

*This opinion is nonprecedential except as provided by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
A24-1762**

State of Minnesota,
Respondent,

vs.

Shawn Allen Carlson,
Appellant.

**Filed August 4, 2025
Affirmed
Larson, Judge**

Isanti County District Court
File No. 30-CR-23-268

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

Jeffrey R. Edblad, Isanti County Attorney, Nicholas J. Colombo, Assistant County Attorney, Cambridge, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Sara J. Euteneuer, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bentley, Presiding Judge; Larkin, Judge; and Larson, Judge.

NONPRECEDENTIAL OPINION

LARSON, Judge

Appellant Shawn Allen Carlson challenges the district court's decision not to impose a downward dispositional departure. Carlson argues the district court abused its discretion when it denied his departure motion because: (1) the district court improperly

relied on offense-related factors and (2) Carlson is particularly amenable to probation. We affirm.

FACTS

In April 2023, respondent State of Minnesota charged Carlson with: (1) threats of violence under Minn. Stat. § 609.713, subd. 1 (2022); (2) second-degree assault with a dangerous weapon under Minn. Stat. § 609.222, subd. 1 (2022); (3) gross-misdemeanor domestic assault with a firearm under Minn. Stat. § 609.2242, subd. 3(c) (2022); and (4) misdemeanor domestic assault under Minn. Stat. § 609.2242, subd. 1(1) (2022). The state later amended the second-degree-assault charge to reference Minn. Stat. § 609.11, subd. 5(a) (2022), which provides for enhanced penalties for offenses committed with a firearm.

According to the complaint, on April 14, 2023, police officers responded to a reported domestic assault at an apartment building. Upon arrival, the officers spoke with the victim, who explained that she and Carlson shared the apartment and were in an intimate relationship. The victim stated that Carlson threatened her and then shot a gun at her through the window of a door. The bullet missed the victim's "upper body/head by only a few feet." An officer discovered a gun and two knives on Carlson's person. According to a preliminary breath sample, Carlson's alcohol concentration was 0.114.

At a June 2024 hearing, Carlson entered a straight plea to second-degree assault with a dangerous weapon.¹ Pursuant to a plea agreement, the state dismissed the remaining charges. The district court deferred accepting Carlson’s plea until the sentencing hearing.

At a September 2024 sentencing hearing, the district court acknowledged receiving and reviewing the presentence investigation report (PSI), the advisory dispositional-departure memorandum, data from the Minnesota Sentencing Guidelines Commission (the commission) related to dispositional-departure rates for second-degree assault, medical records, and a treatment report. The district court then heard arguments from the state and Carlson’s counsel, and Carlson gave a statement. The state requested that the district court sentence Carlson to the presumptive 36-month prison term. Carlson’s counsel moved for a downward dispositional departure, arguing that Carlson was particularly amenable to probation under the factors set forth in *State v. Trog*, 323 N.W.2d 28, 31 (Minn. 1982) (*Trog* factors). Carlson expressed that he took accountability for the incident and apologized to the victim.

The district court denied the departure motion. In doing so, the district court determined that there were not “substantial and compelling reasons to depart.” Specifically, the district court acknowledged the existence of some factors favoring a downward departure but determined that the seriousness of the offense outweighed these

¹ A defendant enters a “straight plea” when they “plead[] guilty to the offense but [do] not enter into any agreement regarding sentencing.” *State v. Sanchez-Sanchez*, 879 N.W.2d 324, 327 (Minn. 2016).

factors.² The district court then accepted Carlson’s guilty plea and sentenced him to the presumptive 36-month prison term, with 19 days’ jail credit.

Carlson appeals.

DECISION

Carlson argues the district court abused its discretion when it denied his motion for a downward dispositional departure and, instead, imposed the presumptive sentence. We review a district court’s decision to impose a presumptive sentence for a clear abuse of discretion and will reverse that decision “[o]nly in a ‘rare’ case.” *State v. Olson*, 765 N.W.2d 662, 664 (Minn. App. 2009) (quoting *State v. Kindem*, 313 N.W.2d 6, 7 (Minn. 1981)). 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 presumptive sentence when the record reflects that “the [district] court consider[ed the] reasons for departure but elect[ed] to impose the presumptive sentence” instead. *Id.* at 80.

The Minnesota Sentencing Guidelines establish presumptive sentencing ranges to “maintain uniformity, proportionality, rationality, and predictability in sentencing.” Minn. Stat. § 244.09, subd. 5 (2024). Therefore, “departures from the guidelines are discouraged

² We note that Carlson’s confidential PSI, medical records, and treatment report are relevant to the district court’s conclusion. *See* Minn. R. Pub. Access to Recs. of Jud. Branch 4, subd. 1(b)(2) (providing that records on an individual that are ordered by a court to assist in sentencing are not publicly accessible). While we need not disclose the confidential details contained in these documents, we have reviewed them and conclude that they support the district court’s determination.

and are intended to apply to a small number of cases.” *State v. Solberg*, 882 N.W.2d 618, 623 (Minn. 2016). A district court may depart from a presumptive sentence only if there are “identifiable, substantial, and compelling circumstances to support a departure.” Minn. Sent’g Guidelines 2.D.1 (2022). “Substantial and compelling circumstances are those circumstances that make the facts of a particular case different from a typical case.” *State v. Peake*, 366 N.W.2d 299, 301 (Minn. 1985).

“A dispositional departure typically focuses on characteristics of the defendant that show whether the defendant is particularly suitable for individualized treatment in a probationary setting.” *Solberg*, 882 N.W.2d at 623 (quotation omitted). This inquiry considers “the defendant as an individual and . . . whether the presumptive sentence would be best for [the defendant] and for society.” *State v. Heywood*, 338 N.W.2d 243, 244 (Minn. 1983). A defendant’s particular amenability to probation may justify a downward dispositional departure. *State v. Soto*, 855 N.W.2d 303, 308-09 (Minn. 2014). The *Trog* factors are relevant to determining whether a defendant is particularly amenable to probation and include age, prior criminal record, remorse, cooperation, attitude in court, and support of friends and family. *Trog*, 323 N.W.2d at 31.

Carlson first argues that the district court abused its discretion because it relied on the seriousness of the offense when it denied his departure motion. We disagree. A district court can look at “both offender- and offense-related factors” when deciding whether to grant a motion for dispositional departure. *State v. Walker*, 913 N.W.2d 463, 468 (Minn. App. 2018). And contrary to Carlson’s assertion that the district court *only* considered

offense-based factors, the record shows that the district court did, in fact, consider offender-based factors as well, such as Carlson's prior record and efforts to maintain sobriety.

Carlson argues second that, even if the district court reviewed the appropriate factors, the district court nonetheless abused its discretion because Carlson is particularly amenable to probation. But the district court is not required to grant a downward dispositional departure even if a defendant is particularly amenable to probation. *See Olson*, 765 N.W.2d at 664-65. Here, the district court's decision to impose the presumptive sentence was preceded by a careful evaluation of the testimony and evidence. The district court indicated that it reviewed the PSI, the advisory dispositional departure memorandum, the data from the commission, medical records, and a treatment report. The district court also heard from the state, Carlson's counsel, and Carlson himself. Because the record reflects that the district court considered the reasons for a departure, but nonetheless decided to impose a presumptive sentence, we conclude the district court did not abuse its discretion. *See Van Ruler*, 378 N.W.2d at 80-81.

Affirmed.