

*This opinion is nonprecedential except as provided by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
A24-1024**

Juan Humberto Castillo-Alvarez, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

Filed July 7, 2025
Affirmed in part, reversed in part, and remanded
Bond, Judge

Jackson County District Court
File No. 32-CR-10-31

Juan Humberto Castillo-Alvarez, Bayport, Minnesota (self-represented appellant)

Keith Ellison, Attorney General, Lydia Villalva Lijó, Assistant Attorney General, St. Paul, Minnesota; and

Kristi Meyeraan, Jackson County Attorney, Jackson, Minnesota (for respondent)

Considered and decided by Slieter, Presiding Judge; Ede, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

BOND, Judge

On appeal from a denial of a motion for sentence correction under Minn. R. Crim. P. 27.03, subd. 9, appellant argues that the district court erred by determining that he is not entitled to credit for time he spent in custody in Mexico and that his challenges to his consecutive sentences and upward durational departure are barred by the law-of-the-case

doctrine. We conclude that the law-of-the-case doctrine bars appellant's challenges to his consecutive sentences and upward durational departure. But we conclude that appellant is entitled to custody credit under the interjurisdictional custody-credit rule and Minn. R. Crim. P. 27.03, subd. 4(B), for the time appellant spent in custody in Mexico solely in connection with the kidnapping and murder offenses for which he was later charged, convicted, and sentenced in Minnesota. We therefore affirm in part, reverse in part, and remand.

FACTS

In 2010, respondent State of Minnesota charged appellant Juan Humberto Castillo-Alvarez with one count of aiding and abetting kidnapping and two counts of aiding and abetting second-degree murder. The charges arose out of the 1997 kidnapping and murder of 15-year-old G.S.E. Castillo-Alvarez and G.S.E. both lived in Estherville, Iowa. In June 1997, several of Castillo-Alvarez's associates kidnapped G.S.E. in Iowa and brought him to a farmhouse in Jackson County, Minnesota, where they killed him. Castillo-Alvarez directed his associates to kill G.S.E. and provided them the murder weapon.¹

Castillo-Alvarez is a Mexican citizen who, at the time of the offense, had been living in the United States under an assumed name. At some point after G.S.E.'s body was found, Castillo-Alvarez fled to Mexico. Federal and Iowa state charges were filed against Castillo-Alvarez shortly after the murder but were subsequently dismissed because federal

¹ We include only the facts relevant to the issues in this appeal. For a full recitation of the facts underlying the offense, see *State v. Castillo-Alvarez*, 836 N.W.2d 527, 530-32 (Minn. 2013) (*Castillo-Alvarez II*).

authorities were unable to extradite Castillo-Alvarez from Mexico. In July 2004, a provisional arrest warrant was issued for Castillo-Alvarez in Mexico at the request of United States authorities. On September 20, 2004, Iowa refiled state charges of kidnapping, conspiracy, and second-degree murder.

Castillo-Alvarez was arrested on the Iowa charges in Mexico on October 24, 2005, roughly 399 days after Iowa refiled its charges. Castillo-Alvarez challenged his extradition to the United States for the Iowa charges but Mexico approved Castillo-Alvarez's extradition on September 20, 2006. Castillo-Alvarez was extradited from Mexico to the United States on October 2, 2006. He was in custody in Texas for a two-day transfer period, then was in custody in Iowa from October 4, 2006, until his extradition to Minnesota on May 13, 2010, for the charges in this case.

An Iowa jury convicted Castillo-Alvarez of all the Iowa state charges. In September 2009, the Iowa Court of Appeals reversed the convictions based on the delay between the Iowa charges being filed and Castillo-Alvarez's arrest in Mexico, which violated Iowa's speedy-trial rule.²

On February 25, 2010, the Jackson County Attorney's Office filed the charges in this case against Castillo-Alvarez for his conduct in connection with G.S.E.'s kidnapping and eventual murder in Jackson County, Minnesota. A jury found Castillo-Alvarez guilty on all counts. The district court sentenced him to 48 months for kidnapping and 480 months for second-degree murder, which was an upward durational departure, and ordered

² *State v. Castillo-Alvarez*, No. 08-0868, 2009 WL 2960419, at *5-6 (Iowa Ct. App. Sept. 2, 2009).

the sentences to be served consecutively. The district court gave Castillo-Alvarez 1,677 days of custody credit, accepting Castillo-Alvarez's argument that he was entitled to credit for all the time he served in custody in Texas, Iowa, and Minnesota, because he was in custody for that time solely due to his involvement in G.S.E.'s kidnapping and murder.

Castillo-Alvarez appealed to this court from the judgment of conviction, challenging both his convictions and sentence. As to his sentence, Castillo-Alvarez argued the district court erred by imposing consecutive sentences without stating a departure reason, by failing to explain the reasons supporting an upward durational departure on the murder conviction, and by imposing both consecutive sentences and an upward durational departure without finding severe aggravating factors. *State v. Castillo-Alvarez*, 820 N.W.2d 601, 609 (Minn. App. 2012) (*Castillo-Alvarez I*), *aff'd*, 836 N.W.2d 527 (Minn. 2013). We affirmed Castillo-Alvarez's convictions and sentence. *Id.* at 621-27. The supreme court granted further review and affirmed Castillo-Alvarez's convictions. *Castillo-Alvarez II*, 836 N.W.2d at 532-33. The supreme court did not grant review on Castillo-Alvarez's sentencing issues.

In November 2018 and June 2020, Castillo-Alvarez filed motions to correct his sentence under Minn. R. Crim. P. 27.03, subd. 9. In these motions, Castillo-Alvarez challenged his consecutive sentences and upward durational departure on the same grounds as he did in *Castillo-Alvarez I*. In the June 2020 motion, he also argued that he was entitled to credit for the time he spent in custody in Mexico awaiting extradition to the United States because he was in custody solely for his involvement in the offenses of G.S.E.'s kidnapping and murder. The district court denied Castillo-Alvarez's 2018 and 2020 sentence-

correction motions, determining that the consecutive sentences and upward durational departure were proper and that he was not entitled to credit for his Mexico time because the time was “related to a charge brought in Iowa” and thus not solely due to his Minnesota offense. Castillo-Alvarez did not appeal either of the district court’s orders.

In May 2024, Castillo-Alvarez filed the present motion to correct his sentence. In this third sentence-correction motion, Castillo-Alvarez again argued that his consecutive sentences and upward departure are unauthorized by law and that he is entitled to additional custody credit. The district court denied Castillo-Alvarez’s motion, determining that both the custody-credit and sentence-duration issues had previously been raised and decided.

Castillo-Alvarez appeals.

DECISION

Under rule 27.03, a “court may at any time correct a sentence not authorized by law.” Minn. R. Crim. P. 27.03, subd. 9. A sentence is unauthorized if it is “contrary to law or applicable statutes.” *Reynolds v. State*, 888 N.W.2d 125, 129 (Minn. 2016) (quotation omitted). We review a district court’s denial of a motion to correct a sentence for abuse of discretion, reviewing the court’s legal conclusions de novo and its factual findings for clear error. *Townsend v. State*, 834 N.W.2d 736, 738 (Minn. 2013).

A. The district court erred by determining that Castillo-Alvarez is not entitled to credit for the time he spent in custody in Mexico awaiting extradition to the United States for the kidnapping and murder of G.S.E.

Castillo-Alvarez argues that he is entitled to credit for the time spent in custody in Mexico because, like the time in Texas and Iowa, it was solely based on his involvement

in the “offense or behavioral incident” of G.S.E.’s kidnapping and murder. Castillo-Alvarez’s argument has merit.

At Castillo-Alvarez’s 2011 sentencing, the district court gave him credit against his Minnesota sentence for the time he spent in custody in Texas and Iowa. The court reasoned:

Because the sole reason Mr. Castillo-Alvarez has been incarcerated [is] for the death of [G.S.E.] the Court believes that the law writes as well [as] fairness and equity that he be given credit for time served against the Minnesota sentence since the arrest [in Texas] on October 2, 2006.

The issue of whether Castillo-Alvarez was entitled to credit for the time spent in Mexican custody awaiting extradition to the United States was not addressed by the parties or the district court at that time. The district court denied Castillo-Alvarez’s 2018 and 2020 requests for additional custody credit, determining that the time Castillo-Alvarez spent in custody in Mexico was “related to a charge brought in Iowa.”³

A defendant is entitled to credit against their sentence for time spent in custody “in connection with the offense or behavioral incident being sentenced.” Minn. R. Crim. P. 27.03, subd. 4(B). Whether a defendant is entitled to custody credit is not up to the district court’s discretion. *State v. Roy*, 928 N.W.2d 341, 344 (Minn. 2019). “A district

³ Because the district court considered and rejected Castillo-Alvarez’s interjurisdictional custody-credit claim in his first two sentence-correction motions, it relied on the law-of-the-case doctrine to deny Castillo-Alvarez’s third sentence-correction motion that is the subject of this appeal. Castillo-Alvarez did not appeal the denial of those prior motions. Therefore, the interjurisdictional custody-credit issue is before us for the first time and the law-of-the-case doctrine does not bar us from considering Castillo-Alvarez’s argument. *See State v. Stutelberg*, 435 N.W.2d 632, 634 (Minn. App. 1989).

court’s decision whether to award custody credit is a mixed question of fact and law; the court must determine the circumstances of the custody the defendant seeks credit for, and then apply the rules to those circumstances.” *State v. Johnson*, 744 N.W.2d 376, 379 (Minn. 2008). The defendant bears the burden of establishing that they are entitled to custody credit. *Id.* at 379. In reviewing a district court’s decision whether to award custody credit, we review the court’s factual findings for clear error but review questions of law de novo. *Roy*, 928 N.W.2d at 344.

When determining whether to award custody credit, Minnesota courts distinguish between custody within Minnesota (intra-jurisdictional) and custody outside of Minnesota (inter-jurisdictional). *Id.* at 345. Under the inter-jurisdictional custody rule, to receive credit against a Minnesota sentence for time spent in custody in another jurisdiction, “the Minnesota offense must be the sole reason for the custody.” *Id.* (quotation omitted). “[A] defendant can only receive credit for time spent in the custody of another jurisdiction if the time was served solely in connection with the Minnesota offense.” *Id.* Thus, to be entitled to credit for the time he spent in custody in Mexico, Castillo-Alvarez must establish that the Minnesota offense for which he was being sentenced—the murder and kidnapping of G.S.E.—was the “sole reason” for his custody in Mexico.

The record establishes that Castillo-Alvarez was arrested in Mexico solely because of his involvement in G.S.E.’s kidnapping and murder. Unlike the defendant in *Roy*, Castillo-Alvarez was not in custody in Mexico because of any offense or conduct committed in Mexico. *Id.* at 345-46 (concluding that defendant was not entitled to credit for time spent in custody in the Red Lake Nation in connection with separate Red Lake

crimes); *see also State v. Willis*, 376 N.W.2d 427, 428-29 (Minn. 1985) (concluding that defendant was not entitled to credit for time spent in custody in Illinois “on Illinois charges unrelated to the Minnesota offenses”). It is undisputed that Castillo-Alvarez was extradited to the United States solely because of the kidnapping and murder of G.S.E. And except for a separate conspiracy charge in Iowa—a charge which appears to reflect a difference between Iowa’s and Minnesota’s statutory schemes for the crime of conspiracy—the Iowa and Minnesota charges are identical.⁴ Thus, Castillo-Alvarez was in custody “solely in connection” with the offense of G.S.E.’s kidnapping and murder, offenses for which he was later charged, convicted, and sentenced in Jackson County, Minnesota. *Roy*, 928 N.W.2d at 345.

The state argues that the district court properly denied Castillo-Alvarez’s motion because “[a]t the time of his incarceration in Mexico, appellant had not been charged with a Minnesota crime.” While the charges that Castillo-Alvarez faced at the time he was in custody in Mexico were filed in Iowa, and Minnesota filed its charges after the Iowa Court of Appeals later reversed Castillo-Alvarez’s Iowa conviction, neither the interjurisdictional rule as established in *Roy* nor the plain language of rule 27.03 refers to “charges.” Rather, the standard which governs an award of credit for custody outside of Minnesota is whether the Minnesota “offense” is “the sole reason” for the interjurisdictional custody. *Id.* (“Under

⁴ Under Minnesota’s aiding-and-abetting statute, “a person is criminally liable for a crime committed by another if the person intentionally aids, advises, hires, counsels, *or conspires with or otherwise procures the other to commit the crime.*” Minn. Stat. § 609.05, subd. 1 (1996) (emphasis added). Iowa’s aiding-and-abetting statute does not contain similar “conspires with” language. *See* Iowa Stat. § 703.1 (1995). Instead, Iowa law provides for a separate conspiracy charge. Iowa Stat. § 703.2 (1995).

the test for determining interjurisdictional custody credit, a defendant can only receive credit for time spent in the custody of another jurisdiction if the time was served solely in connection with the Minnesota offense.”); *see also* Minn. R. Crim. P. 27.03, subd. 4(B) (providing that a defendant is entitled to credit against their sentence for time spent in custody “in connection with the offense or behavioral incident being sentenced”).⁵

Minnesota caselaw has interpreted “charge” and “offense” as having different meanings in the criminal law. An “offense” refers to “[a] violation of the law; a crime, often a minor one.” *State v. Riggs*, 865 N.W.2d 679, 685 (Minn. 2015) (alteration in original) (quoting *Black’s Law Dictionary* 1250 (10th ed. 2014)). A “charge,” on the other hand, in the criminal context means “the specific crime the defendant is accused of committing” or the “[a]ccusation of a crime by a formal complaint, information or indictment.” *State v. Clow*, 600 N.W.2d 724, 727 (Minn. App. 1999) (alteration in original) (quoting *Black’s Law Dictionary* 233 (6th ed. 1990)), *rev. denied* (Minn. Oct. 21, 1999). Here, Castillo-Alvarez was in custody in Mexico solely for the “offense” of G.S.E.’s kidnapping and murder, the same “offense” for which he was convicted and sentenced in

⁵ Castillo-Alvarez argues that he is entitled to credit for the time he spent in custody in Mexico because it was based solely on the “offense or behavioral incident” of G.S.E.’s kidnapping and murder. While Minn. R. Crim. P. 27.03, subd. 4(B), provides that a defendant is entitled to credit against their sentence for time spent in custody “in connection with the offense or behavioral incident being sentenced,” in *Roy*, the supreme court held that, to receive interjurisdictional custody credit, the time spent in the custody of another jurisdiction must be served “solely in connection with the Minnesota offense.” 928 N.W.2d at 345. Because we decide that Castillo-Alvarez was in custody in Mexico solely in connection with his conduct involving G.S.E.’s kidnapping and murder, the offenses for which he was convicted and sentenced in Minnesota, we do not address Castillo-Alvarez’s argument that he is entitled to interjurisdictional custody credit because he was in custody in Mexico in connection with the “same behavioral incident.”

Minnesota. We discern nothing in the caselaw or rule 27 requiring that, in order for a defendant to be entitled to interjurisdictional custody credit for time spent in custody in a jurisdiction outside of Minnesota solely in connection with a Minnesota offense, Minnesota charges must have been filed.⁶

The state also contends that Castillo-Alvarez is not entitled to additional credit under *State v. Moss*. 374 N.W.2d 590, 591 (Minn. App. 1985), *rev. denied* (Minn. Nov. 1, 1985). In *Moss*, the defendant absconded after pleading guilty in Hennepin County to theft by swindle and was later arrested in England for crimes he committed in England. *Id.* After serving his sentence in England, Moss was deported to the United States. *Id.* At his probation revocation hearing on the Hennepin County theft-by-swindle conviction, the defendant argued that he should receive credit for the time he served in custody in England because he was being held “partly” because of his Minnesota convictions. *Id.* at 591-92. We rejected the defendant’s argument, concluding that the time he spent in English custody

⁶ We acknowledge that in *Willis*, the supreme court held:

A defendant charged with a crime in Minnesota and held in custody in another state at request of Minnesota authorities is not entitled to credit against a Minnesota sentence for time in custody in the other state unless the Minnesota charge was the sole reason for the detention by the other state.

376 N.W.2d at 427. But it appears that *Willis* used the term “charge” interchangeably with the term “offense.” *Id.* at 428 (stating that Illinois charges were “unrelated to the Minnesota offenses”). And *Roy*, the most recent and controlling case from the supreme court, is clear: “For a defendant to receive credit on a Minnesota sentence for time spent in another jurisdiction’s custody, the defendant’s Minnesota *offense* must be the sole reason for the custody.” 928 N.W.2d at 345 (emphasis added) (quotation omitted).

was solely because of the offenses that he committed in England. *Id.* Castillo-Alvarez did not commit any crimes in Mexico and was not in custody in Mexico for any offenses committed in that jurisdiction. Accordingly, *Moss* is inapposite.

Because Castillo-Alvarez has demonstrated that he was in custody in Mexico “solely in connection with” the offenses for which he was sentenced in Minnesota—the kidnapping and murder of G.S.E.—the district court erred by denying him custody credit for the time he spent in custody in Mexico. *See Roy*, 928 N.W.2d at 345; Minn. R. Crim. P. 27.03, subd. 4(B). We therefore reverse and remand for the district court to calculate and award Castillo-Alvarez credit for the time he spent in custody in Mexico.⁷

B. Castillo-Alvarez’s challenges to his upward durational departure and consecutive sentences are barred by the law-of-the-case doctrine.

Castillo-Alvarez also challenges his consecutive sentences and upward durational departure. The district court applied the law-of-the-case doctrine to deny Castillo-Alvarez’s claims that the imposition of consecutive sentences and the upward departure were an abuse of discretion.

The law-of-the-case doctrine provides that, “when a court decides upon a rule of law, that decision should continue to govern the same issues in subsequent stages in the same case.” *Townsend v. State*, 3 N.W.3d 13, 16 (Minn. 2024) (quotations omitted). The doctrine “functions to bar issues that were previously considered and denied in the same

⁷ The record indicates that Castillo-Alvarez was in custody in Mexico between his arrest on October 24, 2005, and his extradition to the United States on October 2, 2006, but the exact number of days is unclear. We leave the calculation of custody credit to the district court.

case,” and applies to a rule 27 motion, “when the claim underlying the motion was previously denied on direct appeal.” *Smith v. State*, 974 N.W.2d 576, 581-82 (Minn. 2022) (concluding that law-of-the-case doctrine barred defendant’s challenges to his consecutive sentences and upward durational departure). Additionally, the doctrine bars relitigating an issue resolved earlier in the same case “even if the issue presented is not precisely the same in all its details.” *Townsend*, 3 N.W.3d at 17 (citing *Lynch v. State*, 749 N.W.2d 318 (Minn. 2008)).

The issues of whether the district court properly imposed consecutive sentences and an upward durational departure were raised and decided on direct appeal. In *Castillo-Alvarez I*, Castillo-Alvarez argued that the district court imposed consecutive sentences for his murder and kidnapping convictions without making a finding of aggravating circumstances, constituting an impermissible departure. 820 N.W.2d at 621-22. We affirmed the consecutive sentences because Castillo-Alvarez’s argument that they constituted a departure was based on an older version of the sentencing guidelines not in effect at the time of his offense, and the version in effect allowed consecutive sentences under these circumstances without constituting a departure.⁸ *Id.* at 622. Castillo-Alvarez also argued that the district court erred in imposing an upward durational departure on his murder sentence “based upon the aggravating factors of treating the victim with ‘particular cruelty for which the individual offender should be held responsible’ and committing the

⁸ At the time the offense occurred in 1997, the sentencing guidelines permitted consecutive sentences for “[m]ultiple current felony convictions for crimes against persons” to be “given without departure.” Minn. Sent’g Guidelines II.F (1996).

crime ‘as part of a group of three or more persons who all actively participated in the crime’” without adequately explaining those reasons for departure. *Id.* at 622-23 (quoting Minn. Sent’g Guidelines II.D.2.b(2), (8) (1996)). We agreed that the district court did not sufficiently explain its reasoning under the particular-cruelty factor, but we affirmed the departure because the district court adequately relied on and explained its reasoning under the group-of-three-or-more factor. *Id.* at 623 (“An upward departure may be supported based on the presence of a single aggravating factor.” (citing *State v. O’Brien*, 369 N.W.2d 525, 527 (Minn. 1985))).

In *Castillo-Alvarez II*, the supreme court did not address either of these sentencing arguments. As such, our affirmance of Castillo-Alvarez’s consecutive sentences and of the upward durational departure based on the group-of-three-or-more aggravating factor are law of the case on those issues. Castillo-Alvarez’s current challenges to his consecutive sentences and the upward durational departure are based on the same grounds that we considered and rejected in *Castillo-Alvarez I* and, therefore, are barred by law-of-the-case doctrine. *See Smith*, 974 N.W.2d at 581-82. The district court did not abuse its discretion by denying Castillo-Alvarez’s motion to correct his sentence with respect to his upward durational departure and consecutive sentences.

Affirmed in part, reversed in part, and remanded.