

*This opinion is nonprecedential except as provided by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
A25-0116**

State of Minnesota,
Respondent,

vs.

Daniel Earl Fredrickson,
Appellant.

**Filed September 8, 2025
Affirmed
Worke, Judge**

St. Louis County District Court
File No. 69VI-CV-24-186

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

Kimberly J. Maki, St. Louis County Attorney, Duluth, Minnesota (for respondent)

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

Considered and decided by Worke, Presiding Judge; Johnson, Judge; and Reyes,
Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant argues that the district court abused its discretion by revoking his probation because it clearly erred in finding that the need for appellant's confinement outweighed the policies favoring probation. We affirm.

FACTS

In October 2023, respondent State of Minnesota charged appellant Daniel Earl Fredrickson with felony driving while impaired (DWI)—test refusal, driving after cancellation—inimical to public safety, and driving without proof of insurance. A jury found Fredrickson guilty of DWI—test refusal. This was Fredrickson’s fourth DWI-related offense within the preceding ten years. In January 2024, the district court sentenced Fredrickson to the presumptive sentence of 48 months in prison, stayed for three years. Fredrickson’s probation required him to complete mental-health court.

On March 26, 2024, Fredrickson’s probation officer (PO) filed a probation-violation report alleging that Fredrickson tested positive for methamphetamine. The district court continued Fredrickson on probation.

On June 21, 2024, Fredrickson’s PO filed another violation report. Fredrickson was required to follow the recommendations of an updated chemical-use assessment, but he refused to participate in treatment intake. He also was charged with new criminal offenses and failed to enter and complete mental-health court. A treatment report noted that Fredrickson’s longest period of sobriety was one year while he was in drug court and ended when he finished drug court. In an addendum to the violation report, it was recommended that Fredrickson’s sentence be executed because the mental-health-court team had decided to unsuccessfully discharge Fredrickson from the program because of his “unwillingness to participate . . . in treatment.”

In September 2024, the district court held a probation-revocation hearing. Fredrickson’s PO testified that Fredrickson failed to participate in treatment and mental-

health court. She testified that Fredrickson “had expressed on more than one occasion that he wanted to do in-patient treatment. [But] [h]e did not have that opportunity to be released early from his sentence to do in-patient treatment.” She further testified that Fredrickson would be terminated from mental-health court for several reasons. She testified:

So, first and foremost his unwillingness to participate in the treatment offered His lack of cooperation with appearing before the Judge and the Mental Health Court and refusing to appear; his aggressive . . . texts and nature towards me became - um, I guess as time went on and I think he wasn’t . . . getting the results he was hoping for, his aggressiveness towards me . . . kept increasing. Text messages that were calling me names, threatening in nature and due to unwilling to, I guess, to have a professional work relationship with a client because of the continued aggressive behavior and unwillingness to do treatment and unwillingness to even appear for the basic requirement of Court for Mental Health Court, the team decided and chose to recommend that he be removed from Mental Health Court and recommended that he be committed to the Commissioner of Corrections.

On cross-examination, Fredrickson’s attorney questioned whether Fredrickson’s recommendations were based on his need or convenience. The PO testified that Fredrickson wanted to be released early from his incarceration to go to inpatient treatment because he found the requirements of mental-health court to be challenging, but he was denied early release. The PO testified that, while mental-health court can be “onerous,” Fredrickson was aware of the expectations.

Fredrickson testified that he had difficulty with mental-health court because he had a problem with another participant. He testified that he believed he would be more successful in a program that would teach him “coping skills.” Fredrickson testified that he

had tried a program three or four years prior, and it was the “best program” he had ever seen; however, he testified that he did not have success there either.

The district court found that Fredrickson intentionally and inexcusably violated his probation by failing to obtain an updated assessment and follow treatment recommendations, and by being unwilling “to participate in Mental Health Court.” The district court revoked Fredrickson’s probation after finding that the need for Fredrickson’s confinement outweighs the policies favoring probation because “Fredrickson is in need of correctional treatment that can . . . most effectively be provided during confinement.”

This appeal followed.

DECISION

Fredrickson argues that the district court abused its discretion by revoking his probation. A district court has “broad discretion in determining if there is sufficient evidence to revoke probation and should be reversed only if there is a clear abuse of that discretion.” *State v. Austin*, 295 N.W.2d 246, 249-50 (Minn. 1980). “A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record.” *State v. Fortner*, 989 N.W.2d 368, 374 (Minn. App. 2023) (quotation omitted).

Before revoking probation, a district court must “1) designate the specific condition or conditions that were violated; 2) find that the violation was intentional or inexcusable; and 3) find that need for confinement outweighs the policies favoring probation.” *Austin*, 295 N.W.2d at 250.

Fredrickson challenges only the district court's determination on the third *Austin* factor—that the need for confinement outweighs the policies favoring probation.

In determining whether the need for confinement outweighs the policies favoring probation, a district court considers whether “(i) confinement is necessary to protect the public from further criminal activity by the offender; or (ii) the offender is in need of correctional treatment which can most effectively be provided if he is confined; or (iii) it would unduly depreciate the seriousness of the violation if probation were not revoked.” *State v. Modtland*, 695 N.W.2d 602, 607 (Minn. 2005). “Only one *Modtland* subfactor is necessary to support revocation.” *State v. Smith*, 994 N.W.2d 317, 320 (Minn. App. 2023), *rev. denied* (Minn. Sept. 27, 2023).

Here, the district court found that the need for confinement outweighs the policies favoring probation because Fredrickson needed correctional treatment that could most effectively be provided if he is confined. Fredrickson argues that this determination is not supported by the record because he was not allowed to go to his preferred treatment center, and the district court and treatment providers did not do everything that they could to help him or try as hard as they could have to get him into the right program.

We conclude that the record supports the district court's determination that Fredrickson needs correctional treatment most effectively provided during confinement. Fredrickson essentially argues that the district court abused its discretion because he was not permitted to choose his treatment program. But the record shows that Fredrickson wanted to go to inpatient treatment and that he was denied early release. So, the treatment program Fredrickson desired was unavailable to him. *See State v. Morrow*, 492 N.W.2d

539, 544 (Minn. App. 1992) (stating that district court does not abuse its discretion in revoking probation when treatment program unavailable to probationer).

Additionally, Fredrickson mentioned the treatment facility he wanted to go to but admitted that he had been there in the past and was unsuccessful. And the main reason that Fredrickson provided for not participating in mental-health court was because he had an issue with another participant.

The record shows that Fredrickson refused to cooperate and participate in treatment and mental-health court. This court has stated that the refusal to comply with programming and participate in treatment may support the revocation of probation. *State v. Moot*, 398 N.W.2d 21, 24 (Minn. App. 1986), *rev. denied* (Minn. Feb. 13, 1987). The district court did not abuse its discretion by revoking Fredrickson's probation and executing his prison sentence.

Affirmed.