

*This opinion is nonprecedential except as provided by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
A25-0386**

State of Minnesota,
Respondent,

vs.

Christopher John Moran,
Appellant.

**Filed December 29, 2025
Reversed and remanded
Smith, Tracy M., Judge**

Polk County District Court
File Nos. 60-CR-23-694, 60-CR-21-1512

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

Greg Widseth, Polk County Attorney, Scott A. Buhler, First Assistant County Attorney,
Crookston, Minnesota (for respondent)

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

Considered and decided by Smith, Tracy M., Presiding Judge; Slieter, Judge; and
Harris, Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

In this appeal from the district court’s order revoking his probation and executing his sentence, appellant Christopher John Moran challenges the imposition of a greater-than-double upward durational departure in sentencing, arguing that the required “severe

aggravating factors” were not present. He contends that he is entitled to resentencing within the guidelines range. Respondent State of Minnesota agrees that severe aggravating factors were not present, but it contends that Moran is barred from challenging his sentence or, at best, is entitled to resentencing at double the presumptive sentence in light of the parties’ initial plea agreement.

We conclude that Moran forfeited the challenge to his sentence by failing to raise it to the district court. We further conclude, however, that the interest of justice requires us to consider his claim, and, because we agree with the parties that the greater-than-double departure was unjustified, we reverse and remand for the district court to impose the double upward durational sentencing departure consistent with the parties’ initial plea agreement.

FACTS

In June 2023, pursuant to a plea agreement, Moran entered an *Alford* plea¹ to felony pattern of stalking conduct under Minnesota Statutes section 609.749, subdivision 5 (2022). With Moran’s criminal history score of four, his presumptive sentence for the level-five-severity offense was commitment to prison for a term of between 33 to 45 months. *See* Minn. Sent’g Guidelines 4.A, 5.A (2022).

Under the plea agreement as originally arrived at by the parties, Moran would receive dismissal of other charges pending against him across multiple files, a downward dispositional departure (from imprisonment to probation), and a two-day furlough from jail

¹ An *Alford* plea allows a defendant to plead guilty while maintaining their innocence of the charged offense. *State v. Goulette*, 258 N.W.2d 760-61 (Minn. 1977) (discussing *North Carolina v. Alford*, 400 U.S. 25, 38 (1970)).

so that he could be present for the birth of his child. In exchange, Moran would plead guilty to felony stalking and would be given a double upward durational departure (from 45 to 90 months). But, before Moran entered his plea, the parties modified the agreement—specifically, they extended Moran’s jail furlough to five days in exchange for increasing the upward durational departure by 30 months (from 90 to 120 months). At the sentencing hearing in August 2023, the district court honored the modified agreement and sentenced Moran to 120 months, stayed for ten years.

In November 2024, Moran pleaded guilty to new charges of stalking and violation of a domestic-abuse no-contact order. The district court then held a probation-revocation hearing in which it found that Moran had violated his probation and executed the 120-month sentence. Neither Moran nor his attorney objected to the sentence at the hearing.

This appeal follows.

DECISION

I. Moran’s challenge to his sentence is forfeited because he did not present it to the district court.

The state argues that Moran’s appeal is not properly before this court because he did not object or otherwise raise the issue in district court. We agree.

In *State v. Fields*, the supreme court addressed whether Fields properly challenged his aggravated sentence by moving to modify the sentence at his probation-revocation hearing and then appealing the district court’s denial of that motion. 416 N.W.2d. 734, 735 (Minn. 1987). We had concluded that Fields could not challenge the propriety of his sentence on direct appeal but rather had to petition for postconviction relief and then appeal

from denial of that relief. *State v. Fields*, 413 N.W.2d 275, 277 (Minn. App. 1987), *rev'd*, 416 N.W.2d 734 (Minn. 1987). The supreme court reversed our decision, holding that Minnesota Rule of Criminal Procedure 27.03, subdivision 9, “allows the defendant to challenge the departure by a simple motion at the time of the revocation hearing.” *Fields*, 416 N.W.2d at 736. Observing that Fields had challenged the sentencing departure, the supreme court remanded the case to this court to consider the merits of his challenge. *Id.* at 735-36.

In a nonprecedential opinion in another, subsequent case, we interpreted *Fields* to require the defendant to have objected to their sentence at the revocation hearing in order to challenge the sentence on an appeal from the revocation order:

Fields appears to implicitly require raising a challenge to a sentence after the revocation of probation during the probation-revocation hearing. The appellant in *Fields* moved for a modification of his sentence at the district court probation-revocation hearing and then appealed the denial of that motion. And the supreme court concluded that the “defendant properly raised the sentencing issue *at the revocation hearing* and that the court of appeals erred in refusing to decide that issue on appeal.” We thus read *Fields*, while permitting a challenge to a sentence as part of probation-revocation proceedings, as requiring a challenge to a sentence to first be presented to the district court for a ruling before appellate review is appropriate.

State v. Hill, No. A19-0313, 2019 WL 5107465, at *4 (Minn. App. Oct. 14, 2019) (citations omitted). In other nonprecedential opinions, too, we have required a defendant challenging his sentence after probation revocation to have raised the sentencing issue to the district court at the revocation hearing before appealing to this court. *See State v. Metoxen*, No. A23-1349, 2024 WL 2722111, at *6 (Minn. App. May 28, 2024); *State v. Dahl*,

No. A19-0096, 2019 WL 4927071, at *3 n.1 (Minn. App. Oct. 7, 2019); *State v. Quinn*, No. A07-1629, 2008 WL 4133452, at *3 n.1 (Minn. App. Sept. 9, 2008).

We find these decisions persuasive here. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c) (noting that nonprecedential opinions may be cited as persuasive authority). The decisions align with the rule against deciding issues on appeal that were not presented to the district court. “[A]n error in the district court can be forfeited on appeal by the failure to make a timely objection in the district court.” *State v. Pakhnyuk*, 926 N.W.2d 914, 918 (Minn. 2019). Generally, appellate courts “will not decide issues which were not raised before the district court.” *Roby v. State*, 547 N.W.2d 354, 357 (Minn. 1996). Moran did not object to his sentence at the probation-revocation hearing or otherwise raise his sentence challenge to the district court. Therefore, Moran’s claim is forfeited and is not properly before us.

II. The interest of justice requires us to reverse Moran’s 120-month sentence.

While appellate courts generally will not consider issues not raised below, this rule is not “ironclad.” *Putz v. Putz*, 645 N.W.2d 343, 350 (Minn. 2002). In determining a disposition on appeal, we may “take any other action as the interest of justice may require.” Minn. R. Civ. App. P. 103.04. Here, the relevant underlying facts are undisputed and the parties agree that the greater-than-double upward durational departure was not legally justified. *See Oanes v. Allstate Ins. Co.*, 617 N.W.2d 401, 403 (Minn. 2000) (reviewing a previously unraised, purely legal question in the interest of justice where there were “no disputes of fact”). Therefore, we conclude that review of Moran’s claim is warranted in the interest of justice.

Appellate courts review the imposition of an upward departure for an abuse of discretion. *State v. Barthman*, 938 N.W.2d 257, 269 (Minn. 2020). Whether particular grounds for departure are proper is reviewed de novo. *State v. Robideau*, 796 N.W.2d 147, 150 (Minn. 2011). A district court may impose a greater-than-double durational sentence only when there are “severe aggravating circumstances.” *State v. Mortland*, 399 N.W.2d 92, 94 (Minn. 1987).

The state concedes that severe aggravating circumstances do not exist to justify the greater-than-double upward durational departure here. The parties do not dispute the facts underlying the increase from the original 90-month sentence to 120 months—specifically, that the 30-month addition was based solely on the grant of three additional days of jail furlough. The state agrees with Moran’s assertion that his “acceptance of full compliance with the jail furlough [does not] fulfill the ‘severe aggravating factors’ that are necessary to justify a court’s imposition of a greater-than-double durational departure.” And, upon our own review of the record, we, too, agree.

In its brief, the state requests that we either (1) affirm the district court’s execution of the 120-month sentence based on Moran’s failure to properly challenge his sentence in the district court or (2) reduce Moran’s executed sentence to 90 months. Because the facts are undisputed and we agree with the parties that the extra 30 months resulted in an unjustified greater-than-double departure, we choose the latter option. We therefore reverse

Moran's sentence and remand to the district court with instructions to reduce his sentence to 90 months' imprisonment, as contemplated in the parties' initial plea agreement.²

Reversed and remanded.

² The state argues that Moran's sentence cannot be further reduced below the 90 months agreed to in the original plea agreement because *State v. Coles* requires Moran to first move to withdraw his plea in a postconviction petition. 862 N.W.2d 477 (Minn. 2015). Because Moran forfeited his challenge to his sentence by failing to raise it in the district court, we do not address this issue here, and we take no position on whether further modification of Moran's sentence must or could be done via postconviction proceedings or a motion to correct his sentence. *See* Minn. Stat. § 590.01 (2024); Minn. R. Crim. P. 27.03, subd. 9.