

SUPREME COURT OF MINNESOTA

Harry Jerome Evans v. State of Minnesota

868 N.W.2d 227 (Minn. 2015) · No. A14-1402 · Decided August 5, 2015

SUMMARY

The Minnesota Supreme Court held that Harry Jerome Evans’s claims for relief from judgment were untimely. The court affirmed the denial of his motion, concluding that the claims were untimely under both Minnesota Rule of Civil Procedure 60.02 and the postconviction statute.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Anderson, Justice
JURISDICTION	Minnesota
DECIDED	August 5, 2015
DOCKET	A14-1402
DISPOSITION	affirmed
PROCEDURAL POSTURE	Evans appealed the summary denial of a motion for relief from judgment under Minn. R. Civ. P. 60.02. The district court construed the motion as a second petition for postconviction relief and concluded that the claims were untimely.
STANDARD OF REVIEW	The court reviewed whether the district court erred in concluding that Evans's claims were untimely. Because the issue was resolved as a matter of law on the record, the court effectively applied de novo review.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Harry Jerome Evans v. State of Minnesota

TOPICS

- state post-conviction relief
- statute of limitations
- ineffective assistance
- appellate procedure
- criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court erred by construing Evans's Minn. R. Civ. P. 60.02 motion as a second postconviction petition.
2. Whether Evans's claims were timely under Minn. R. Civ. P. 60.02.
3. Whether Evans's claims were timely under Minn. Stat. § 590.01.

HOLDINGS

1. The court did not need to decide whether the district court correctly characterized Evans's motion because all of his claims were untimely under both Minn. R. Civ. P. 60.02 and the postconviction statute.
2. Evans's motion was untimely under Rule 60.02 because the more than five-year delay after affirmance of his conviction and nearly four-year delay after affirmance of his first postconviction petition was not reasonable.
3. Evans's claims were untimely under Minn. Stat. § 590.01 because they were filed more than two years after the appellate disposition of his direct appeal and did not fall within a statutory exception.

KEY QUOTATIONS

“Such a long delay between our decision and Evans’s motion for relief from that decision is not “reasonable.”” (at 5)

“Because the district court did not err when it concluded that Evans’s claims were untimely, we affirm.” (at 6)

FACTUAL BACKGROUND

Evans was convicted of first-degree murder of a peace officer for the 2005 murder of St. Paul police sergeant Gerald Vick and was sentenced to life imprisonment without the possibility of release. During trial, the court received a report that a juror was racially biased, and a later Schwartz hearing did not establish juror misconduct or racial bias. Evans's later claims concerned alleged ineffective assistance of trial and appellate counsel, the subpoena language used in the Schwartz hearing, and the State's interview of the allegedly biased juror.

PROCEDURAL HISTORY

Evans was convicted of first-degree murder of a peace officer, and the Minnesota Supreme Court affirmed his conviction on direct appeal. The court later affirmed the denial of his first postconviction petition. In May 2014, Evans filed a Rule 60.02 motion asserting ineffective assistance, denial of a fair trial, and prosecutorial misconduct. The district court treated the motion as a second postconviction petition and denied relief as untimely; the Supreme Court affirmed without deciding whether the motion was properly characterized.

DISPOSITION

affirmed

CASES CITED

- State v. Evans, 756 N.W.2d 854 (Minn. 2008)
- Evans v. State, 788 N.W.2d 38 (Minn. 2010)
- Schwartz v. Minneapolis Suburban Bus Co., 258 Minn. 325, 104 N.W.2d 301 (1960)
- State v. Knaffla, 309 Minn. 246, 243 N.W.2d 737 (1976)
- Evans v. King, No. CIV. 10-4045 SRN/SER, 2012 WL 4128682 (D. Minn. July 30, 2012)
- Evans v. King, No. CIV. 10-4045 (SRN/SER), 2014 WL 5325375 (D. Minn. Oct. 20, 2014)
- Boyd v. United States, 304 F.3d 813, 814 (8th Cir. 2002)
- Trevino v. Thaler, 133 S. Ct. 1911 (2013)
- Martinez v. Ryan, 132 S. Ct. 1309 (2012)

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