

*This opinion is nonprecedential except as provided by  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  
A24-0528  
A24-0529**

State of Minnesota,  
Respondent,

vs.

Richard Anthony Steffano,  
Appellant.

**Filed April 7, 2025  
Affirmed  
Larson, Judge**

Becker County District Court  
File Nos. 03-CR-22-2048, 03-CR-22-2117

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

Brian Warren McDonald, Becker County Attorney, Detroit Lakes, Minnesota (for  
respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Peter H. Dahlquist, Assistant  
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Considered and decided by Cochran, Presiding Judge; Slieter, Judge; and Larson,  
Judge.

## NONPRECEDENTIAL OPINION

LARSON, Judge

Appellant Richard Anthony Steffano challenges the district court’s decisions not to impose a downward dispositional departure<sup>1</sup> in two separate cases. On appeal, Steffano claims the district court abused its discretion when it failed to analyze the relevant factors and explain its decision. We affirm.

### FACTS

This consolidated appeal involves two separate criminal files: A24-0529 (the first case) and A24-0528 (the second case). In the first case, respondent State of Minnesota charged Steffano with first-degree sale of cocaine or methamphetamine (17 grams or more), under Minn. Stat. § 152.021, subds. 1(1), 3(a) (2022).<sup>2</sup> In the second case, the state charged Steffano with first-degree possession of cocaine or methamphetamine (50 grams or more), under Minn. Stat. § 152.021, subds. 2(a)(1), 3(a) (2022).

Steffano entered a straight plea to both offenses on October 6, 2023.<sup>3</sup> The district court accepted Steffano’s pleas and informed Steffano of the maximum penalties for both

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<sup>1</sup> “[A] downward dispositional departure occurs when the presumptive guidelines sentence calls for imprisonment but the district court instead stays execution or imposition of the sentence.” *State v. Solberg*, 882 N.W.2d 618, 623 (Minn. 2016). The district court “typically focuses on characteristics of the defendant that show whether the defendant is particularly suitable for individualized treatment in a probationary setting.” *Id.* (quotation omitted).

<sup>2</sup> The state originally charged Steffano under Minn. Stat. § 152.021, subd. 3(b) (2022), but the district court corrected this error at the plea hearing.

<sup>3</sup> “A straight plea is a guilty plea to the offense as charged with no agreement with the state regarding sentencing.” *Mason v. State*, 16 N.W.3d 828, 831 n.2 (Minn. App. 2025) (quotation omitted).

offenses. The district court also explained that the conviction in the second case would carry a higher sentence than the conviction in the first case due to the way the district court calculates criminal-history points.

The district court held a sentencing hearing for both cases on January 3, 2024. The district court began by addressing the first case. The district court stated that it “received a pre-sentence investigation report[,] . . . a motion for a downward departure[,] . . . a defense memo to support the departure, a disposition advisor memorandum, a chemical dependency evaluation report, and then a response from the State to the defendant’s motion for departure.” Steffano’s counsel then argued for a downward dispositional departure. He asserted that Steffano was particularly amenable to probation based on the factors set forth in *State v. Trog*, 323 N.W.2d 28, 31 (Minn. 1982) (*Trog* factors). Specifically, Steffano’s counsel argued that Steffano’s advanced age, zero-criminal-history score, health concerns, and supportive friends demonstrated that he was particularly amenable to probation. Steffano also personally took responsibility for his actions, acknowledging on the record that he deserved some punishment for his wrongdoing.

Thereafter, the district court declined to impose a downward dispositional departure, explaining:

Based on the basis that’s been put forward as I understand it to be in this case, I am not finding substantial or compelling circumstances.

When I apply the [*Trog*] factors and determine whether what’s laid before me and the dispositional advisors report, it was very well done, and I appreciate that additional information, but I simply do not find that anything before me is substantial or compelling so as to set you apart in a way

where you should be treated differently from other folks. And so for that reason, again, the sentencing guidelines are there for a reason.

The district court sentenced Steffano to 56 months in prison, a bottom-of-the-box sentence, with credit for 15-days' time served.

The district court then transitioned to the second case. The district court again identified the documents it received before the hearing—the same list as in the first case. Steffano's counsel argued again for a downward dispositional departure on the basis that Steffano was particularly amenable to probation. Steffano's counsel acknowledged that the district court would likely make the same decision as in the first case but urged the district court to consider that even a bottom-of-the-box sentence in the second case carried significant prison time—73 months.

The district court then declined to impose a downward dispositional departure in the second case, explaining:

[F]or many of the same reasons as already stated, although this case being the second in time and the second 1st degree file, and involving a considerably larger amount of controlled substance, the Court is finding there are no substantial and compelling reasons that would support a downward dispositional departure in this case.

The district court sentenced Steffano to 73 months in prison with credit for 15-days' time served. The district court specified that it gave this sentence “in consideration of the factors set forth in both the dispositional advisor[']s memorandum and [Steffano's] lawyer's arguments, in addition to [Steffano's] comments.” The district court made “an offender-based consideration . . . because this is a very egregious offense given the amount of

controlled substance.” And while the district court found a departure from the guidelines was “not warranted,” it decided that a bottom-of-the-box sentence was appropriate given many of the factors Steffano’s attorney highlighted during the hearing.

Steffano appeals.

## DECISION

Steffano challenges the district court’s decisions not to impose downward dispositional departures.<sup>4</sup> We review a district court’s decision not to impose a downward dispositional departure for a clear abuse of that discretion and “[o]nly in a ‘rare’ case will a reviewing court reverse a district court’s imposition of [a guideline] sentence.” *State v. Olson*, 765 N.W.2d 662, 664 (Minn. App. 2009) (quoting *State v. Kindem*, 313 N.W.2d 6, 7 (Minn. 1981) (other quotation omitted)). When “the record shows the [district] court carefully evaluated all the testimony and information presented before making a determination,” we “may not interfere with the [district] court’s exercise of discretion.” *State v. Van Ruler*, 378 N.W.2d 77, 80-81 (Minn. App. 1985). A district court need not explain why it imposed a guideline sentence when the record reflects that the district court

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<sup>4</sup> Steffano also submitted a pro se supplemental brief, asking us “to consider a few things prior to [our] decision.” The brief primarily seeks to have our court consider facts that have developed since his imprisonment. But because these facts are outside the record on appeal, we cannot consider them. *See Plowman v. Copeland, Buhl & Co.*, 261 N.W.2d 581, 583 (Minn. 1997) (“It is well settled that an appellate court may not base its decision on matters outside the record on appeal, and that matters not produced and received in evidence below may not be considered.”).

considered the reasons for a departure but elected to impose the guideline sentence instead. *Id.* at 80.

The Minnesota Sentencing Guidelines establish presumptive sentences “to maintain uniformity, proportionality, rationality, and predictability in sentencing.” Minn. Stat. § 244.09, subd. 5 (2024). A district court may exercise its discretion to depart from the presumptive guidelines range “*only if* aggravating or mitigating circumstances are present.” *State v. Soto*, 855 N.W.2d 303, 308 (Minn. 2014) (quotation omitted). “[T]hose circumstances” must “provide a ‘substantial[ ] and compelling’ reason not to impose a guidelines sentence.” *Id.* (alteration in original) (quoting Minn. Sent’g Guidelines 2.D.1 (2011)). One mitigating circumstance that permits a district court to depart downward is a defendant’s particular amenability to probation. *See Trog*, 323 N.W.2d at 31. District courts typically analyze the *Trog* factors to assess whether a defendant is particularly amenable to probation, which includes the defendant’s age, prior criminal record, remorse, cooperation, attitude in court, and support of friends and family. *See id.*

Steffano first argues the district court abused its discretion when it declined to impose a downward dispositional departure because it failed to analyze the *Trog* factors on the record. But the district court is not required to discuss the *Trog* factors before imposing a guideline sentence. *See Van Ruler*, 378 N.W.2d at 80.

Steffano argues second that the district court abused its discretion in the first case when it failed to explain the absence of “substantial and compelling circumstances” for a departure. But the record belies Steffano’s argument. At the beginning of the sentencing hearing, the district court listed the documents it received. These documents included

information such as Steffano's age, biographical history, criminal history, employment history, social history, chemical history/dependency, and emotional/personal/physical health, in addition to statistics for statewide dispositional departures for similar crimes. The district court also heard arguments from both parties, and comments from Steffano himself. And in determining no substantial or compelling circumstances existed, the district court's explanation suggests that it weighed the facts both for and against Steffano's amenability for probation. Specifically, the district court noted that its decision was "[b]ased on the basis that's been put forward," stated that it "appl[ied] the [*Trog*] factors," and commented that the dispositional advisor's report was "very well done" and provided "additional information" that the district court "appreciate[d]" in reaching its decision.

Because the record reflects that the district court "carefully evaluated all the testimony and information presented before making a determination," we conclude the district court did not abuse its discretion when it imposed a guideline sentence. *See Van Ruler*, 378 N.W.2d at 80-81.

**Affirmed.**