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**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-0816**

William Richard Iverson, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed April 15, 2008
Affirmed
Lansing, Judge**

Ramsey County District Court
File No. K3-97-2703

William Richard Iverson, OID 127136, MCF-OPH, 5329 Osgood Avenue North,
Stillwater, MN 55082-1117 (pro se appellant)

Lori Swanson, Minnesota Attorney General, 1800 Bremer Tower, 445 Minnesota Street,
St. Paul, MN 55101, and

Susan Gaertner, Ramsey County Attorney, Mark Nathan Lystig, Assistant County
Attorney, Suite 315, 50 West Kellogg Boulevard, St. Paul, MN 55102 (for respondent)

Considered and decided by Lansing, Presiding Judge; Ross, Judge; and Johnson,
Judge.

UNPUBLISHED OPINION

LANSING, Judge

The postconviction court, without a hearing, determined that William Iverson's
third petition for postconviction relief and his petition for a writ of habeas corpus were

procedurally barred and denied both petitions. Iverson's postconviction claims are essentially the same claims of mental illness and improper sentencing that have been raised and decided in his earlier postconviction appeals, and his petition for habeas relief is procedurally barred because it was not filed in the county in which he is detained. We therefore affirm.

F A C T S

William Iverson pleaded guilty to first-degree assault and first-degree burglary in 1998. The facts underlying Iverson's plea are fully set forth in our decision on his 1998 direct appeal from sentencing. *See State v. Iverson*, No. C6-98-992, 1998 WL 799183 (Minn. App. Nov. 17, 1998) (affirming district court's upward departure from presumptive guidelines sentence), *review denied* (Minn. Jan. 21, 1999).

Following his 1998 direct appeal, Iverson has initiated three postconviction proceedings. In 2001 he petitioned for postconviction relief, contending that he had been improperly sentenced and that his mental illness affected his criminal behavior and his guilty plea. *See Iverson v. State*, No. CX-01-1137, 2001 WL 1402557, at *1-*2 (Minn. App. Nov. 13, 2001) (considering postconviction challenges to validity of plea and propriety of sentence), *review denied* (Minn. Jan. 15, 2002). The district court denied postconviction relief, and we affirmed the denial. *Id.* Iverson filed a second petition for postconviction relief four years later, again alleging that his mental illness affected his guilty plea and also alleging that his sentence was invalid under *Blakely v. Washington*, 524 U.S. 296, 124 S. Ct. 2531 (2004). *See Iverson v. State*, No. A06-111, 2006 WL 2406017, at *1 (Minn. App. Aug. 22, 2006) (affirming district court's denial of second

postconviction petition). Iverson filed this third petition for postconviction relief in December 2006, again challenging the propriety of his sentence and alleging that he was mentally ill at the time he entered his plea.

Before filing this third petition for postconviction relief, Iverson also filed, in June 2006, a petition for a writ of habeas corpus that raised issues relating to his sentence. The district court considered the June 2006 habeas petition and the December 2006 postconviction-relief petition together and denied both petitions without a hearing. Iverson appeals the denial of his petitions.

DECISION

I

A postconviction court may deny a petition for postconviction relief without an evidentiary hearing if it is the second or successive petition requesting similar relief by the same petitioner or if it raises issues that have previously been decided by the court of appeals or the supreme court in the same case. Minn. Stat. § 590.04, subd. 3 (2006). And, under the *Knaffla* rule, the postconviction court may deny a postconviction-relief petition without an evidentiary hearing on all claims that were either known or available at the time of a petitioner's earlier direct appeal or postconviction petition. *State v. Knaffla*, 309 Minn. 246, 252, 243 N.W.2d 737, 741 (1976). We review the decisions of a postconviction court for an abuse of discretion. *Scales v. State*, 620 N.W.2d 706, 707 (Minn. 2001).

In this third petition for postconviction relief, Iverson raised two issues in the district court. The first issue is whether his 1998 guilty plea was invalid because he was

suffering from mental illness, and the second issue is whether his sentence was lawfully imposed. Both issues have been previously raised in appeals to this court. Iverson's claim for relief based on mental illness was raised and decided in both his first and second postconviction appeals. In his first postconviction appeal, we reviewed evidence of his competency based on medical evaluations and his responses to the district court's inquiry at his plea hearing and sentencing. *Iverson v. State*, No. CX-01-1137, 2001 WL 1402557, at *2 (Minn. App. Nov. 13, 2001), *review denied*, (Minn. Jan. 15, 2002). In his second postconviction appeal we concluded that the postconviction court did not abuse its discretion when it dismissed, without a hearing, Iverson's mental-illness claim because he raised it "in his first petition and [in his] subsequent appeal to this court in 2001." *Iverson v. State*, No. A06-111, 2006 WL 2406017, at *1 (Minn. App. Aug. 22, 2006).

Iverson's second claim, the propriety of his sentence, was raised and decided in his 1998 direct appeal and in his first postconviction appeal. In Iverson's direct appeal, we concluded that the district court did not abuse its discretion in sentencing Iverson because substantial and compelling aggravating factors justified an upward departure from the presumptive guidelines sentence. *Iverson v. State*, No. C6-98-992, 1998 WL 799183, at *2 (Minn. App. Nov. 17, 1998), *review denied* (Minn. Jan. 21, 1999). In Iverson's first postconviction appeal we affirmed the denial of relief on his allegations of improper sentencing because those claims had already been raised and decided in his first appeal. *Iverson*, 2001 WL 1402557, at *1-*2. Because both issues that Iverson raises in this third appeal from the denial of postconviction relief have been previously raised and decided in appeals to this court, the district court did not abuse its discretion by denying

Iverson's postconviction-relief petition without an evidentiary hearing. See Minn. Stat. § 590.04, subd. 3 (authorizing summary denial of previously decided claims); *Powers v. State*, 731 N.W.2d 499, 501-02 (Minn. 2007) (applying *Knaffla* rule to repeated sentencing claims).

Iverson raises two additional issues in his appeal that were not included in his postconviction petition or raised in the district court. The first issue is an allegation of ineffective assistance of counsel, and the second is an allegation of prosecutorial misconduct. An issue that was neither alleged in the postconviction-relief petition nor raised in the district court is generally not considered on appeal. See *Ferguson v. State*, 645 N.W.2d 437, 448 (Minn. 2002) (refusing to review claim of ineffective assistance of counsel when defendant did not raise issue in postconviction court). Even if Iverson had properly raised the issues, they are *Knaffla*-barred because they were known and available at the time of his earlier direct and postconviction appeals and Iverson has not demonstrated that they would come within the limited exceptions to the *Knaffla* rule. See *Townsend v. State*, 723 N.W.2d 14, 18-19 (Minn. 2006) (summarizing *Knaffla* rule and exceptions to rule).

II

A writ of habeas corpus is a statutory civil remedy available “to obtain relief from [unlawful] imprisonment or restraint.” Minn. Stat. § 589.01 (2006). To obtain habeas relief in district court, a petitioner must file a petition in the district court in the county in which he is detained. See Minn. Stat. § 589.02 (2006) (stating that “person may apply for a writ of habeas corpus by petition addressed to the Supreme Court, Court of Appeals, or

to the district court of the county where the petitioner is detained”); *State ex rel. Alexander v. Rigg*, 247 Minn. 110, 114, 76 N.W.2d 478, 480 (1956) (stating that, if both district court and supreme court have original jurisdiction over writs of habeas corpus, proper procedure is to petition district court for relief). When the facts are undisputed, we review a district court’s denial of habeas relief de novo. *State ex rel. Hussman v. Hursh*, 253 Minn. 578, 578 n.1, 92 N.W.2d 673, 673 n.1 (1958).

Iverson is confined at the Oak Park Heights facility in Washington County. He filed his habeas petition, which argues that he should be put on supervised release and that he has not received credit for “good time” in prison, in Ramsey County. Because Iverson failed to comply with the statutory procedure for filing a petition for habeas relief, the district court did not err when it denied Iverson’s petition for a writ of habeas corpus without a hearing.

Affirmed.