

*This opinion is nonprecedential except as provided by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
A23-1366**

State of Minnesota,
Respondent,

vs.

Jada Yolandamarie Ralford,
Appellant.

**Filed July 1, 2024
Affirmed
Larkin, Judge**

Ramsey County District Court
File Nos. 62-CR-23-461, 62-CR-23-475

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

John J. Choi, Ramsey County Attorney, Peter R. Marker, Assistant County Attorney, St. Paul, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jennifer Lauermann, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bratvold, Presiding Judge; Larkin, Judge; and Kirk,
Judge.*

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

NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellant challenges her presumptive sentences for two counts of first-degree aggravated robbery, arguing that the district court abused its discretion by denying her motion for downward dispositional and durational departures. We affirm.

FACTS

In January 2023, respondent State of Minnesota charged appellant Jada Yolandamarie Ralford with three counts of first-degree aggravated robbery, occurring on January 14, 21, and 23, 2023. The parties reached a plea agreement. Ralford pleaded guilty to the January 21 and 23 robberies, and the prosecutor agreed to dismiss the January 14 robbery charge. But there was no agreement regarding sentencing.

As support for her guilty pleas, Ralford admitted that on January 21 she posted her car for sale on Facebook Marketplace, and when the buyer, ELM-N, arrived, she took his money, pointed a “toy gun” at him, and drove off. Ralford admitted that she pointed the toy gun at ELM-N “to scare him so that he couldn’t take his money back.” Ralford also admitted that on January 23, she again posted her car for sale on Facebook Marketplace, met the buyer, JGSM, and when he tried to take his money back from her, she punched him in the mouth and drove off. Ralford agreed that she caused JGSM bodily harm. Although the complaint alleged that Ralford pepper sprayed JGSM and bit his hand, Ralford denied those allegations.

The district court conditionally released Ralford pending sentencing. The probation department prepared a presentence-investigation report (PSI), which recommended a

presumptive sentence of 78 and 98 months' imprisonment, noting that Ralford did "not appear to be a candidate for probation supervision." Ralford requested downward dispositional and durational departures from the presumptive prison sentences for her first-degree aggravated robbery convictions. She argued that she was particularly amenable to probation, relying on the probation department's acknowledgement that she had "potential for success on probation." She also argued that she had a plan to address her chemical dependency, depression, and post-traumatic stress disorder (PTSD). She noted the physical abuse she suffered as a child, her struggles with poverty, her desire to care for her children, and her dedication to maintaining employment.

The state opposed the motion, requested executed concurrent sentences, and emphasized that Ralford was on probation for second-degree assault when she committed the January 2023 robberies and that she had committed a new theft crime while on conditional release.

After considering the parties' arguments, defense counsel's 42-point motion and supplemental documents, and the PSI, the district court denied Ralford's request for downward dispositional and durational departures. The district court imposed concurrent presumptive prison terms of 78 months for the January 21 robbery and 98 months for the January 23 robbery. At Ralford's request, the district court revoked Ralford's probation and executed her stayed 27-month prison sentence for second-degree assault, to run concurrently with her robbery sentences. Finally, the district court dismissed the January 14 first-degree aggravated robbery charge.

Ralford appeals.

DECISION

“We afford the [district] court great discretion in the imposition of sentences” and review sentencing decisions only for an abuse of that discretion. *State v. Soto*, 855 N.W.2d 303, 307-08 (Minn. 2014) (quotation omitted). The district court must pronounce a sentence of the applicable disposition and within the applicable range set forth in the Minnesota Sentencing Guidelines, unless “identifiable, substantial, and compelling circumstances” support a departure. Minn. Sent’g Guidelines 2.D.1 (2022). A sentence within the guidelines range is presumed appropriate. *Id.*

When substantial and compelling circumstances exist, the district court has broad discretion to depart, and this court generally will not interfere with the exercise of that discretion. *State v. Kindem*, 313 N.W.2d 6, 7 (Minn. 1981). Only in a “rare” case will we reverse the district court’s refusal to depart from the presumptive sentence. *Id.* We will affirm the denial of a departure motion “as long as the record shows the [district] court carefully evaluated all the testimony and information presented before making a determination.” *State v. Pegel*, 795 N.W.2d 251, 255 (Minn. App. 2011) (quotation omitted).

Ralford challenges her sentences, arguing that the district court abused its discretion by denying her request for downward dispositional and durational departures. We address each argument in turn.

I. The district court did not abuse its discretion in denying Ralford’s request for dispositional departures.

“A dispositional departure places the offender in a different setting than that called for by the presumptive guidelines sentence,” that is, prison or probation. *State v. Solberg*, 882 N.W.2d 618, 623 (Minn. 2016). When ruling on a motion for a dispositional departure, the district court must focus on the defendant’s characteristics and whether she is “particularly amenable to probation.” Minn. Sent’g Guidelines 2.D.3 (2022); see *State v. Trog*, 323 N.W.2d 28, 31 (Minn. 1982). This requirement ensures that “the defendant’s amenability to probation distinguishes the defendant from most others and truly presents the substantial and compelling circumstances that are necessary to justify a departure.” *Soto*, 855 N.W.2d at 309 (quotation omitted).

Whether a defendant is particularly amenable to probation depends on multiple factors, including the defendant’s age, prior criminal record, remorse, cooperation, attitude in court, and support of friends and family. *Trog*, 323 N.W.2d at 31. But even if circumstances suggest that a defendant would be particularly amenable to probation, the district court is not required to grant a downward dispositional departure. *State v. Olson*, 765 N.W.2d 662, 664-65 (Minn. App. 2009).

In explaining its decision to deny Ralford’s request for dispositional-departures on the January 21 and 23 robberies, the district court addressed her and explained:

[The first] offense occurred on January 21st, 2023. Three weeks after you were given a dispositional departure to probation for stabbing the father of your children. That was on the heels of a 2019 threats of violence case where you received a stay of imposition. You committed three aggravated

robberies within the month of January 2023, and picked up a new theft charge while on conditional release.

When given the time to do programming so you could be successful on probation, you went out and got a new theft case; taking a baby carriage into Macy's and concealing clothing in it and stealing. . . . I greatly sympathize with the plight of your two young children, and that weighs heavily on me. However, I've considered all of the reasons put forth by your [d]efense counsel, and I find none of them justify a [dispositional] departure in this case.

On appeal, Ralford reasserts many of the same arguments that she made in support of dispositional departures in the district court. Ralford emphasizes that her remorse for her actions and willingness to move forward, despite an abusive childhood, proves that she is particularly amenable to probation. She also submits that she completed a mental-health assessment and made a plan to address her depression, PTSD, and chemical dependency. She also notes that the probation department believed that her risk of reoffending could be reduced through cognitive-skills and employment-readiness programming.

The record shows that the district court rejected those arguments after evaluating all of the information presented and ultimately concluded that Ralford was not particularly amenable to probation. The record strongly supports that conclusion.

II. The district court did not abuse its discretion in denying Ralford's request for durational departures.

A durational departure is a sentence that differs in length from the range imposed under the guidelines. Minn. Sent'g Guidelines 1.B.5.b (2022). A durational departure focuses on offense-related factors and may be appropriate if the defendant's conduct is "significantly less serious than that typically involved in the commission of the offense." *Solberg*, 882 N.W.2d at 624 (quotation omitted). While remorse is one factor that a district

court may consider when granting a downward durational departure, our supreme court has explained that doing so is not “an easy task” and requires a showing that “a defendant’s remorse . . . bears on a determination of the cruelty or seriousness of the conduct on which the conviction was based.” *Id.* at 626.

The district court explained its rejection of Ralford’s request for a downward durational departure on the January 21 robbery as follows:

[T]here’s no question that this crime was particularly serious. As all aggravated robberies are. Moreover, it was a crime spree of three robberies; and sophistication and planning went into this, as well. You lured people to you via Facebook Market Place, and you even used Google Translate to get Spanish speaking victims to fall into this trap.

In this particular case you pointed a gun in the face of ELM[-]N; and nothing about this offense makes it less onerous or less typical than a regular aggravated robbery case. So I’ve considered the argument and I’m denying your request for a durational departure in this case.

The district court rejected appellant’s argument that the use of a toy gun was less serious than a real gun because to the victim “who has the gun in their face, as their money is being taken . . . [it] doesn’t make much of a difference.” The district court also noted that a toy gun satisfies the elements of aggravated robbery. *See* Minn. Stat. § 609.245, subd. 1 (2022) (providing that first-degree aggravated robbery includes use of “a dangerous weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon”).

As to the January 23 robbery, the district court explained:

[A]s previously mentioned, there’s no question this was a particularly serious crime. It was part of a crime spree of three robberies committed over a period of weeks. Sophistication

and planning went into it. In this instance you pepper sprayed the victim and bit his finger. And when the police arrested you, you told them you were just going to do it again.

Additionally, you had phone conversations with your boyfriend telling him it's not a robbery if they give you the money.

There's nothing about this case that makes it less onerous or typical than an aggravated robbery.

Ralford argues that her expressed remorse shows that her crimes were not as serious as a typical first-degree robbery. And she points out that the district court relied on allegations that she pepper-sprayed and bit the victim, which she denied.

The above-quoted remarks explaining why Ralford's offenses were not significantly less serious than a typical aggravated robbery are sound. To the extent that the district court erred by mentioning two allegations that Ralford denied, there is no reason to think that the court would have reached a different conclusion if it had not considered those circumstances. The alleged error therefore does not provide a basis for relief. *See* Minn. R. Crim. P. 31.01 (stating harmless error must be ignored). Finally, showing the relevance of remorse to a durational departure is no "easy task," and there is no basis to conclude that the district court abused its discretion by rejecting Ralford's professed remorse as justification for departures. *Solberg*, 882 N.W.2d at 626.

In sum, this is not a "rare" case in which the district court abused its discretion by imposing a presumptive sentence. *See Kindem*, 313 N.W.2d at 7; *see also* Minn. Sent'g Guidelines 2.D.1 (2022) (stating sentences within the guidelines range are presumed appropriate).

Affirmed.