

*This opinion is nonprecedential except as provided by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
A24-2008**

State of Minnesota,
Respondent,

vs.

Devin John Oelrich,
Appellant.

**Filed September 22, 2025
Affirmed
Slieter, Judge**

Pine County District Court
File No. 58-CR-23-174

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

Reese Frederickson, Pine County Attorney, Lauren R. Dwyer, Assistant County Attorney,
Pine City, Minnesota (for respondent)

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

Considered and decided by Slieter, Presiding Judge; Frisch, Chief Judge; and
Jesson, Judge.*

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

NONPRECEDENTIAL OPINION

SLIETER, Judge

In this sentencing appeal following a conviction of first-degree criminal sexual conduct, appellant argues that the district court abused its discretion by denying his motion for a downward dispositional departure. Because the district court acted within its discretion to impose the presumptive sentence, we affirm.

FACTS

On April 2, 2024, appellant Devin John Oelrich pleaded guilty to one count of first-degree criminal sexual conduct in violation of Minn. Stat. § 609.342, subd. 1a(e) (Supp. 2021), stemming from the sexual abuse of his then-thirteen-year-old stepdaughter, R.S. The following facts derive from the complaint and the factual basis provided by Oelrich during his guilty-plea hearing.

On May 19, 2022, Oelrich contacted Pine County Health and Human Services Child Protection Services (CPS) and asked to meet with a child-protection investigator. Oelrich told CPS that he touched R.S. sexually by digitally penetrating her anally and vaginally. Oelrich stated he sexually assaulted R.S. six or seven times between January and March of 2022 at their residence in Pine County.

CPS conducted a forensic interview with R.S. R.S. disclosed that Oelrich digitally penetrated her vagina and anus multiple times. As part of his guilty-plea colloquy, Oelrich admitted to penetrating R.S.'s vagina and anus digitally on multiple occasions. The district court accepted Oelrich's guilty plea and ordered that Oelrich participate in a presentence

investigation (PSI) and a psychosexual evaluation. There was no agreement regarding sentencing.

Prior to sentencing, Oelrich moved for a downward dispositional departure, arguing that he was particularly amenable to probation and sex-offender treatment. The state requested the court impose the presumptive guidelines sentence. The district court entered a conviction for the first-degree criminal-sexual-conduct offense and imposed the presumptive guidelines sentence of 144 months' imprisonment.

Oelrich appeals.

DECISION

Oelrich argues that the district court abused its discretion by imposing the presumptive guidelines sentence because he presented evidence that he is particularly amenable to probation and sex-offender treatment in a community setting.

A district court's decision to impose a guidelines sentence will not be reversed absent an abuse of discretion. *State v. Walker*, 913 N.W.2d 463, 468 (Minn. App. 2018). The Minnesota Sentencing Guidelines establish the presumptive disposition and duration of a sentence depending on the seriousness of the offense and the defendant's criminal history. Minn. Sent'g Guidelines 1.A, 2.C.1 (2021). The district court has discretion to depart from the presumptive disposition or duration if "identifiable, substantial, and compelling circumstances" justify a departure. Minn. Sent'g Guidelines 2.D.1 (2021). But departures "are discouraged and are intended to apply to a small number of cases" because "[t]he sentencing guidelines seek to maintain uniformity, proportionality, rationality, and

predictability in sentencing of felony crimes.” *State v. Solberg*, 882 N.W.2d 618, 623 (Minn. 2016) (quotation omitted).

Factors that may indicate a particular amenability to probation include the defendant’s “age, . . . prior record, . . . remorse, . . . cooperation, . . . attitude while in court, and the support of friends and/or family.” *State v. Trog*, 323 N.W.2d 28, 31 (Minn. 1982). We review a district court’s decision whether to grant a sentencing departure for an abuse of discretion and will reverse the decision to impose the presumptive sentence only in a “rare” case. *State v. Musse*, 981 N.W.2d 216, 220 (Minn. App. 2022) (quotation omitted), *rev. denied* (Minn. Dec. 28, 2022). Furthermore, a district court is not required to grant a downward dispositional departure even if a defendant is particularly amenable to probation. *State v. Olson*, 765 N.W.2d 662, 664-65 (Minn. App. 2009).

A review of the record demonstrates that the district court considered the circumstances for and against departure before imposing the presumptive sentence. The district court’s explanation indicated that it had reviewed all the relevant material in the record including the departure motion, information regarding Oelrich’s mental-health treatment, his psychosexual evaluation, and the PSI. The district court also considered the parties’ arguments for and against departure. *State v. Pegel*, 795 N.W.2d 251, 255 (Minn. App. 2011) (“A reviewing court may not interfere with the sentencing court’s exercise of discretion, as long as the record shows the sentencing court carefully evaluated all the testimony and information presented before making a determination.” (quotation omitted)).

The district court stated that, “at first glance, the defense put together a pretty compelling argument in favor of departure.” However, the district court next explained

that “some digging really leads the Court to determine that this is not an appropriate case for a departure, and that Mr. Oelrich does need to be committed to the Commissioner of Corrections.”

The district court added that, prior to entering his guilty plea, Oelrich voluntarily entered a sex-offender treatment program but left prior to completion and was now involved in individual mental-health therapy. The district court, referencing “sex-specific therapy,” noted that Oelrich ceased participating in the sex-offender treatment program because he did not “really want to acknowledge in real words that [he was] . . . just like those other folks that [were] in those treatment programs.” And the district court noted that the individual therapy that Oelrich was then participating in was not a “sex-specific therapy.” The district court further stated that it did “not believe that [Oelrich was] remorseful” and instead “believe[d that he was] . . . upset that [he] got caught.” The district court concluded by stating that Oelrich was “not an individual who’s amenable to treatment, . . . [that he was] not amenable to probation, and [that he was] . . . a significant risk to the public safety.”

It is true, as Oelrich argued, that the district court did not explicitly address the *Trog* factors individually, other than to state that it did not believe Oelrich was remorseful. *See* 323 N.W.2d at 31. But a review of the record indicates that Oelrich did not explicitly present evidence of or make arguments as to the other *Trog* factors. Moreover, although a district court “is required to give reasons for departure, an explanation is not required when the court considers reasons for departure but elects to impose the presumptive sentence.” *State v. Van Ruler*, 378 N.W.2d 77, 80 (Minn. App. 1985); *see also Pegel*, 795 N.W.2d at

254 (rejecting the appellant’s argument that the district court failed to discuss each of the *Trog* factors and observing that “there is no requirement that the district court must do so”). And, as we noted, the district court carefully considered all the arguments for a departure and provided its reasoning for denying the departure. Because the record supports the district court’s reasoning, we therefore conclude that the district court acted within its discretion by denying Oelrich’s downward-dispositional-departure motion and by imposing a presumptive sentence.

Affirmed.