

*This opinion is nonprecedential except as provided by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
A25-0032**

State of Minnesota,
Respondent,

vs.

Philip Kofi Itoka,
Appellant.

**Filed December 15, 2025
Affirmed
Larson, Judge**

Hennepin County District Court
File No. 27-CR-23-26458

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

Mary F. Moriarty, Hennepin County Attorney, N. Nate Summers, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

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

Considered and decided by Connolly, Presiding Judge; Larson, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

LARSON, Judge

Appellant Philip Kofi Itoka challenges the district court's decision to deny his motion for a downward dispositional departure and impose a presumptive guidelines

sentence after he entered a guilty plea. Because we conclude the district court did not abuse its discretion, we affirm.

FACTS

In January 2023, the state charged Itoka with one count of first-degree assault under Minn. Stat. § 609.221, subd. 1 (2022), and one count of fourth-degree assault of a peace officer under Minn. Stat. § 609.2231, subd. 1(c)(2) (2022).¹ According to the complaint, Itoka and the victim had an altercation regarding a rideshare vehicle in December 2023. Itoka stabbed the victim multiple times with a knife in the chest and abdomen. When law enforcement arrived, Itoka physically resisted arrest, spat on a police officer, and stated that he “should have killed” the victim. In August 2023, Itoka pleaded guilty to both counts in a straight plea.² The district court ordered completion of a presentence investigation report (PSI). In the interim, Itoka filed a motion for a downward dispositional departure, arguing that he was particularly amenable to probation under *State v. Trog*, 323 N.W.2d 28 (Minn. 1982).

At the sentencing hearing, the district court indicated that it had reviewed the PSI, both parties’ submissions, and Itoka’s letters of support. The district court then heard the parties’ arguments and listened to statements from both the victim and Itoka. Itoka’s counsel asked the district court to impose probation, highlighting Itoka’s young age, lack

¹ The state also charged Itoka with second-degree assault with a dangerous weapon under Minn. Stat. § 609.222, subd. 1 (2022). The state dismissed this charge at the plea hearing.

² 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) (citation omitted).

of significant criminal history, remorsefulness, attitude in court, and supportive network of friends and family. The state requested that the district court impose a sentence at the top of the presumptive guidelines range, 103 months in prison.

Thereafter, the district court denied the departure motion and sentenced Itoka to the presumptive guidelines sentence, 96 months in prison.³ The district court determined that Itoka was not particularly amenable to probation, citing Itoka's conduct during the arrest, inability to appreciate the seriousness of the offense, and failure to remain law-abiding between the plea and sentencing hearings.⁴ But the district court cited Itoka's age as a reason it did not impose the state's proposed sentence.

Itoka appeals.

DECISION

Itoka challenges the district court's decision to deny his departure motion and impose the presumptive guidelines sentence. 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 and are intended to apply to a small number of cases." *State v. Solberg*, 882 N.W.2d 618, 623 (Minn. 2016). A district

³ We note that Itoka's confidential PSI is relevant to the district court's conclusions. *See* Minn. R. Pub. Access to Recs. of Jud. Branch 4, subd. 1(b)(2) (providing that records on individual ordered by court to assist in sentencing are not publicly accessible). While we need not disclose the confidential details contained in Itoka's PSI, we have reviewed the document and conclude that it supports the district court's statements.

⁴ While on conditional release prior to sentencing, Itoka was charged with three traffic violations, including driving after license revocation.

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).

We review a district court’s decision to impose a presumptive guidelines sentence for an 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 the presumptive guidelines 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.

Here, Itoka requested a downward dispositional departure. “[A] downward dispositional departure occurs when the presumptive guidelines sentence calls for imprisonment but the district court instead stays execution or imposition of the sentence.” *Solberg*, 882 N.W.2d at 623 (citation omitted). When evaluating a motion for a downward dispositional departure, a district court “typically focuses on characteristics of the defendant that show whether the defendant is particularly suitable for individualized treatment in a probationary setting.” *Id.* (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).

Itoka argues the district court abused its discretion when it denied his motion for a downward dispositional departure because he is particularly amenable to probation. 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). A district court considers the factors set forth in *Trog* to determine whether a defendant is particularly amenable to probation, which include age, prior criminal record, remorse, cooperation, attitude in court, and support of friends and family. *See* 323 N.W.2d at 31. But, even if a defendant is particularly amenable to probation, the district court’s imposition of a downward dispositional departure is discretionary. *Olson*, 765 N.W.2d at 664-65. And a district court does not abuse its discretion when it “carefully consider[s] circumstances for and against departure and deliberately exercise[s] its discretion.” *State v. Pegel*, 795 N.W.2d 251, 255 (Minn. App. 2011).

Here, the record shows the district court carefully considered the evidence submitted before it imposed a presumptive guidelines sentence. The district court reviewed the PSI, the parties’ submissions, and Itoka’s letters of support. The district court also heard arguments from both parties and statements from Itoka and the victim. And even though a district court need not give its reasons for imposing the presumptive guidelines sentence, *see Van Ruler*, 378 N.W.2d at 80, the district court explained its view that probation was

not appropriate because of Itoka's conduct during the arrest, inability to fully appreciate the seriousness of the offense, and failure to stay law-abiding.⁵

Because the record reflects that the district court "carefully evaluated all the testimony and information presented before making [its] determination," *see Van Ruler*, 378 N.W.2d at 81, we conclude the district court did not abuse its discretion when it imposed the presumptive guidelines sentence.

Affirmed.

⁵ Itoka further argues the district court improperly considered his prior incomplete drug-treatment program. However, a district court may consider the outcome of prior interventions when deciding a departure motion. *See State v. Case*, 350 N.W.2d 473, 475 (Minn. App. 1984). And even if Itoka's prior treatment history does not weigh against his amenability to probation, the district court did not abuse its discretion because it carefully reviewed all the evidence before imposing a presumptive sentence. *See Pegel*, 795 N.W.2d at 255.