

*This opinion is nonprecedential except as provided by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
A24-0398**

State of Minnesota,
Respondent,

vs.

Nicholas Matthew Nadler,
Appellant.

**Filed March 3, 2025
Affirmed
Wheelock, Judge**

Hennepin County District Court
File No. 27-CR-23-11744

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

Mary F. Moriarty, Hennepin County Attorney, Nicole Cornale, Assistant County Attorney,
Minneapolis, Minnesota (for respondent)

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

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

NONPRECEDENTIAL OPINION

WHEELOCK, Judge

In this direct appeal from the final judgment of conviction, appellant argues that the district court abused its discretion by sentencing him to the midpoint of the sentencing guidelines' presumptive range instead of the bottom of the range. We affirm.

FACTS

On November 9, 2022, a package arrived at K.M.'s home that contained a nude photo of her. K.M. reported it to law enforcement, who obtained a search warrant for the company that delivered the package to K.M.'s home. The company, which allows customers to create products online using uploaded photographs, identified the account that had been used to send the package. Law enforcement obtained and executed a second search warrant, this time for the specific account, and found additional photos of K.M. in the account's online storage. Officers confirmed that the account belonged to appellant Nicholas Matthew Nadler, against whom K.M. had an order for protection (OFP). Prior to this incident, K.M. had several no-contact orders and OFPs against Nadler, which he violated on multiple occasions. As a result, K.M. had obtained a 15-year OFP against Nadler before she received the nude photo on November 9. Respondent State of Minnesota charged Nadler with felony-level violation of an order for protection pursuant to Minn. Stat. § 518B.01, subd. 14(a) (2022).

Nadler entered a guilty plea in September 2023, and at the plea hearing, the district court explained to Nadler the presentence-investigation (PSI) process and the scope of sentences that could be imposed. Nadler then was released from jail and placed on electronic home monitoring until sentencing. Nadler participated in the PSI process, and the report, which was extensive and detailed, recommended a "middle-of-the-box" sentence.¹

¹ The "box" refers to the applicable cell displaying the presumptive range of sentences and the midrange term in the sentencing guidelines grid, a table listing presumptive sentences

In December 2023, Nadler appeared for sentencing and requested a downward dispositional departure to probation. To demonstrate that he was amenable to probation, Nadler apologized for his actions and stated that he attended weekly meetings with a housing social worker, was accepted into a work training program, obtained stable housing, participated in mental-health treatment, and abided by all the conditions of his release. Both Nadler’s housing social worker and his therapist submitted letters of support on his behalf to the district court prior to sentencing.

The district court explained that it appreciated what Nadler had to say and the work he had done, but it had reviewed the PSI report and found parts of it “troubling” because Nadler “demonstrated a lack of empathy towards the victim.” The district court determined that Nadler had not made enough progress for it to find that he was particularly amenable to probation and denied Nadler’s motion. The district court ended the sentencing hearing by saying, “The presumptive sentence for your offense is a 24-month commitment to the Commissioner of Corrections. And that is the sentence that I am going to impose in this case. . . . [T]his is the consequence that the law dictates for your behavior.”

Nadler appeals.

DECISION

Nadler challenges the district court’s imposition of a presumptive midrange sentence. Nadler argues that the district court believed that the presumptive sentence was the middle of the box rather than the whole range within the box, which was an erroneous

based on the severity level of the offense conviction and the offender’s criminal-history score. *See* Minn. Sent’g Guidelines 4.A (2022).

view of the law, and thus the district court failed to exercise its discretion and Nadler is entitled to a new sentencing hearing. Nadler also asserts that the district court erred by not explaining its reasons for imposing the presumptive midrange sentence. The state argues that the district court did not abuse its discretion because the record demonstrates that the district court considered all the arguments and understood that the presumptive sentence was any sentence that fell within the range identified in the box.

We review sentences imposed for an abuse of discretion and generally will not reverse a sentence imposed that falls within the presumptive guidelines range. *State v. Delk*, 781 N.W.2d 426, 428 (Minn. App. 2010), *rev. denied* (Minn. July 20, 2010). It is a “rare case” that would compel an appellate court to reverse a district court’s imposition of a presumptive sentence. *State v. Kindem*, 313 N.W.2d 6, 7 (Minn. 1981). A district court need not explain its reasons for imposing the presumptive sentence. *State v. Van Ruler*, 378 N.W.2d 77, 80 (Minn. App. 1985). So long as the record shows that the district court “carefully evaluated all the testimony and information presented before making a determination,” we will not interfere with the district court’s exercise of discretion. *Id.* at 80-81.

The Minnesota Sentencing Guidelines establish presumptive sentences for felony offenses. Minn. Stat. § 244.09, subd. 5 (2022). The guidelines include grids, and the presumptive sentence is determined by looking at the cell that appears at the intersection of the offender’s criminal-history score and the severity level of the offense on the applicable sentencing grid. Minn. Sent’g Guidelines 2.C.1 (2022). If the cell contains three numbers, the middle number (“middle of the box”) is the “presumptive fixed

sentence” and the other two numbers represent a range extending from 15% below the fixed sentence (“bottom of the box”) to 20% above the fixed sentence (“top of the box”). *Id.*; see also *State v. Jackson*, 749 N.W.2d 353, 359 n.2 (Minn. 2008). All three numbers in the cell represent a presumptive sentence. *Delk*, 781 N.W.2d at 428.

For Nadler’s offense here, the sentencing guidelines dictate presumptive commitment to a correctional facility with a range of 21 to 28 months and a midpoint of 24 months because Nadler’s offense severity level is four and his criminal-history score is four. Minn. Sent’g Guidelines 4.A, 5.A (2022). The sentencing-hearing transcript demonstrates that the district court considered Nadler’s arguments and written submissions (such as the PSI report and his letters of support) at sentencing before it denied his motion for a dispositional departure and imposed the presumptive midrange sentence. Nadler does not identify any legal authority to support his argument that the district court must provide a separate analysis when imposing a presumptive sentence. Rather, caselaw explicitly states that a district court need not explain its reasons for imposing a presumptive sentence. *Van Ruler*, 378 N.W.2d at 80. Therefore, so long as the record shows that the district court “carefully evaluated all the testimony and information presented before making a determination,” it does not abuse its discretion or commit other error when it does not articulate reasons for imposing a sentence within the presumptive range. *Id.* at 80-81.²

Nadler argues that the district court did not understand the law when it stated at the end of the sentencing hearing that “the presumptive sentence” was 24 months rather than

² We note that we reviewed the PSI report and the victim-impact statement and remain unpersuaded that the district court abused its discretion in its sentencing decision.

the range of 21 to 28 months. This argument is not persuasive because 24 months is within the 21- to 28-month range. Minn. Sent’g Guidelines 2.C.1. Nadler’s argument focuses on a single sentence spoken by the district court at the end of the hearing and ignores the rest of the district court’s statements. We do not consider this sentence in isolation, and when we look at the entirety of the transcript, it is clear that the district court understood that it had discretion to sentence Nadler to any amount of time within the presumptive range. We see no basis on which to conclude that the district court’s reference to 24 months as “the presumptive sentence” means that it did not understand the law.

Nadler identifies three cases to support his argument that we must remand because the district court did not employ its discretion. First, Nadler argues that our statement in *State v. Curtiss* that the district court must “deliberately consider[]” the sentence it will impose requires reversal of his sentence. 353 N.W.2d 262, 264 (Minn. App. 1984). But Nadler takes this rule too far. We expressed this rule in the context of a district court’s decision not to consider any arguments for or against a departure request, demonstrating that the district court had “abandoned the departure topic” before sentencing. *Id.* at 263. The rule is consistent with the well-settled precedent that, when a district court “considers reasons for departure but elects to impose” a sentence within the presumptive range, it need not provide any analysis or explanation for that decision. *Van Ruler*, 378 N.W.2d at 80.

Next, Nadler argues that his case is like that in *State v. Mendoza*, in which we remanded to the district court after it imposed a presumptive sentence because it was unclear whether the district court had exercised its discretion. 638 N.W.2d 480, 484 (Minn. App. 2002), *rev. denied* (Minn. Apr. 16, 2002). In that case, Mendoza had requested a

dispositional departure and the district court weighed the arguments but denied the motion because Mendoza's immigration status "ma[de] the otherwise possible option of some kind of local disposition really impossible and impractical." *Id.* at 483. We determined that collateral consequences, such as deportation, cannot be considered when imposing a sentence. *Id.* at 484. But no impermissible arguments were raised during Nadler's sentencing hearing, and thus, there is no concern that the district court issued its sentence based on improper considerations.

Finally, Nadler compares his case to that in *State v. Johnston*, No. A23-1562, 2024 WL 3755933 (Minn. App. Aug. 12, 2024), a recent opinion from our court that he cites for its persuasive value, Minn. R. Civ. App. P. 136.01, subd. 1(c). In that case, the district court denied Johnston's motion for a dispositional departure and imposed a presumptive sentence, ignoring his argument that the legislature's recent decriminalization of his conduct demonstrated that it was less serious and warranted the departure. *Johnston*, 2024 WL 3755933, at *2. We remanded because the district court did not consider Johnston's argument that the new legislation demonstrated that his offense was "less serious than other conduct covered by the fifth-degree possession statute." *Id.* at *3. Here, the district court considered all of Nadler's arguments at sentencing when it denied his dispositional-departure motion, and thus, we discern no error.

In sum, the district court did not abuse its discretion by imposing the presumptive midrange sentence without further explanation after denying Nadler's motion for a downward dispositional departure. Nadler has not identified any legal authority that supports his assertion that the district court must explain its decision to impose a

presumptive sentence and has not shown that the district court failed to exercise its discretion.

Affirmed.