

*This opinion is nonprecedential except as provided by  
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A24-0962**

Giovanni German Vasquez Rosales, petitioner,  
Appellant,

vs.

State of Minnesota,  
Respondent.

**Filed January 21, 2025  
Affirmed  
Kirk, Judge\***

Mower County District Court  
File No. 50-CR-19-2510

Giovanni Vasquez Rosales, Faribault, Minnesota (pro se appellant)

Keith Ellison, Attorney General, St. Paul, Minnesota; and

Kristen Nelsen, Mower County Attorney, Scott K. Springer, Assistant County Attorney,  
Austin, Minnesota (for respondent)

Considered and decided by Smith, Tracy M., Presiding Judge; Frisch, Chief Judge;  
and Kirk, Judge.

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\* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to  
Minn. Const. art. VI, § 10.

## NONPRECEDENTIAL OPINION

**KIRK**, Judge

Appellant Giovanni German Vasquez Rosales challenges the district court's denial of his petition for postconviction relief. Because the district court did not abuse its discretion in concluding that Rosales's postconviction petition was *Knaffla*<sup>1</sup> barred, we affirm.

### FACTS

In 2019, respondent State of Minnesota charged Rosales with seven counts of second-degree criminal sexual conduct after he sexually abused his 15-year-old cousin on several different occasions. A jury found Rosales guilty on all seven counts. The district court entered a conviction on one count of second-degree criminal sexual conduct in violation of Minn. Stat. § 609.343, subd. 1(h)(iii) (2016), and sentenced Rosales to 108 months in prison.

Rosales appealed his conviction, arguing that (1) he did not receive effective assistance of counsel because his trial attorney failed to redact a piece of evidence and failed to object to other evidence that significantly undermined Rosales's defense theory, and (2) the state engaged in prosecutorial misconduct, requiring a new trial. In a pro se supplemental brief, Rosales argued that he did not receive effective assistance of counsel because his attorney failed to call material character witnesses at trial. We affirmed

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<sup>1</sup> *State v. Knaffla*, 243 N.W.2d 737 (Minn. 1976).

Rosales’s conviction. *State v. Rosales*, No. A22-1252, 2023 WL 5344135 (Minn. App. Aug. 21, 2023), *rev. denied* (Minn. Dec. 19, 2023).

Rosales subsequently petitioned for postconviction relief. In his petition, Rosales challenged his conviction on two grounds: (1) his trial counsel violated his constitutional right to a fair trial by not having seven character witnesses testify at trial, and (2) he received ineffective assistance of counsel due to a conflict of interest stemming from a personal relationship between his trial counsel and Rosales’s ex-wife’s father. The state opposed the petition.

The district court denied Rosales’s petition for postconviction relief without a hearing. The court determined that both of Rosales’s postconviction claims “constitute[d] argumentative assertions that are not factually supported” and were procedurally barred under *Knaffla*.

Rosales appeals the denial of his postconviction petition.

## DECISION

Rosales challenges the district court’s denial of his postconviction petition, arguing that he received ineffective assistance of trial counsel when his trial attorney failed to call seven character witnesses.<sup>2</sup> We review a district court’s “denial of a postconviction petition for an abuse of discretion.” *Martin v. State*, 969 N.W.2d 361, 363 (Minn. 2022). “A district court abuses its discretion when it has exercised its discretion in an arbitrary or

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<sup>2</sup> In his petition for postconviction relief, Rosales raised two ineffective-assistance-of-counsel claims. In this appeal, Rosales challenges the denial of his postconviction petition on only this ground.

capricious manner, based its ruling on an erroneous view of the law, or made clearly erroneous factual findings.” *Id.* (quotation omitted).

Rosales has had a direct appeal of his conviction. *Rosales*, 2023 WL 5344135, at \*1. “[W]here direct appeal has once been taken, all matters raised therein, and all claims known but not raised, will not be considered upon a subsequent petition for postconviction relief.” *Knaffla*, 243 N.W.2d at 741. The rule in *Knaffla* also bars claims that the petitioner knew or should have known about at the time of direct appeal. *Colbert v. State*, 870 N.W.2d 616, 626 (Minn. 2015). But a claim is not *Knaffla* barred if (1) “a novel legal issue is presented,” or (2) “the interests of justice require review.” *Taylor v. State*, 691 N.W.2d 78, 79 (Minn. 2005).

In its order denying postconviction relief, the district court determined that Rosales’s postconviction claims were barred under *Knaffla*. On appeal, Rosales does not argue that the postconviction court improperly applied *Knaffla* to his ineffective-assistance-of-trial-counsel claim but instead seeks substantive review of the claim. We conclude that the postconviction court correctly determined that Rosales’s postconviction petition is barred by the *Knaffla* rule. Rosales raised the same ineffective-assistance-of-counsel issue on direct appeal and we denied his claim. Even if this were not the case, the district court correctly determined that Rosales knew or should have known about the ineffective-assistance-of-counsel claim at the time of his direct appeal.

Rosales also failed to argue whether his claim falls within an exception to the *Knaffla* rule. *See Hooper v. State*, 838 N.W.2d 775, 787-88 (Minn. 2013) (stating that a reviewing court will decline to apply the *Knaffla* exceptions if they are not raised by the

petitioner). And an independent review of the record does not persuade us that an exception applies.

We conclude that Rosales's arguments are barred under the *Knaffla* rule because they were raised or could have been raised on direct appeal and no exception was raised or applies. Accordingly, the district court did not abuse its discretion by denying Rosales's petition for postconviction relief.

**Affirmed.**