

FILED
June 20, 2023
Office of
Appellate Courts

STATE OF MINNESOTA
IN SUPREME COURT
A22-1383

Stephen Michael Michuda,
Petitioner

vs.

State of Minnesota,
Respondent

ORDER

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the petition of Stephen Michael Michuda for further review is denied.

Dated: June 20, 2023

BY THE COURT:

/s/
Lorie S. Gildea
Chief Justice

STATE OF MINNESOTA
IN COURT OF APPEALS

APPELLATE COURT CASE NUMBER: A22-1383

Stephen Michael Michuda, petitioner
Appellant
vs.
State of Minnesota,
Respondent

ORDER OPINION

Hennepin County District Court
File No. 27-CR-94-0006534

Considered and decided by Reilly, Presiding Judge; Segal, Chief Judge; and Florey, Judge.¹

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. In 1994, appellant Stephen Michael Michuda pleaded guilty to second-degree criminal sexual conduct. The district court convicted him and after two probation violations, executed Michuda's 21-month sentence. Michuda did not file a direct appeal.

2. In 1996, Michuda filed his first petition for postconviction relief. Michuda argued he was innocent, he received ineffective assistance of counsel, and his guilty plea was invalid. The postconviction court denied the entire petition, concluding his claims were meritless and his guilty plea was voluntarily, accurately, and intelligently made. Michuda did not appeal this decision.

3. In 2007, Michuda pleaded guilty to two counts of first-degree criminal sexual conduct, failure to register as a sex offender, deprivation of parental rights, and

¹ Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, §10.

terroristic threats. *State v. Michuda*, No. A08-1037, 2009 WL 22254777, at *1 (Minn. App. July 28, 2009), *rev. denied* (Minn. Oct. 20, 2009). On respondent State of Minnesota's motion, the district court departed from the sentencing guidelines and imposed an enhanced sentence under the engrained sex offender statute. *Id.* Michuda appealed and sought to reopen his 1994 conviction for criminal sexual conduct. *Id.* at *4. This court declined to do so, as the time to appeal from that conviction had expired. *Id.* at*5.

4. Michuda filed a second pro se postconviction petition in 2015, seeking relief from his 1994 expired conviction. *Michuda v. State*, No. A16-0779 (Minn. App. Dec. 8, 2016) (order op.), *rev. denied* (Minn. Feb. 14, 2017). Michuda argued his petition was not time-barred and asserted that newly-discovered-evidence exception was satisfied by his 2014 discovery that the prosecutor on his case was unauthorized to practice law when she had prosecuted him and had been disciplined in 2008. *Id.* He also contended he met the mental-disease and interest-of-justice exceptions to the two-year requirement. *Id.*

5. In a "thorough and well-reasoned order" the postconviction court held Michuda's claims were time-barred, his ineffective-assistance and invalid-plea claims were procedurally barred, and his remaining claims related to double punishment, discovery or *Brady* violations, and the public-defender system were meritless or not properly before the court. *Id.* On appeal, this court affirmed. *Id.* Notably, his prosecutor's licensure status did not establish Michuda's innocence by clear and convincing evidence and Michuda failed to show that, despite his due diligence, he could not discover the license restriction

within two years of his prosecutor's public reprimand in 2008. *Id.*; *see also In Re Graham*, 744 N.W.2d 19, 19 (Minn. 2008) (detailing the disciplinary action taken against the prosecutor in the matter); *State v. Ali*, 752 N.W.2d 98, 108-09 (Minn. App. 2008) (declining to reverse a conviction solely because his prosecutor's license was on restricted status), *rev. denied* (Minn. May 27, 2009).

6. In 2022, Michuda filed two pro se motions under the Minnesota Rules of Civil Procedure seeking reversal of his conviction or a new trial. The postconviction court construed the documents as a petition for postconviction relief, which constitutes this case and his third postconviction petition. He argued he (1) received ineffective assistance of trial counsel; (2) was entitled to the help of appellate counsel for his postconviction proceedings; (3) was coerced and entered an invalid guilty plea; (4) was subjected to double punishment; (5) suffered a violation of his plea agreement; (6) was entitled to reversal of his conviction because of his prosecutor's misconduct and invalid licensure; and (7) was not shown his victim's statements as exculpatory evidence in violation of *Brady v. Maryland*, 373 U.S.83 (1963).

7. The postconviction court denied Michuda's petition, reasoning he raised nearly identical arguments in his second petition and they were "time-barred for the same reasons." The postconviction court determined Michuda did not argue any enumerated exceptions to Minn. Stat. §590.01, subd. 4 (2022), and the issues he raised were procedurally barred as raised in a prior petition.

8. We review the denial of postconviction relief for an abuse of discretion. *Davis v. State*, 784 N.W.2d 387, 390 (Minn. 2010). A postconviction 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.” *Riley v. State*, 792 N.W.2d 831, 833 (Minn. 2011).

9. A postconviction petition must be filed no more than two years after an appellate court’s disposition of a direct appeal, if one took place, unless the petitioner meets a statutory exception. Minn. Stat. § 590.01, subd. 4. “We liberally construe the petition in determining whether the petitioner has invoked one of the statutory exceptions.” *Griffin v. State*, 961 N.W.2d 773, 776-77 (Minn. 2021). But when a petitioner fails to assert a time-bar exception in his petition, we need not consider them. *Id.* at 777.

10. When liberally construed, Michuda’s petition invokes the newly-discovered-evidence exception related to his claims of prosecutorial misconduct and invalid guilty plea. But he relies on the same evidence he supplied in his second petition. “A new legal argument based on old evidence does not satisfy the newly-discovered-evidence exception.” *Id.* Thus, these claims are time-barred.

11. Moreover, a claim is procedurally barred, or *Knaffla*-barred, when it was raised in a previous postconviction petition or should have been known but was not raised. *State v. Knaffla*, 243 N.W.2d 737, 741 (Minn. 1976); *see also* Minn. Stat. § 590.01, subd. 1 (2022). There are two exceptions to the *Knaffla*-bar: (1) when a novel legal issue arises that was unavailable at the time of direct appeal; or (2) when the interest of justice requires review. *Zumberge v. State*, 937 N.W.2d 406, 411-12 (Minn. 2019). To qualify

for the interest-of-justice exception, the petitioner must have not “deliberately and inexcusably” failed to raise the claim previously and the claim must have substantive merit. *Deegan v. State*, 711 N.W.2d 89, 94 (Minn. 2006) (quotation omitted). We decline to apply the *Knaffla* exceptions if they are not raised by the petitioner. *Hooper v. State*, 838 N.W.2d 775, 788 (Minn. 2013).

12. In his first and second postconviction petitions, Michuda claimed ineffective assistance of trial counsel and challenged his guilty plea. In Michuda’s second postconviction petition he claimed: a plea agreement violation, double punishment, a *Brady* violation, prosecutorial misconduct, and entitlement to postconviction representation. Now in his third petition, Michuda raises identical claims and does not explicitly argue that either *Knaffla* exception applies. To the extent his various assertions that injustice occurred from 1994 until present invoke the interest-of-justice exception, Michuda has not shown by fact or law that his claims have substantive merit. Thus, Michuda’s claims are procedurally barred. *Knaffla*, 243 N.W.2d at 741.

13. For the first time on appeal, Michuda asserts it is unconstitutional to time-bar and *Knaffla*-bar an indigent layperson’s postconviction petition for relief when ineffective-assistance-of-counsel claims are at issue. Because Michuda did not raise this argument in district court, his argument is not properly before us. And we do not reach the issue. *Roby v. State*, 547 N.W.2d 354, 357 (Minn. 1996) (holding an appellate court will not decide issues not raised before the district court).

14. The postconviction court's denial of Michuda's petition for postconviction relief was not "based on an erroneous view of the law or...against logic and the facts in the record." *Riley*, 792 N.W.2d at 833. We discern no abuse of discretion.

IT IS HEREBY ORDERED:

1. The district court's order is affirmed.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: March 27, 2023

BY THE COURT

/s/
Judge Denise D. Reilly

State of Minnesota, Plaintiff
v.
Stephen Michael Michuda, Defendant

**ORDER DENYING
DEFENDANT'S PRO SE MOTIONS**

File No. 94006534

This matter came before the Court on two self-represented motions titled "Motion for Declaratory Judgment" and Motion for Relief from Judgment" filed by Mr. Michuda on April 14, 2022. The State, represented by Assistant County Attorney Anna R. Light, filed a response on May 31, 2022.¹

Based on the filings, procedural history of this case and applicable law, the Court makes the following:

FINDINGS OF FACT

1. Mr. Michuda's motions address his 1994 conviction for Criminal Sexual Conduct in the Second Degree. Mr. Michuda's sentence for this offense has expired.

2. The facts regarding this charge and conviction were detailed in this Court's March 7, 2016 order denying Mr. Michuda's second postconviction.² In the 2016 postconviction petition, Mr. Michuda argued relief was warranted due to the then-prosecutor's restricted status. He also argued he received ineffective assistance of counsel and was denied counsel in 1996 when filing his first postconviction. Mr. Michuda took issue with his 1994 conviction being used to enhance a sentence received in a subsequent case. He also presented arguments regarding his 1994 guilty plea.

3. Mr. Michuda filed a notice of appeal of the Court's ruling on May 9, 2016. The Court of Appeals affirmed this Court's order on December 8, 2016. A petition for review of the Court of Appeals decision was denied by the Minnesota Supreme Court on February 14, 2017.

¹ Ms. Light requested additional time beyond the statutory 20 days to respond, which the Court granted. *See State v. Stephen Michael Michuda*, Order Denying Defendant's Motion to Deny State's Extension Request, 27-CR-94-006534 (Minn.Dist.Ct. May 17, 2022).

² *See State v. Stephen Michael Michuda*, Order Denying Motion to Compel Discovery, Denying Request for Appointment of Counsel, and Denying Petition for Postconviction Relief (Order Denying Postconviction Relief), 27-CR-94-006534 (Minn.Dist.Ct. March 7, 2016). Mr. Michuda filed his first postconviction petition in 1996. It was denied three months later, and Mr. Michuda did not appeal.

4. Mr. Michuda reiterates most of the arguments made in 2016 here.

CONCLUSIONS OF LAW

5. Mr. Michuda has filed two motions under the Minnesota Rules of Civil Procedure. In his “Motion for Declaratory Judgment,” citing Rule 57 of the Minnesota Rules of Civil Procedure, Mr. Michuda requests the Court “declare the rights, status, and other legal relations of Michuda concerning his expired [invalid/illegal] 1994 conviction.”³ In his “Motion for Relief from Judgment,” citing Minnesota Statute §555, Mr. Michuda “moves the court to relieve Michuda from a final judgment, order, or proceeding (for his expired 1994 conviction) and order a new trial or grant such other relief as may be just...”⁴ The Court construes these motions together as a petition for postconviction relief. For the reasons explained below, the Court denies the motions.

Motions as filings under Minnesota Rules of Civil Procedure

6. Mr. Michuda makes his requests under the rules of civil procedure. These rules do not apply to criminal cases.⁵ Even if the rules did apply to a criminal matter, no grounds exist to grant Mr. Michuda’s motions. There is no justiciable controversy;⁶ Mr. Michuda’s sentence has expired, and he is presenting issues already addressed and resolved in prior litigation, including two prior postconviction petitions and one appeal. Additionally, these motions were not timely filed.⁷

Motions as Petition for Postconviction Relief

³ Mot. for Declaratory J. at 1.

⁴ Mot. for Relief from J. at 1. Mr. Michuda also makes reference to Rules 60.02 and 31.02 of the Minnesota Rules of Civil Procedure.

⁵ See Minn.R.Civ.P., Rule 1 (“These rules govern the procedure in the district courts of the State of Minnesota in all suits of a civil nature...”).

⁶ See *Otto v. Wright County*, 899 N.W.2d 186, 198 (Minn.App.2017) (explaining a court has jurisdiction to hear a declaratory judgment claim only when there is a justiciable controversy, which exists if the claim involves three things, including “a genuine conflict in tangible interests between parties with adverse interests”).

⁷ See Minn.R.Civ.P., Rule 60.02 (stating motions for relief from judgment “shall be made within a reasonable time, and for reasons (a), (b), and (c) not more than 1 year after the judgment, order, or proceeding was entered or taken”). Mr. Michuda’s motion appears to be made under reasons (a), (b), and (c). Motions for Declaratory Judgment must be made within the applicable statute of limitations. See *Weavewood, Inc. v. S&P Home Investment, LLC*, 821 N.W.2d 576, 577 (Minn.2012). While this rule envisions statutes of limitations for civil claims, an expired, 26-year-old conviction would not fall within the spirit of this rule.

7. If the Court were to grant Mr. Michuda's motion for declaratory judgment, it appears the relief Mr. Michuda seeks is a reversal of his conviction and a new trial.⁸ Because the civil statutes under which Mr. Michuda has filed his request are improper for this criminal matter, the Court will consider his request for relief under the postconviction statute, which appears more appropriate based on the relief Mr. Michuda seeks.⁹

Time-barred

8. Petitions for postconviction relief must be filed no more than two years after either the conviction or sentence if no appeal is filed or the disposition of a direct appeal.¹⁰ Petitions filed outside this two-year window may be considered if they meet one of the enumerated exceptions.¹¹

9. This Court found Mr. Michuda's 2016 postconviction claims for relief, substantively the same claims made here, were time-barred.¹² The Court of Appeals affirmed this Court's order denying Mr. Michuda's second postconviction petition in December 2016, and the judgment was entered in February 2017. Mr. Michuda filed these motions, with different titles, over five years later. These motions are time-barred for the same reasons Mr. Michuda's 2016 postconviction was time-barred.

10. Mr. Michuda has not argued any of the enumerated exceptions, including any new exception arising after his 2016 postconviction petition and appeal. His arguments for reversal of his conviction and a new trial remain time-barred.

Knaffla-barred

11. Petitions for postconviction relief may not be based on issues raised in a prior appeal or known to the defendant when the appeal was filed.¹³ This rule, a codification of the rule announced in *State v. Knaffla*, also applies to matters raised in a prior petition for postconviction

⁸ See Mot. for Relief from J. at 1 ("Stephen Michael Michuda, hereby moves the court to relieve Michuda from a final judgment, order, or proceeding (for his expired 1994 conviction) and order a new trial or grant such other relief as may be just...").

⁹ Mr. Michuda opposes consideration of these motions as a petition for postconviction relief.

¹⁰ Minn.Stat. §590.01, subd. 4(a).

¹¹ Minn.Stat. §590.04, subd. 4(b).

¹² See Order Denying Postconviction Relief (Minn.Dist.Ct. March 7, 2016) at 3-5.

¹³ Minn.Stat. §590.01, subd. 1 ("A petition for postconviction relief after a direct appeal has been completed may not be based on grounds that could have been raised on direct appeal of the conviction or sentence.").

relief.¹⁴ The Court may consider arguments otherwise barred by *Knaffla* if they present a novel legal issue or in the interests of justice and fairness.¹⁵

12. The arguments raised here were deemed *Knaffla*-barred by this Court in 2016 because Mr. Michuda raised them in his first postconviction petition in 1996.¹⁶ For the same reasons his arguments were *Knaffla*-barred in 2016, they are *Knaffla*-barred in 2022. Mr. Michuda did not make a showing an exception applied in 2016, and he has not shown an exception applies here.

No hearing required

13. A hearing on a postconviction petition is not necessary when “the petition and the files and records of the proceeding conclusively show that the petitioner is entitled to no relief.”¹⁷ For the reasons explained above, Mr. Michuda is not entitled to relief.

IT IS ORDERED:

The Defendant’s motions are DENIED.

BY THE COURT

July 29, 2022

Date

/s/

William H. Koch
Judge of District Court

¹⁴ *Walen v. State*, 777 N.W.2d 213, 215 (Minn.2010).

¹⁵ *Swaney v. State*, 882 N.W.2d 207, 215 (Minn.2016). Although *Swaney* applies the *Knaffla* exceptions, the court points out it has yet to decide whether those exceptions remain since the codification of the *Knaffla* rule within the postconviction statute. *See id.* at n.4.

¹⁶ *See* Order Denying Postconviction Relief (Minn.Dist.Ct. March 7, 2016) at 8.

¹⁷ Minn.Stat. §590.04, subd. 1.