

**STATE OF MINNESOTA**  
**IN COURT OF APPEALS**  
**A24-2047**



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Travis Clay Andersen, petitioner,

Appellant,

vs.

State of Minnesota,

Respondent.

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**ORDER OPINION**

Carver County District Court  
File No. 10-CR-11-387

Considered and decided by Larkin, Presiding Judge; Larson, Judge; and Bentley, Judge.

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

1. In 2011, respondent State of Minnesota charged appellant Travis Clay Andersen with simple robbery and violation of an order for protection (OFP). A jury found Andersen guilty of both offenses. In November 2012, the district court sentenced Andersen to serve concurrent prison terms of 45 and 32 months.<sup>1</sup> Andersen appealed to this court from the judgment of conviction, challenging the jury instructions and arguing that he did not waive his right to counsel. *State v. Andersen*, No. A13-0361, 2014 WL 1272094, at \*1 (Minn. App. Mar. 31, 2014), *rev. denied* (Minn. May 20, 2014). We affirmed, holding, in part, that “[t]he district court did not clearly err in finding that [Andersen’s] conduct

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<sup>1</sup> In April 2014, Andersen’s sentences were corrected and reduced to concurrent prison terms of 39 and 28 months.

constituted a valid waiver of his right to counsel.” *Id.* at \*3. The supreme court denied Andersen’s petition for further review.

2. In June 2024, Andersen petitioned for postconviction relief, arguing that the district court violated his right to counsel by forcing him to represent himself and that the state violated his right to due process by withholding vital and newly discovered information, namely, a 2011 OFP petition and affidavit. *See Brady v. Maryland*, 373 U.S. 83, 87 (1963) (“[T]he suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.”). The postconviction court summarily denied Andersen’s petition, concluding that his claims were time barred, procedurally barred, and frivolous. Andersen appeals.

3. Under Minnesota’s postconviction statutes, a person convicted of a crime may petition for relief based on a claim that the conviction “violated the person’s rights under the Constitution or laws of the United States or of the state.” Minn. Stat. § 590.01, subd. 1 (2024). An evidentiary hearing on a postconviction petition must be held “[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 (2024).

4. We review the denial of a postconviction petition for an abuse of discretion. *Colbert v. State*, 870 N.W.2d 616, 621 (Minn. 2015). In doing so, we review legal issues de novo and factual findings for clear error. *Id.* The postconviction 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.” *State v. Nicks*, 831 N.W.2d 493, 503 (Minn. 2013) (quotation omitted).

5. If a “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.” *State v. Knaffla*, 243 N.W.2d 737, 741 (Minn. 1976). A postconviction claim that should have been known when a direct appeal was filed is also procedurally barred. *Griffin v. State*, 883 N.W.2d 282, 286 (Minn. 2016).

6. Here, Andersen raised his right-to-counsel argument in his 2013 appeal to this court. *Andersen*, 2014 WL 1272094, at \*1. And, as found by the postconviction court, Andersen received the alleged *Brady* materials—the 2011 OFP petition and affidavit—during the criminal proceeding against him in 2011. Indeed, Andersen’s own postconviction filings indicate that the 2011 OFP petition and affidavit were filed in 2011. Thus, the postconviction court did not err in finding that Andersen knew, or should have known, of his *Brady* claim at the time of his direct appeal. In short, Andersen’s right-to-counsel and *Brady* claims were barred under *Knaffla*.

7. The district court also did not err in determining that Andersen’s claims were untimely. A petition for postconviction relief must be filed within two years of “an appellate court’s disposition of petitioner’s direct appeal.” Minn. Stat. § 590.01, subd. 4(a)(2) (2024). We disposed of Andersen’s direct appeal in 2014, approximately ten years before he filed his postconviction petition. His postconviction petition is therefore time barred.

8. A petition filed after the two-year limit may be considered if it satisfies one of several statutory exceptions. *See id.*, subd. 4(b) (2024) (listing five exceptions). However, if an exception is claimed, the petition must be filed within two years of the date the claim arose. *Id.*, subd. 4(c) (2024). A claim arises when the petitioner “knew or should have known that the claim existed.” *Sanchez v. State*, 816 N.W.2d 550, 552 (Minn. 2012). Again, the postconviction court did not err in finding that Andersen knew or should have known of his claims at the time of his direct appeal in 2013. Because more than two years had passed since Andersen’s claims arose, none of the time-bar exceptions applied to those claims. *See* Minn. Stat. § 590.01, subd. 4(c).

9. In his brief to this court, Andersen argues that the “newly discovered evidence” and “interest of justice” exceptions to the time bar apply because he did not have “knowledge” of the 2011 OFP petition and affidavit until March 2023. However, he failed to raise those claims in his postconviction petition.<sup>2</sup> “It is well settled that a party may not raise issues for the first time on appeal from denial of postconviction relief.” *Azure v. State*, 700 N.W.2d 443, 447 (Minn. 2005) (quotation omitted). Thus, the claimed exceptions to the time bar are forfeited. Moreover, Andersen effectively acknowledged in his postconviction petition that the 2011 OFP petition and affidavit were filed in Hennepin County in January 2011. *See Buggs v. State*, 734 N.W.2d 272, 274 (Minn. 2007) (concluding that the petitioner knew or should have known of his claims because

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<sup>2</sup> We recognize that Andersen referenced “information ‘newly discovered’” in his petition, and he nominally referenced Minn. Stat. § 590.01, subd. 4(b)(5), the interests-of-justice exception to the time bar. However, he failed to meaningfully discuss or analyze the time-bar exceptions.

information relating to the claims was publicly available). Finally, Andersen's reliance on the interests-of-justice exception is unavailing because, as explained below, his claims are frivolous. *See* Minn. Stat. § 590.01, subd. 4(b)(5) (providing an exception if "the petitioner establishes to the satisfaction of the court that the petition is not frivolous and is in the interests of justice").

10. While not directly addressed by the postconviction court, Andersen referenced other documents in his postconviction petition that he claimed were not disclosed. However, like the 2011 OFP petition and affidavit, Andersen effectively acknowledged in his petition that these documents were filed or received as evidence in 2011 and 2012. Thus, Andersen knew or should have known of any claims based on these documents when he filed his direct appeal. Such claims are therefore time barred.

11. As to the district court's determination that Andersen's claims are frivolous, the district court reasoned that an evidentiary hearing was not required because "the files and records of the proceeding conclusively show" that Andersen was not entitled to relief. Minn. Stat. § 590.04, subd. 1. The district court reasoned that Andersen's claims were without factual support. Indeed, as the district court found, the record refutes Andersen's assertion that he was unaware of the existence of the alleged *Brady* material. Once again, we discern no error.

12. On this record, the postconviction court did not abuse its discretion by summarily denying Andersen's petition for postconviction relief.

**IT IS HEREBY ORDERED:**

1. The postconviction court's order denying Andersen's postconviction petition 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: 5/7/25

**BY THE COURT**



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Judge Michelle A. Larkin