

SUPREME COURT OF NORTH DAKOTA

Ernst v. State

2004 ND 152 (N.D. 2004) · No. No. 20030330 · Decided July 22, 2004

SUMMARY

The Supreme Court of North Dakota affirmed the dismissal of Ronald R. Ernst's application for post-conviction relief. The court held that Ernst failed to establish ineffective assistance of counsel based on counsel's failure to move to suppress evidence, alleged misunderstanding of the guilty plea's consequences, alleged coercion regarding sentencing exposure, or the circumstantial nature of the evidence.

CASE DETAILS

|                       |                                                                                                                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of North Dakota                                                                                                                                                                                                         |
| WRITING FOR THE COURT | Neumann, Justice; William A. Neumann; Mary Muehlen Maring; Carol Ronning Kapsner; Dale V. Sandstrom; Gerald W. VandeWalle, C.J.                                                                                                       |
| JURISDICTION          | North Dakota                                                                                                                                                                                                                          |
| DECIDED               | July 22, 2004                                                                                                                                                                                                                         |
| DOCKET                | No. 20030330                                                                                                                                                                                                                          |
| DISPOSITION           | affirmed                                                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | Ernst appealed the dismissal of his application for post-conviction relief, asserting that ineffective assistance of counsel rendered his guilty plea involuntary.                                                                    |
| STANDARD OF REVIEW    | Ineffective assistance of counsel is a mixed question of law and fact fully reviewable by the Supreme Court. Findings of fact in post-conviction proceedings are reviewed under the clearly erroneous standard of N.D.R.Civ.P. 52(a). |
| PRECEDENTIAL VALUE    | published precedential opinion                                                                                                                                                                                                        |
| PARTIES               | Ronald R. Ernst v. State of North Dakota                                                                                                                                                                                              |

TOPICS

- state post-conviction relief
- ineffective assistance
- plea bargaining
- criminal procedure
- appellate procedure

## PRACTICE AREAS

criminal procedure

post-conviction relief

constitutional law

appellate procedure

## QUESTIONS PRESENTED

1. Whether counsel's failure to file a motion to suppress evidence obtained in the Minnesota search constituted ineffective assistance of counsel.
2. Whether Ernst's alleged misunderstanding of the consequences of his guilty plea rendered the plea involuntary because of ineffective assistance of counsel.
3. Whether counsel's alleged erroneous advice about the maximum possible sentence coerced Ernst into pleading guilty.
4. Whether the circumstantial nature of the evidence established ineffective assistance of counsel or prejudice from the guilty plea.

## HOLDINGS

1. A defendant does not establish ineffective assistance of counsel merely by showing that counsel failed to file a suppression motion; the defendant must identify a legal basis for suppression and demonstrate actual prejudice, including a reasonable probability that the defendant would not have pleaded guilty.
2. A defendant does not establish that a guilty plea was involuntary based on misunderstanding of its consequences when the plea record demonstrates that the defendant understood the charges, rights, sentencing possibilities, the nonbinding nature of the State's recommendation, and the consequences of pleading guilty.
3. An ineffective-assistance claim based on alleged coercive sentencing advice fails when the defendant provides no corroborating testimony and does not demonstrate that the challenged sentencing information was legally incorrect.
4. To prevail on an ineffective-assistance claim arising from a guilty plea, the defendant must prove that counsel's performance fell below an objective standard of reasonableness and that, but for counsel's errors, there is a reasonable probability the defendant would not have pleaded guilty and would have insisted on trial.

## KEY QUOTATIONS

*“the defendant must show that there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial.”* (§ 10)

*“Ineffective-assistance-of-counsel claims for counsel's failure to move to suppress evidence at a suppression motion hearing must be premised on actual, not possible, prejudice to the defendant.”* (§ 12)

## FACTUAL BACKGROUND

Ernst pleaded guilty to multiple criminal charges after evidence was obtained during a search of his Minnesota home pursuant to a Minnesota search warrant. He later claimed that counsel was ineffective for failing to seek suppression, misunderstanding the consequences of the plea, coercing him with incorrect sentencing advice, and

failing to account for the circumstantial nature of the evidence. During the plea and sentencing proceedings, Ernst stated that he understood the charges, his rights, the nonbinding nature of the State's recommendation, and the consequences of pleading guilty, and that he was satisfied with counsel.

## PROCEDURAL HISTORY

Ernst pleaded guilty in the trial court to burglary, stalking, two counts of theft of property, disorderly conduct, criminal mischief, and indecent exposure. He later applied for post-conviction relief, seeking to withdraw his plea or obtain alternative sentencing relief. After an evidentiary hearing, the trial court found that he had not provided sufficient evidence to substantiate ineffective-assistance claims and dismissed the application. The North Dakota Supreme Court affirmed.

## DISPOSITION

affirmed

## CASES CITED

- Berlin v. State, 2000 ND 206, ¶ 7, 619 N.W.2d 623
- Garcia v. State, 2004 ND 81, ¶¶ 5-6, 678 N.W.2d 568
- State v. Causer, 2004 ND 75, ¶ 31, 678 N.W.2d 552
- McMorrow v. State, 2003 ND 134, ¶¶ 5, 10, 667 N.W.2d 577
- Houle v. State, 482 N.W.2d 24, 26 (N.D. 1992)
- Hill v. Lockhart, 474 U.S. 52, 56, 58-59 (1985)
- McMann v. Richardson, 397 U.S. 759, 771 (1970)
- Iowa v. Tovar, 124 S. Ct. 1379, 1383 (2004)
- Strickland v. Washington, 466 U.S. 668, 687 (1984)
- Syvertson v. State, 2000 ND 185, ¶ 22, 620 N.W.2d 362
- Abdi v. State, 2000 ND 64, ¶ 29, 608 N.W.2d 292
- State v. Kroeplin, 266 N.W.2d 537, 542 (N.D. 1978)
- Mathre v. State, 2000 ND 201, ¶ 3, 619 N.W.2d 627
- Damron v. State, 2003 ND 102, ¶ 18, 663 N.W.2d 650
- State v. Backlund, 2003 ND 184, ¶ 38, 672 N.W.2d 431