

*This opinion is nonprecedential except as provided by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
A24-0904**

State of Minnesota,
Respondent,

vs.

Alexander David Chaffee,
Appellant.

**Filed March 10, 2025
Affirmed
Worke, Judge**

Polk County District Court
File No. 60-CR-22-1893

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

Greg Widseth, Polk County Attorney, Scott A. Buhler, Tanner D. Hermanson, Assistant
County Attorneys, Crookston, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, John Patrick Monnens, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Worke, Presiding Judge; Connolly, Judge; and
Wheelock, Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant argues that the district court abused its discretion by denying his motion
for a downward dispositional sentencing departure. We affirm.

FACTS

In August 2023, appellant Alexander David Chaffee pleaded guilty to first-degree driving while impaired (DWI)—operating or in physical control of a vehicle when his body contained any amount of methamphetamine or its metabolite.¹

In establishing the factual basis to support the plea, Chaffee stated that he used methamphetamine on November 18, 2022. On November 22, 2022, he drove to a meeting with a probation agent. After the meeting, Chaffee’s probation agent requested a urine sample. Chaffee provided a sample that tested positive for methamphetamine. Chaffee agreed that he has DWI convictions from 2016, 2018, and 2021.

The presumptive sentence was 75 months in prison, with a presumptive guidelines range of 65 to 84 months. Chaffee had 11 criminal-history points, mainly from a string of burglaries committed on the same day. The parties’ agreement contemplated Chaffee moving for a downward dispositional departure.

At the sentencing hearing, Chaffee argued that he should receive a departure because his criminal history is due to “a few bad decisions” from several years ago. Chaffee also argued that he has family support and, since the charges, he has been receiving treatment and has done everything asked by probation. Chaffee argued that, if the district court did not find him particularly amenable to probation, the district court should still grant a departure because his culpability was mitigated in the current offense.

¹ Chaffee also pleaded guilty to a separate criminal charge in another matter at the same time.

The state conceded that Chaffee seemed to “have done treatment and ha[d] done well since” being charged. But the state argued that Chaffee has shown that he is not particularly amenable to probation because he was charged with the new felony while he was being supervised on probation. The state argued that Chaffee should be sentenced to the bottom of the presumptive range on the sentencing guidelines grid.

The district court stated that Chaffee’s age of 34 years old and significant prior criminal history did not support a departure. But his family support, remorse, and attitude supported a departure. The district court stated, however, that to grant a departure, it had to find that Chaffee was “particularly amenable to probation [in] other words . . . that [he’s] exceptional, distinctive.” The district court stated that Chaffee was not particularly amenable to probation because his history on probation had “been not good” and he had been terminated from several treatment programs. The district court denied the departure request and sentenced Chaffee to 65 months in prison, a term at the low end of the presumptive guidelines range. This appeal followed.

DECISION

Chaffee argues that the district court abused its discretion by denying his request for a downward dispositional departure. This court reviews a district court’s denial of a motion for a downward dispositional departure for an abuse of discretion. *State v. Soto*, 855 N.W.2d 303, 307-08 (Minn. 2014). “A district court abuses its discretion when its reasons for [denying a] departure are legally impermissible and insufficient evidence in the record justifies the [denial].” *State v. Solberg*, 882 N.W.2d 618, 623 (Minn. 2016). This court will not interfere with the district court’s exercise of discretion, “as long as the record

shows the [district] 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). Only in a “rare” case will this court reverse a district court’s imposition of a presumptive sentence. *State v. Kindem*, 313 N.W.2d 6, 7 (Minn. 1981).

Here, the district court imposed a sentence within the presumptive range. 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 must impose a sentence within the presumptive range unless it finds that “substantial and compelling circumstances are present.” *State v. Barthman*, 938 N.W.2d 257, 270 (Minn. 2020) (quotation omitted). “Substantial and compelling circumstances are those that make a case atypical.” *State v. Walker*, 913 N.W.2d 463, 468 (Minn. App. 2018).

Chaffee argues that the district court abused its discretion by denying his departure motion because substantial and compelling circumstances exist. He argues that he completed treatment, has family support, and has an old criminal history that largely occurred on one day when he was only 18 years old. He claims that the district court failed to account for the measures he has taken since he was charged with the DWI offense. But when a district court denies a departure and imposes a presumptive sentence, the district court need not provide an explanation for denying the departure request. *Van Ruler*, 378 N.W.2d at 80. Even so, the district court stated on the record the reasons for finding Chaffee not particularly amenable to probation, despite his completion of treatment.

When considering a motion for a dispositional departure, a district court generally focuses on the defendant's characteristics and whether he is particularly amenable to treatment in a probationary setting. *See State v. Trog*, 323 N.W.2d 28, 31 (Minn. 1982). Whether a defendant is particularly amenable to probation depends on several factors, including the defendant's age, prior criminal record, remorse, cooperation, attitude in court, and support of friends and family. *Id.*

The district court stated that Chaffee's age and criminal history did not support a departure but that his remorse, attitude, and family support did support a departure. However, the district court stated that it could not find Chaffee particularly amenable to probation because he had proved to be unsuccessful on probation.

The record supports the district court's determination. First, the district court noted that it reviewed "a lot" of information in considering Chaffee's departure request. This indicates that the district court "carefully evaluated all the testimony and information presented before making a determination." *See Van Ruler*, 378 N.W.2d at 80-81.

Second, the district court considered the *Trog* factors, finding that several of the factors favored a departure, showing, again, that the district court considered all the information presented. But the district court stated that Chaffee's criminal history did not support a departure. While Chaffee argues that his criminal-history score is largely due to a one-day burglary spree, he fails to acknowledge that he has several DWI convictions, which is the same charge to which he pleaded guilty in this case.

Third, although Chaffee suggests that the district court should have considered factors that mitigated the present offense, several factors indicate that the offense was not

mitigated—Chaffee was on probation, and he was prohibited from using methamphetamine, but he used methamphetamine prior to driving to a meeting with his probation agent.

Finally, the district court properly considered that Chaffee had not been successful on probation. Chaffee argues that the district court imposed a more stringent standard by stating that the district court had to find that Chaffee was “exceptional, distinctive” to grant his request. But these words align with the requirement that a district court must determine that substantial and compelling circumstances exist that make the case atypical in order to grant a departure. The district court did not abuse its discretion by denying Chaffee’s request for a downward dispositional departure.

Affirmed.