

*This opinion is nonprecedential except as provided by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
A24-0625**

State of Minnesota,
Respondent,

vs.

Ronald Wayne Taleronik,
Appellant.

**Filed November 4, 2024
Reversed and remanded
Bjorkman, Judge**

Washington County District Court
File No. 82-CR-17-3563

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

Kevin Magnuson, Washington County Attorney, Andrew T. Jackola, Assistant County Attorney, Stillwater, Minnesota (for respondent)

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

Considered and decided by Larson, Presiding Judge; Worke, Judge; and Bjorkman, Judge.

NONPRECEDENTIAL OPINION

BJORKMAN, Judge

In this appeal following a remand for imposition of a concurrent sentence for his felony theft-by-swindle conviction, appellant Ronald Wayne Taleronik argues that the

district court erred by denying him custody credit for time spent in custody in Wisconsin. He contends that (1) the district court erred by applying *State v. Roy*, 928 N.W.2d 341 (Minn. 2019), which distinguishes credit awarded for custody within Minnesota and credit awarded for custody elsewhere, because this distinction violates the Equal Protection Clause; (2) he is entitled to custody credit for all the time he served in Wisconsin even if *Roy* applies; and (3) the district court erred by failing to grant him custody credit for the time he served in prison in Wisconsin after his original sentencing in this case.

Because *Roy* controls and Taleronik has not demonstrated that his Wisconsin custody satisfies *Roy*, he is not entitled to credit for his time in Wisconsin custody before his original sentencing. But because credit for his time in Wisconsin custody following his original sentencing is necessary to effectuate the district court's concurrent sentencing and is not contrary to *Roy*, we reverse Taleronik's sentence and remand for the district court to correct his custody credit.

FACTS

Between March and September 2016, while he was on parole in Wisconsin, Taleronik used a false identity and made other misrepresentations to entice a woman who lives in Washington County to give him cash and checks totaling more than \$88,000. During the investigation of that offense, Minnesota and Wisconsin authorities cooperated to execute a warranted search of Taleronik's Wisconsin residence and office on January 18, 2017. Wisconsin authorities arrested him that day for committing multiple parole violations. Two months later, his parole was revoked and he was returned to prison in Wisconsin until November 18, 2019. He was later convicted of a separate Wisconsin theft

offense, and the consecutive sentence imposed for that offense extended his Wisconsin imprisonment by two months.

In August 2017, while Taleronik was in prison in Wisconsin, respondent State of Minnesota charged him with felony theft by swindle based on his 2016 conduct in Washington County.

On January 14, 2020, Taleronik was released from prison in Wisconsin and transferred to the Washington County jail related to this case. He appeared before the district court and was released with conditions the next day. The matter was eventually set for a jury trial on April 12, 2021. On that date, Taleronik pleaded guilty in exchange for the state's agreement to recommend a stayed sentence of 39 months' imprisonment and 15 years' probation. The district court deferred accepting the plea, ordered a presentence investigation, and released Taleronik on conditions pending a July sentencing hearing.

That sentencing hearing did not take place. On May 23, Taleronik was arrested in Wisconsin for a theft he committed there in August 2020—while on conditional release in this matter.¹ In light of the uncertainty related to matters in Wisconsin, the district court continued the sentencing hearing in this matter multiple times.

In April 2022, Taleronik was convicted of the Wisconsin theft offense and sentenced to a prison term that would run until September 2026. The following month, the district court restarted the sentencing process in this matter by ordering a new presentence investigation. The district court later rejected the plea agreement, but Taleronik reaffirmed

¹ Taleronik was initially arrested for a parole violation related to the theft, but the State of Wisconsin later charged him with a new offense.

his guilty plea, acknowledging that he would receive an executed prison sentence. On December 15, 2022, the district court sentenced Taleronik to 39 months' imprisonment, to be served consecutive to his Wisconsin sentence. The court gave him two days' custody credit for the time he spent in jail in Minnesota in January 2020.

Taleronik appealed. We concluded that the district court erred by imposing a consecutive sentence and reversed and remanded for the district court to impose a concurrent sentence. *State v. Taleronik*, No. A23-0386, 2023 WL 8536522, at *3 (Minn. App. Dec. 11, 2023) (*Taleronik I*). The state did not seek further review.

On remand, Taleronik requested custody credit against his concurrent sentence for the time he served in custody in Wisconsin, both before and after his original sentencing. The district court denied the request, explaining that, under *Roy*, Taleronik is not entitled to credit for his time spent in Wisconsin custody because he was "serving time in Wisconsin based on a parole violation due to events that occurred in Wisconsin," and therefore his custody was not solely based on his Minnesota offense. The district court again awarded him only two days' custody credit against his concurrent sentence.

Taleronik appeals.

DECISION

When sentencing a defendant, the district court must "state the number of days spent in custody in connection with the offense or behavioral incident being sentenced," which "must be deducted from the sentence." Minn. R. Crim. P. 27.03, subd. 4(B). A district court does not have discretion in determining whether to award custody credit, but the defendant bears the burden of establishing that they are entitled to it. *Roy*, 928 N.W.2d at

344. The decision whether to award custody credit is a mixed question of fact and law. *Id.* We review factual findings for clear error and questions of law de novo. *Id.*

As the supreme court explained in *Roy*, Minnesota caselaw distinguishes between time spent in intrajurisdictional custody (custody in Minnesota) and time spent in interjurisdictional custody (custody elsewhere). *Id.* at 345. In assessing credit for intrajurisdictional custody, courts look to avoid four potential fairness concerns: (1) “de facto conversion of a concurrent sentence into a consecutive sentence,” (2) indigent persons “serving effectively longer sentences” because they are unable to post bail, (3) “irrelevant factors . . . affecting the length of incarceration,” and (4) prosecutorial “manipulation of charging dates” to “increase the length of incarceration.” *Id.* For interjurisdictional custody, courts follow a narrower approach, awarding custody credit only if the Minnesota offense being sentenced was the “sole reason” for the interjurisdictional custody. *Id.* (quotation omitted).

I. Taleronik is not entitled to custody credit for time he spent in Wisconsin custody before his original sentencing.

Taleronik advances numerous arguments in favor of awarding him custody credit for his time in Wisconsin custody between his arrest in January 2017 and his original sentencing in December 2022. He principally urges us to abandon the rule distinguishing between intrajurisdictional custody and interjurisdictional custody (the jurisdictional rule) on the ground that it violates equal protection. But the jurisdictional rule is a matter of supreme court precedent; we are bound to follow it. *State v. Curtis*, 921 N.W.2d 342, 346 (Minn. 2018); *see State v. Grigsby*, 806 N.W.2d 101, 114 (Minn. App. 2011) (recognizing

that the court of appeals is “an error-correcting court” that cannot “overturn” supreme court precedent (quotation omitted)), *aff’d*, 818 N.W.2d 511 (Minn. 2012).

He also asserts that even if the jurisdictional rule applies, he is entitled to Wisconsin custody credit because (1) his Minnesota offense was the reason for his 2017 Wisconsin parole revocation, (2) the Minnesota detainer caused him to be imprisoned in Wisconsin rather than released to community custody, and (3) Minnesota unjustly delayed his sentencing.² We address each argument in turn.

2017 Wisconsin Parole Revocation

Taleronik argues that, even under the jurisdictional rule, he should receive custody credit for the time he spent in Wisconsin custody between January 18, 2017, and November 18, 2019, because he was held during that time frame for a parole violation that was “based exclusively” on the conduct underlying the Minnesota theft by swindle. The record defeats this argument.

The Wisconsin “revocation summary” reflects that, in late 2016, Wisconsin authorities learned of his Minnesota theft by swindle and other suspected parole violations dating back to 2015. Wisconsin authorities cooperated with the Minnesota investigation and waited until January 2017 to arrest Taleronik for violating parole. And when Wisconsin revoked Taleronik’s parole that March, returning him to prison until November

² Taleronik also contends he should receive custody credit because he received ineffective assistance of counsel when his attorney unilaterally agreed to or acquiesced in sentencing continuances, which extended his presentencing confinement. But he identifies no legal authority supporting an ineffective-assistance claim for failure to seek to expedite sentencing, let alone authority sanctioning, as a remedy for such a claim, an award of custody credit that would otherwise be barred under the jurisdictional rule.

2019, it highlighted the Minnesota theft-by-swindle charge but also expressly identified numerous other parole violations entirely independent of that offense, including (1) taking out loans without the permission of his parole agent, (2) providing his parole agent false information, and (3) providing false information to bankruptcy authorities; it also noted ongoing investigation into other possible Wisconsin offenses. In short, the record amply demonstrates that the investigation that led to revocation of Taleronik’s Wisconsin parole may have begun because of the Minnesota investigation into theft by swindle, but that offense was only one of numerous factors that led Wisconsin to arrest him and, ultimately, to reincarcerate him. Because Taleronik’s Minnesota offense was not the sole reason for the Wisconsin custody, as the jurisdictional rule requires, he has not demonstrated that he is entitled to custody credit for that time.

Minnesota Detainer

Taleronik next contends that he is entitled to custody credit for the time that a Minnesota detainer in this case prevented his release to community custody in Wisconsin. He points to a Wisconsin inmate classification report from January 2024—after we issued *Taleronik I* but before the district court had resentenced him to a concurrent sentence—that says Taleronik “has a detainer for a Minnesota case that he needs to serve 39 months consecutive” and calls for medium custody “[d]ue to the flight risk this poses.” Because the referenced detainer plainly is based on Taleronik’s original December 2022 prison sentence, it could only support an award of custody credit for time spent in custody after that sentencing. As such, this argument collapses with Taleronik’s last argument that he is entitled to credit for time in Wisconsin custody after that sentencing.

Sentencing Delay

Finally, Taleronik asserts that Minnesota “made a discretionary decision to delay the sentencing hearing or otherwise process its criminal case against [him] in a timely manner,” so he is entitled to custody credit based on due process, the equitable doctrine of laches, and Minnesota custody-credit caselaw. Even if deliberate sentencing delay warrants an award of custody credit otherwise barred by the jurisdictional rule, the record reveals no such delay here.

Taleronik pleaded guilty in April 2021 but was arrested the next month for a Wisconsin offense that he committed the prior August, while on conditional release related to this matter. As a result, he was unavailable for the sentencing hearing scheduled in July and his custody status was uncertain. The new Wisconsin offense, which Taleronik did not disclose when pleading guilty, also created uncertainty as to the ongoing viability of his plea agreement. For that reason, the district court continued sentencing in this matter until the Wisconsin matter resolved in April 2022. Beginning the following month, the district court restarted the sentencing process, holding several hearings between May and December 2022 in order to: obtain an updated presentence investigation, ascertain what effect the Wisconsin offense had on the plea agreement and Taleronik’s presumptive sentence, discern whether Taleronik wanted to reaffirm his guilty plea after the court rejected the plea agreement, and ultimately impose sentence. In short, the delay between the sentencing hearing scheduled for July 2021 and the one that actually occurred in December 2022 is attributable to Taleronik’s criminal conduct in Wisconsin, not deliberate delays by Minnesota. As such, his claim for relief based on state delay fails.

II. To effectuate his concurrent sentence, Taleronik is entitled to custody credit for his time in prison in Wisconsin following the original sentencing.

Taleronik argues that, to effectuate our remand for a concurrent sentence, he should have been given custody credit from the time of his original sentencing on December 15, 2022, until his resentencing on March 1, 2024. We agree.

When an appellate court remands to a district court for resentencing, the district court must “execute the mandate of the remanding court strictly according to its terms” and, to the extent the remand affords some discretion, exercise it in a “manner consistent with the remand order.” *State v. Hutchins*, 856 N.W.2d 281, 286 (Minn. App. 2014) (quotation omitted), *rev. granted* (Minn. Dec. 30, 2014) *and ord. granting rev. vacated* (Minn. July 20, 2015).

In *Taleronik I*, we concluded that the district court erred by imposing a Minnesota sentence consecutive to Taleronik’s Wisconsin sentence and remanded for the district court to impose a concurrent sentence. 2023 WL 8536522, at *3. The import of that decision is that the district court should have imposed a concurrent sentence when it sentenced him in December 2022 and needed, on remand, to resentence him in a manner that would place him in the position he would have been in had he been correctly sentenced at that time.

The district court did not do so. When it resentenced him on March 1, 2024, it correctly imposed a concurrent sentence. But the court did not award him any more custody credit than when he was originally sentenced. As a result, Taleronik is not serving the equivalent of a 39-month concurrent sentence starting December 15, 2022, but instead a de facto partially consecutive sentence.

The jurisdictional rule does not mandate this result. *Roy* and the other cases defining the jurisdictional rule address custody credit when a sentence is imposed in the first instance. *See, e.g., Roy*, 928 N.W.2d at 344-47 (sentence imposed after revocation of stay of imposition); *State v. Mattson*, 376 N.W.2d 413, 414-16 (Minn. 1985) (sentence imposed after conviction); *State v. Willis*, 376 N.W.2d 427, 428-29 (Minn. 1985) (sentence imposed after conviction).³ We have discovered no cases applying the jurisdictional rule to bar an award of interjurisdictional custody credit to effectuate a sentence correction. And with good reason; applying the jurisdictional rule in such a case would make it impossible for a defendant to obtain effective relief if a district court erroneously imposes a Minnesota sentence consecutive to an out-of-state sentence. That result would be contrary to the policy behind giving custody credit—“to ensure fairness and proportionality in sentencing.” *State v. Johnson*, 744 N.W.2d 376, 379 (Minn. 2008). And it would undermine the appropriate application of concurrent sentencing rules. *See State v. Clarkin*, 817 N.W.2d 678, 685 (Minn. 2012) (emphasizing “the importance of ensuring that the concurrent sentencing rules are appropriately applied to all sentences and preventing State delays . . . from imposing *de facto* consecutive sentences”).

In sum, Taleronik should have received a concurrent sentence on December 15, 2022. Imposing a concurrent sentence on March 1, 2024, without awarding custody credit

³ One variation is *State ex rel. Linehan v. Wood*, which involved a habeas corpus petition seeking credit against a previously imposed Minnesota sentence for time spent in Michigan custody. 397 N.W.2d 341, 342 (Minn. 1986). But because that interjurisdictional custody was for a new offense committed after the defendant escaped from Minnesota prison, *id.*, it also does not involve application of the jurisdictional rule to bar an award of custody credit as a means of correcting a consecutive sentence that was unlawful when imposed.

for the intervening time, does not achieve that result. Accordingly, we reverse and remand for the district court to resentence Taleronik with custody credit for the time he served in Wisconsin prison following the December 15, 2022 sentencing.

Reversed and remanded.