

*This opinion is nonprecedential except as provided by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
A25-0092**

State of Minnesota,
Respondent,

vs.

Samuel David Teachman,
Appellant.

**Filed December 22, 2025
Affirmed
Ede, Judge**

Stearns County District Court
File No. 73-CR-24-1008

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

Janelle P. Kendall, Stearns County Attorney, Michael J. Lieberg, Assistant County Attorney, St. Cloud, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Roy G. Spurbeck, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Ede, Presiding Judge; Frisch, Chief Judge; and Larkin, Judge.

NONPRECEDENTIAL OPINION

EDE, Judge

In this appeal from a 60-month prison sentence following a conviction of possession of a pornographic work involving a minor with a prior conviction for possessing child pornography, appellant argues that the district court abused its discretion (A) by referring

to a clear-and-convincing-evidence standard in denying his motion for a downward dispositional departure and (B) by imposing an executed sentence within the presumptive guidelines range, notwithstanding his claim that the record showed that he was particularly amenable to probation. We affirm.

FACTS

In February 2024, respondent State of Minnesota charged appellant Samuel David Teachman with four felony counts of possession of pornographic works involving a minor with a prior conviction of possessing child pornography, in violation of Minnesota Statutes section 617.247, subdivision 4(b) (2022).¹ The complaint alleged that Teachman possessed 37 images of child-sexual-abuse material. Teachman pleaded guilty to one count of felony possession of child pornography; the remaining three counts were dismissed pursuant to a plea agreement.

Before sentencing, the county corrections department filed a presentence investigation report (PSI) that identified “no mitigating factors” to support a recommendation for a dispositional departure.² The PSI also stated that Teachman’s

¹ In 2017, Teachman was convicted of three felony counts of possession of child pornography. He was on probation for those convictions on the date of offense in this case.

² Materials filed as confidential in the district court remain nonpublic on appeal. Minn. R. Civ. App. P. 112.02, subd. 1. But we are not precluded “from mentioning the contents” of confidential or sealed documents when the information is “relevant to the particular issues or legal argument being addressed in the proceeding.” Minn. R. Pub. Access to Recs. of Jud. Branch 4, subd. 4. We therefore limit our recitation of information set forth in the PSI to what is relevant to the issues presented in this appeal.

criminal-history score was three and that the offense severity level was E,³ such that the presumptive duration of Teachman’s sentence under the Minnesota Sentencing Guidelines was 60 months.⁴

On the day of the sentencing hearing, Teachman moved for a downward dispositional departure but did not submit any written support for the motion. Teachman’s attorney argued that Teachman was particularly amenable to probation because he had been on probation for “five years without any significant problems” and because he had taken steps to attend therapy. Counsel acknowledged, however, that Teachman had not expressed remorse and that the district court might be concerned about him having unsupervised contact with his 2-year-old daughter.

During his allocution, Teachman addressed the district court and stated: “I don’t have knowledge of what I did. But subconsciously there might have been something there, and I’m willing to admit to that.” He added that he had started therapy and that he did not think serving time in prison would “allow [him] to continue that positive motion forward,” which included “the people around [him] who . . . constantly [held him] accountable for [his] words and [his] actions,” and his job. Teachman also said that he did not “want to

³ The 2022 Minnesota Sentencing Guidelines uses letters A through I to represent different levels of severity for sex offenses, with A being most severe and I being least severe. *See* Minn. Sent’g Guidelines 4.B. (2022).

⁴ *See id.* (providing that a defendant with a criminal-history score of three and an offense severity level of E has a presumptive range of 51 to 72 months and a presumptive duration of 60 months).

disappear from [his] daughter's life for any moment, even if that mean[t] . . . the [district] court requir[ing him] to have supervised visits with her.”

The state opposed Teachman's motion for a dispositional departure, contending that Teachman had been through treatment programs before and had not accepted responsibility for his actions in this case. Moreover, the state argued that Teachman was not amenable to probation because: he had continued to have prohibited contact with minors while on probation; he had disagreed with and failed to follow the recommendations of his previous therapist in order to receive approval to have contact with minors; and he had made concerning comments about sexual behaviors during his psychosexual evaluation.

After these arguments, the district court stated that it “need[ed] to find clear and convincing evidence that [Teachman was] particularly amenable to probation.” Neither party objected to this statement. The district court said that it agreed with the recommendation of the PSI against a dispositional departure because Teachman had never accepted responsibility for his actions and had instead blamed his minor child for downloading the charged images of child pornography. And the district court reasoned that Teachman was not amenable to probation because he had been in therapy for three years and still “struggle[d] with viewing pornography,” he had continued unsupervised contact with his minor daughter—which was not permitted while he was on probation—and he had lied to his treatment provider several times while on probation. For these reasons, the district court denied Teachman's motion for a downward dispositional departure and imposed an executed 60-month sentence. Teachman appeals.

DECISION

Teachman asserts that the district court abused its discretion (A) by referring to a clear-and-convincing-evidence standard in denying his motion for downward dispositional departure and (B) by imposing an executed 60-month prison sentence within the presumptive guidelines range, despite his claim that the record established his particular amenability to probation.⁵

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).⁶ A district court “abuses its discretion when its decision is based on an erroneous view of the law or is against logic

⁵ Teachman also submitted a pro se supplemental brief that contains no citations to legal authority. Because we discern no obvious prejudicial error in the record for the reasons set forth herein, Teachman’s request that we reverse and remand for resentencing to a term of probation is unavailing. *See State v. Bellazan*, 18 N.W.3d 385, 402 (Minn. App. 2025) (explaining that “an assignment of error based on mere assertion and not supported by any argument or authorities in appellant’s brief is [forfeited] and will not be considered on appeal unless prejudicial error is obvious on mere inspection” (quoting *Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971)), *rev. denied* (Minn. May 28, 2025); *see also State v. German*, 929 N.W.2d 466, 476-77 (Minn. App. 2019) (“Although some accommodations may be made for pro se litigants, we generally hold them to the same standards as attorneys.” (citing *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001))).

⁶ Citing *C.O. v. Doe*—a family law matter—Teachman asks that we review de novo the district court’s reference to the clear-and-convincing-evidence standard in denying his motion for a downward dispositional departure. 757 N.W.2d 343, 352 (Minn. 2008) (“Identification of the applicable burden and standard of proof presents questions of law, which [appellate courts] review de novo.”). We decline to do so and instead apply the abuse-of-discretion standard of review because, “to the extent a decision to depart turns on a question of law, reviewing the decision for an abuse of discretion already calls for resolving the legal question de novo.” *Soto*, 855 N.W.2d at 308 n.1.

and the facts in the record.” *State v. Glover*, 4 N.W.3d 124, 134 (Minn. 2024) (quotation omitted).

We address Teachman’s arguments in turn.

A. Any error by the district court in referencing the clear-and-convincing-evidence standard is harmless.

A “district court [is] not required to state its reasons for not departing on the record.” *State v. Johnson*, 831 N.W.2d 917, 926 (Minn. App. 2013) (citing *State v. Van Ruler*, 378 N.W.2d 77, 80 (Minn. App. 1985)), *rev. denied* (Minn. Sept. 17, 2013). And 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.” *Van Ruler*, 378 N.W.2d at 80–81.

Accordingly, the district court did not need to explain its reasoning in denying Teachman’s motion for a downward dispositional departure. And while we agree with the parties that no authority establishes an evidentiary standard that a defendant must meet to obtain a downward dispositional departure, the district court’s full statement of its reasoning at the sentencing hearing reflects that the court acted within its discretion in denying Teachman’s motion under any standard because it appropriately evaluated all the evidence before making its determination.

More specifically, nothing in the sentencing transcript shows that the district court denied Teachman’s motion for a downward dispositional departure because Teachman did not meet the clear-and-convincing-evidence standard that the court referenced. To the contrary, the district court affirmatively determined that

it [did] not appear . . . [that Teachman was] particularly amenable to treatment in the community as he has had that benefit for three years yet continued to struggle with viewing pornography, disregarded the order of the court on multiple occasions by having unsupervised contact with his minor daughter, and was dishonest with his agent and his treatment provider on numerous occasions regarding his conduct.

I agree with the PSI writer. I do not believe that . . . Teachman is particularly amenable to probation. The fact that he [was] unwilling to basically accept responsibility for committing [the crime] and [was] blaming his child and others makes clear that he [was] not amenable to probation. And the fact that this is not the first time that he has been sentenced for child pornography makes this particularly troublesome to the court and concerning.

Given this determination by the district court, we conclude that any error by the district court in referring to the clear-and-convincing-evidence standard when it denied Teachman’s motion for a downward dispositional departure was harmless. *See* Minn. R. Crim. P. 31.01 (requiring that harmless error be disregarded); *cf. also Greer v. State*, 973 N.W.2d 918, 924 (Minn. 2022) (concluding that the Minnesota Supreme Court “need not resolve the parties’ procedural dispute” about whether “the district court committed a reversible procedural error when it concluded that [the defendant’s] allocution claim could not be raised in a motion to correct a sentence . . . because . . . the alleged error was harmless”). Indeed, even when a district court’s comments in sentencing a defendant “reflect a poor choice of words,” so long as the court bases its decision on the underlying facts in the record, the court acts within its discretion. *State v. Eller*, 780 N.W.2d 375, 384 (Minn. App. 2010), *rev. denied* (Minn. June 15, 2010). Because the district court “carefully evaluated all the testimony and information presented” before deciding to deny

Teachman’s motion, we “may not interfere” with the district court’s sentencing discretion. *Van Ruler*, 378 N.W.2d at 80–81.

B. The district court did not abuse its discretion by imposing an executed presumptive guidelines sentence.

The district court’s sentencing discretion is limited by the Minnesota Sentencing Guidelines, which “prescrib[e] a sentence or range of sentences that is presumed to be appropriate.” *Soto*, 855 N.W.2d at 308 (quotation omitted). Under the guidelines, “[t]he [district] court must pronounce a sentence of the applicable disposition, within the applicable prison range . . . unless there exist identifiable, substantial, and compelling circumstances to support a departure.” Minn. Sent’g Guidelines 2.D.1 (2022). “Only in a rare case will a reviewing court reverse the imposition of a presumptive sentence.” *State v. Pegel*, 795 N.W.2d 251, 253 (Minn. App. 2011).

“[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.” *State v. Solberg*, 882 N.W.2d 618, 623 (Minn. 2016). “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.” *Id.* (quotation omitted). “Numerous factors, including the defendant’s age, his prior record, his remorse, his cooperation, his attitude while in court, and the support of friends and/or family, are relevant to a determination whether a defendant is particularly suitable to individualized treatment in a probationary setting.” *State v. Trog*, 323 N.W.2d 28, 31 (Minn. 1982); *see also* Minn. Sent’g Guidelines 2.D.3 (2022). These are known as the *Trog*

factors. *See Pegel*, 795 N.W.2d at 253. “A defendant’s amenability to probation may by itself support a downward dispositional departure.” *State v. Hickman*, 666 N.W.2d 729, 731–32 (Minn. App. 2003). “But the mere fact that a mitigating factor is present in a particular case does not obligate the [district] court to place [the] defendant on probation or impose a shorter term than the presumptive term.” *Pegel*, 795 N.W.2d at 253–54 (quotation omitted). And as noted above, “[a] reviewing court may not interfere with the court’s exercise of discretion, as long as the record shows the court carefully evaluated all the testimony and information presented before making a determination.” *Id.* at 255 (quotation omitted).

Based on Teachman’s undisputed criminal-history score of three and offense severity level of E, the presumptive sentencing guidelines range is 51 to 72 months, with a presumptive duration of 60 months. *See* Minn. Sent’g Guidelines 4.B. The district court imposed an executed sentence of 60 months—the presumptive duration under the guidelines. “[A]ny sentence within the presumptive range for the convicted offense constitutes a presumptive sentence.” *State v. Delk*, 781 N.W.2d 426, 428 (Minn. App. 2010), *rev. denied* (Minn. July 20, 2010); *see also State v. Jackson*, 749 N.W.2d 353, 359 n.2 (Minn. 2008) (explaining that “[a]ll three numbers in any given cell constitute an acceptable sentence based solely on the offense at issue and the offender’s criminal history score”). Because the executed 60-month sentence imposed by the district court was within the presumptive range, it constitutes an acceptable sentence here. *See Jackson*, 749 N.W.2d at 359; *Delk*, 781 N.W.2d at 428.

Although Teachman contends that the district court's imposition of an executed sentence was an abuse of discretion, the record reflects that the district court evaluated all the testimony and information presented before deciding to deny Teachman's motion for a downward dispositional departure. In particular, the district court reviewed the PSI and listened to the arguments presented by Teachman and his counsel at the sentencing hearing. As a result, we "may not interfere with the [district] court's exercise of discretion." *Pegel*, 795 N.W.2d at 255 (quotation omitted).

Teachman also maintains that "[a] review of the *Trog* factors and the sentencing guidelines, in conjunction with the record, shows that the district court abused its discretion." But a district court need not address the *Trog* factors before imposing a presumptive sentence. *Id.* at 254 ("Appellant accurately asserts that the district court did not discuss all of the *Trog* factors before it imposed the presumptive sentence. But there is no requirement that the district court must do so."). The *Trog* factors are relevant to the district court's exercise of discretion in granting a downward dispositional departure, not to its decision to deny such a request and impose the presumptive sentence. *See Trog*, 323 N.W.2d at 31; *Pegel*, 795 N.W.2d at 253–54. Because the district court imposed a presumptive and lawful sentence, no discussion of the *Trog* factors was required of the district court. *See Jackson*, 749 N.W.2d at 359; *Delk*, 781 N.W.2d at 428; *Van Ruler*, 378 N.W.2d at 80. Consequently, any purported deficiency in the district court's analysis of the *Trog* factors is not grounds for reversal. *See Pegel*, 795 N.W.2d at 253–54.

In sum, we conclude that the district court carefully evaluated all the testimony and information presented and properly determined that there were no substantial and

compelling reasons to depart from the guidelines. The district court acted within its discretion in imposing an executed 60-month sentence.

Affirmed.