

*This opinion is nonprecedential except as provided by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
A25-0925**

State of Minnesota,
Respondent,

vs.

Chad Edward Danberry,
Appellant.

**Filed December 8, 2025
Reversed and remanded
Connolly, Judge**

Blue Earth County District Court
File No. 07-CR-18-886

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

Patrick R. McDermott, Blue Earth County Attorney, Megan E. Gaudette Coryell, Assistant
County Attorney, Mankato, Minnesota (for respondent)

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

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

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

In this appeal after remand for resentencing, appellant argues that the district court abused its discretion by imposing consecutive sentences resulting in an aggregated sentence of 712 months in prison that was excessive. Because we agree that the aggregated

sentence was excessive and an abuse of the district court's discretion, we reverse and remand.

FACTS

In 2018, I.A., then 11 years old, reported that appellant Chad Danberry, her mother's boyfriend, sexually abused her multiple times over several years. A jury found appellant guilty of nine counts: (1) first-degree criminal sexual conduct (CSC) – sexual contact, complainant under 13; (2) first-degree CSC – sexual penetration, complainant under age; (3) first-degree CSC – sexual contact, complainant under 13; (4) first-degree CSC – sexual contact, complainant under 13; (5) first-degree CSC – significant relationship; (6) second-degree CSC – complainant under age; (7) second-degree CSC – significant relationship; (8) second-degree CSC – personal injury – force or coercion; and (9) second-degree CSC – personal injury – force or coercion. The jury also found aggravating factors on all nine counts. Appellant was sentenced to 360 months in prison on count 1 and to consecutive 144 months in prison on counts 2, 3, and 4, for a total of 792 months, or 66 years, in prison.

Following a direct appeal, the convictions were reversed and the case remanded for a new trial on the ground that one juror had been biased. *State v. Danberry*, No. A19-1676, 2020 WL 7846376, at *5 (Minn. App. Nov. 23, 2020) (*Danberry I*). At the second jury trial, the jury acquitted appellant of two counts of second-degree CSC and was unable to reach a verdict on the other counts. The district court declared a mistrial.

Following a third jury trial, the jury found appellant guilty on the following nine counts: (1) first-degree CSC – complainant under 13; (2) first-degree CSC – sexual penetration, complainant under age; (3) first-degree CSC – sexual contact, complainant

under 13; (4) second-degree CSC – complainant underage; (5) first-degree CSC – significant relationship; (6) second-degree CSC – complainant underage; (7) second-degree CSC – significant relationship; (13) first-degree CSC – sexual penetration, complainant underage; and (14) first-degree CSC – sexual penetration, complainant underage. The jury again found aggravating factors on the nine counts.

Appellant was sentenced to 360 months in prison on count 1 and consecutive 144-month sentences on counts 2, 3, and 13, for a total of 792 months in prison. Following a direct appeal, his convictions on counts 1, 2, 3, and 13 were affirmed and the case was remanded for recalculation of appellant’s criminal-history score and resentencing. *State v. Danberry*, No. A22-0856, 2023 WL 5838826, at *1 (Minn. App. Sept. 11, 2023), (*Danberry II*), *rev. denied* (Minn. Jan. 16, 2024).

At the re-sentencing hearing, appellant was found to have a criminal-history score of 4. He was sentenced to a top-of-the-box sentence of 280 months in prison on count 1 and to consecutive sentences of 144 months on counts 2, 3, and 13, for a total of 712 months, or 59 years and 4 months, in prison. He again challenges his sentence, arguing that it is excessive and unjustifiably disparate.

DECISION

A district court’s decision to impose consecutive sentences is reviewed for an abuse of discretion. *State v. Ali*, 895 N.W.2d 237, 247 (Minn. 2017). The reviewing court will interfere with a district court’s sentencing decision only when “the sentence is disproportionate to the offense or unfairly exaggerates the criminality of the defendant’s conduct.” *Id.* (quotation omitted); *see also* Minn. Stat. § 244.11, subd. 2(b) (2024). In

determining whether the district court abused its discretion, “we look to past sentences received by other offenders.” *Id.* (quotation omitted). We rely “on our collective, collegial experience in reviewing a large number of criminal appeals from all the judicial districts.” *State v. Norton*, 328 N.W.2d 142, 146-47 (Minn. 1982).

Our review of other decisions involving a single victim leads us to conclude that appellant’s sentence was excessive. *See, e.g., State v. Suhon*, 742 N.W.2d 16 (Minn. App. 2007), *rev. denied* (Minn. Feb. 19, 2008); *State v. Perleberg*, 736 N.W.2d 703 (Minn. App. 2007), *rev. denied* (Minn. Oct. 16, 2007); *State v. Doan-Hanson*, No. A24-1214, 2025 WL 1924036 (Minn. App. July 14, 2025); *State v. Barthman*, No. A21-1121, 2022 WL 1073225 (Minn. App. Apr. 11, 2022), *rev. denied* (Minn. Jun 29, 2022); and *State v. Kellogg*, No. A03-16, 2004 WL 422703 (Minn. App. Mar. 9, 2004), *rev. denied* (Minn. May 18, 2004).

Most recently, in *Doan-Hanson*, this court addressed the sentence imposed on a defendant convicted by a jury of four counts of first-degree CSC. 2025 WL 1924036, at *8-10. He was sentenced to the top of the range for each count, 172 months, to run consecutively, resulting in an aggregate sentence of 688 months, or over 57 years, in prison. *Id.* at *9.¹ This court “agree[d] with *Doan-Hanson* that his sentence of 688 months for convictions of four counts of first-degree CSC involving multiple counts of sexual conduct

¹ *Doan-Hanson* argued that a co-defendant, who pleaded guilty rather than go to trial as *Doan-Hanson* did, received a 172-month sentence. This court noted that “[a]lthough *Doan-Hanson* is not entitled to a reduced sentence merely because his co-defendant received a lesser sentence, we find his argument convincing, particularly in comparison to other similar offenders.” *Doan-Hanson*, 2025 WL 1924036, at *9 (citation omitted).

against a child is excessive and exaggerates the criminality of his conduct,” *id.*, reversed his sentence, and remanded for resentencing, *id.* at *10.

About three years earlier, in *State v. Barthman*, this court addressed a 704-month sentence for multiple convictions of CSC composed of a 360-month sentence on count 1 and a consecutive 344-month sentence on count 2. 2022 WL 1073225, at *3. This court reversed the count 2 sentence and remanded for “a modified sentence of up to 240 months on [the second] count, to be served consecutively . . . , for an aggregate sentence no longer than 600 months” because it determined that the sentence was excessive. *Id.*, at *5.

Both the *Doan-Hanson* and the *Barthman* decisions, while nonprecedential themselves, were based primarily on two earlier precedential decisions, and those decisions lead us to the same conclusion: the aggregate sentence imposed here was excessive. In *Suhon*, which concerned an “estimated 832 acts of sexual abuse” of the defendant’s daughter and was the most “egregious sexual misbehavior” the district court judge had seen in 36 years, this court affirmed the imposition of three consecutive sentences resulting in an aggregate 278-month sentence. 742 N.W.2d at 25.

Similarly, in *Perleberg*, which involved sexual assaults of the defendant’s daughter on over 250 occasions, this court affirmed a 144-month sentence on three counts of sexual contact with a person less than 13 by a person more than 36 months older, a second 144-month sentence on two counts of sexual abuse of a person under 16 by a person with a significant relationship, and a third 144-month sentence on one count of sexual penetration of a person at least 13 years of age but less than 16 years of age by a person more than 48

months older and in a position of authority for an aggregate sentence of 432 months in prison. 736 N.W.2d at 704-05.

Finally, in *Kellogg*, another nonprecedential decision, this court reversed, as excessive and unfairly exaggerating the criminality of the defendant's conduct, a 717-month (59.75 years) aggregate sentence. 2004 WL 422703, at *5.

Appellant was sentenced to three consecutive 144-month sentences for the three counts of first-degree [CSC], three consecutive 21-month sentences for the three counts of second-degree [CSC], ten consecutive 21-month sentences for the ten counts of use of a minor in a sexual performance, and a-year-and-a-day for possession of child pornography.

Id. at *4, n.1. This court modified the sentence to three consecutive terms of 144 months for the three incidents of first-degree CSC, five consecutive terms of 21 months for five of the incidents of use of a minor in a sexual performance, and the remaining sentences being concurrent, for an aggregate of 537 months, or 44 years.² *Id.* at *5.

Thus, sentences in the cases we have examined involving multiple accounts of sexual assault against a single victim were “no longer than 600 months.” *Barthman*, 2022 WL 1073225, at *5 (600 months); see *Suhon*, 742 N.W.2d at 25 (278 months); *Perleberg*, 736 N.W.2d at 704 (432 months); and *Kellogg*, 2004 WL at *5 (537 months). The fifth, *Doan-Hanson*, concluded that 688 months was an excessive sentence and reversed and remanded. 2025 WL 1924036, at *10. In doing so, we remarked that the sentences imposed in other first-degree CSC cases against children “show a range of sentences between 218 months and 537 months.” *Id.*

² 3 x 144 = 432; 5 x 21 = 105; 432 + 105 = 537.

We are mindful of the horrible acts committed by appellant against a small child who saw appellant as a father-figure. Nevertheless, in light of the decisions discussed above, we reverse appellant's sentence and remand for the imposition of concurrent sentences as follows: 280 months on count 1, the top of the presumptive sentencing guidelines range using a criminal-history score of four points; a concurrent sentence of 360 months³ on count 13, the presumptive guidelines sentence using a criminal-history score of seven points; a concurrent sentence of 360 months on count 2, the presumptive sentence using a criminal-history score of ten points; and a permissive consecutive sentence of 144 months on count 3, using a criminal-history score of zero, for a total of 504 months.⁴

Reversed and remanded.

³ When imposing sentences on the same day for separate and distinct offenses, the defendant's criminal-history score is increased incrementally. *See State v. Hernandez*, 311 N.W.2d 478, 481 (Minn. 1981). The 360-month sentence is also the statutory maximum sentence for first-degree criminal sexual conduct. Minn. Stat. § 609.342, subd. 2(a) (2010).

⁴ 360 + 144 = 504.