

*This opinion is nonprecedential except as provided by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
A20-0944**

Jason Rhoades,
Appellant,

vs.

Jodi Harpstead, et al.,
Respondents,

Paul Schnell,
Respondent.

**Filed February 16, 2021
Affirmed
Johnson, Judge**

Carlton County District Court
File No. 09-CV-20-505

Jason Rhoades, Moose Lake, Minnesota (*pro se* appellant)

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

Anthony R. Noss, Assistant Attorney General, St. Paul, Minnesota (for respondents Jodi Harpstead and Nancy Ann Johnston); and

Kelly Kemp, Assistant Attorney General, St. Paul, Minnesota (for respondent Paul Schnell)

Considered and decided by Bjorkman, Presiding Judge; Johnson, Judge; and Larkin,
Judge.

NONPRECEDENTIAL OPINION

JOHNSON, Judge

Jason Rhoades petitioned the district court for a writ of habeas corpus to challenge the calculation of the expiration date of his ten-year term of conditional release. The district court denied the petition. We conclude that the department of corrections correctly calculated the expiration date of Rhoades's conditional-release term and, therefore, affirm.

FACTS

In March 2006, Rhoades pleaded guilty in Ramsey County to first-degree criminal sexual conduct, in violation of Minn. Stat. § 609.342, subd. 1(a) (2000), based on his admission that he sexually abused a stepdaughter between September 2001 and January 2002. The district court imposed a sentence of 158 months of imprisonment, to be followed by a ten-year term of conditional release.

Shortly after Rhoades was sentenced, the department of corrections calculated that Rhoades's ten-year term of conditional release would expire on October 8, 2022. In making that calculation, the department assumed that Rhoades would be released from prison and placed on supervised release on October 8, 2012, after serving two-thirds of his 158-month sentence. In addition, the department assumed that Rhoades would simultaneously be on supervised release and on conditional release.

In August 2012, the department performed a recalculation and determined that Rhoades's ten-year term of conditional release would expire on February 27, 2027. In making that calculation, the department assumed that Rhoades would complete his term of supervised release before starting his ten-year term of conditional release.

Rhoades was released from prison and placed on supervised release on October 8, 2012. He completed his term of supervised release on February 27, 2017. On that date, the department again performed a recalculation and determined that Rhoades's ten-year term of conditional release would expire on October 8, 2022. The department arrived at that date by giving Rhoades credit for the 1,602 days he was on supervised release.

In March 2020, Rhoades petitioned the Carlton County District Court for a writ of habeas corpus. In his *pro se* petition, he urged the district court to order the commissioner to determine that his conditional-release term had expired on October 17, 2017. The district court denied the petition without an evidentiary hearing, reasoning that the department correctly determined in its most recent recalculation that Rhoades's conditional-release term will expire on October 8, 2022. Rhoades appeals.

DECISION

Rhoades argues that the district court erred by denying his petition for a writ of habeas corpus. In his *pro se* brief, he argues, in part, that the department improperly determined that his ten-year term of conditional release will expire in 2027. But that argument does not account for the department's most recent determination that Rhoades's ten-year term of conditional release will expire on October 8, 2022. Rhoades's appellate brief does not specify a particular date on which he believes his ten-year term of conditional release should expire. To ensure that Rhoades is not unlawfully restrained of his liberty, we will review the department's latest recalculation to determine whether it is correct. *See* Minn. Stat. § 589.01 (2018); *State v. Schnagl*, 859 N.W.2d 297, 301-03 (Minn. 2015).

If a person is convicted of a felony offense and sentenced to prison, the person's sentence consists of a minimum term of imprisonment equal to two-thirds of the sentence and a maximum supervised-release term equal to one-third of the sentence. Minn. Stat. § 244.101, subd. 1 (2018); *State v. Schwartz*, 628 N.W.2d 134, 139 (Minn. 2001). The statute in effect at the time of Rhoades's offense provides that, if a person has been convicted of criminal sexual conduct and completes "the sentence imposed, the commissioner . . . shall place the person on conditional release." Minn. Stat. § 609.109, subd. 7(a) (2000). If the person has a prior conviction of criminal sexual conduct, "the person shall be placed on conditional release for ten years, minus the time the person served on supervised release." *Id.*

We need not dwell on the reasons for the department's earlier calculations of the expiration date of Rhoades's term of conditional release. The only relevant question is whether the department's latest calculation, which was performed after Rhoades completed his term of supervised release, is correct. It is correct. The district court imposed a 158-month sentence on Rhoades. Rhoades served two-thirds of that sentence in prison, until October 8, 2012. He served the remaining one-third of that sentence (52-2/3 months, or four years and four months and 20 days) on supervised release, until February 27, 2017. On that date, Rhoades began serving his ten-year term of conditional release. In its most recent recalculation, the department subtracted from the ten-year period the 52-2/3 months that Rhoades successfully served on supervised release, as required by the statute that governs Rhoades's sentence. *See* Minn. Stat. § 609.109, subd. 7(a) (2000). As a result of that recalculation, Rhoades's ten-year term of conditional release will expire on October 8,

2022. Rhoades's *pro se* brief does not demonstrate that the department's most recent recalculation is incorrect.

Thus, the district court did not err by denying Rhoades's petition for a writ of habeas corpus.

Affirmed.

A handwritten signature in cursive script, appearing to read "Matthew Johnson".