

*This opinion is nonprecedential except as provided by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
A22-1557**

State of Minnesota,
Respondent,

vs.

Regina Marie White,
Appellant.

**Filed August 21, 2023
Affirmed
Frisch, Judge**

Hubbard County District Court
File No. 29-CR-22-114

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

Jonathan Frieden, Hubbard County Attorney, John A. Olson, Assistant County Attorney,
Park Rapids, Minnesota (for respondent)

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

Considered and decided by Slieter, Presiding Judge; Frisch, Judge; and Gaïtas,
Judge.

NONPRECEDENTIAL OPINION

FRISCH, Judge

On appeal from a conviction for aiding and abetting a first-degree burglary,
appellant argues that (1) the evidence presented at trial was insufficient to establish

criminal knowledge and intent, (2) the district court committed reversible error by erroneously instructing the jury on accomplice liability, (3) the district court abused its discretion in its evidentiary rulings, and (4) the district court abused its discretion by sentencing her to a significantly longer term of imprisonment than the principal actor. We affirm.

FACTS

Respondent State of Minnesota charged appellant Regina Marie White with one count of aiding and abetting first-degree burglary assault in violation of Minn. Stat. §§ 609.582, subd. 1(c), .05, subd. 1 (2020), and first-degree burglary of an occupied dwelling in violation of Minn. Stat. § 609.582, subd. 1(a) (2020). The principal actor, J.L., pleaded guilty to first-degree burglary. White's case proceeded to a jury trial where the following facts were elicited.

On the morning of the offense, White went to G.R.'s apartment because G.R. had previously offered ten dollars to White. But when White asked for the money, G.R. did not give it to her and instead made unwanted sexual advances toward White, which upset her. White left the apartment and told others what had happened. Of the people she told, only J.L., a juvenile, "had [her] back."

Around an hour after White left G.R.'s apartment, White and J.L. together returned to G.R.'s apartment building. As they entered the building, J.L. rolled up his sleeves and the hood of White's sweatshirt obscured her face. White pointed in the direction of G.R.'s apartment. J.L. broke the door to G.R.'s apartment, entered the apartment, beat G.R., and took \$30 from G.R.'s bed. White remained outside the apartment while the burglary and

assault occurred. J.L. exited G.R.'s apartment and handed the cash to White. White accepted the cash, and White and J.L. exited the building together. The entire incident lasted approximately 2 minutes and 30 seconds.

G.R. reported the incident to the police and identified White as one of the perpetrators of the crime. An investigating officer reviewed security footage that captured White and J.L.'s actions immediately before and after the offense. The officer was familiar with White from hearing her name during "previous law enforcement contacts."

A few days after the offense, a different officer responding to an unrelated incident arrested White. This officer was also acquainted with White. The officer interviewed White, and White admitted to going to G.R.'s apartment. White explained that she told J.L. not to kick down the door, and she maintained that she told him not to do that. She admitted that both she and J.L. wanted money from G.R. The officer's body-worn camera recorded this interaction.

Neither White nor J.L. testified at trial, and White did not call any witnesses or offer any exhibits. The district court instructed the jury using instructions agreed upon by both parties. The jury found White guilty of aiding and abetting first-degree burglary assault but not guilty of first-degree burglary as a principal actor. The district court imposed a guidelines sentence of 96 months' imprisonment. White appeals.

DECISION

I. The evidence is sufficient to convict White of aiding and abetting first-degree burglary assault.

White argues that the evidence was insufficient to establish that she knew J.L. was going to commit a burglary-assault at G.R.'s apartment or that she intended to aid J.L. in committing that crime. A person is criminally liable as an accomplice "for a crime committed by another if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures the other to commit the crime." Minn. Stat. § 609.05, subd. 1. An accomplice is "also liable for any other crime committed in pursuance of the intended crime if reasonably foreseeable by the person as a probable consequence of committing or attempting to commit the crime intended." *Id.*, subd. 2 (2020). "[T]he [s]tate must prove that the defendant knew [their] alleged accomplice was going to commit a crime and the defendant intended [their] presence or actions to further the commission of that crime." *State v. Huber*, 877 N.W.2d 519, 524 (Minn. 2016) (quotation omitted). "When determining whether a person played a knowing role in the commission of the crime, we may infer criminal intent from the person's presence, companionship, and conduct both before and after the crime." *State v. Cox*, 820 N.W.2d 540, 549 (Minn. 2012); *see also State v. Swanson*, 707 N.W.2d 645, 659 (Minn. 2006) ("Jurors can infer the necessary intent from factors including: defendant's presence at the scene of the crime, defendant's close association with the principal before and after the crime, defendant's lack of objection or surprise under the circumstances, and defendant's flight from the scene of the crime with the principal." (quotation omitted)). Likewise, "intent is a subjective state of mind usually

established only by reasonable inference from surrounding circumstances.” *State v. Slaughter*, 691 N.W.2d 70, 77 (Minn. 2005) (quotation omitted).

Circumstantial evidence is “evidence from which the factfinder can infer whether the facts in dispute existed or did not exist.” *State v. Harris*, 895 N.W.2d 592, 599 (Minn. 2017) (quotation omitted). When the state relies on circumstantial evidence to prove an element of an offense, we apply a heightened standard of review to the evidence underlying that element. *State v. Porte*, 832 N.W.2d 303, 309 (Minn. App. 2013) (citing *State v. Al-Naseer*, 788 N.W.2d 469, 473-75 (Minn. 2010)). The parties agree that we apply our heightened standard of review to determine whether the state met its burden of proof to establish White’s knowledge and intent.

We review the sufficiency of circumstantial evidence by conducting a two-step analysis. *State v. German*, 929 N.W.2d 466, 472 (Minn. App. 2019) (citing *State v. Hanson*, 800 N.W.2d 618, 622 (Minn. 2011)). First, we identify the circumstances proved. *State v. Silvernail*, 831 N.W.2d 594, 598 (Minn. 2013). “[W]e assume that the [fact-finder] resolved any factual disputes in a manner that is consistent” with the verdict. *State v. Moore*, 846 N.W.2d 83, 88 (Minn. 2014). Second, we determine “whether the circumstances proved are consistent with guilt and inconsistent with any rational hypothesis other than guilt.” *Loving v. State*, 891 N.W.2d 638, 643 (Minn. 2017) (quotation omitted). We do not defer to the fact-finder’s choice between reasonable inferences. *Silvernail*, 831 N.W.2d at 599. We will reverse a conviction “[i]f a reasonable inference other than guilt exists.” *Loving*, 891 N.W.2d at 643. But we will uphold the verdict if the circumstantial evidence forms “a complete chain” which leads “so directly to

the guilt of the defendant as to exclude beyond a reasonable doubt any reasonable inference other than guilt.” *State v. Peterson*, 910 N.W.2d 1, 7 (Minn. 2018) (quotation omitted).

We first resolve the parties’ dispute as to whether the state was required to prove that White intended to aid and abet J.L. in the commission of a burglary-assault or whether the state need only prove that White intended to aid and abet J.L. in the commission of any crime. We agree with the state that, under Minn. Stat. § 609.05, subd. 2, White is liable for the burglary-assault committed by J.L. under an accomplice theory of liability if the circumstances proved establish that she intentionally aided J.L. in committing any crime, the burglary-assault was committed in furtherance of that crime, and it was reasonably foreseeable to White that a burglary-assault was a probable consequence of that crime. *See State v. McAllister*, 862 N.W.2d 49, 52-53 (Minn. 2015) (explaining that the defendant was liable under Minn. Stat. § 609.05, subd. 2, for any crimes committed in pursuit of the crime the defendant intended to aid).

McAllister provides the framework for analyzing challenges to the sufficiency of the evidence of accomplice liability under Minn. Stat. § 609.05, subd. 2. In *McAllister*, a defendant was charged with and found guilty of first-degree premeditated murder and first-degree felony murder during the commission of an aggravated robbery under an accomplice theory of liability after the defendant’s nephew shot and killed a man who the defendant had brutally beaten during a robbery. 862 N.W.2d at 51-52. The defendant’s “sufficiency-of-the-evidence argument focuse[d] exclusively on the fact that he did not intend to aid a murder.” *Id.* at 53. The supreme court explained that, even if the defendant did not intend to aid a murder, he could still be liable under Minn. Stat. § 609.05, subd. 2,

for any crime committed while pursuing the crime he intended to commit: aggravated robbery. *Id.* The supreme court stated that sufficient evidence would exist to sustain the conviction, even if the defendant lacked specific knowledge that his nephew was going to kill the victim, if the defendant “was an accomplice in the aggravated robbery,” “the murder was committed in furtherance of the aggravated robbery,” and “the murder was reasonably foreseeable as a probable consequence of the aggravated robbery.” *Id.* It then analyzed whether the evidence was sufficient to convict the defendant of intentionally aiding the aggravated robbery. *Id.* at 53-55. Based on the circumstances proved, the supreme court concluded that “it was reasonable for the jury to have concluded that [the defendant] both knew that [his nephews] were going to commit a crime and intended his presence and actions to further the commission of that crime.” *Id.* at 55.

The supreme court then concluded that sufficient evidence established that “the murder was committed in furtherance of the aggravated robbery,” and that “a reasonably foreseeable and probable consequence of the brutal beating was that [the victim] would die.” *Id.* at 56. In so doing, the supreme court emphasized that Minn. Stat. § 609.05, subd. 2, does not create an independent state-of-mind requirement for the charged crime; once the circumstances proved establish the defendant’s state of mind for the intended crime, the defendant may be liable for any other reasonably foreseeable crime committed while pursuing the intended crime. *Id.* at 58. Because the defendant intended to aid his nephew in committing an aggravated robbery, his nephew killed the victim in furtherance of the aggravated robbery, and it was reasonably foreseeable to the defendant that his nephew would do so, the supreme court held that sufficient evidence supported the

defendant's murder convictions based on a theory of accomplice liability under Minn. Stat. § 609.05, subd. 2. *See id.* at 53-58.

Here, the state asserts that the circumstantial evidence establishes that White intended, at the very least, to aid J.L. in committing a theft at G.R.'s apartment. Pursuant to the framework set forth in *McAllister*, we therefore evaluate whether the circumstances proved are inconsistent with any rational hypothesis other than that White knew J.L. would commit a theft and intended to aid him in doing so, J.L. committed the burglary-assault in furtherance of the theft, and it was reasonably foreseeable that the theft would lead to a burglary-assault.

The following circumstances were proved at trial. Around an hour before the burglary-assault, White went to G.R.'s apartment to collect money she believed he had promised to her. G.R. did not give her the money and instead made unwanted sexual advances toward her, which White rejected. White left G.R.'s apartment and told others about the incident. Of the people she told, only J.L. "had [her] back." White and J.L. together went back to G.R.'s apartment. The hood on White's sweatshirt partially obscured her face, J.L. rolled up his sleeves, and White pointed in the direction of G.R.'s apartment. When they arrived at G.R.'s apartment, J.L. kicked the door down, entered G.R.'s apartment, beat G.R., and took \$30 off the bed. White remained outside the apartment.¹

¹ The state presented conflicting evidence as to whether White entered G.R.'s apartment. The jury acquitted White of committing first-degree burglary, which is consistent with a reasonable inference that White did not enter the apartment during the incident. *See Moore*, 846 N.W.2d at 88 (stating that we assume that the jury resolved any factual disputes in a manner that is consistent with the verdict when determining the circumstances proved);

Around 2 minutes and 30 seconds after entering the apartment building, White and J.L. exited. Their demeanor was calm. J.L. handed cash to White. White accepted the money. White did not call the police or return to G.R.'s apartment to render aid, and she did not appear upset.

The circumstances proved form a complete chain leading to White's guilt and exclude beyond a reasonable doubt any reasonable inference other than guilt. White knew J.L. would commit a theft and intended to aid him in doing so. *See* Minn. Stat. § 609.52, subd. 2(a)(1) (2020) (stating that whoever "intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of the property" commits a theft). White believed that G.R. had promised her money. About an hour after White asked G.R. for money and G.R. made sexual advances toward her, White returned to G.R.'s apartment with J.L., White pointed toward G.R.'s apartment, J.L. broke into G.R.'s apartment and took money off the bed, and J.L. gave money to White as they were exiting G.R.'s apartment building. White accepted the money from J.L. The totality of the circumstances proved leads only to the rational inference that White intended for J.L. to obtain money from G.R. for her after she failed to obtain it on her own.²

Minn. Stat. § 609.582, subd. 1(a) (requiring a defendant to "enter[]" a building to be liable as a principal).

² White argues that despite being present for the offense, she took no action in furtherance of the offense and therefore could not have aided or abetted J.L. in committing any crime. While White took no direct actions while the offense was occurring, the circumstances proved indicate that she enlisted J.L. to assist her with stealing money from G.R. *See* Minn.

White argues that the circumstances proved are consistent with a rational inference other than guilt, namely that she went to G.R.'s apartment with J.L. to try to convince G.R. to voluntarily part with the money he allegedly promised her. But this theory is not reasonable in light of the circumstances proved. White was unsuccessful in obtaining money from G.R. G.R. had made unwanted sexual advances toward White. White believed that J.L. "had [her] back." J.L. rolled up his sleeves before committing the burglary-assault. After J.L. forcibly took money from G.R., White left the apartment building with J.L. and did not appear bothered or upset by J.L.'s violent actions. J.L. handed White money, which she readily accepted. The mere possibility of an alternate explanation does not equate to a reasonable inference from the circumstances proved. *See State v. Tschau*, 758 N.W.2d 849, 858 (Minn. 2008) ("[P]ossibilities of innocence do not require reversal of a jury verdict so long as the evidence taken as a whole makes such theories seem unreasonable.").

The circumstances proved also establish that J.L. committed the burglary-assault in furtherance of the theft and that it was reasonably foreseeable to White that J.L. would commit a burglary-assault in furtherance of the theft. Whether an act is reasonably foreseeable is an objective question "based only on what would be reasonably foreseeable to a person in the defendant's shoes." *McAllister*, 862 N.W.2d at 56. It was reasonably foreseeable to White that J.L. would commit a burglary-assault in furtherance of the theft. White reported to J.L. that an hour earlier G.R. had made unwanted sexual advances toward

Stat. § 609.05, subd. 1 (including procuring another to commit a crime as an act leading to liability for the crime).

her and did not give her the money she sought. White was with J.L. because he “had [her] back.” White obscured her face with her sweatshirt hood, J.L. rolled up his sleeves, and J.L. forced entry into G.R.’s apartment, all before J.L. assaulted G.R. The only rational inference from these circumstances proved is that it was reasonably foreseeable to White that J.L. would commit a burglary-assault to accomplish the theft.

Accordingly, we conclude that the circumstances proved are consistent with guilt and inconsistent with any reasonable hypothesis other than guilt.

II. We discern no error in the district court’s jury instructions or evidentiary rulings.

White argues that she is entitled to a new trial as a result of unobjected-to errors made by the district court. First, she argues that the district court’s aiding-and-abetting jury instruction erroneously did not inform the jury as to the specific elements of the underlying crime to which she aided J.L. Second, she argues that the district court plainly erred by allowing evidence that White was previously known to law enforcement.

Because White did not object to either the jury instruction or the admission of evidence, we review these unobjected-to errors under our plain-error standard of review. *See State v. Milton*, 821 N.W.2d 789, 805 (Minn. 2012) (reviewing unobjected-to jury instructions for plain error); *State v. Vasquez*, 912 N.W.2d 642, 650 (Minn. 2018) (reviewing an unobjected-to evidentiary ruling for plain error). Under this standard, White must establish that the district court committed an error, the error was plain, and the error affected her substantial rights. *State v. Griller*, 583 N.W.2d 736, 740 (Minn. 1998). Even so, we “may correct the error *only* when it seriously affects the fairness, integrity, or public

reputation of judicial proceedings.” *Pulczynski v. State*, 972 N.W.2d 347, 356 (Minn. 2022).

A. The district court did not erroneously instruct the jury on accomplice liability.

White argues that the district court committed plain error in instructing the jury because it did not specify the crime that she intentionally aided. A district court has “considerable latitude in selecting jury instructions, including the specific language of those instructions.” *State v. Peltier*, 874 N.W.2d 792, 797 (Minn. 2016). However, “jury instructions must fairly and adequately explain the law of the case.” *Id.* We review jury instructions for an abuse of discretion, and a district court abuses its discretion when its instructions contain a material misstatement of the law. *See id.*; *State v. Vang*, 774 N.W.2d 566, 581 (Minn. 2009) (stating that a district court errs in instructing the jury when its instructions “confuse, mislead, or materially misstate the law”). “We review the instructions as a whole to determine whether they fairly and adequately explain the law.” *Peltier*, 874 N.W.2d at 797.

The district court gave the following instruction:

The defendant is guilty of the crime of Burglary in the First Degree-Assault committed by another person when the defendant has played an intentional role in aiding the commission of the crime of Burglary in the First Degree-Assault and made no reasonable effort to prevent the crime before it was committed. Intentional role includes aiding, advising, hiring, counseling, conspiring with, or procuring another to commit the crime. A defendant’s presence constitutes aiding if: first, the defendant knew her alleged accomplices were going to or were committing a crime; and second, the defendant intended that her presence or actions aid the commission of the crime. If the defendant intentionally

aided another person in committing a crime, or intentionally advised, hired, counseled, conspired with, or otherwise procured the other person to commit it, the defendant is also guilty of *any other crime* the other person commits while trying to commit the intended crime, if that crime was reasonably foreseeable to the defendant as a probable consequence of trying to commit the intended crime.

(Emphasis added.) We discern no misstatement of law in this instruction. A jury instruction setting forth a theory of accomplice liability “must explain to the jury that in order to find a defendant guilty as an accomplice, the jury must find beyond a reasonable doubt that the defendant knew his alleged accomplice was going to *commit a crime* and the defendant intended his presence or actions to further the commission *of that crime*.” *Milton*, 821 N.W.2d at 808 (emphasis added); *see also State v. Kelley*, 855 N.W.2d 269, 275 (Minn. 2014) (applying *Milton*). Likewise, “a defendant is criminally liable under Minn. Stat. § 609.05 *for crimes* committed by another if she intends her presence or actions to aid the other in committing *an offense* that she knows is criminal.” *State v. Smith*, 901 N.W.2d 657, 663 (Minn. App. 2017) (emphasis added), *rev. denied* (Minn. Nov. 14, 2017). The district court’s instruction on White’s accomplice liability comports with Minn. Stat. § 609.05, subds. 1-2, and binding precedent; the instruction to the jury did not need to specify what crime White intended to aid J.L. in committing.

White points to no Minnesota authority requiring a district court to instruct the jury on accomplice liability with specificity as to the crime or crimes a defendant intended to aid and abet, and we are aware of none. She instead cites *Rosemond v. United States*, 572 U.S. 65 (2014), a United States Supreme Court case analyzing whether such specificity is a required element of accomplice liability under a federal statute. That statute provides

that “[w]hoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal” and that “[w]hoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.” 18 U.S.C. § 2 (2018).³ In interpreting this statute, the Supreme Court reasoned that the intent element of the crime under an accomplice theory of liability “must go to the *specific and entire crime* charged” and that “[a]n intent to advance some different or lesser offense is not, or at least not usually, sufficient.” *Rosemond*, 572 U.S. at 76 (emphasis added). As such, for crimes charged under this statute, an accomplice liability jury instruction must contain the requisite specificity to comply with the statutory mandate. *See id.* at 81-82 (concluding that jury instruction on aiding and abetting the use of a firearm in a drug trafficking crime was inadequate because it did not require the government to prove that the defendant had advance knowledge that a firearm would be used during the offense). But Minnesota’s accomplice-liability statute is different than the federal statute at issue in *Rosemond*. Our accomplice-liability statute includes expanded liability for crimes “committed in pursuance of the intended crime if reasonably foreseeable by the person as a probable consequence of committing or attempting to commit the crime intended.” *Compare* Minn. Stat. § 609.05, subd. 2, *with* 18 U.S.C. § 2. Stated differently, although federal law may require a defendant to have advance knowledge of the specific crime committed by the principal, Minn. Stat. § 609.05, subd. 2, does not include an independent state-of-mind requirement

³ We cite to the current version of the statute, which has remained unchanged since the 2014 *Rosemond* decision.

for the charged crime and instead allows for liability for any other reasonably foreseeable crime committed in pursuit of the intended crime. *See McAllister*, 862 N.W.2d at 58 (reiterating that “Minn. Stat. § 609.05, subd. 2, does not impose an independent state-of-mind requirement”). We therefore conclude that *Rosemond* is inapposite, and the district court did not commit plain error in instructing the jury on accomplice liability.⁴

B. The admission of evidence regarding law enforcement’s familiarity with White did not affect her substantial rights.

White also argues that she is entitled to a new trial because the district court plainly erred in allowing evidence that law enforcement was familiar with White. Specifically, White alleges that the district court erred by allowing two officers to testify that they were familiar with White, one explaining that she knew her from hearing “her name in previous law enforcement contacts” and the other stating that he was acquainted with White. Even assuming the district court plainly erred by allowing this testimony, any error did not affect White’s substantial rights. A plain error affects a defendant’s substantial rights “if the error was prejudicial and affected the outcome of the case.” *Griller*, 583 N.W.2d at 741. Evidence that law enforcement may be familiar with a defendant does not affect a defendant’s substantial rights when the references are brief and do not explain in detail the

⁴ White also argues that a case currently pending before the supreme court, *State v. Segura*, No. A22-0163, may favorably resolve the question of whether a district court must instruct the jury as to the specific crime a defendant intended to aid or abet. But the existence of a currently pending case before the supreme court involving an unresolved issue does not give rise to an error that we consider to be plain. *See State v. Ramey*, 721 N.W.2d 294, 302 (Minn. 2006) (“An error is plain if it is clear or obvious. Usually this is shown if the error contravenes case law, a rule, or a standard of conduct.” (quotation and citation omitted)); *Kelley*, 855 N.W.2d at 277-78 (explaining that an error must be plain at the time of appellate review).

basis of such familiarity. *State v. Patzold*, 917 N.W.2d 798, 807-08 (Minn. App. 2018), *rev. denied* (Minn. Nov. 27, 2018).

We conclude that the evidence did not affect White’s substantial rights. The evidence of White’s accomplice liability was strong. The testimony was brief and not detailed. Although one officer testified that she had heard White’s name in “previous law enforcement contacts,” neither officer testified that they knew White due to any involvement in criminal activity.⁵ And the jury acquitted White of principal liability. We cannot conclude that these brief and nonspecific references had any impact on the verdict.

III. The district court did not abuse its sentencing discretion by imposing a guidelines sentence.

White contends that the district court abused its sentencing discretion because White received a significantly longer sentence than J.L. despite her minor role in the commission of the offense.⁶ White challenges her sentence under Minn. Stat. § 244.11, subds. 2(b), 3(a)(1) (2022), which allows us to “review the sentence imposed or stayed to determine whether the sentence is inconsistent with statutory requirements, unreasonable, inappropriate, excessive, unjustifiably disparate, or not warranted by the findings of fact

⁵ White also contends that allowing the state to show body-camera footage without redacting irrelevant information, such as her arrest and involvement in a separate matter, prejudiced her. But the footage does not implicate White in any criminal matter; it instead suggests that White was the potential victim of a domestic disturbance. Although the investigating officer testified that they were responding to a “disturbance” involving White, this brief reference did not suggest that White herself was engaged in criminal activity and did not otherwise affect the outcome of the proceedings.

⁶ White did not request a downward sentencing departure from the district court. She instead requested a guidelines sentence of 84 months, at the low end of the presumptive range.

issued by the district court.” *See also* Minn. R. Crim. P. 28.05, subd. 2. We review a district court’s sentencing decision for an abuse of discretion. *State v. Soto*, 855 N.W.2d 303, 307-08 (Minn. 2014).

White argues that it is unfair that J.L. received a 21-month stayed sentence with extended juvenile jurisdiction supervision as the principal actor in the burglary-assault, while White received a 96-month executed sentence for her actions as an accomplice who only “stood at the door.” She asks us to modify her sentence to correct this asserted injustice. We generally will not exercise our authority to modify a sentence unless we are presented with compelling circumstances to do so. *State v. Delk*, 781 N.W.2d 426, 428 (Minn. App. 2010), *rev. denied* (Minn. July 20, 2010).

We discern no compelling circumstances to interfere with the district court’s sentencing discretion. The district court imposed a sentence within the presumptive guidelines range. White had a criminal-history score of five at the time of the offense, while J.L. had a criminal-history score of zero. And J.L. was a juvenile at the time of the offense. We also note that the circumstances proved establish that White enlisted J.L. to collect money on behalf of White and that but for White’s involvement, J.L. would not have been involved in the crime at all. We therefore see no compelling circumstances to modify the district court’s imposition of a guidelines sentence as an appropriate exercise of its sentencing discretion.

Affirmed.