

STATE OF MINNESOTA
IN COURT OF APPEALS

A24-0695



Jordan Latrell Jefferson, petitioner,

Appellant,

vs.

State of Minnesota,

Respondent.

ORDER OPINION

Hennepin County District Court
File No. 27-CR-20-13019

Considered and decided by Bjorkman, Presiding Judge; Johnson, Judge; and Klaphake, Judge.*

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. Respondent State of Minnesota charged appellant Jordan Latrell Jefferson with intentional murder, unintentional murder during the commission of a felony, felony domestic assault, and aiding an offender-accomplice after the fact. A jury found Jefferson guilty of unintentional murder during the commission of a felony and of two counts of felony domestic assault. We affirmed his convictions on direct appeal. *State v. Jefferson*, No. A21-0694, 2022 WL 2794051, at *1 (Minn. App. July 18, 2022) (affirming convictions but reversing and remanding to correct a sentencing error), *rev. denied* (Minn. Sept. 20, 2022).

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

2. Jefferson petitioned for postconviction relief in district court, alleging ineffective assistance of trial and appellate counsel and judicial bias. The district court denied the petition without a hearing on the ground that the claims raised were procedurally barred by *State v. Knaffla*, 243 N.W.2d 737, 741 (Minn. 1976). Once a party has exhausted the right of a direct appeal, all claims raised or known but not raised in that appeal will not be considered upon a subsequent petition for postconviction relief. *Id.* at 741.

3. We review a denial of postconviction relief based on the *Knaffla* procedural bar for an abuse of discretion. *Quick v. State*, 692 N.W.2d 438, 439 (Minn. 2005). An abuse of discretion exists if the denial of postconviction relief is “based on an erroneous view of the law or is against logic and the facts in the record.” *Brown v. State*, 895 N.W.2d 612, 617 (Minn. 2017) (quotation omitted).

4. In his petition, Jefferson argued that he received ineffective assistance of trial counsel and that the district court judge exhibited bias toward him and made evidentiary errors. These claims were either raised or could have been raised in his direct appeal. Under *Knaffla*, Jefferson is barred from asserting these claims in a postconviction petition citation. Moreover, Jefferson has not demonstrated that an exception applies. Minnesota recognizes two exceptions to the *Knaffla* bar: (1) when a novel legal issue arises that was unavailable at the time of direct appeal; or (2) when the interests of justice require review. *Zumberge v. State*, 937 N.W.2d 406, 411-12 (Minn. 2019). Jefferson failed to present grounds as to why his claims fall within an exception to the *Knaffla* rule. *See Hooper v. State*, 838 N.W.2d 775, 788 (Minn. 2013) (noting that a reviewing court will decline to apply the *Knaffla* exceptions if they are not raised by the petitioner).

Accordingly, Jefferson's claims for ineffective assistance of trial counsel and judicial bias are procedurally barred because he failed to raise them on direct appeal and an exception to the *Knaffla* bar has not been demonstrated.

5. Jefferson is also not entitled to relief on his claim for ineffective assistance of appellate counsel. Such claims "are not barred by the *Knaffla* rule in a first postconviction [petition] because they could not have been brought at any earlier time." *Onyelobi v. State*, 932 N.W.2d 272, 280 (Minn. 2019) (quotation and footnote omitted). To receive an evidentiary hearing on this ground, a petitioner must "allege facts that, if proven by a fair preponderance of the evidence, would satisfy the two-prong test announced in *Strickland v. Washington*." *Bobo v. State*, 820 N.W.2d 511, 516 (Minn. 2012) (citing *Strickland v. Washington*, 466 U.S. 668, 687 (1984)). Under this test, Jefferson is required to show that: (1) his counsel's representation fell below an objective standard of reasonableness, and (2) there is a reasonable probability that, but for counsel's errors, the result of the proceeding would have been different. *Strickland*, 466 U.S. at 688, 694. Jefferson bears the burden of proving both prongs of this test. *Gates v. State*, 398 N.W.2d 558, 561 (Minn. 1987).

6. Jefferson's claim fails because he has not demonstrated that his appellate counsel's representation fell below an objective standard of reasonableness under the first prong of the *Strickland* test. This standard "is defined as representation by an attorney exercising the customary skills and diligence that a reasonably competent attorney would perform under similar circumstances." *State v. Vang*, 847 N.W.2d 248, 266-67 (Minn.

2014) (quotation omitted). On review, an appellate court presumes that counsel's performance is reasonable. *Zornes v. State*, 880 N.W.2d 363, 371 (Minn. 2016).

7. Jefferson contends that appellate counsel failed to raise the issues he believes should have been raised in his direct appeal. However, a reviewing court presumes that counsel's "judgment about which issues to raise falls within the wide range of reasonable professional assistance." *Bobo*, 820 N.W.2d at 516 (quotation omitted). And appellate counsel's decisions related to which claims to bring on direct appeal are considered matters of strategy, which generally are not subject to review. *Nunn v. State*, 753 N.W.2d 657, 661 (Minn. 2008) (noting that appellate counsel may choose to present only "the most meritorious claims" (quotation omitted)). Moreover, appellate counsel "is not ineffective for failing to raise issues that themselves have no merit." *Evans v. State*, 788 N.W.2d 38, 45 (Minn. 2010). Jefferson has not shown that counsel's decisions were unreasonable and we decline to review appellate counsel's strategy. Because Jefferson has not carried his burden of proof with respect to the first *Strickland* prong, we need not address the second prong. *See Nissalke v. State*, 861 N.W.2d 88, 94 (Minn. 2015) ("We may dispose of a claim on one prong without considering the other."). Thus, the district court did not abuse its discretion by denying Jefferson's petition for relief on this claim.

8. In sum, we conclude that the district court did not abuse its discretion by denying Jefferson's petition for postconviction relief without a hearing, and we affirm.

IT IS HEREBY ORDERED:

1. The district court's order is affirmed.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: January 13, 2025

BY THE COURT

/s/ _____
Judge Roger Klaphake