2016). "The factual-basis requirement is satisfied if the record contains a showing that there is credible evidence available which would support a jury verdict that defendant is guilty of at least as great a crime as that to which he pled guilty." *Id.* (quotation omitted). Voluntariness refers to "what the parties reasonably understood to be the terms of the plea agreement" and whether a plea was made because of "improper pressure or coercion." *Raleigh*, 778 N.W.2d at 96. "[A] threat to prosecute fully a defendant if he or she does not plead guilty is constitutional." *State v. Ecker*, 524 N.W.2d 712, 719 (Minn. 1994). But a threat of physical harm or mental coercion "overbearing the will of the defendant" is not permitted. *Id.* "Whether a plea is voluntary is determined by considering

all relevant circumstances." *Raleigh*, 778 N.W.2d at 96. The validity of a guilty plea is a legal question that we review de novo. *Id.* at 94.

We turn to Wright's challenges to his pleas.

Intent

Wright argues that his pleas to both the February and June offenses were not accurate because they do not include adequate factual bases as to his intent. A person commits domestic assault if they (1) "commit[] an act with intent to cause fear in another of immediate bodily harm or death" (assault-fear) or (2) "intentionally inflict[] or attempt[] to inflict bodily harm upon another," (assault-harm) against a family or household member. Minn. Stat. § 609.2242, subd. 1 (2016). Bodily harm is "physical pain or injury, illness, or any impairment of physical condition." Minn. Stat. § 609.02, subd. 7 (2016).

Assault-fear is a specific-intent crime, whereas assault-harm is a general intent crime. *State v. Fleck*, 810 N.W.2d 303, 312 (Minn. 2012). Because assault-fear is a specific-intent crime, the state must prove that a defendant acted with the intent to cause fear of immediate bodily harm. *Id.* at 309. In contrast, because assault-harm is a general-intent crime, the state must prove that a defendant intended to do the physical act. *Id.* No intent to cause a particular result is required. *Id.* "Intent may be proved by circumstantial evidence, including drawing inferences from the defendant's conduct, the character of the assault, and the events occurring before and after the crime." *In re Welfare of T.N.Y.*, 632 N.W.2d 765, 769 (Minn. App. 2001). "Intent can be inferred from the idea that a person intends the natural consequences of [their] actions." *Nelson*, 880 N.W.2d at 860 (quotation omitted).

As to the February offense, Wright specifically argues that his guilty plea was inaccurate because it did not show his intent to cause assault-fear. Because Wright's testimony reflects sufficient facts to show intent to cause assault-fear, we disagree.

The record reflects that Wright admitted to sufficient facts to establish his intent to commit assault-fear. Wright testified that he and his girlfriend were arguing before he grabbed her. Wright admitted that he wanted to prevent his girlfriend from running and that he did "try to contain her." He agreed that he pulled his girlfriend "quite aggressively" by her coat and more generally that he acted aggressively. Wright also agreed that he shoved his girlfriend to prevent her from leaving. Wright testified that he understood that police came because others were so alarmed by his behavior that they reported the incident. From these facts, a reasonable person could infer that Wright intended to cause his girlfriend to be fearful of immediate bodily harm.

As to the June offense, Wright specifically argues that his guilty plea was inaccurate because it did not show his intent to cause assault-harm. We disagree.

The facts in the record show that Wright intended to cause, and did in fact cause, harm in assaulting his girlfriend. Wright testified at his plea hearing that he was upset when his girlfriend was speaking to law enforcement because he thought it would create a problem for his presentence investigation associated with the February offense. Wright agreed he and his girlfriend argued and that he struck her. Wright stated, "I believe I was roughing her." Wright also agreed that he caused his girlfriend to suffer a bloody ear. These admissions establish Wright's intent to commit assault-harm. We discern no error

by the district court in determining that Wright's guilty plea to the June offense was accurate.

Voluntariness

Wright argues that his pleas to both the February and June offenses were involuntary. He asserts that his counsel told him that if he did not plead guilty to the February and June offenses, he "would be given another charge for possible tampering or something like that." Wright claimed that it was "totally outrageous" and rendered his pleas involuntary. This claim is not supported by the record. Rather, the record shows that Wright reasonably understood the terms of the plea agreements and entered his plea to both offenses without improper pressure or coercion.

As to the February offense, Wright signed and initialed each page of the plea petition, which contained language that Wright was not threatened in entering into the plea. At the plea hearing, Wright confirmed that he wanted to plead guilty and that he was pleading guilty. He stated that he did not want to go to trial. Wright also confirmed that he understood that he did not have to enter a guilty plea. The record reflects that Wright specifically wanted to plead guilty to the February offense because he would be released from custody following the entry of his plea. After the district court accepted his plea, Wright's attorney asked again whether Wright still wanted to plead guilty. Wright agreed.

As to the June offense, Wright again signed and initialed each page of the plea petition, which contained the same language that Wright was not threatened in entering into the plea. At the plea hearing, Wright agreed that he was told that he did not have to plead guilty if he did not want to do so and that he asked his attorney to put the plea together

to resolve the matter that day. Wright also agreed that he wanted to enter into an agreement with the state whereby he would be sentenced for both offenses at the same time.

Form

Finally, Wright challenges the form of the questioning used to elicit the facts that supported his guilty pleas. The use of leading questions to establish a factual basis is discouraged. *Raleigh*, 778 N.W.2d at 94-95. But the use of leading questions will not invalidate a plea if the ultimate objective of the accuracy requirement is still achieved: that the defendant does not plead guilty to a crime more serious than what he could be convicted of at trial. *See id*. at 95-96 (reasoning that the accuracy requirement was met because the defendant's answers to leading questions established premeditation); *Nelson*, 880 N.W.2d at 860 ("[W]e have never held that the use of leading questions automatically invalidates a guilty plea . . . ."). Although the transcripts for both plea hearings reveal that the guilty plea colloquy was completed almost entirely through leading questions, which we discourage, Wright's guilty pleas are nevertheless valid because the factual bases established the elements of felony domestic assault for both offenses.

In sum, we discern no manifest injustice to Wright associated with his pleas to the February and June offenses. Wright's pleas to both offenses were accurate and voluntary and therefore constitutionally valid. We therefore affirm the district court's denial of his motions to withdraw his guilty pleas.

II. Wright's sentencing argument is moot.

Wright argues in his pro se supplemental brief that his sentence was improperly calculated and executed. "An appeal is moot when a decision on the merits is no longer necessary or an award of effective relief is no longer possible." *State ex rel. Ford v. Schnell*, 933 N.W.2d 393, 401 (Minn. 2019) (quotation omitted). Wright's sentences for the February and June offense appear to have expired. Therefore, there is no effective relief that we can provide with respect to the calculation and execution of his sentences and this argument is therefore moot.

Affirmed.