

SUPREME COURT OF MINNESOTA

Perry v. State

705 N.W.2d 572 (Minn. 2005) · No. A05-169 · Decided November 10, 2005

SUMMARY

The Supreme Court of Minnesota affirmed the summary denial of Leon Perry’s petition for postconviction relief. The court held that his equal protection and ineffective assistance of counsel claims were procedurally barred under the Knaffla rule and that no exception applied.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	G. Barry Anderson, Justice; Blatz, Chief Justice
JURISDICTION	Minnesota
DECIDED	November 10, 2005
DOCKET	A05-169
DISPOSITION	affirmed
PROCEDURAL POSTURE	Perry appealed the summary denial of his petition for postconviction relief. He asserted that the absence of persons of color from the grand jury violated equal protection and raised an ineffective-assistance claim for the first time on appeal.
STANDARD OF REVIEW	Abuse of discretion for the postconviction court's application of the Knaffla procedural bar and summary denial of postconviction relief.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Minnesota
PARTIES	Leon Perry v. State of Minnesota

TOPICS

- state post-conviction relief
- post-conviction relief
- ineffective assistance
- equal protection
- appellate procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether Perry's Fourteenth Amendment equal-protection challenge to the racial composition of the grand jury was procedurally barred under the Knaffla rule.
2. Whether either exception to the Knaffla rule applied to permit review of Perry's equal-protection claim.
3. Whether Perry's newly raised ineffective-assistance-of-trial-counsel claim was procedurally barred under the Knaffla rule.
4. Whether the postconviction court abused its discretion by summarily denying the petition.

HOLDINGS

1. The Knaffla rule barred Perry's Fourteenth Amendment equal-protection claim because he knew or should have known of the claim before his direct appeal.
2. Neither exception applied because Perry's equal-protection claim was not novel and fairness did not require review of a claim he should have raised more than nine years earlier.
3. The Knaffla rule barred Perry's ineffective-assistance claim because he knew of the facts underlying it and knew that ineffective assistance could be raised on direct appeal.

KEY QUOTATIONS

"Further, this court held in Knaffla that once a direct appeal has been taken, "all matters raised therein and all claims known but not raised, will not be considered upon a subsequent petition for postconviction relief." (574)

"Accordingly, we hold that the postconviction court did not abuse its discretion when it invoked the Knaffla rule to bar Perry's equal protection claim." (575)

"We conclude that the Knaffla rule bars Perry's ineffective assistance of counsel claim." (576)

FACTUAL BACKGROUND

In 1995, a Hennepin County jury convicted Perry of first-degree premeditated murder, and the district court imposed a life sentence. Perry's grand jury consisted of 23 persons and included no persons of color. Before and during his direct appeal, Perry had information supporting a racial-bias challenge to the grand jury, but his later postconviction petition recast the challenge as an equal-protection claim and also asserted that trial counsel should have objected to the jury's return of one signed verdict form and five unsigned forms.

PROCEDURAL HISTORY

A Hennepin County jury convicted Perry of first-degree premeditated murder in 1995, and the district court sentenced him to life imprisonment. The Minnesota Supreme Court affirmed his conviction on direct appeal, including rejecting an ineffective-assistance claim and a Sixth Amendment challenge to the grand-jury composition. Perry later filed a postconviction petition asserting a Fourteenth Amendment equal-protection challenge to the grand jury; the postconviction court summarily denied relief as barred by the Knaffla rule and meritless. The Supreme Court of Minnesota affirmed and also held that the newly raised ineffective-assistance claim was procedurally barred.

DISPOSITION

affirmed

CASES CITED

- State v. Perry, 561 N.W.2d 889, 891-93 (Minn. 1997)
- State v. Knaffla, 309 Minn. 246, 243 N.W.2d 737 (1976)
- Ives v. State, 655 N.W.2d 633, 636 (Minn. 2003)
- Fox v. State, 474 N.W.2d 821, 825 (Minn. 1991)
- Taylor v. State, 691 N.W.2d 78, 79 (Minn. 2005)
- Hanley v. State, 534 N.W.2d 277, 279 (Minn. 1995)
- United States v. Esquivel, 88 F.3d 722, 725 (9th Cir. 1996)
- Ricketts v. City of Hartford, 74 F.3d 1397, 1407-09 (2d Cir. 1996)
- Ademodi v. State, 616 N.W.2d 716, 718 (Minn. 2000)
- Jones v. State, 671 N.W.2d 743, 746 (Minn. 2003)
- State v. Willis, 559 N.W.2d 693, 700-01 (Minn. 1997)
- Hale v. State, 566 N.W.2d 923, 926-27 (Minn. 1997)
- Roby v. State, 531 N.W.2d 482, 484 (Minn. 1995)
- Roby v. State, 547 N.W.2d 354, 357 (Minn. 1996)
- Brookfield Trade Ctr., Inc. v. County of Ramsey, 609 N.W.2d 868, 873 n.6 (Minn. 2000)

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