

*This opinion is nonprecedential except as provided by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
A24-1589**

State of Minnesota,
Respondent,

vs.

Drace Chaddell Jackson,
Appellant.

**Filed July 14, 2025
Affirmed
Klaphake, Judge ***

Hennepin County District Court
File No. 27-CR-22-11117

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

Mary F. Moriarty, Hennepin County Attorney, Linda M. Freyer, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

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

Considered and decided by Bjorkman, Presiding Judge; Harris, Judge; and Klaphake, Judge.

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

NONPRECEDENTIAL OPINION

KLAPHAKE, Judge

In this direct appeal from a final judgment of conviction for second-degree intentional murder, appellant argues that the district court abused its discretion by denying his request to impose a sentence at the bottom of the presumptive guidelines range and imposing a sentence in the middle of the range. Because this is not a rare case where we reverse a district court's imposition of a guidelines sentence, we affirm.

DECISION

Appellant Drace Chaddell Jackson argues that the district court abused its discretion by sentencing him to 348 months in prison for intentional second-degree murder and “asks this Court to reverse that sentence and remand with instructions to impose a 306-month sentence.”

Appellate courts may review a sentence “to determine whether the sentence is inconsistent with statutory requirements, unreasonable, inappropriate, excessive, unjustifiability disparate, or not warranted by the findings of fact issued by the district court.” Minn. Stat. § 244.11, subd. 2(b) (2020). When reviewing a sentence, appellate courts “afford the [district] court great discretion in the imposition of sentences and reverse sentencing decisions only for an abuse of that discretion.” *State v. Soto*, 855 N.W.2d 303, 307-08 (Minn. 2014) (quotation omitted). When the record shows that the district court “carefully evaluated all the testimony and information presented before making a determination,” we do not interfere with the district court's exercise of discretion. *State v. Van Ruler*, 378 N.W.2d 77, 80-81 (Minn. App. 1985).

As part of a plea agreement, respondent State of Minnesota dismissed the charge of second-degree unintentional murder under Minn. Stat. § 609.19, subd. 2(1) (2020) and Jackson pleaded guilty to intentional second-degree murder under Minn. Stat. § 609.19, subd. 1(1) (2020). The parties also agreed on a sentencing range and a restitution amount. At his plea hearing, Jackson provided a factual basis, testifying that he used a firearm to shoot the victim multiple times and intended to cause the victim's death.

The Minnesota Sentencing Guidelines provide presumptive sentences for felony offenses. Minn. Sent'g Guidelines 2.C (Supp. 2021). Sentences within the presumptive range "are presumed to be appropriate for the crimes to which they apply." Minn. Sent'g Guidelines 2.D.1 (Supp. 2021). "This court will not generally review a district court's exercise of its discretion to sentence a defendant when the sentence imposed is within the presumptive guidelines range." *State v. Delk*, 781 N.W.2d 426, 428 (Minn. App. 2010), *rev. denied* (Minn. July 20, 2010). Appellate courts will only reverse presumptive sentences in "rare" cases where "compelling circumstances" exist. *Id.* (quotations omitted).

The presumptive sentence for second-degree intentional murder with a criminal history score of zero is 306 months with a permissible range of between 261 and 367 months. Minn. Sent'g Guidelines 4.A (Supp. 2021). As part of the plea agreement, Jackson and the state agreed that Jackson should be sentenced to a term between 306 and 367 months. At his sentencing hearing, Jackson argued that that the district court should sentence him to 306 months based on his lack of criminal history, "his remorse, his cooperation, [his] attitude in court," and "the support of his friends and his family." The state argued that Jackson should be sentenced to 367 months because of the seriousness of

his conduct and because Jackson evaded law enforcement “for nearly two years” after the killing. The district court sentenced Jackson to 348 months. The district court acknowledged that Jackson did not have a criminal history, took responsibility for his actions by pleading guilty, and had the support of family and friends. But the district court also noted the impact of the loss of the victim, the seriousness of Jackson’s conduct, and Jackson’s evasion of law enforcement.

Jackson makes a similar argument on appeal, arguing that the district court abused its discretion because his age, lack of criminal history, remorse and acceptance of responsibility, and support of family and friends supported a lower sentence. The state argues that the district court did not abuse its discretion because (1) the district court imposed a sentence within the presumptive guidelines range, (2) Jackson “offers no compelling circumstances to justify reversing the presumptive sentence,” and (3) Jackson’s “conduct during the offense made his offense more serious than the typical second-degree intentional murder offense and could have supported an upward durational departure” or a first-degree murder charge.

Jackson cites to *State v. Trog*, 323 N.W.2d 28, 31 (Minn. 1982), as authority that the factors he lists favor a lower guidelines sentence. The supreme court in *Trog*, however, discussed “the defendant’s age, his prior record, his remorse, his cooperation, his attitude while in court, and the support of friends and/or family,” because they were “relevant to a determination whether a defendant is particularly suitable to *individualized treatment in a probationary setting*.” *Id.* (emphasis added). In other words, the factors listed in *Trog* are relevant for considering a *dispositional sentencing departure* rather than a request for a

reduced sentence duration. *Id.* Here, Jackson sought a sentence at the lower-end of the guidelines range, not a departure and there is no authority supporting Jackson’s argument that these factors show “compelling circumstances” justifying reversal of a guidelines sentence. *Delk*, 781 N.W.2d at 428 (quotation omitted).

As the state points out, “even if [Jackson] is trying to argue by analogy, the factors he cites are relevant only to dispositional departures.” “The Minnesota Sentencing Guidelines define two types of sentencing departures: dispositional and durational.” *State v. Solberg*, 882 N.W.2d 618, 623 (Minn. 2016). Dispositional departures “place[] the offender in a different setting than that called for by the presumptive guidelines sentence,” such as probation instead of execution of a sentence, while “a durational departure is a sentence that departs in length from the presumptive guidelines range.” *Id.* The sentence Jackson requested is (1) not a departure and (2) relates to the duration of the sentence, not the disposition. Therefore, the *Trog* factors do not apply here.¹

Even considering these factors, this is not a “rare” case with “compelling circumstances” requiring the reversal of a guidelines sentence. *Delk*, 781 N.W.2d at 428 (quotations omitted). Jackson cites to *State v. Hennum*, where the Minnesota Supreme Court reversed a district court’s guidelines sentence. 441 N.W.2d 793, 801 (Minn. 1989). The state argues that “the facts here are far different” from those in *Hennum*.

¹ As the state notes, a court can consider remorse when granting a durational departure when “a defendant can show that his demonstrated remorse is directly related to the criminal conduct at issue and made that conduct significantly less serious than the typical conduct underlying the offense of conviction.” *Solberg*, 882 N.W.2d at 626. The record does not show that Jackson’s remorse impacted the seriousness of his conduct.

In *Hennum*, a woman shot her husband after she experienced years of abuse, which included incidents where her husband punctured her lung and broke her nose. *Id.* at 795-96. At trial, Hennum claimed that she was experiencing “battered woman syndrome.” *Id.* at 797. The supreme court determined that these circumstances made *Hennum* “a rare case which merits reversal of the trial court’s discretionary refusal to depart” from the sentencing guidelines. *Id.* at 801 (quotation omitted). Here, the facts are very different. Nothing about the crime or Jackson himself support a conclusion that this is a “rare” case with “compelling circumstances” justifying reversal.²

The district court considered the arguments by both parties, specifically Jackson’s accountability, his lack of a criminal record, the seriousness of his conduct, and his evasion of the police for almost two years after the offense. The district court accordingly determined that 348 months was an appropriate sentence. That decision was within the district court’s discretion, and this is not a “rare” case where this court should reverse a district court’s imposition of a sentence in line with the Minnesota Sentencing Guidelines. *Delk*, 781 N.W.2d at 428 (quotation omitted).³

Affirmed.

² We note that *Hennum* involved a requested departure from the sentencing guidelines. 441 N.W.2d at 801. We are unaware of any binding caselaw where an appellate court has reversed a guidelines sentence based on compelling circumstances that favored imposition of a lesser guidelines sentence.

³ Because we determine that the district court did not abuse its discretion by imposing a sentence of 348 months, we need not address the state’s arguments that Jackson’s sentence could have been higher because the record evidence justifies an aggravated sentence for “particular cruelty” under Minn. Stat. § 244.10, subd. 5a(a)(2) (2020), or a first-degree murder charge under Minn. Stat. § 609.185(a)(1) (2020).