

*This opinion is nonprecedential except as provided by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
A21-0766**

State of Minnesota,
Respondent,

vs.

Marvia Lee Jones Roberts,
Appellant.

**Filed February 14, 2022
Affirmed
Ross, Judge**

Lyon County District Court
File No. 42-CR-19-1004

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

Rick Maes, Lyon County Attorney, Abby Wikelius, Assistant Lyon County Attorney,
Marshall, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Max B. Kittel, Assistant Public
Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Ross, Presiding Judge; Jesson, Judge; and Cleary,
Judge.*

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

NONPRECEDENTIAL OPINION

ROSS, Judge

After Marvia Jones-Roberts pleaded guilty to second-degree assault for her involvement in a shooting, the district court issued a stayed, 36-month prison sentence conditioned on Jones-Roberts's serving 180 days in jail. The district court revoked her probation and executed the prison sentence after Jones-Roberts left the state without notice, failed to turn herself in on the appointed date, and evaded capture for more than three months. She argues on appeal that the district court did not make adequate probation-revocation findings, that the evidence does not support the findings, and that the district court should have imposed a lesser penalty than revoking her probation. Because her arguments are unpersuasive, we affirm.

FACTS

Marvia Jones-Roberts contacted her brother for help while she engaged in a heated argument with a man outside her apartment. A surveillance video showed Jones-Roberts pointing at the man and encouraging her brother to fire a gun toward him. Arrested and charged for her conduct, she denied urging her brother to shoot at the man but admitted that she helped her brother locate the man, that she knew her brother had a gun, and that she wanted to frighten the man. She pleaded guilty to second-degree assault. The district court imposed but stayed a 36-month prison sentence on several probationary conditions, including that Jones-Roberts serve 180 days in jail.

But Jones-Roberts did not report to jail as scheduled. Two days before she was scheduled to arrive, her estranged husband called her probation officer and said that she

had suffered a nervous breakdown and was admitted to a North Dakota mental-health facility. But after four days of Jones-Roberts's failure to verify that she was admitted to the facility, the probation officer reported the violation. Jones-Roberts surreptitiously moved to South Dakota. More than three months later, police arrested her in South Dakota and extradited her to Minnesota.

The district court held a probation-revocation hearing. Jones-Roberts did not confirm that she had been admitted to a mental-health facility. The district court expressed its concern that Jones-Roberts had never done so and that she had secretly relocated to South Dakota. It emphasized that she also failed to communicate with her probation officer and that she avoided authorities for three months. The district court found that Jones-Roberts violated her probation, that her violation was intentional and inexcusable, and that not revoking probation would unduly depreciate the seriousness of her violation. It revoked her probation and executed her 36-month prison sentence. Jones-Roberts appeals.

DECISION

Jones-Roberts challenges the district court's order revoking her probation. We generally review the district court's decision to revoke probation for an abuse of discretion. *State v. Austin*, 295 N.W.2d 246, 249–50 (Minn. 1980). The district court abuses its discretion when its decision is based on an erroneous view of the law or contravenes logic and the facts in the record. *State v. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019). Jones-Roberts's argument on appeal focuses us on the district court's findings. She argues specifically that the district court's findings were inadequate and that, even if the findings

were adequate, the district court abused its discretion because there is insufficient evidence to support its findings. The arguments fail.

We reject Jones-Roberts's contention that the district court's findings are inadequate. We review de novo whether the district court made the findings required to revoke probation. *State v. Modtland*, 695 N.W.2d 602, 605 (Minn. 2005). Before revoking probation, the district court must: "(1) designate the specific condition or conditions that were violated; (2) find that the violation was intentional or inexcusable; and (3) find that the need for confinement outweighs the policies favoring probation." *Austin*, 295 N.W.2d at 250. Jones-Roberts challenges the findings regarding only the third element.

We are not persuaded that the district court inadequately made findings that the need for confinement outweighs the policies favoring probation. When determining whether the need for confinement outweighs the policies favoring probation, the district court should consider whether: "confinement is necessary to protect the public from further criminal activity. . . , the offender is in need of correctional treatment which can most effectively be provided if [s]he is confined, or it would unduly depreciate the seriousness of the violation if probation were not revoked." *Id.* at 251. The findings might be inadequate if the district court merely recites the factors, but they are adequate if it conveys its "substantive reasons for revocation." *Modtland*, 695 N.W.2d at 608. The findings here meet this adequacy standard. The district court emphasized that Jones-Roberts's violation was serious not just because she initially failed to report to jail but because she also avoided authorities for more than three months. It stressed that she failed to verify her admission to the mental-health facility, even during the probation-revocation hearing a year after she was

supposedly admitted. And it explained that her actions constituted a serious violation because “there’s really no way to supervise someone if they don’t make contact and maintain contact with probation.” The district court found that reinstituting probation under those circumstances would unduly depreciate the violation’s seriousness. We are satisfied that the district court’s findings express why it concluded that the need for Jones-Roberts’s confinement outweighs the policies favoring probation.

It is true, as Jones-Roberts argues, that the district court did not explain particularly *why* reinstituting her probation would unduly depreciate the seriousness of her violation. The district court’s reasoning could have been clearer and more precise. But the findings and analysis allow us to discern the district court’s substantive reasons on the revocation elements. We hold the district court made adequate findings.

We also reject Jones-Roberts’s contention that the district court abused its discretion by revoking probation on her theory that maintaining probation would not unduly depreciate the seriousness of her violation. She argues unconvincingly that the record does not support the district court’s finding on this point and instead shows that her violation was not serious and rehabilitation was possible. Intentionally failing to report for her probationary jail term, covertly relocating to a different state, and absconding for a period of months are serious violations even when considered separately. That her estranged husband informed the probation officer that she would not timely report, presumably on her direction, mitigates the violation only slightly because she then never verified her alleged mental-health hospitalization or communicated with the probation officer about her out-of-state relocation. She also offered no evidence of any plan to eventually turn herself

in. On this record, the district court did not abuse its discretion by finding that the need for Jones-Roberts's confinement outweighs the policies favoring probation.

We finally reject Jones-Roberts's argument that the district court abused its discretion by failing to impose a lesser sanction than revoking probation. She relies on *State v. Cottew* for the legal proposition that the district court has discretion to impose a lesser sanction if it determines that rehabilitation is still feasible. 746 N.W.2d 632, 637 (Minn. 2008). That proposition is irrelevant here because the district court never found that rehabilitation is feasible.

Affirmed.