

SUPREME COURT OF MINNESOTA

Kou Moua v. State of Minnesota

778 N.W.2d 286 (Minn. 2010) · No. No. A09-1528 · Decided January 21, 2010

SUMMARY

The Minnesota Supreme Court affirmed the dismissal of Kou Moua’s third petition for postconviction relief following his conviction for first-degree premeditated murder. The court held that the petition was untimely under Minnesota Statutes section 590.01, subdivision 4, and that no statutory exception, including the interests-of-justice exception, applied.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Gildea, Justice
JURISDICTION	Minnesota
DECIDED	January 21, 2010
DOCKET	No. A09-1528
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of Moua's third petition for postconviction relief following his convictions for first-degree premeditated murder and first-degree murder by drive-by shooting.
STANDARD OF REVIEW	Postconviction decisions are reviewed for abuse of discretion; factual determinations are upheld if supported by sufficient evidence, while legal issues are reviewed de novo.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Kou Moua v. State of Minnesota

TOPICS

state post-conviction relief successive petitions post-conviction relief appellate procedure
criminal procedure

PRACTICE AREAS

State post-conviction relief Criminal procedure Appellate procedure

QUESTIONS PRESENTED

1. Whether Moua's third petition for postconviction relief was timely under Minnesota Statutes section 590.01, subdivision 4.
2. Whether any statutory exception to the two-year postconviction filing deadline applied.
3. Whether Moua was entitled to an evidentiary hearing on his ineffective-assistance and related postconviction claims.

HOLDINGS

1. Moua's petition was untimely because he filed it after the applicable two-year postconviction filing deadline.
2. None of the statutory exceptions to the two-year filing limitation applied to Moua's petition.

KEY QUOTATIONS

“In the absence of an exception, Moua's petition must be dismissed as untimely.” (778 N.W.2d at 288)

“Because Moua did not file his petition within the two-year limit, and because none of the exceptions listed in the statute apply, Moua's petition was properly dismissed.” (778 N.W.2d at 289)

FACTUAL BACKGROUND

Moua shot and killed Va Meng Yang on September 26, 2001, after the two left a birthday gathering. Moua admitted the shooting but claimed self-defense; the evidence was disputed as to whether Yang was approaching Moua or turning away when Moua fired. A jury convicted Moua of first-degree premeditated murder and first-degree murder by drive-by shooting, and he received a life sentence.

PROCEDURAL HISTORY

Moua was convicted and sentenced to life imprisonment, and the Minnesota Supreme Court affirmed his convictions on direct appeal. He filed two earlier postconviction petitions, neither of which resulted in an appeal. He filed his third petition on March 22, 2009, alleging ineffective assistance of trial and appellate counsel and seeking an evidentiary hearing. The postconviction court dismissed the petition under the Knaffla rule, and the Supreme Court affirmed on the independent ground that the petition was untimely.

DISPOSITION

affirmed

CASES CITED

- State v. Moua, 678 N.W.2d 29 (Minn. 2004)
- State v. Knaffla, 309 Minn. 246, 243 N.W.2d 737 (1976)
- Leake v. State, 737 N.W.2d 531, 535 (Minn. 2007)
- Hutchinson v. State, 679 N.W.2d 160, 162 (Minn. 2004)

- Stewart v. State, 764 N.W.2d 32, 34 (Minn. 2009)
- State v. Jedlicka, 747 N.W.2d 580, 584 (Minn. App. 2008)

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