STATE OF MINNESOTA
IN COURT OF APPEALS
A23-1912

State of Minnesota,
Respondent,

vs.

Troy Allan Hill,
Appellant.

Filed April 14, 2025
Affirmed in part, reversed in part, and remanded
Cochran, Judge

Kanabec County District Court
File No. 33-CR-22-361

Keith Ellison, Attorney General, Ed Stockmeyer, Assistant Attorney General, St. Paul, Minnesota; and

Barbara McFadden, Kanabec County Attorney, Mora, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Michael McLaughlin, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Cochran, Presiding Judge; Slieter, Judge; and Larson, Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

In this appeal, appellant challenges the district court's order denying, in part, his petition for postconviction relief. Appellant argues that the district court abused its discretion when it (1) denied his request to withdraw his *Norgaard* guilty pleas to two

counts of attempted intentional second-degree murder as inaccurate and (2) denied appellant an evidentiary hearing on his claim of ineffective assistance of counsel. We conclude that appellant's pleas are accurate, but that appellant has alleged sufficient facts in his postconviction petition to entitle him to an evidentiary hearing on his claim of ineffective assistance of counsel. We therefore affirm in part, reverse in part, and remand for an evidentiary hearing.

FACTS

In December 2022, respondent State of Minnesota charged appellant Troy Allan Hill, with two counts of attempted first-degree murder, two counts of attempted intentional second-degree murder, two counts of second-degree assault with a deadly weapon, and 15 counts of first-degree burglary. The complaint alleged that on November 27, 2022, Hill broke into the home of the victims, armed with a three-pound mallet, and attacked the two victims. Hill then encountered a third individual, C.S., who had come up the stairs to "check things out." The two engaged in a physical altercation. The police arrived around 4:40 a.m., about the same time as C.S. was able to restrain Hill. The victims sustained severe injuries and were transported to the hospital. The police arrested Hill at the scene and transported him to the hospital to receive medical attention for the injuries that he sustained during his altercation with C.S.

In July 2023, Hill entered into a plea agreement with the state wherein he would plead guilty pursuant to *State ex. rel. Norgaard v. Tahash* to two counts of attempted

intentional second-degree murder and three counts of first-degree burglary. 110 N.W.2d 867 (Minn. 1961).[1] In exchange, the state agreed to dismiss the remaining charges.

At the plea hearing, Hill entered *Norgaard* guilty pleas consistent with the plea agreement. Hill told the district court that he was entering *Norgaard* pleas because he could not remember the circumstances of the offenses due to consuming alcohol before arriving at the victims' home and due to a head injury sustained during his altercation with C.S. But he agreed, based on his review of the state's evidence including photos of the crime scene, that the state could establish the following. Prior to the night in question, Hill sent text messages to his former significant other, L.S., telling her that if he ever found her new boyfriend, he will kill him. Hill then placed a tracker in L.S.'s purse. Hill purchased a three-pound mallet less than 24 hours before the victims were attacked. In the early morning hours on the day of the attack, the tracker led Hill to a home. The home belonged to J.P. and R.P. After parking his car about a quarter mile away, Hill walked to the house and entered without permission of the owners. Once inside the home, Hill found a man and a woman sleeping in a bed. Hill then used the mallet to strike the man and woman in the head numerous times. The victims were J.P. and R.P., whom Hill likely mistook for L.S. and C.S. The victims suffered severe injuries and were hospitalized because of Hill striking them in the head multiple times. Based on the state's evidence, Hill agreed that there was a substantial likelihood that a jury would find him guilty of the charges, including

[1] A plea pursuant to *Norgaard* occurs when a criminal defendant pleads guilty despite not being able to recall the events of the crime and credibly attest to their guilt. 110 N.W.2d at 872.

"intentionally attempting to cause the death of [J.P.]" and "attempting to cause the death of [R.P.]" Hill also expressly told the district court that he was not claiming that he was innocent.

In support of his pleas, Hill offered a signed plea petition, in which he agreed that his attorney had "discussed possible defenses to the crime that [he] might have." Attached to his plea petition was a *Norgaard* addendum. In the *Norgaard* addendum, like at the plea hearing, Hill stated "I believe there is a substantial likelihood that I will be found guilty, beyond a reasonable doubt . . . if the State's evidence is presented against me at trial." He also indicated that he had reviewed the evidence that the state would offer against him if his case were to go to trial. And Hill stated that he did "not claim that [he is] innocent."

The district court accepted Hill's *Norgaard* guilty pleas to the five agreed-upon charges and set the matter for sentencing. The district court sentenced Hill to two consecutive sentences of 183 months and 15 days' imprisonment for the attempted murder convictions. For the burglary convictions, the district court imposed separate sentences to be served concurrently with his sentences for attempted murder. Hill appealed and this court, at his request, stayed the appeal so that Hill could pursue a claim of ineffective assistance of counsel in postconviction proceedings.

In April 2024, Hill filed his petition for postconviction relief in district court, making three claims for relief. First, Hill argued that his *Norgaard* pleas to second-degree intentional murder were inaccurate and therefore constitutionally invalid because the evidence was not sufficient to establish his intent to kill J.P. and R.P. Second, Hill argued that his *Norgaard* pleas were invalid because they were the product of ineffective

assistance of counsel. Third, Hill argued that two of his three first-degree burglary convictions should be vacated, because all three convictions arose out of the same behavioral incident.

The district court granted Hill's request to vacate two of his burglary convictions but denied Hill's request to withdraw his guilty pleas to attempted intentional second-degree murder, reasoning that there was sufficient evidence in the record of Hill's intent to kill the victims—specifically the evidence of Hill "repeatedly striking the [victims] multiple times with a hammer while they slept." The district court also rejected Hill's claim of ineffective assistance of counsel without an evidentiary hearing, concluding that Hill had not demonstrated that his trial counsel's performance fell below an objective standard of reasonableness.

Following the district court's order, we dissolved the stay of this appeal.

DECISION

Hill raises two challenges to the district court's decision denying, in part, his petition for postconviction relief. He first argues that the district court abused its discretion by determining that his *Norgaard* guilty pleas to attempted intentional second-degree murder were accurate. Next, he argues that the district court abused its discretion when it denied him an evidentiary hearing on his claim of ineffective assistance of counsel. We address each argument in turn.

I. The district court did not abuse its discretion when it determined that Hill's guilty pleas to attempted intentional second-degree murder were accurate.

We review the denial of a request for postconviction relief 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 capricious manner, based its ruling on an erroneous view of the law, or made clearly erroneous factual findings." *Id.* (quotation omitted). The validity of a guilty plea presents a legal issue, which we review de novo. *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010).

A defendant does not have an absolute right to withdraw his guilty plea, but a court must allow withdrawal if it is necessary to correct a manifest injustice. *Id.* at 93. A manifest injustice exists if a guilty plea is not valid. *Id.* at 94. "To be constitutionally valid, a guilty plea must be accurate, voluntary, and intelligent." *State v. Bell*, 971 N.W.2d 92, 100 (Minn. App. 2022) (quoting *Raleigh*, 778 N.W.2d at 94), *rev. denied* (Minn. Apr. 27, 2022).

Hill challenges only the accuracy of his pleas. "The accuracy requirement protects a defendant from pleading guilty to a more serious offense than that for which he could be convicted if he insisted on his right to trial." *Raleigh*, 778, N.W.2d at 94. "For a guilty plea to be accurate, a factual basis must be established on the record showing that the defendant's conduct meets all elements of the charge to which he is pleading guilty." *Barnslater v. State*, 805 N.W.2d 910, 914 (Minn. App. 2011). An accurate *Norgaard* plea requires "a strong factual basis and the defendant's acknowledgement that the evidence would be sufficient for a jury to find the defendant guilty beyond a reasonable doubt."

Williams v. State, 760 N.W.2d 8, 12-13 (Minn. App. 2009), *rev denied* (Minn. Apr. 21, 2009). The defendant bears the burden of showing that his guilty plea is invalid. *Barnslater*, 805 N.W.2d at 913-14.

Hill contends that his *Norgaard* guilty pleas to attempted intentional second-degree murder were not accurate because the state's evidence did not establish that Hill had the requisite, specific intent to kill the victims. An individual is guilty of attempted intentional second-degree murder when they have the intent to cause the death of a human being, without premeditation, and they take a substantial step towards doing so. *State v. Dahlstrom*, 150 N.W.2d 53, 58 (Minn. 1967); *see also* Minn. Stat. §§ 609.17, subd. 1, .19, subd. 1(1) (2022) (providing the elements for attempt crimes and intentional second-degree murder). Attempted intentional murder is a specific intent crime. *State v. Colgrove*, 996 N.W.2d 145, 153-54 (Minn. 2023) (requiring specific intent to kill for intentional second-degree murder); *State v. Bakdash*, 830 N.W.2d 906, 915 (Minn. App. 2013) ("An attempt requires that the actor have specific intent to perform acts and attain a result which if accomplished would constitute the crime alleged." (quotation omitted)), *rev. denied* (Minn. Aug. 6, 2013). To establish specific intent, the state must prove that the defendant intended to bring about the result prohibited by statute. *State v. Jama*, 923 N.W.2d 632, 634 (Minn. 2019). Intent "is generally proved circumstantially, based on inferences from the actions and words of the defendant, given the totality of the circumstances." *State v. Super*, 781 N.W.2d 390, 396 (Minn. App. 2010), *rev. denied* (Minn. June 29, 2010). Intent to cause the death of a human being can be inferred "from the nature of the killing." *Colgrove*, 996 N.W.2d at 152 (quotation omitted).

Hill argues the factual basis for his pleas are insufficient to establish that he intended to kill the victims—J.P. and R.P. He contends that the state's evidence shows that he attacked the victims thinking that they were C.S. and J.L., his ex-significant other and her new boyfriend, and so the evidence does not support that he had the requisite specific intent to commit attempted intentional second-degree murder of J.P. and R.P.

Hill's argument rests on the assertion that the crime of attempted intentional second-degree murder has an identity element—specifically, that the defendant knew the identity of the person that he intended to kill. We disagree. The relevant statutes defining the crimes of intentional second-degree murder and attempt include no such element. The statute defining intentional second-degree murder requires the defendant "cause[] the death of a human being" and that the defendant "inten[d] to effect the death of that person." Minn. Stat. § 609.19, subd. 1(1). As specified in the statute, the required intent for intentional second-degree murder is the intent to "effect the death" of the "person" or "human being" killed. *Id.* The requisite intent for intentional second-degree murder is not, as Hill asserts, that the defendant knows the identity of the person and intends to kill that specific person. *See id.* One can intend to kill someone without knowing their identity. *See State v. Cruz-Ramirez*, 771 N.W.2d 497, 501-02, 509-10 (Minn. 2009) (concluding that there was sufficient evidence to establish intent to kill with no indication that the defendant knew the identity of the victims). Similarly, the attempt statute does not include an identity element. The attempt statute requires that the defendant have the "intent to commit a crime," but it does not require that they intend to commit a crime against a specific person. Minn. Stat. § 609.17, subd. 1. In sum, nothing in the relevant statutory

language requires that the defendant know the identity of the "human being" or "person" that they intend to kill for a jury to find the defendant guilty of attempted intentional second-degree murder. *Id.* at §§ 609.17, subd. 1, .19, subd. 1(1).

Furthermore, the record supports the district court's determination that there was an adequate factual basis for a jury to find that Hill had the specific intent to kill J.P. and R.P. The district court based its determination on the evidence of "[Hill] repeatedly striking the [victims] multiple times with a hammer while they slept." At the plea hearing, Hill agreed that if the case were to go to trial, the state's evidence would show that he entered the victims' home without their permission and that he saw a man and a woman sleeping in a bed. He further agreed that the state's evidence would establish that he hit each of the victims "multiple times in the head" with a three-pound mallet. Based on this evidence, it can be inferred that Hill formed the "intent to effect the death" of "the human being[s]" he attacked (the victims) when he saw them sleeping in bed and decided to attack them by striking them repeatedly in the head with a three-pound mallet. *See Super*, 781 N.W.2d at 396 (stating that intent can be inferred "from the actions and words of the defendant, given the totality of the circumstances"); *Colgrove*, 996 N.W.2d at 152 (noting that intent to kill can be inferred "from the nature of the killing" (quotation omitted)). We therefore conclude that the state's evidence is sufficient to establish the requisite intent and Hill's *Norgaard* pleas are accurate.[2] The district court did not abuse its discretion by denying

[2] Because we conclude that Hill had specific intent to kill the victims, we do not address his alternative argument that the doctrine of transferred intent does not apply to the circumstances of his case.

Hill's request to withdraw his *Norgaard* pleas to attempted intentional second-degree murder.

II. The district court abused its discretion when it summarily denied Hill's claim of ineffective assistance of counsel.

Hill next argues that the district court abused its discretion when it denied his claim of ineffective assistance of counsel without holding an evidentiary hearing. We review the summary denial of a petition for postconviction relief for an abuse of discretion. *State v. Nicks*, 831 N.W.2d 493, 503 (Minn. 2013). "A district court abuses its discretion when it has exercised its discretion in an arbitrary or capricious manner, based its ruling on an erroneous view of the law, or made clearly erroneous factual findings." *Martin*, 969 N.W.2d at 363 (quotation omitted). We review the district court's legal determinations on claims of ineffective assistance of counsel de novo. *Nicks*, 831 N.W.2d at 503.

Upon a petition for postconviction relief, the district court must promptly set a hearing "[u]nless the petition and the files and records of the proceeding conclusively show that the petitioner is entitled to no relief." Minn. Stat. § 590.04, subd. 1 (2023). When making this determination the district court is required to consider "the facts alleged in the petition as true and construe[] them in the light most favorable to the petitioner." *Andersen v. State*, 913 N.W.2d 417, 422-23 (Minn. 2018) (quotation omitted). The district court "may summarily deny a petition without holding an evidentiary hearing when 'the petitioner alleges facts that, if true, are legally insufficient to grant the requested relief.'" *Davis v. State*, 15 N.W.3d 635, 642 (Minn. 2025) (quoting *State v. Sardina-Padilla*, 7 N.W.3d 585, 602-03 (Minn. 2024)). And "a defendant is not entitled to an evidentiary

hearing if [his] allegations lack factual support and are directly refuted by [his] own testimony in the record." *Williams*, 760 N.W.2d at 14. But the district court abuses its discretion when it finds "a postconviction affiant unreliable without first holding an evidentiary hearing to assess the affiant's credibility." *Andersen*, 913 N.W.2d at 423.

The supreme court has held that to be entitled to an evidentiary hearing on a postconviction claim of ineffective assistance of counsel, the petitioner must allege facts that if proven by a fair preponderance of the evidence, would demonstrate "(1) that his counsel's performance fell below an objective standard of reasonableness, and (2) that a reasonable probability exists that the outcome would have been different but for counsel's errors." *Sardina-Padilla*, 7 N.W.3d at 603 (quotation omitted). Hill argues that his affidavit alleges facts that, if proven, meet both prongs of the ineffective-assistance-of-counsel test. We consider each prong in turn and conclude that an evidentiary hearing was necessary.

Performance

To be successful on a claim of ineffective assistance of counsel, the petitioner must first demonstrate that their "counsel's performance fell below an objective standard of reasonableness." *Id.* (quotation omitted). "The objective standard of reasonableness 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). An attorney plays a "central role" in informing the defendant's decision to plead guilty or go to trial. *Anderson v. State*, 746 N.W.2d 901, 909 (Minn. App. 2008), *overruled on other grounds*

by Wheeler v. State, 909 N.W.2d 558 (Minn. 2018). Part of this role includes ensuring that a criminal defendant understands the trial rights that they are giving up by pleading guilty. Minn. R. Crim. P. 15.01, subd. 1(6)(c) (requiring the district court to ensure that counsel has informed their client of their trial rights before accepting a guilty plea). "Both the United States and Minnesota Constitutions guarantee criminal defendants the right to present a meaningful defense." *State v. Greer*, 635 N.W.2d 82, 91 (Minn. 2001) (citing U.S. Const. amends. VI, XIV; Minn. Const. art. I, § 7). Further, counsel must accurately inform a defendant of the direct consequences of being found guilty at trial when advising them of their choice of pleading guilty or going to trial. *Sames v. State*, 805 N.W.2d 565, 567-68 (Minn. App. 2011), *rev. denied* (Minn. Dec. 21, 2011).

In his petition for postconviction relief, Hill asserted that his trial counsel's performance fell below an objective standard of reasonableness because: (1) trial counsel failed to advise him about a possible defense, and (2) trial counsel misadvised him about his potential sentencing exposure if found guilty at trial. In support of his petition, Hill filed an affidavit in which he alleged that "[m]y attorney did not inform me that I could raise the defense of voluntary intoxication at trial." Second, Hill alleged "[m]y attorney told me that if convicted after trial, I would either be sent to prison for life or civilly committed for life." The district court summarily rejected both of Hill's alleged bases for ineffective assistance of counsel, stating:

> At the plea, [Hill's] counsel had been representing him for months. [Hill] during and through his plea said he is satisfied with his counsel, said that he feels his counsel has adequately informed him and said that his counsel went through defenses that [Hill] could raise if they were to bring the case to trial.

Based on this reasoning, the district court denied Hill's claim of ineffective assistance of counsel.

We conclude that the district court abused its discretion by dismissing Hill's postconviction claim of ineffective assistance of counsel without holding an evidentiary hearing on either of the two bases alleged by Hill. First, with regard to Hill's allegations that his attorney did not inform him that he could raise the defense of voluntary intoxication, the district court relied on Hill's acknowledgement during the plea proceedings "that his counsel went through defenses that he could raise if they were to bring the case to trial" to reject Hill's claim. But, in making its determination, the district court does not appear to have given sufficient consideration to the allegation in Hill's affidavit that his trial counsel "did not inform [him] that [he] could raise the defense of voluntary intoxication at trial." Taking this allegation as true and construing the facts in the record in the light most favorable to Hill, it is possible that Hill's trial counsel informed him of other defenses but did not inform him of the voluntary intoxication defense. It is also possible that Hill did not become aware of the voluntary intoxication defense until after he pleaded guilty. Consequently, we conclude that the district court abused its discretion in its analysis of whether Hill's allegations are sufficient to demonstrate that trial counsel's performance fell below an objective standard of reasonableness with regard to the lack of advice about a possible intoxication defense. *See* Minn. Stat. § 590.04, subd. 1.

Relying on *Williams*, the state argues that we should reach the opposite conclusion because Hill's argument that he was not informed about the defense of voluntary

intoxication is based solely on his affidavit and it is contradicted by statements that he made in his plea petition and in his plea colloquy. We are not persuaded. Nowhere in either the plea petition or his plea colloquy does Hill acknowledge that he was informed of the availability of a voluntary intoxication defense. Without being informed of his right to raise a voluntary intoxication defense, Hill was not fully informed of his trial rights before pleading guilty. *See* Minn. R. Civ. P. 15.01 subd. 1(6)(c) (requiring the court to ensure counsel informed their client of all trial rights before accepting a guilty plea); *Greer*, 635 N.W.2d at 91 (stating a defendant has "the right to present a meaningful defense"). Therefore, the record does not conclusively show that Hill's trial counsel's performance did not fall below an objective standard of reasonableness in this regard.

Similarly, Hill's allegation that "[m]y attorney told me that if convicted after trial, I would either be sent to prison for life or civilly committed for life" sufficiently alleges that his counsel's performance fell below an objective standard of reasonableness. Civil commitment is not a consequence for being convicted at a criminal trial. Civil commitment is instead a separate legal process with different evidentiary requirements. *See* Minn. Stat. § 253B.09 (2024) (describing the requirements to civilly commit an individual). Consequently, Hill's allegations could support a finding that his counsel's performance fell below an objective standard of reasonableness on the basis of providing misadvice about the potential of being civilly committed if convicted at trial. *See Leake v. State*, 737 N.W.2d 531, 539-42 (Minn. 2007) (holding that counsel's performance may fall below an objective standard of reasonableness when they overstate the consequences of being convicted at trial). The district court rejected Hill's claim without a hearing, stating "[Hill]

during and throughout his plea said he [was] satisfied with his counsel, [and] said that he feels his counsel has adequately informed him." But construing the facts in the light most favorable to Hill, it is possible that when Hill made the statement about his satisfaction with his counsel, he was not aware of the inaccuracy of his counsel's alleged statements about the potential consequences of going to trial.

The state argues that Hill's claim is directly contradicted by the statement in his plea petition that acknowledges that his trial counsel informed him of the maximum term of imprisonment the court could impose after trial. But Hill's acknowledgement of the maximum term of imprisonment does not contradict his claim because it does not address his claim that his counsel told him he could be civilly committed. Therefore, the record does not conclusively show that Hill was not misadvised by trial counsel of the potential consequences of being found guilty if he were to go to trial.[3]

Prejudice

To be entitled to relief for ineffective assistance of counsel, a defendant must also show "that a reasonable probability exists that the outcome would have been different but for counsel's errors." *Sardina-Padilla*, 7 N.W.3d at 603 (quotation omitted). In the context of a guilty plea, a defendant must show, "a reasonable possibility that, but for counsel's

[3] Hill also claims that his trial counsel misadvised him by telling him that if convicted at trial he could "be sent to prison for life." However, while Hill pleaded guilty to attempted intentional second-degree murder, he was also charged with attempted first-degree murder. We note that the mandatory sentence for first-degree murder is imprisonment for life. Minn. Stat. § 609.185 (a) (2022). Because we remand this case to the district court for an evidentiary hearing, we leave it to the district court to determine whether to consider Hill's claim that his trial counsel misadvised him by stating that Hill could face life imprisonment if convicted at trial.

errors, he would not have pleaded guilty and would have insisted on going to trial." *Campos v. State*, 816 N.W.2d 480, 486 (Minn. 2012) (quotation omitted). Hill argues that when accepting the allegations in his affidavit as true, he has alleged sufficient facts to meet this threshold. We agree.

In Hill's affidavit, he stated that "[b]ecause I do not remember committing the offenses, I initially intended to take the case to trial." He further stated, "[i]f I had known that I could raise a defense of voluntary intoxication, and that the trial would not necessarily result in life imprisonment or lifetime civil commitment, I would not have accepted the plea agreement." Accepting these statements as true, Hill has alleged sufficient facts to show a reasonable probability that but for counsel's alleged errors, "he would not have pleaded guilty and would have insisted on going to trial." *See id.* (quotation omitted).

The state argues that Hill's statement in his affidavit does not allege sufficient facts to entitle him to relief because Hill only claimed that if not for counsel's alleged errors, he would not have accepted the state's plea agreement and gone to trial. This standard, the state argues, applies to misadvice about the consequences of pleading guilty. The state argues that Hill's claim that his trial counsel did not inform him of his right to raise a voluntary-intoxication defense asserts a claim of misadvice about the prospects of success at trial. The state asserts that when such a claim is raised, the defendant must show that they would have been better off going to trial. The state is, however, incorrect that Hill asserted a claim of misadvice regarding his prospects of success at trial.

In his affidavit, Hill does not claim that his counsel misadvised him about the prospects of a voluntary-intoxication defense, rather he claims that he was never informed

of the availability of the defense. And a consequence of Hill pleading guilty is that he waives his right to a trial, which includes his right to put on a defense. *Greer*, 635 N.W.2d at 91. The United States Supreme Court has held that trial counsel must fully inform their clients of the consequences of pleading guilty, even when they are "highly likely to lose at trial." *Lee v. United States*, 582 U.S. 357, 366-68 (2017). We therefore reject the state's argument,[4] and we conclude that the district court misapplied the law when it determined that Hill's petition for postconviction relief conclusively showed that he was entitled to no relief on the basis of ineffective assistance of counsel. Consequently, the district court abused its discretion when it denied Hill's petition for postconviction relief without a hearing.

Conclusion

In sum, the district court did not abuse its discretion when it determined that Hill's *Norgaard* guilty pleas were accurate because Hill had the specific intent to kill the victims. We therefore affirm the district court's denial of Hill's motion to withdraw his guilty pleas to attempted intentional second-degree murder. The district court, however, did abuse its discretion when it denied Hill's claim of ineffective assistance of counsel without holding an evidentiary hearing. As a result, we reverse the district court's order denying Hill's

[4] Further, the state only makes this argument in response to Hill's claim that he was not informed of a voluntary-intoxication defense. The state does not contend that Hill has failed to sufficiently allege prejudice with regard to his claim of misadvice regarding potential sentencing and civil commitment.

petition for postconviction relief and remand for an evidentiary hearing on Hill's claim of ineffective assistance of counsel.

Affirmed in part, reversed in part, and remanded.