

*This opinion is nonprecedential except as provided by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
A25-0873**

State of Minnesota,
Respondent,

vs.

Jonathan Lee Johnson,
Appellant.

**Filed May 26, 2026
Affirmed
Ede, Judge**

Roseau County District Court
File No. 68-CR-24-224

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

Kristy Kjos, Roseau County Attorney, Roseau, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Kathryn J. Lockwood, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Ede, Presiding Judge; Ross, Judge; and Jesson, Judge.*

NONPRECEDENTIAL OPINION

EDE, Judge

Appellant challenges the district court's decision to impose an executed sentence of
144 months' imprisonment for his conviction of first-degree criminal sexual conduct. He

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
article VI, section 10 of the Minnesota Constitution.

argues that the district court abused its discretion in declining to grant his motion for a downward dispositional departure based on his claim that he is particularly amenable to probation. We affirm.

FACTS

Respondent State of Minnesota charged appellant Jonathan Lee Johnson with two counts of first-degree criminal sexual conduct, in violation of Minnesota Statutes section 609.342, subdivision 1(h)(iii) (2014). Johnson pleaded guilty to one of the counts and the state agreed to dismiss the other charge.

During his plea colloquy, Johnson affirmed that he had sexual contact with a person who was under 13 years old. Johnson admitted that, on one occasion, a child had touched his penis for about 45 seconds and that, on another, Johnson's penis entered the child's mouth while Johnson "pulled up a pornographic video on [his] phone." After Johnson pleaded guilty, the district court ordered that he participate in the completion of a presentence investigation report (PSI) and a psychosexual evaluation.

Johnson later moved for a downward dispositional departure. In his motion, Johnson asserted: that he was young at the time of the offense (i.e., 27 years old); that his criminal record was limited to a single driving-while-impaired offense and a vehicle-equipment violation; that he immediately confessed and expressed remorse when confronted by law enforcement; that he did not violate the conditions of his pretrial release; that he voluntarily participated in a psychosexual evaluation before pleading guilty and promptly began a recommended treatment plan; that he had consistently attended and remained an active participant in sex-offender treatment; and that he was an asset to his treatment community.

Johnson also expressed his hope “to be involved in his own son’s [life].” For those reasons, he requested that the district court “sentence him to 144 months in prison, with execution stayed for 15 years of supervised probation.”

At the sentencing hearing, the district court received several exhibits introduced by Johnson: a letter from Beltrami County Health and Human Services; a letter from his sex-offender-treatment provider; and his psychosexual evaluation. The district court heard testimony by a witness employed with Johnson’s sex-offender-treatment provider. The witness described her experiences with Johnson and said that she “wouldn’t have a concern” that he would succeed in treatment. Johnson also testified on his own behalf, stating that he felt “disgusted” about his offense, that “[t]his was [his] fault,” and that he did not blame the victim or anyone else. He said that he was “very committed” to following probationary conditions and that he had “been trying to be as proactive” as he could. In addition, the victim’s mother read a victim-impact statement to the district court.

The state opposed Johnson’s motion for a downward dispositional departure and requested that the district court impose a presumptive guidelines sentence. In particular, the state asserted “that the mitigating circumstances as argued . . . by the defendant . . . [did] not justify a departure as compared to the seriousness of the offense and the harm that it ha[d] caused.”

Before ruling on Johnson’s downward-dispositional-departure motion, the district court explained that it had reviewed the PSI and then addressed Johnson as follows:

In your own statement, . . . [while] you appear remorseful and I do believe that you are remorseful today, I believe that you are still using blaming language on this child

who was a child of six or seven years old, and I also want to point out this happened in 2017. If you felt so bad and you wanted to address it, seven years later you had not done so. You had not addressed it. You had not confessed to it and gotten through the law enforcement system. It was not until you were confronted with this or until you were charged, that you started getting treatment.

Now, I do commend you for attempting to begin treatment, but I do not find that what has been accomplished here is substantial and compelling enough circumstances that I should deviate from the normal disposition in this matter, and I cannot find that you are any more particularly amenable to probation than others who have been charged with this.

The district court therefore denied Johnson's motion and imposed an executed sentence of 144 months' imprisonment, the presumptive duration within the applicable sentencing guidelines range.

This appeal follows.

DECISION

Johnson challenges his 144-month executed sentence, maintaining that the district court abused its discretion in declining to grant his motion for a downward dispositional departure based on his claim that he is particularly amenable to probation. More specifically, Johnson contends that several of the *Trog* factors¹ establish his probationary amenability. Johnson's arguments do not merit reversal of the sentence.²

¹ See *State v. Trog*, 323 N.W.2d 28, 31 (Minn. 1982) (explaining that "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").

² Respondent State of Minnesota did not file an appellate brief. We decide this case on the merits. Minn. R. Civ. App. P. 142.03.

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 and footnote omitted). 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. Glover*, 4 N.W.3d 124, 134 (Minn. 2024) (quotation omitted). Appellate courts “will not ordinarily interfere with a sentence falling within the presumptive sentence range, either dispositionally or durationally, even if there are grounds that would justify departure.” *State v. Bertsch*, 707 N.W.2d 660, 668 (Minn. 2006) (quotation omitted); *see also State v. Pegel*, 795 N.W.2d 251, 253 (Minn. App. 2011) (“Only in a rare case will a reviewing court reverse the imposition of a presumptive 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). “The [district] court must pronounce a sentence of the applicable disposition and within the applicable range unless there exist identifiable, substantial, and compelling circumstances to support a departure.” Minn. Sent’g Guidelines 2.D.1 (2015). Here, the district court imposed an executed sentence of 144 months’ imprisonment—the presumptive duration within the applicable sentencing guidelines range.

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); *see also Minn.*

Sent’g Guidelines 1.B.5.a(2) (2015). “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.” *Solberg*, 882 N.W.2d at 623 (quotation omitted). As noted above, “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.” *Trog*, 323 N.W.2d at 31; *see also* Minn. Sent’g Guidelines 2.D.3 (2015).

Johnson maintains that, “[a]t the time of his sentencing hearing, [he] met all the *Trog* factors” establishing that he is particularly amenable to probation. He specifically points to: his relatively young age at the time of the offense; his minimal criminal history; his cooperation and remorse, as shown by his guilty plea early in the proceedings; his active participation in treatment before pleading guilty; his decision “to be accountable and begin his rehabilitation through treatment as soon as possible”; and the support of his family and community. Johnson relies on *State v. Wright*, in which the Minnesota Supreme Court concluded that the district court did not abuse its discretion in determining “that the chance[s] that [the] defendant [would] mend his ways and that society’s interests [would] be safeguarded [were] better if the probationary treatment approach [was] followed.” 310 N.W.2d 461, 463 (Minn. 1981). But *Wright* does not compel the conclusion that we must reverse the district court’s exercise of its discretion in denying Johnson’s motion for a downward dispositional departure. This is because *Wright* concerned the supreme court’s affirmance of a district court’s decision to grant a motion for a downward dispositional

departure, not the supreme court’s reversal of a district court’s denial of such a motion—which is what Johnson seeks in this appeal.

“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.” *Pegel*, 795 N.W.2d at 255 (quotation omitted). In the present matter, the record reflects that the district court reviewed the PSI and thoughtfully considered all the evidence presented before sentencing Johnson. While Johnson claims that he has established his particular amenability to probation through each of the *Trog* factors, the existence of “mitigating factor[s] . . . present in a particular case does not obligate the [district] court to place [the] defendant on probation.” *Id.* at 253 (quotation omitted); *see also Bertsch*, 707 N.W.2d at 668.

Because the district court did not base its decision on an erroneous view of the law, and because its stated reasoning for the sentence is neither against logic nor the facts in the record, we discern no abuse of discretion. *See Glover*, 4 N.W.3d at 134. This is not a rare case that warrants reversal of a presumptive sentence. *See Pegel*, 795 N.W.2d at 253. The district court acted within its discretion in imposing the executed sentence of 144 months’ imprisonment.

Affirmed.