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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A23-0591**

State of Minnesota,
Respondent,

vs.

Curtis Allen Doll,
Appellant.

**Filed March 4, 2024
Affirmed in part, reversed in part, and remanded
Schmidt, Judge**

Otter Tail County District Court
File No. 56-CR-21-933

Keith Ellison, Attorney General, Ed Stockmeyer, Keaon Dousti, Assistant Attorneys General, St. Paul, Minnesota; and

Michelle Eldien, Otter Tail County Attorney, Fergus Falls, Minnesota (for respondent)

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Considered and decided by Schmidt, Presiding Judge; Ross, Judge; and
Gaïtas, Judge.

NONPRECEDENTIAL OPINION

SCHMIDT, Judge

Appellant Curtis Allen Doll seeks either reversal of his convictions, a new trial, or resentencing because (1) the circumstantial evidence was insufficient to support his convictions, (2) the district court erred in instructing the jury, (3) the prosecutor committed

misconduct during trial, (4) his counsel provided ineffective assistance, and (5) the district court abused its discretion at sentencing. We affirm in part, reverse in part, and remand.

FACTS

On April 18, 2021, at approximately 2:30 a.m., City of Wheaton Police Officer Kevin O’Leary heard a report that deputies from South Dakota had entered Minnesota in pursuit of a truck traveling at speeds of 90 to 100 miles per hour. Officer O’Leary deployed “stop sticks” to try to deflate the truck’s tires. When the stop sticks failed, Officer O’Leary joined the pursuit with his emergency lights and siren activated, following behind at least two South Dakota squad cars.

A Grant County Sheriff’s Deputy made a second unsuccessful attempt to stop the truck with stop sticks near Wendell, Minnesota. As the truck sped north, Minnesota police officers again deployed stop sticks, which successfully punctured a tire. As Officer O’Leary continued his pursuit, he could smell “hot rubber” from the truck’s flat tire and could see “a lot of sparks” flying after the “tire burned off the rim.”

Despite having lost a tire, the truck merged onto Interstate 94 West, traveling at a high rate of speed, and passing multiple other vehicles. At the exit for the City of Rothsay, the truck drove off the exit ramp into a ditch and crashed into a fence. The crash occurred nearly an hour after Officer O’Leary became involved in the pursuit.

Officer O’Leary stopped near the truck, which was unoccupied but still running. The officer saw a person running across the field and “hollered at the person to stop.” A male voice yelled back that he was running because he feared for his life. Officer O’Leary did not see anyone else in the area besides the man running. Inside the unoccupied truck,

police found a wallet with Doll's driver's license and a cell phone. Police also verified that the truck was registered to Doll. A deputy later ran Doll's driver's license and learned that Doll had a valid license with an alcohol restriction.

At approximately 6:00 a.m., Otter Tail County dispatch received a call from an employee at a truck stop in Rothsay, reporting that a male, matching Doll's description, entered the store smelling of alcohol, asked to use a phone book, and was looking for a ride. An Otter Tail County sheriff's deputy responded to the call and found Doll at the truck stop. Initially, Doll identified himself as "Mike." After the sheriff's deputy identified Doll through "DVS photos and descriptors," Doll apologized for giving a fake name. Doll did not have a cell phone or wallet, and the sheriff's deputy noticed that Doll "appeared to be physically intoxicated." Another sheriff's deputy observed the odor of alcohol emanating from Doll was "strong . . . to the point of being overwhelming." A sheriff's deputy requested Doll perform a field sobriety test, which indicated Doll was impaired by alcohol. Doll refused to take a preliminary breath test.

Doll told one of the sheriff's deputies that he "was in South Dakota" having "shots all night long, and a few drinks" and he "end[ed] up" at the truck stop despite "not driving." Doll also told deputies that he "had a few drinks" and "ended up" at Lake Traverse. Doll claimed an unnamed man with a beard jumped in his truck, started driving, and Doll had "no idea" how he got to the truck stop.

Officer O'Leary received information that Doll had been arrested for fleeing. Officer O'Leary knew Doll, saw the individual fleeing, and believed the person had a similar size and stature to Doll. But Officer O'Leary did not see the fleeing suspect's face.

Respondent State of Minnesota charged Doll with one count of fleeing police in a motor vehicle, two counts of third-degree driving while impaired (DWI), and one count of driving in violation of a restricted license. The state later dismissed the second DWI count.

Jury trial

Three Minnesota-licensed peace officers testified at trial. The jury also watched a squad video of the pursuit, which depicted a truck speed by, followed by four squad cars in pursuit with lights and sirens activated. The video then showed the squad car joining the pursuit and passing other vehicles that pulled over to the side of the road. The jury also heard an audio recording of Doll talking to the sheriff's deputy at the truck stop.

The jury found Doll guilty of all three counts. The district court required Doll to remain in custody pending sentencing, noting that "given the facts here, there're just too many people that were put at risk and the jury has spoken."

Sentencing

At sentencing, the district court considered Doll's presentence investigation report (PSI) wherein Doll claimed that he was "set up by others." The court also heard from Doll who reiterated "I do not feel like I did this. I never said I was in the vehicle . . . I have been set up." The district court responded to Doll's statements with skepticism and concern:

Well, I sat through the trial obviously and the jury ultimately made its decision. I'll say, Mr. Doll, I'm astounded when you say things like, I did not feel like I did this. I never said that I was in the truck. Which is getting to the point of saying, you just miraculously were transported to this rural Rothsay area which just happened to have your vehicle, your billfold, your telephone. In this squad the chase happens, basically originates for [sic] where you admit that you had been. I'm astounded that you can still hold to that. I have concerns that if you truly

believe that, either you're in great denial or there's other—some other mental health things going on because it's quite honestly just not believable to me. It's just not.

The district court stayed the imposition of sentence on the fleeing conviction, imposed a 365-day sentence on the gross misdemeanor DWI conviction but stayed the execution of 305 days, and imposed no sentence on the restricted-license conviction. The court placed Doll on supervised probation for four years on count one, and six years on count two.

Doll appeals.

DECISION

I. The evidence sufficiently supports Doll's convictions.

Doll argues his convictions should be reversed because the evidence does not support a finding that (1) Doll drove the truck, (2) Doll fled a peace officer, (3) Doll had the specific intent to flee a peace officer (because he knew or had reason to know that the people pursuing him were peace officers), and (4) the appropriate venue was Otter Tail County. We disagree.

Doll's fleeing conviction required the state to prove that Doll drove the truck in a manner to flee or to attempt "to flee a peace officer who is acting in the lawful discharge of an official duty, and the perpetrator knows or should reasonably know the same to be a peace officer[.]" Minn. Stat. § 609.487, subd. 3 (2020). To "flee" is defined, in relevant part, as "to increase speed, . . . refuse to stop the vehicle, or use other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle." Minn. Stat. § 609.487, subd. 1 (2020).

“When evaluating the sufficiency of the evidence, appellate courts carefully examine the record to determine whether the facts and the legitimate inferences drawn from them would permit the jury to reasonably conclude that the defendant was guilty beyond a reasonable doubt of the offense of which he was convicted.” *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016) (quotation omitted). We must view the evidence in the light most favorable to the verdict, and we must assume that the fact-finder disbelieved any evidence conflicting with the verdict. *Id.* The verdict will not be overturned if the fact-finder could reasonably have found the defendant guilty of the charged offense. *Id.*

The supreme court defines circumstantial evidence as “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). The level of scrutiny that we apply to a sufficiency-of-the-evidence review turns on whether the elements of an offense are supported by direct or circumstantial evidence. *See State v. Silvernail*, 831 N.W.2d 594, 598 (Minn. 2013). Because there was no direct evidence that Doll drove the truck, we must closely scrutinize the sufficiency of the evidence presented. *State v. Al-Naseer*, 788 N.W.2d 469, 473-75 (Minn. 2010); *Harris*, 895 N.W.2d at 599 (defining circumstantial evidence as “evidence from which the factfinder can infer whether the facts in dispute existed or did not exist” (quotation omitted)).

Our circumstantial evidence review requires a two-step analysis. *Silvernail*, 831 N.W.2d at 598. First, we identify the circumstances proved. *Id.* In doing so, we “consider only those circumstances that are consistent with the verdict” and assume the jury believed the state’s witnesses and disbelieved the defense’s witness. *Id.* at 599.

Second, we review the circumstantial evidence as a whole and “determine whether the circumstances proved are consistent with guilt and inconsistent with any rational hypothesis except that of guilt.” *Id.* In doing so, we independently examine “the reasonableness of all inferences that might be drawn from the circumstances proved.” *Id.*

A. The circumstances proved.

The circumstances proved that are consistent with the verdict are as follows. Officer O’Leary received a report that deputies from South Dakota had entered Minnesota in pursuit of a truck fleeing the police at speeds of 90 to 100 miles per hour. Officer O’Leary deployed stop sticks, which missed the truck. Officer O’Leary then joined the pursuit in his squad car with his emergency lights and siren activated.

A Grant County sheriff’s deputy made a second unsuccessful attempt to stop the truck with stop sticks. A third officer successfully deployed stop sticks, which punctured one of the truck’s tires. Officer O’Leary could smell “hot rubber” from the truck’s flat tire and could see “a lot of sparks” flying after the “tire burned off the rim.”

Despite the punctured tire, the truck merged onto I-94 and continued traveling at a high rate of speed, passing multiple other vehicles. The truck exited I-94, drove off the exit ramp into a ditch, and crashed into a fence.

Officer O’Leary stopped his squad car near the truck, which was unoccupied but still running. Officer O’Leary, who was familiar with Doll, saw a man matching Doll’s size and stature running away. Inside the truck, police found a cell phone and a wallet with a driver’s license for “Curtis Doll.” The truck was also registered to Doll.

After the officer lost sight of the man running from the crash site, dispatch received a call from an employee at a truck stop, saying that a male showed up smelling of alcohol and asked to use a phone book. An Otter Tail sheriff's deputy responded to the call and found Doll at the truck stop. Doll initially used a fake name, but later confirmed his real identity. Doll did not have a cell phone or wallet with him. The sheriff's deputy noticed that Doll "appeared to be physically intoxicated" and another deputy observed that the odor of alcohol emanating from Doll was "strong . . . to the point of being overwhelming." Doll told one of the sheriff's deputies that he was drinking "all night long" in South Dakota. Officers determined that Doll's driver's license, while valid, contained restrictions.

B. The circumstances proved are consistent with guilt and inconsistent with any rational hypothesis except that of guilt.

Having determined the circumstances proved, we next consider whether those circumstances are consistent with guilt and inconsistent with any rational hypothesis other than guilt. *Silvernail*, 831 N.W.2d at 599. We address each of Doll's arguments in turn.

1. The evidence sufficiently proved that Doll drove the truck.

Doll argues the circumstances proved are inconsistent with guilt for all three convictions because he was not the driver of the truck. We are not persuaded.

The record shows that Officer O'Leary found Doll's license and phone in the abandoned truck, the truck was registered to Doll, the person running from the truck matched Doll's size and stature, and Doll appeared at a truck stop with no vehicle, no phone, and no wallet. These circumstances are consistent with guilt, including the finding that Doll was driving the truck.

Doll also admitted he had several drinks in South Dakota. He further admitted he drove to Lake Traverse. The circumstances proved demonstrate that South Dakota law enforcement chased Doll before crossing the border, which gave Officer O’Leary time to deploy stop sticks. Doll’s hypothesis—that Doll was “drugged” by a stranger, was a passenger in the truck, and was thrown from the truck during the crash before regaining consciousness at the gas station—is simply not rational. The circumstances are inconsistent with any rational hypothesis except that Doll drove the truck.

2. The evidence sufficiently proved Doll knew or had reason to know he was fleeing a peace officer.

Doll next argues that the law requires a defendant to know or have reason to know that the defendant is fleeing a peace officer that is licensed in Minnesota and the circumstances proved are inconsistent with guilt on his fleeing conviction.¹ We disagree.

It is not a rational hypothesis that Doll did not know at least one Minnesota peace officer joined in the chase because several Minnesota officers tried to stop Doll with the stop sticks, the squad video showed other drivers pulling over given the police lights and sirens, Officer O’Leary was close enough to Doll that he could smell rubber and see sparks, and Doll fled from the car and continued running after O’Leary yelled out for Doll to stop.

¹ Doll also argues: (1) South Dakota law enforcement cannot continue to pursue a vehicle once that vehicle crosses state lines and enters Minnesota; and (2) the state must prove that a defendant has knowledge that he is being pursued by a peace officer licensed in Minnesota before the defendant can be found guilty under the fleeing statute. We have serious doubts about the underlying legal basis for Doll’s arguments, but need not decide the issues because the facts demonstrate that a licensed Minnesota peace officer joined the pursuit and the contention that Doll was unaware that he was being chased by a licensed Minnesota peace officer is not a rational hypothesis of the circumstances proved.

3. The evidence sufficiently proved Otter Tail County was the proper venue.

Doll further insists that the state failed to prove he was convicted in the proper venue because the evidence was insufficient to prove the truck continued to flee from, and did not stop for, police once it arrived in Otter Tail County. We disagree.

Minnesota Constitution, article I, section 6, provides that the accused shall be tried in the county or district wherein the crime was committed. The legislature codified this constitutional right. *See* Minn. Stat. § 627.01, subd.1 (2020) (stating “every criminal cause shall be tried in the county where the offense was committed”). The statute further defines the “county where the offense was committed” as “any county where an element of the offense was committed *or* any county where the property involved in the offense is or has been located.” *Id.* at subd. 2 (emphasis added).

The Minnesota Supreme Court has applied this statute to hold that, venue is proper in the county wherein at least one element of the crime charged was committed. *State v. Johnson*, 995 N.W.2d 155, 161 (Minn. 2023). Doll’s argument venue fails under *Johnson*. *Id.* Venue is proper in Otter Tail County because, viewing the evidence in the light most favorable to the verdict, part of Doll’s flight occurred in Otter Tail County.

II. The district court properly instructed the jury on the felony-fleeing elements.

Doll argues the district court abused its discretion based upon two unobjected-to jury instructions regarding the felony-fleeing law. Specifically, Doll claims that the district court’s failure to, *sua sponte*, instruct the jury on what constitutes a “peace officer” or what constitutes “specific intent” was error warranting reversal.

A district court has “broad discretion and considerable latitude in choosing the language of the jury instructions.” *State v. Milton*, 821 N.W.2d 789, 805 (Minn. 2012) (quotation omitted). Jury instructions are proper if they “fairly and adequately” define the “law of the case.” *Id.* A district court is not required to define “words of common usage.” *State v. Backus*, 358 N.W.2d 93, 95 (Minn. App. 1984).

Doll neither requested definitions of “peace officer” or of “specific intent,” nor objected to the district court’s failure to define those terms. Although forfeited because of Doll’s failure to object, we can review the claims if he meets the factors in the plain-error test. *State v. Watkins*, 840 N.W.2d 21, 27 (Minn. 2013). Under the modified plain-error test, Doll must show that there was an error that was plain. *State v. Ramey*, 721 N.W.2d 294, 298 (Minn. 2006). A plain error is one that is “clear or obvious.” *Id.* at 302 (quotation omitted). Once such an error is established, the burden then shifts to the state to show the plain error did not affect Doll’s substantial rights. *Id.* If we determine a plain error affected Doll’s substantial rights, then we assess “whether the error should be addressed to ensure fairness and the integrity of the judicial proceedings.” *Id.*

Doll fails to meet the first prong of the plain-error test because the district court’s failure to, sua sponte, instruct the jury on what constitutes a “peace officer” was not error. The statutory definition of “peace officer” includes in-state and out-of-state officers who are empowered to enforce criminal laws by arrest. Minn. Stat. § 609.487, subd. 2(1)-(3) (2020). The district court was not required to define “peace officer” because the definition tracks the common meaning that reasonable jurors would have. *See Backus*, 358 N.W.2d at 95 (holding the district court was not required to define a word of common usage).

Even if “peace officer” had a common meaning that differed from the statutory definition, Doll cannot show the failure to define the term for the jury was plain error because there is no precedential decision requiring district courts to define the phrase for jurors. *See Milton*, 821 N.W.2d at 807-08 (holding instruction not plainly erroneous because appellate court had not previously “clearly required” a different instruction).

Doll’s arguments about the lack of a “specific intent” jury instruction also fail because he cannot establish error, let alone plain error. This court has held that a district court did not err by failing to define “with intent to” in a felony-fleeing prosecution. *State v. Erdman*, 383 N.W.2d 331, 333 (Minn. App. 1986) (failing “to request a specific intent instruction in a prosecution under § 609.487 precludes review of any claimed error”); *see also State v. Bonin*, No. A22-1166, 2023 WL 3444930, at *6 (Minn. App. May 15, 2023) (holding no error in omitting definition of “with intent to” because it did not differ from the “common and ordinary meaning” of the phrase).² Doll cannot demonstrate the lack of a jury instruction satisfies the plain-error test.

III. We discern no plain error in the prosecutor’s statements during opening or closing arguments.

Doll argues the prosecutor committed misconduct during opening and closing arguments by improperly interjecting personal opinions and misstating the evidence. A prosecutor cannot refer to evidence in an opening statement without a good-faith basis for believing the evidence is admissible. *State v. Gaitan*, 536 N.W.2d 11, 16 (Minn. 1995).

² Nonprecedential opinions are not binding authority but may be cited as persuasive authority. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c).

In closing arguments, the state has “the right to present to the jury all legitimate arguments on the evidence, to analyze and explain the evidence, and to present all proper inferences to be drawn therefrom.” *State v. Smith*, 541 N.W.2d 584, 589 (Minn. 1996). In analyzing a prosecutor’s arguments, we review the arguments “as a whole, rather than just selective phrases or remarks that may be taken out of context or given undue prominence.” *State v. Carridine*, 812 N.W.2d 130, 148 (Minn. 2012) (quotation omitted).

Doll did not object to the now-challenged opening statement or closing argument. As such, his argument may be reviewed only if Doll satisfies the factors under the modified plain-error test. *State v. McDaniel*, 777 N.W.2d 739, 749 (Minn. 2010).

Doll argues that the prosecutor committed misconduct by expressing a personal opinion and disparaging the defense in the opening statement by saying “He’s got a pretty wild story to tell.” The prosecutor’s “wild story” statement was about Doll’s explanation that an unknown “dude with a beard” jumped into his truck and that Doll had no knowledge of what happened until he got to the truck stop. The prosecutor had the right to present all legitimate arguments on this evidence, to analyze and explain the evidence, and to present all proper inferences to be drawn therefrom. *Smith*, 541 N.W.2d at 589. The prosecutor’s characterization was not error, much less a plain error that affected Doll’s substantial rights. *See State v. Vue*, 797 N.W.2d 5, 15-16 (Minn. 2011) (holding no misconduct when prosecutor repeatedly stated defense wanted jury to “believe the impossible”).

Doll also argues the prosecutor misstated the evidence three times in opening statements and closing arguments: (1) Doll’s truck “became incapacitated in the median,” (2) the truck was “skidding on the highway,” and (3) Doll “led law enforcement from

multiple agencies on an extremely dangerous pursuit.” Doll’s word-parsing argument is not persuasive. When viewed as a whole, these were not comments made in bad faith or to dilute the state’s burden of proof because whether Doll crashed in a “median” or a “ditch,” the jury determined, beyond a reasonable doubt, that Doll fled from police in the truck and crashed. The comment about Doll’s truck “skidding on the highway” is also supported by the record given Doll continued to flee after his tire deflated from the stop sticks, causing sparks to come off the rim of his tire as he sped down the interstate. Any alleged error in phrasing these facts was not error and, even if it was, it did not affect Doll’s substantial rights given the evidence in the record.

In addition, prior to opening statements, the district court explained to the jury that “[n]othing the attorneys say during the trial, including opening statements and closing arguments, is evidence.” At the end of the trial, the court again instructed the jury that the attorneys’ statements are not evidence. We presume that juries follow the court’s instructions. *State v. Ferguson*, 581 N.W.2d 824, 835 (Minn. 1998). Thus, even if Doll could demonstrate error that is plain, we discern no prejudice flowing from the prosecutor’s opening statements or closing arguments.

IV. Doll was not denied effective assistance of counsel.

Doll contends that his trial attorney was ineffective for failing to object to evidence, failing to object during the prosecutor’s opening and closing arguments, and failing to request specific jury instructions. We are not persuaded.

Appellate courts analyze a claim of ineffective assistance of counsel under a two-prong test. *Peltier v. State*, 946 N.W.2d 369, 372 (Minn. 2020) (citing *Strickland v.*

Washington, 466 U.S. 668, 687 (1984)). To prevail on a claim of ineffective assistance of counsel, Doll must show that (1) “counsel’s performance fell below an objective standard of reasonableness” and (2) “there was a reasonable probability that, but for counsel’s errors, the result of the proceedings would have been different.” *Id.* (quotation omitted) (relying on *Strickland*, 466 U.S. at 694). “Application of the *Strickland* test involves a mixed question of law and fact, which we review de novo.” *State v. Mouelle*, 922 N.W.2d 706, 715 (Minn. 2019). The reviewing court need not address both prongs of the test if one prong is not met. *Id.*

We have already rejected Doll’s arguments about the prosecutor’s opening statement and closing argument, and arguments regarding the district court’s jury instructions. As such, Doll’s attorney cannot have been ineffective for failing to wage objections or propose instructions. *See, e.g., Reed v. State*, 793 N.W.2d 725, 735-36 (Minn. 2010) (holding no prejudice for ineffective assistance of counsel when there is no prejudice under plain error). We, therefore, limit our analysis on this issue to whether counsel’s failure to object to certain evidence amounts to ineffective assistance of counsel.

Here, the second *Strickland* prong is conclusive for our analysis. Doll argues that his counsel failed to object to testimony about the speed the truck was traveling, whether deploying stop sticks was dangerous for officers, or to certain leading questions. But in our thorough review of the record, we conclude there is no reasonable probability that, but for Doll’s counsel not objecting in these instances, the jury would have acquitted. This testimony was not relevant to Doll’s strategy at trial, which focused on attacking the prosecution’s evidence that Doll drove the truck.

V. The district court did not abuse its discretion in remanding Doll to custody after the jury found him guilty or in sentencing Doll, but the new misdemeanor law requires a limited reversal and remand to correct the sentence.

Doll argues the district court abused its discretion in remanding Doll to custody after the jury found him guilty. We disagree.

“We afford the [district] court great discretion in the imposition of sentences and reverse sentencing decisions only for an abuse of that discretion.” *State v. Soto*, 855 N.W.2d 303, 307-08 (Minn. 2014) (quotation omitted). A district court may “continue or alter the terms of release” or “confine the defendant” after a jury has convicted the defendant but before sentencing. Minn. R. Crim. P. 27.01.

Here, the district court remanded Doll to custody after the jury convicted him of all three driving-related counts and before sentencing. The district court explained its reasoning for remanding Doll: “given the facts here, there’re just too many people that were put at risk and the jury has spoken.” The district court was well within its discretion to remand Doll because the court was not persuaded that he would not flee before sentencing or that he was not still a danger to others.

Doll also contends that the district court abused its discretion in sentencing him to the “maximum period of probation and jail time for the DWI without making specific findings supporting such a sentence.”³ The state counters that the district court’s discretion on how long to stay a sentence is limited by statutory maximums. We agree with the state.

³ Doll cites no authority to support his argument that the limitations on the length of a probationary jail-term condition should apply to restrict the length of probation. Without developing the issue or providing legal authority, we conclude that Doll forfeited this argument. See *State v. Krosch*, 642 N.W.2d 713, 719 (Minn. 2002).

We review sentencing decisions for an abuse of discretion and we “afford the [district] court great discretion in the imposition of sentences.” *State v. Spain*, 590 N.W.2d 85, 88 (Minn. 1999). A district court is not required to explain its reasons for imposing a presumptive sentence, and we may not interfere with the district court’s exercise of discretion so long as “the record shows the sentencing court carefully evaluated all the testimony and information presented before making a determination.” *State v. Van Ruler*, 378 N.W.2d 77, 80–81 (Minn. App. 1985).

A sentence on a felony fleeing conviction with zero criminal-history points is presumptively a stay that “shall be for not more than four years or the maximum period for which the sentence of imprisonment might have been imposed, whichever is longer.” Minn. Stat. § 609.135, subd. 2(a) (2020). A sentence on a conviction for a DWI gross misdemeanor with zero criminal-history points is presumptively a stay that “shall be for not more than six years.” Minn. Stat. § 609.135, subd. 2(b) (2020).

Here, the district court complied with the statute by staying the imposition of sentence on the felony-fleeing conviction for four years. Minn. Stat. § 609.135, subd. 2(a). The district court also stayed imposition of sentence on the gross misdemeanor DWI conviction for six years in compliance with the statute. Minn. Stat. § 609.135, subd. 2(b).

At sentencing, Doll maintained his innocence and claimed to have been “set up.” The district court’s response of disbelief at Doll’s statement, and the court’s concern for Doll’s mental well-being, demonstrates the court appropriately exercised its discretion in imposing the maximum probationary terms. Nonetheless, the district court had no obligation to explain its rationale in imposing the maximum probationary period for each

conviction because those sentences stayed within the presumptive range. *Van Ruler*, 378 N.W.2d at 80–81 (holding a district court has no obligation to articulate its reasoning when imposing a presumptive sentence).

We note that the legislature has amended the statute to provide that the maximum sentence for a gross misdemeanor is 364 days. Minn. Laws. Ch. 52, art. 6, § 6, at 736-37. This amendment is retroactive. *Id.* Although the parties did not independently raise this issue, we have an obligation to decide cases according to law. *State v. Hannuksela*, 452 N.W.2d 668, 673 n.7 (Minn. 1990). Doll’s gross misdemeanor sentence violates the new, retroactive, statute. As such, we reverse the gross misdemeanor sentence and remand with instructions for the district court to correct the sentence to 364 days.

Affirmed in part, reversed in part, and remanded.