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**STATE OF MINNESOTA
IN COURT OF APPEALS
A14-1481**

Jerryl William Bobo, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent

**Filed January 20, 2015
Affirmed
Worke, Judge**

Sherburne County District Court
File No. 71-CR-11-1911

Cathryn Middlebrook, Chief Appellate Public Defender, Veronica Surges Shacka,
Assistant Public Defender, St. Paul, Minnesota (for appellant)

Lori Swanson, Attorney General, Matthew Frank, Assistant Attorney General, St. Paul,
Minnesota; and

Kathleen A. Heaney, Sherburne County Attorney, David T. Anderson, Assistant County
Attorney, Elk River, Minnesota (for respondent)

Considered and decided by Reyes, Presiding Judge; Worke, Judge; and Johnson,
Judge.

UNPUBLISHED OPINION

WORKE, Judge

Appellant challenges the district court's denial of his postconviction petition
seeking to withdraw his guilty plea. We affirm.

FACTS

In December 2011, appellant Jerryl William Bobo was charged with first-degree controlled-substance crime (sale). Based on Bobo's criminal-history score, if found guilty of this charge, he faced a guidelines' sentence of 189 months in prison.

On August 21, 2012, the district court stated at the beginning of Bobo's jury trial:

You [Bobo] are dressed in civilian clothing, which is absolutely appropriate. However . . . you are still wearing jail shoes which are bright orange. It is necessary that the jury not have any impression that you are in custody. Therefore it's necessary for you to change out of the orange shoes into the white ones which have been provided to you.

Bobo persistently refused to comply with the district court's instructions. Bobo concluded a lengthy exchange with the district court, stating: "F--kin' bullsh-t, racist a--hole. Put that white ass clan hat on, b--ch. Mother f--k jackass b--ch. F--kers, you been playing games from the f--kin' start, b--ch." Bobo was removed from the courtroom.

After the district court recalled the matter, Bobo indicated his desire to accept a plea offer he had previously rejected, and pleaded guilty to an amended charge of second-degree controlled-substance crime in exchange for 92 months in prison.¹ Bobo signed a petition to enter his guilty plea. Bobo agreed that he had sufficient time to discuss the case with his attorneys and was "[a] hundred percent" satisfied with their representation. He also agreed that nobody threatened him in order to obtain his plea and that he entered it freely and voluntarily. Bobo made no claim that he was innocent and stated that he

¹ With Bobo's seven criminal-history points, the presumptive sentence for the second-degree offense was 108 months in prison (92-129 range).

pleaded guilty because it was “best” for him. The district court sentenced Bobo to 92 months in prison.

On February 16, 2014, Bobo moved to withdraw his guilty plea, claiming that he made it under duress. Bobo asserted that he had been forced to wear an electric belt as a security measure in another county, which left him “afraid [and] not knowing what to do.” Bobo also stated that evidence should have been introduced at his omnibus hearing; he was the victim of discrimination, racism, and prejudice; and he was forced to wear gym shoes when people associate gym shoes with “street drug dealers.” The district court denied Bobo’s petition for postconviction relief and this appeal follows.

DECISION

When reviewing a district court’s denial of a petition for postconviction relief, we review issues of law de novo and issues of fact for sufficiency of the evidence. *Leake v. State*, 737 N.W.2d 531, 535 (Minn. 2007). The validity of a guilty plea is an issue of law reviewed de novo. *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010).

Once a guilty plea is entered a defendant has no absolute right to withdraw it. *Perkins v. State*, 559 N.W.2d 678, 685 (Minn. 1997). In a postconviction petition, a petitioner must allege and prove that plea withdrawal is necessary to correct a manifest injustice. Minn. R. Crim. P. 15.05, subd. 1 (stating that a district court must permit withdrawal of a guilty plea when it “is necessary to correct a manifest injustice”). A manifest injustice occurs when a guilty plea is invalid. *State v. Theis*, 742 N.W.2d 643, 646 (Minn. 2007). A guilty plea is invalid if it is not voluntary, accurate, or intelligent. *Perkins*, 559 N.W.2d at 688.

Bobo argues that his plea was involuntary because he experienced racism and discrimination, his attorneys did not represent his interests, he was afraid, and he was forced to change his shoes before trial. The voluntariness requirement of a guilty plea insures that the plea is not entered because of any “improper pressures or inducements.” *Brown v. State*, 449 N.W.2d 180, 182 (Minn. 1989). Voluntariness is determined by considering “all of the relevant circumstances surrounding it.” *State v. Danh*, 516 N.W.2d 539, 544 (Minn. 1994). Whether a plea is voluntary is a fact question for the district court, which we do not disturb unless clearly erroneous. *Id.*

Despite Bobo’s vulgarity-littered rant at the district court, a review of the entire record reveals no indication of racism or discrimination. Bobo stated that he was “[a] hundred percent” satisfied with his attorneys’ representation. And his wearing an electric belt in another county had nothing to do with this matter and does not support a claim that he was afraid at his plea hearing when the record indicates otherwise. Additionally, the district court instructed Bobo to change out of the orange shoes so that the jury would not know that he was in custody. Finally, Bobo also agreed that (1) he had sufficient time to discuss the case with his attorneys, (2) nobody threatened him in order to obtain his plea, (3) he entered his plea freely and voluntarily, and (4) he decided to plead guilty because it was “best” for him. The record shows that Bobo’s plea was valid and he fails to counter with any meritorious argument or support. *See State v. Wembley*, 712 N.W.2d 783, 795 (Minn. App. 2006) (stating that alleged error not supported by argument or authority is waived unless prejudicial error is obvious), *aff’d on other grounds*, 728 N.W.2d 243 (Minn. 2007).

In his pro se supplemental brief, Bobo argues that he should be allowed to withdraw his guilty plea because (1) he did not receive a speedy trial, (2) his attorneys were indifferent, (3) the district court was prejudiced, (4) the confidential informant was not credible, and (5) he was forced to wear prison shoes. These claims are arguably waived for lack of adequate briefing. *See State v. Bartylla*, 755 N.W.2d 8, 22 (Minn. 2008) (stating that we need “not consider pro se claims on appeal that are unsupported by either arguments or citations to legal authority”); *Wembley*, 712 N.W.2d at 795 (stating that assignment of error based on mere assertion and not supported by argument or authority is waived unless prejudicial error is obvious on mere inspection). But we have nonetheless thoroughly reviewed Bobo’s claims and conclude that none presents any basis for relief. *See Ture v. State*, 681 N.W.2d 9, 20 (Minn. 2004) (rejecting pro se arguments without detailing consideration of each argument).

The record shows that Bobo’s plea was voluntarily made; thus, Bobo’s guilty plea is valid and the district court did not abuse its discretion by denying his petition for postconviction relief.

Affirmed.