

SUPREME COURT OF MINNESOTA

Jermaine Ferguson v. State of Minnesota

779 N.W.2d 555 (Minn. 2010) · No. No. A09-1483 · Decided March 25, 2010

SUMMARY

The Supreme Court of Minnesota held that Jermaine Ferguson's second postconviction petition was not barred because it included a sworn affidavit from the allegedly recanting witness, unlike the unsworn memorandum submitted with his first petition. The court concluded that the postconviction court should have held an evidentiary hearing to evaluate the credibility and genuineness of the recantation under the Larrison test. The court reversed and remanded for an evidentiary hearing.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Gildea, Justice
JURISDICTION	Minnesota
DECIDED	March 25, 2010
DOCKET	No. A09-1483
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the summary denial of a second petition for postconviction relief without an evidentiary hearing.
STANDARD OF REVIEW	Postconviction proceedings are reviewed for whether the evidence supports the postconviction court's findings, and the decision is not disturbed absent an abuse of discretion; legal issues are reviewed de novo.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Jermaine Ferguson v. State of Minnesota

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Ferguson's second postconviction petition was barred under State v. Knaffla or Minnesota Statutes section 590.04, subdivision 3.
2. Whether the petition alleged facts that, if proven, could satisfy the Larrison test for a new trial based on recanted testimony and therefore required an evidentiary hearing.
3. Whether the postconviction court abused its discretion by summarily denying the petition without evaluating Green's credibility at an evidentiary hearing.

HOLDINGS

1. The second petition was not barred under State v. Knaffla or Minnesota Statutes section 590.04, subdivision 3 because it was supported by a signed and notarized affidavit from Green himself, materially different from the prior unsworn hearsay memorandum, and the prior affirmance had been without prejudice.
2. A postconviction court must conduct an evidentiary hearing when the petition alleges facts that, if proven, could entitle the petitioner to relief, and doubts about whether to conduct the hearing should be resolved in favor of the requesting party.
3. Ferguson alleged facts that, if proven, could satisfy the first and second Larrison prongs, and the third prong is not an absolute condition precedent; therefore, the postconviction court erred by summarily denying the petition without an evidentiary hearing.

KEY QUOTATIONS

“doubts as to whether to conduct an evidentiary hearing should be resolved in favor of the party requesting the hearing.” (at 559)

“the Green affidavit has more “indicia of trustworthiness” than did the affidavits in Vance.” (at 561)

“Accordingly, we reverse and remand to the postconviction court for an evidentiary hearing.” (at 562)

FACTUAL BACKGROUND

Ferguson was convicted based in part on the trial testimony of Kentrell Green, who testified that Ferguson participated in the shooting that killed Joseph Papasodora and injured two others. In a second postconviction petition, Ferguson submitted Green's sworn affidavit stating that Green had falsely implicated Ferguson after police threatened him with loss of his son and a life sentence. Green's testimony was important to the State's case, although other witnesses corroborated portions of the account concerning Ferguson's presence at the apartment building.

PROCEDURAL HISTORY

Ferguson was convicted of first-degree murder and attempted first-degree murder. After a prior consolidated direct appeal and postconviction appeal in which the Minnesota Supreme Court affirmed the convictions and denial of relief without prejudice as to a recantation claim, Ferguson filed a second postconviction petition

supported by a sworn affidavit from trial witness Kentrell Green. The postconviction court summarily denied the second petition without an evidentiary hearing, and Ferguson appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the postconviction court for an evidentiary hearing to evaluate the credibility and genuineness of Green's recantation and to determine whether Ferguson satisfies the Larrison requirements for relief.

CASES CITED

- State v. Ferguson, 742 N.W.2d 651, 653-656, 659-660 (Minn. 2007)
- State v. Knaffla, 309 Minn. 246, 252, 243 N.W.2d 737, 741 (1976)
- King v. State, 649 N.W.2d 149, 156 (Minn. 2002)
- State v. Turnage, 729 N.W.2d 593, 597, 599-600 (Minn. 2007)
- Opsahl v. State, 677 N.W.2d 414, 423-424 (Minn. 2004)
- State v. Caldwell, 322 N.W.2d 574, 584 (Minn. 1982)
- Ferguson v. State, 645 N.W.2d 437, 442, 444-445 (Minn. 2002)
- State v. Walker, 358 N.W.2d 660, 661 (Minn. 1984)
- Wilson v. State, 726 N.W.2d 103, 107 (Minn. 2007)
- Vance v. State, 752 N.W.2d 509, 514-515 (Minn. 2008)
- Doppler v. State, 771 N.W.2d 867, 872-873 (Minn. 2009)