STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0052

State of Minnesota,
Respondent,

vs.

Charles Todd Bragg,
Appellant.

Filed April 14, 2025
Affirmed
Cochran, Judge

Mille Lacs County District Court
File No. 48-CR-08-1964

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

Corey J. Haller, Mille Lacs County Attorney, Joseph J. Walsh, Assistant County Attorney, Milaca, Minnesota (for respondent)

Charles Todd Bragg, Bayport, Minnesota (self-represented appellant)

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

NONPRECEDENTIAL OPINION

COCHRAN, Judge

Appellant challenges the district court's order finding him to be a frivolous litigant within the meaning of Minnesota Rule of General Practice 9.01 and imposing preconditions on his ability to file claims, motions, and requests for relief related to his 2009 convictions.

Because the district court did not abuse its discretion in determining that appellant is a frivolous litigant, we affirm.

FACTS

In February 2009, a jury found appellant Charles Todd Bragg guilty of eight counts of criminal sexual conduct involving his juvenile daughters. The district court convicted Bragg of each count and sentenced him to 360 months in prison. On direct appeal, this court affirmed Bragg's convictions. *State v. Bragg*, No. A09-2319, 2010 WL 5154137, at *9 (Minn. App. Dec. 21, 2010), *rev. denied* (Minn. Mar. 15, 2011).

Since his direct appeal, Bragg has filed frequent requests for relief with the district court related to his 2009 conviction. He has made hundreds of filings in the span of 13-plus years, including petitions for postconviction relief, petitions for writs of mandamus, motions to compel disclosure of evidence, motions to correct his sentence, motions to suppress, motions to dismiss, subpoena requests, and motions to hold various individuals in contempt. Bragg's theories for relief consist of challenges to the sufficiency of the state's evidence, arguments based on jury instructions, alleged errors in the calculation of his criminal-history score, claims that he received multiple convictions based on one behavioral incident, and alleged ineffective assistance of counsel, among others. Bragg has also requested on multiple occasions that the district court or state disclose various articles of evidence from his criminal case. The district court has never granted any of Bragg's requests for relief, beyond issuing an order in January 2014 providing that Bragg "shall receive a copy of his court file without charge."

Through numerous appeals and petitions, Bragg has sought relief from this court. In each instance, this court has either affirmed the district court or dismissed Bragg's appeal or petition because of jurisdictional defects. *Bragg v. State*, No. A13-0413, 2013 WL 6223556 (Minn. App. Dec. 2, 2013) (*Bragg I*) (affirming district court's denial of Bragg's petition for postconviction relief and motion to correct sentencing), *rev. denied* (Minn. Feb. 18, 2014); *State v. Bragg*, No. A12-2006, 2013 WL 6723210 (Minn. App. Dec. 23, 2013) (affirming the district court's denial of Bragg's request for a writ of mandamus), *rev. denied* (Minn. Feb. 26, 2014); *Bragg v. State*, No. A14-1345 (Minn. App. Aug. 20, 2014) (order) (dismissing Bragg's appeal as taken from a nonappealable order concerning his motions to compel discovery), *petition for rev. dismissed* (Minn. Jan. 14, 2015); *Bragg v. State*, No. A15-0263 (Minn. App. Feb. 13, 2015) (order) (same), *petition for rev. dismissed* (Minn. May 15, 2015); *Bragg v. State*, No. A15-0558 (Minn. App. Apr. 16, 2015) (order) (dismissing Bragg's appeal as taken from a nonappealable order concerning his petition to dismiss and/or vacate judgment), *rev. denied* (Minn. June 16, 2015); *Bragg v. State*, No. A15-0981 (Minn. App. Feb. 5, 2016) (order op.) (affirming district court's denial of Bragg's motion to correct his sentence based on single-behavioral-incident argument), *rev. denied* (Minn. Apr. 19, 2016); *State v. Bragg (In re Bragg)*, No. A16-1777 (Minn. App. Nov. 16, 2016) (order) (denying Bragg's petition for a writ of mandamus from the court of appeals); *State v. Bragg (In re Bragg)*, No. A17-1319 (Minn. App. Sept. 12, 2017) (order) (same); *State v. Bragg (In re Bragg)*, No. A18-0874 (Minn. App. June 8, 2018) (order) (same); *Bragg v. State*, No. A21-0189, 2022 WL 151932 (Minn. App. Jan. 7, 2022) (*Bragg II*) (order op.) (affirming the denial of Bragg's postconviction

petition), *petition for rev.* dismissed (Minn. Mar. 17, 2022). The supreme court has denied all of Bragg's petitions for review of decisions of this court.

In September 2023, Bragg filed his most recent request for relief with the district court, titled "Motion for Correction or Reduction of Sentence not Authorized by Law Pursuant to Minnesota Rule of Criminal Procedure 27.03, subd. 9." The district court ordered a hearing to be held in October 2023. In its order for hearing, the district court notified Bragg and respondent State of Minnesota that the court, on its own initiative, was moving "for a finding that [Bragg] is a frivolous litigant within the meaning of [r]ule 9" and "to sanction [Bragg] in the form of imposing preconditions on his service or filing of any new claims, motions, or requests." The district court noted that Bragg "has not stopped filing documents in this matter" since the supreme court declined to review his direct appeal in 2011. The district court also noted that Bragg's September 2023 motion was an "incomprehensible array of various state, federal, and common law recitations" and "bears no resemblance to a cognizable claim for relief."

At the hearing, after concluding that Bragg had waived his request for counsel, the district court heard argument from Bragg and the state on whether the court should sanction Bragg. In general, Bragg argued that his filings were a legitimate effort to prove his own innocence and to secure a complete record of the state's evidence so that he could contest his convictions. The state argued in support of the district court's motion to impose sanctions.

In December 2023, the district court entered an order declaring Bragg a frivolous litigant and imposing preconditions on his ability to file further requests for relief relating

to his 2009 convictions. The preconditions require Bragg to file a one-page form, titled "Request to File Document," before submitting other supporting documents. On the form, Bragg must provide details of the particular relief being requested, other efforts to obtain the same or similar relief, and his theory on how the law supports the requested relief, including a list of relevant cases. The district court can then either reject or grant Bragg's request to file additional documents in support of his claim. The order does not apply to matters outside of Bragg's 2009 convictions. This appeal follows.

DECISION

Bragg, who is self-represented, argues that the district court's imposition of preconditions was an abuse of discretion and that the district court violated his constitutional rights in ordering them.[1] Before addressing the substance of Bragg's arguments, we discuss the principles that guide our determination of appeals involving self-represented parties.

We generally hold self-represented parties to the same standard as attorneys. *State v. Gillespie*, 710 N.W.2d 289, 299 (Minn. App. 2006), *rev. denied* (Minn. May 16, 2006). A self-represented party is not "relieved of the burden of, at least, adequately communicating to the court what it is he wants accomplished and by whom." *Carpenter v. Woodvale, Inc.*, 400 N.W.2d 727, 729 (Minn. 1987). And "[a]n assignment of error based on mere assertion and not supported by any argument or authorities in appellant's brief is waived and will not be considered on appeal unless prejudicial error is

[1] The state did not file a response, and so this case "shall be determined on the merits." Minn. R. Civ. App. P. 142.03.

obvious on mere inspection." *State v. Andersen*, 871 N.W.2d 910, 915 (Minn. 2015) (quotation omitted). While we are sympathetic to the challenges that Bragg faces as a self-represented litigant, Bragg must adequately communicate his requests for relief and provide legal argument in support of those requests.

We now turn to Bragg's arguments on appeal. Although we understand Bragg's primary arguments to relate to the district court's imposition of sanctions, Bragg's brief also contains substantive arguments regarding his 2009 convictions and hints at numerous other issues. To the extent that we do not address some of the arguments raised by Bragg, we conclude that those arguments are inadequately briefed or beyond the scope of this appeal, which concerns only the district court's frivolous-litigant determination and the imposition of sanctions. With that in mind, we first address whether the district court abused its discretion by imposing preconditions on Bragg filing further requests for relief related to his 2009 convictions. We then turn to Bragg's constitutional arguments.

I. The district court did not abuse its discretion by imposing preconditions on Bragg filing further requests for relief related to his 2009 convictions.

We review a district court's frivolous-litigant determination for an abuse of discretion. *See Szarzynski v. Szarzynski*, 732 N.W.2d 285, 295 (Minn. App. 2007) (noting that the district court's failure to apply the proper frivolous-litigant standard found in Minnesota Rule of General Practice 9.01 was an abuse of discretion). "A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record." *Griffin v. State*, 961 N.W.2d 773, 776 (Minn. 2021) (quotation omitted).

Rule 9 of the Minnesota Rules of General Practice concerns frivolous litigation. Under that rule, a district court, "on its own initiative and after notice and hearing," may enter an order "imposing preconditions on a frivolous litigant's service or filing of any new claims, motions or requests." Minn. R. Gen. Prac. 9.01. At such a hearing, the district court "shall consider such evidence, written or oral, by witnesses or affidavit, as may be material to the ground of the motion."[2] Minn. R. Gen. Prac. 9.02(a).

In determining whether sanctions are appropriate, the district court must consider seven factors:

> (1) the frequency and number of claims pursued by the frivolous litigant with an adverse result;
>
> (2) whether there is a reasonable probability that the frivolous litigant will prevail on the claim, motion, or request;
>
> (3) whether the claim, motion, or request was made for purposes of harassment, delay, or vexatiousness, or otherwise in bad faith;
>
> (4) injury incurred by other litigants prevailing against the frivolous litigant and to the efficient administration of justice as a result of the claim, motion, or request in question;
>
> (5) effectiveness of prior sanctions in deterring the frivolous litigant from pursuing frivolous claims;
>
> (6) the likelihood that requiring security or imposing sanctions will ensure adequate safeguards and provide means to compensate the adverse party;
>
> (7) whether less severe sanctions will sufficiently protect the rights of other litigants, the public, or the courts.

[2] Bragg appears to assert that the district court did not provide him with the evidence that it relied on in making its frivolous-litigant determination. It is unclear from Bragg's brief what evidence Bragg contends was not provided to him. And according to our review of the record, the district court's determination was based solely on Bragg's previous filings in this matter.

Minn. R. Gen. Prac. 9.02(b). If the district court determines that sanctions are appropriate, the district court must state the reasons supporting its determination on the record. Minn. R. Gen. Prac. 9.02(c).

Here, the district court analyzed each of the rule 9.02(b) factors and determined that all seven factors support the imposition of preconditions on Bragg filing documents related to his 2009 convictions. Bragg argues that the district court abused its discretion in its consideration of the first three factors. Bragg does not dispute the district court's determinations regarding the remaining factors. We address each of the first three factors in turn.

Factor One

The first factor requires the district court to consider "the frequency and number of claims pursued by the frivolous litigant with an adverse result." Minn. R. Gen. Prac. 9.02(b)(1). The district court found that Bragg, despite filing numerous requests and supporting documents, has never achieved a favorable ruling on any of his substantive requests for relief.

Bragg asserts that he has only "filed 11 appeals" and "7 of the 11 appeals and motions file[d] with the district court and court of appeals [were] to attempt to receive a copy of the court file." This argument is not persuasive. First, while Bragg argues that he filed only 11 appeals, he does not dispute that he received an adverse result on every substantive aspect of his appeals and petitions. Second, Bragg's argument ignores his filings in district court. As the district court noted, this case has amassed more than 600 filings, "with the vast majority of those filings made by [Bragg], as a pro se litigant, after

the opinion issued on his direct appeal." By focusing only on appeals, Bragg understates the frequency and number of claims that he has pursued in this matter. For these reasons, the district court did not abuse its discretion by determining that factor one weighs in favor of imposing sanctions.

Factor Two

The second factor requires the district court to assess "whether there is a reasonable probability that the frivolous litigant will prevail on the claim, motion, or request." Minn. R. Gen. Prac. 9.02(b)(2). In addressing this factor, the district court observed that

> the sentence [Bragg] challenges has repeatedly been affirmed by the Court of Appeals, and [Bragg's] challenges to his sentence have largely been based on matters well outside the scope of post-conviction review; namely, the sufficiency of the state's evidence, allegedly erroneous evidentiary rulings at trial, and repeated and disposed of claims regarding [Bragg's] criminal history score and predatory offender status.

The district court also noted that "the numerous filings by [Bragg] have adhered to no judicially recognized process and are without any conceivable probability of success."

On appeal, Bragg focuses his argument on his most recent filing—"Motion for Correction or Reduction of Sentence not Authorized by Law Pursuant to Minnesota Rule of Criminal Procedure 27.03, subd. 9." He argues that he "should prevail" on certain issues raised in his motion, such as whether his crimes constitute a "single course of conduct." But this court has already determined that Bragg waived the issue and that the issue is procedurally barred. *Bragg I*, 2013 WL 6223556, at *2; *Bragg II*, 2022 WL 151932, at * 2. Bragg fails to point to any novel sentencing arguments raised in his motion that are not either procedurally barred or time-barred. Instead, he continues his attempts to

relitigate issues that have already been finally decided. The district court therefore did not abuse its discretion in determining that the second factor weighs in favor of imposing sanctions.

Factor Three

Under the third factor, the district court must consider "whether the claim, motion, or request was made for purposes of harassment, delay, or vexatiousness, or otherwise in bad faith." Minn. R. Gen. Prac. 9.02(b)(3). The district court found that Bragg made "numerous filings in this matter" in bad faith. The district court emphasized that Bragg continues to file requests for relief on bases that have already been addressed: "[Bragg] received the benefit of appointed trial counsel, appointed appellate counsel, a direct appeal of the verdicts with numerous challenges contained therein, and several thorough appellate opinions analyzing each and every one of [Bragg's] assigned errors." The district court found that Bragg's "continued pursuit of his unobtainable relief is demonstrative of a bad faith motive."

Bragg argues that his numerous filings were not made in bad faith, and that he is instead "fighting for [his] freedom." Bragg adds that the sheer number of documents he has filed has been for the district court's "convenience," and not "to burden the courts or bog them down with additional paper." We are not persuaded. Bragg's repeated filing of claims for relief based on issues that have been adversely determined against him, particularly where the claims lack legal and factual support, places his conduct within the realm of bad faith. *See Liedtke v. Fillenworth*, 372 N.W.2d 50, 52 (Minn. App. 1985) (affirming district court's award of attorney fees based on self-represented litigant's "bad

faith bringing of frivolous, vexatious claims"), *rev. denied* (Minn. Sept. 13, 1985). The district court therefore did not abuse its discretion by determining that the third factor weighs in favor of imposing sanctions.

We conclude that the district court's imposition of preconditions on Bragg's ability to file requests related to his 2009 convictions was reasonable under the circumstances of this case. These preconditions adequately address the district court's concerns while still permitting Bragg to request relief in a more tailored format than his previous filings. The district court therefore did not abuse its discretion in determining that Bragg is a frivolous litigant nor by imposing preconditions for filing further requests related to his 2009 convictions.

II. The district court's order did not otherwise violate Bragg's constitutional rights.

Bragg also asserts that the district court's imposition of preconditions violated his constitutional rights. Specifically, Bragg argues that he was denied his right to counsel at the rule 9 hearing and that the application of rule 9 sanctions to an incarcerated person violates the Due Process Clause.

Right to Counsel

Bragg argues that he was deprived of his constitutional right to counsel at the rule 9 hearing. At the hearing, Bragg asked the court for appointment of counsel. Observing that Bragg had not filed a request for appointed counsel, despite one-month's notice of the hearing, the district court determined that Bragg had waived any request for appointed

counsel. Bragg contends that the district court's ruling deprived him of counsel at a "critical stage," in violation of the Constitution.

Although criminal defendants enjoy the right to counsel at "critical stages of the proceedings," *State v. Maddox*, 825 N.W.2d 140, 144 (Minn. App. 2013) (quotation omitted), the right to counsel extends only "for one review of a criminal conviction, whether by direct appeal or a first review by postconviction proceeding," *Francis v. State*, 781 N.W.2d 892, 896 (Minn. 2010) (quotations omitted). Bragg cites no authority in support of his assertion that a criminal defendant's right to counsel in a trial extends to a frivolous-litigant hearing more than a decade after the conviction and after having already had the benefit of counsel on direct appeal in 2010. As a result, Bragg has not demonstrated a violation of his right to counsel.

Due Process

Bragg also appears to argue that the district court's imposition of sanctions under rule 9 violates his due-process rights. Bragg cites a number of constitutional provisions but provides no analysis of how those provisions support his due-process claim. And "[a]n assignment of error based on mere assertion and not supported by any argument or authorities in appellant's brief is waived and will not be considered on appeal unless prejudicial error is obvious on mere inspection." *Andersen*, 871 N.W.2d at 915 (quotation omitted).

"Prison inmates have a constitutional right of access to the courts that derives from the right to due process of law." *Kristian v. State*, 541 N.W.2d 623, 628 (Minn. App. 1996), *rev. denied* (Minn. Mar. 19, 1996). Although the district court's ruling limits the

form by which Bragg may request relief relating to his 2009 convictions, the ruling does not preclude Bragg from filing claims or foreclose his access to the courts. Additionally, rule 9 expressly provides that "[r]elief under this rule is available in *any action or proceeding* pending in *any court* of this state." Minn. R. Gen. Prac. 9.01 (emphasis added); s*ee also* Minn. R. Gen. Prac. 1.01 ("These rules shall apply in all trial courts of the state.").[3] We therefore discern no obvious prejudicial error and conclude that Bragg's due-process argument is forfeited.

Affirmed.

[3] Although Bragg correctly points out that no appellate court has directly addressed the applicability of rule 9 sanctions to an incarcerated person, we have recognized the existence of a frivolous-litigant finding against an incarcerated person. *See Murphy v. State*, No. A13-2332, 2014 WL 4176080, at *3-4 (Minn. App. Aug. 25, 2014) (concluding that previous order designating appellant a frivolous litigant was not a valid basis for recusal); *Murphy v. State*, No. A16-1049, 2017 WL 957716, at *4 (Minn. App. Mar. 13, 2017) (noting that appellant's postconviction petition was rejected for failing to comply with his "frivolous-litigant restrictions"), *rev. denied* (Minn. May 16, 2017).