

*This opinion is nonprecedential except as provided by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
A25-0950**

State of Minnesota,
Respondent,

vs.

Leonard Steven Sanchez,
Appellant.

**Filed June 1, 2026
Affirmed in part, reversed in part, and remanded
Bond, Judge**

Polk County District Court
File Nos. 60-CR-22-1559, 60-CR-23-1379,
60-CR-24-130, 60-CR-24-132

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, Amy Lawler, Assistant Public
Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bond, Presiding Judge; Harris, Judge; and Florey,
Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

NONPRECEDENTIAL OPINION

BOND, Judge

This is a direct appeal from judgments of conviction for multiple controlled-substance and related offenses charged in four separate Polk County cases. Appellant argues that: (1) his conviction in one case for third-degree possession of a controlled substance in a prohibited zone should be vacated under the amelioration doctrine because he is entitled to the benefits of 2025 legislative amendments de-criminalizing possession of bong water; (2) his guilty plea to third-degree possession of a controlled substance in a prohibited zone in a second case is invalid because it is inaccurate; and (3) the district court abused its discretion in calculating his criminal-history score by assigning points to two 2003 convictions which arose from the same behavioral incident. We affirm in part, reverse in part, and remand.

FACTS

Between 2022 and 2024, respondent State of Minnesota charged appellant Leonard Steven Sanchez with various controlled-substance and other crimes in multiple Polk County cases. In September 2022, the state charged Sanchez in district court file 60-CR-22-1559 with possession of a controlled substance in a prohibited zone in violation of Minn. Stat. § 152.023, subd. 2(a)(6) (2022), storing methamphetamine paraphernalia in the presence of a child in violation of Minn. Stat. § 152.137, subd. 2(a)(4) (2022), and fourth-degree driving while impaired in violation of Minn. Stat. § 169A.20, subd. 1(7) (2022). Relevant here, the complaint alleged that police found various drug paraphernalia,

including a water bong that tested positive for methamphetamine, in Sanchez's car during a traffic stop.

In September 2023, the state charged Sanchez in district court file 60-CR-23-1379 with possession of a controlled substance in a prohibited zone in violation of Minn. Stat. § 152.023, subd. 2(a)(6), and storing methamphetamine paraphernalia in the presence of a child in violation of Minn. Stat. § 152.137, subd. 2(a)(4).

In October 2023, Sanchez pleaded guilty to all counts charged in files 1559 and 1379 pursuant to an open plea agreement in which the state agreed not to seek aggravated sentences. During the plea colloquy, Sanchez agreed that the facts outlined in the complaint in file 1559 were a "fair and accurate summary of [his] guilt." Regarding count one, possessing a controlled substance in a prohibited zone, Sanchez admitted that police "found a bunch of drug paraphernalia in [his] vehicle," including a bong with a "bunch of liquid in it." Sanchez admitted that what "ma[de] [him] guilty of the offense charged in count one" was his possession of "one or more mixtures containing methamphetamine, that is the meth that was in the bong, within one city block of" a park. The district court received the probable-cause portion of the complaint as an additional factual basis and accepted Sanchez's guilty pleas.

In January 2024, the state filed two additional criminal complaints against Sanchez. In district court file 60-CR-24-130, the state charged Sanchez with failure to appear in court in violation of Minn. Stat. § 609.49, subd. 1(a) (2022). And in district court file 60-CR-24-132, the state charged Sanchez with possession of a controlled substance in a prohibited zone in violation of Minn. Stat. § 152.023, subd. 2(a)(6).

In March 2025, Sanchez pleaded guilty to all charged offenses in files 130 and 132. Regarding the charge of possession of a controlled substance in a prohibited zone in file 132, Sanchez admitted that he possessed methamphetamine at his mother's residence on January 23, 2024. When the prosecutor asked whether "the possession of that methamphetamine was within 300 feet or one city block of both [a park] and or [an elementary school]," Sanchez said that he believed his mother's residence was 385 feet away from the elementary school but he did not dispute that his mother's residence was within 300 feet or one city block of a park. The prosecutor asked whether Sanchez agreed that his mother's house "was technically within a prohibited zone," and Sanchez answered, "I guess." Defense counsel noted its objection "with respect to the allegation that the house is within the [school zone]." The district court received the probable-cause portion of the complaint as an additional factual basis in file 132 "with the limitation reflected in the objection from [defense counsel]" and accepted Sanchez's guilty pleas.

The presentence investigation (PSI) and sentencing worksheets calculated Sanchez's criminal-history score by including three and one-half criminal-history points attributed to two 2003 Polk County controlled-substance convictions. Sanchez did not object to the criminal-history-score calculation. At a sentencing hearing on all four cases, the district court imposed the following concurrent sentences: (1) 54 months in prison on count one and 22 months in prison on count two in file 1559; (2) 68 months in prison on count one and 27 months in prison on count two in file 1379; (3) 22 months in prison in file 130; and (4) 68 months in prison in file 132.

Sanchez appeals.

DECISION

On appeal, Sanchez raises three issues, which we have partially reordered for ease of discussion. First, Sanchez argues that he is entitled to withdraw his guilty plea to third-degree possession of a controlled substance in a prohibited zone in file 132 because it is inaccurate. Second, Sanchez argues that his conviction of third-degree possession of a controlled substance in file 1559 must be vacated under the amelioration doctrine. And third, Sanchez argues that the district court abused its discretion by calculating his overall criminal-history score to include two controlled-substance offenses which arose from the same behavioral incident. We consider these issues in turn.

I. Sanchez’s guilty plea to third-degree possession of a controlled substance in a prohibited zone in file 132 is accurate.

Sanchez argues that he is entitled to withdraw his guilty plea to possession of a controlled substance in a prohibited zone in file 132 because it is inaccurate and therefore invalid. The validity of a guilty plea is a question of law that appellate courts review de novo. *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010).

“Once a guilty plea has been entered, there is no absolute right to withdraw it.” *State v. Mikulak*, 903 N.W.2d 600, 603 (Minn. 2017). Rather, a court “must allow a defendant to withdraw a guilty plea” after sentencing only when the defendant establishes “that withdrawal is necessary to correct a manifest injustice.” Minn. R. Crim. P. 15.05, subd. 1. “A manifest injustice exists if a guilty plea is not valid. To be constitutionally valid, a guilty plea must be accurate, voluntary, and intelligent.” *Raleigh*, 778 N.W.2d at 94

(citation omitted). A defendant may challenge the validity of a guilty plea on direct appeal. *Brown v. State*, 449 N.W.2d 180, 182 (Minn. 1989).

Sanchez’s claim concerns the accuracy of his guilty plea. “A proper factual basis must be established for a guilty plea to be accurate.” *State v. Ecker*, 524 N.W.2d 712, 716 (Minn. 1994). To determine whether a guilty plea has an adequate factual basis, “we examine whether there are sufficient facts on the record to support a conclusion that [the] defendant’s conduct falls within the charge to which he desires to plead guilty.” *Lussier v. State*, 853 N.W.2d 149, 154 (Minn. 2014) (quotation omitted). “The main purpose of the accuracy requirement is to protect a defendant from pleading guilty to a more serious offense than he could be convicted of were he to insist on his right to trial.” *State v. Trott*, 338 N.W.2d 248, 251 (Minn. 1983).

Sanchez argues that there is an inadequate factual basis because during his plea colloquy he failed to admit an essential element of the crime—that his mother’s residence where he possessed methamphetamine was in a school or park zone. *See* Minn. Stat. § 152.023, subd. 2(a)(6) (stating that a defendant is guilty of possession of a controlled substance in a prohibited zone if they “unlawfully possess[] one or more mixtures containing methamphetamine or amphetamine in a school zone . . . [or] a park zone”). A “school zone” includes school property and the “area surrounding school property . . . to a distance of 300 feet or one city block, whichever distance is greater, beyond the school property.” Minn. Stat. § 152.01, subd. 14a(2) (2022). A “park zone” “includes the area within 300 feet or one city block, whichever distance is greater, of the park boundary.” Minn. Stat. § 152.01, subd. 12a (2022).

To support his argument, Sanchez relies on the following exchange during the plea colloquy:

Q: And the possession of that methamphetamine was within 300 feet or one city block of both Landslide Park and or Washington Elementary School in Crookston, correct?

A: Yeah. But I thought my mom's house was 87 feet out of the school zone.

Q: 87 feet?

A: Yea.

Q: Okay, so that would be within the 300 distance?

A: 385 feet.

....

Q: So, Mr. Sanchez, true you and I actually did file an omnibus challenge in this case, and we alleged that your mom's house was outside of the school zone, is that right?

A: Right.

Q: And ultimately one of the issues that came up during the omnibus challenge was the language in the statute says 300 or 1 city block, is that right?

A: Right.

Q: Okay. Now, ultimately what was determined at that hearing is that there are two areas that make your mom's house a prohibited zone. There is the Elementary School, there is also the fact that within a block of your mom's house is a park and that park is Landslide Park that runs near the river and the US 2 that goes through town. You understand that right?

A: Mhmm.

Q: So you would agree that regardless of whether it was Elementary Park, or excuse me, whether it was the Elementary School or whether it was Landslide Park you would be in agreement that your mom's house was technically within a prohibited zone, is that right?

A: I guess.

Sanchez then agreed that the facts outlined in the probable-cause portion of the complaint were true and accurate. Defense counsel objected “with respect to the allegation that the house is within the [school zone]” but stated he had “no objection to . . . the rest of the body of [the] complaint.” The district court accepted the probable-cause portion of the complaint as an additional factual basis for Sanchez’s guilty plea “with the limitation reflected in the objection from [defense counsel].”

It is true, as Sanchez argues, that a guilty plea’s factual basis “is inadequate when the defendant makes statements that negate an essential element of the charged crime because such statements are inconsistent with a plea of guilty.” *State v. Iverson*, 664 N.W.2d 346, 350 (Minn. 2003). Here, though, while Sanchez disputed that his mother’s residence was in a school zone, he did not dispute that her residence was in a park zone, which provides an adequate basis for his conviction. *See* Minn. Stat. § 152.023, subd. 2(a)(6). Further, Sanchez agreed that the probable-cause portion of the complaint was accurate and could be included as part of the factual basis for his guilty plea. *See Rosendahl v. State*, 955 N.W.2d 294, 298 (Minn. App. 2021) (holding that “[i]n determining the accuracy of a guilty plea, the reviewing court does not consider allegations contained in the complaint unless the truthfulness and accuracy of the allegations have been expressly admitted to by the defendant”). The probable-cause portion of the complaint states that law enforcement “knew [Sanchez’s mother’s] residence was located within one city block of Landslide Park.” Therefore, the plea colloquy and the probable-cause portion of the complaint are sufficient to support a conclusion that Sanchez possessed methamphetamine within 300 feet or one city block of a park zone. *See Iverson*, 664

N.W.2d at 349 (stating that a proper factual exists if there are “sufficient facts on the record to support a conclusion that defendant’s conduct falls within the charge to which he desires to plead guilty” (quotation omitted)).

We conclude that Sanchez’s guilty plea to possession of a controlled substance in a prohibited zone in file 132 was supported by an adequate factual basis and is therefore accurate. Accordingly, Sanchez is not entitled to plea withdrawal.

II. The record is insufficient to determine whether Sanchez is entitled to the benefit of the amelioration doctrine.

Sanchez argues that his conviction of third-degree possession of a controlled substance in file 1559 must be vacated under the amelioration doctrine because he pleaded guilty to possessing bong water, which the legislature has since de-criminalized.

The common-law amelioration doctrine “establishes a presumption in Minnesota that an amendment mitigating punishment applies to non-final cases.” *State v. Kirby*, 899 N.W.2d 485, 490 (Minn. 2017); *see State v. Coolidge*, 282 N.W.2d 511, 514 (Minn. 1979) (stating that the common-law amelioration doctrine applies to cases where no final judgment has been reached when the change in law takes effect). The amelioration doctrine applies if three requirements are met: “(1) there is no statement by the [l]egislature that clearly establishes the [l]egislature’s intent to abrogate the amelioration doctrine; (2) the amendment mitigates punishment; and (3) final judgment has not been entered as of the date the amendment takes effect.” *Kirby*, 899 N.W.2d at 490. We review de novo whether the amelioration doctrine applies. *State v. Loveless*, 987 N.W.2d 224, 238 (Minn. 2023).

Sanchez was convicted of third-degree possession of a controlled substance in a prohibited zone in violation of Minn. Stat. § 152.023, subd. 2(a)(6). A person is guilty of that offense if they “unlawfully possess[] one or more mixtures containing methamphetamine or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility.” Minn. Stat. § 152.023, subd. 2(a)(6). A “mixture” is “a preparation, compound, mixture, or substance containing a controlled substance, regardless of purity.” Minn. Stat. § 152.01, subd. 9a (2022). Under the version of the statute in effect when Sanchez committed the offense in September 2022, “the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.” Minn. Stat. § 152.023, subd. 2(b) (2022).

In 2025, the legislature amended subdivision 2(b) to provide that bong water was no longer considered an illegal “mixture,” regardless of the amount possessed. 2025 Minn. Laws ch. 35, art. 4, § 3, at 52 (amending Minn. Stat. § 152.023, subd. 2(b) (2024)). The amended statute states, “a mixture does not include the fluid used in a water pipe or any amount of a controlled substance that is dissolved in the pipe’s fluid.” Minn. Stat. § 152.023, subd. 2(b). The effective-date provision provides that the amendment became “effective the day following final enactment and applies retroactively from August 1, 2023.” 2025 Minn. Laws ch. 35, art. 4, § 3, at 52.

Sanchez contends that all three prongs of the *Kirby* test are satisfied and that his conviction must be vacated under the amelioration doctrine. The state argues that, even if the amelioration doctrine applies, we should affirm because “there is an alternative factual

basis for [Sanchez's] guilty plea" not predicated on his possession of bong water. We understand the essence of the state's argument to be that the 2025 amendment does not mitigate punishment in Sanchez's particular case. *See Kirby*, 899 N.W.2d at 490 (stating that for an amended statute to apply to crimes committed prior to its effective date, the amendment must mitigate punishment). We therefore focus our analysis on the second prong of the amelioration doctrine.

Sanchez maintains that his guilty plea to third-degree possession of a controlled substance is based on his possession of bong water. But Sanchez notes that, because he admitted to possessing 45 milliliters (approximately 1.5 ounces) of bong water, an amount well below the four-ounce threshold required under the 2022 statute, "[i]t is not clear whether Sanchez's conduct violated even the [2022] version of the statute." The state appears to agree that the bong water could not have been the basis of Sanchez's conviction because the amount of fluid did not reach the four-ounce threshold under the 2022 statute. Rather, the state relies on the probable-cause section of the complaint in arguing that the 2025 amendment does not provide Sanchez relief because his guilty plea encompasses possession of methamphetamine found in a glass pipe in Sanchez's car. In other words, while the parties agree that the 2025 amendments mitigate punishment as a general matter by decriminalizing possession of bong water, they disagree about the conduct that formed the basis for Sanchez's conviction and, correspondingly, whether the amendment mitigates punishment in Sanchez's particular case.

"[A] statutory amendment mitigates punishment . . . when a change in the law either reduces the penalty for criminal conduct or redefines criminal conduct *in a manner*

benefitting the defendant, including through the decriminalization of *the conduct*.” *Loveless*, 987 N.W.2d at 241 (emphasis added). This court has held that, “[a]n essential step in establishing that a statutory amendment mitigates a defendant’s punishment is showing that the defendant was convicted under the statute that was amended.” *State v. Gutzke*, 996 N.W.2d 219, 223 (Minn. App. 2023) (quotation omitted) (rejecting application of the amelioration doctrine because the statutory amendment at issue changed the circumstances resulting in a suspended license but did not reduce the penalty for driving with a suspended license); *see also Kirby*, 899 N.W.2d at 495 (citing cases that considered “the *specific* provision affecting the criminal defendant” when applying the second prong of the amelioration doctrine).

We are not convinced that the record clearly establishes which “mixture” Sanchez was convicted of possessing—the bong water as seemingly described during the plea colloquy or the glass pipe containing methamphetamine as described in the probable-cause section of the complaint which Sanchez agreed was a “fair and accurate summary of [his] guilt.” Because it is unclear which “mixture” Sanchez pleaded guilty to possessing and because the parties seem to agree that the amount of bong water Sanchez possessed may not have been a crime under the 2022 statute, we cannot determine on this record whether the 2025 amendment mitigates punishment in this case. We therefore remand to the district court to consider whether the 2025 amendment mitigates punishment in Sanchez’s case and, if so, whether the remaining prongs of the amelioration doctrine apply. The district court may reopen the record as necessary to address these issues and may hold additional proceedings consistent with this opinion as the district court deems appropriate.

III. The district court abused its discretion in calculating Sanchez’s criminal-history score and remand is necessary to allow the state to develop the record on whether Sanchez’s 2003 convictions arose from a single behavioral incident.

Lastly, Sanchez requests that we reverse and remand for resentencing, arguing that the district court abused its discretion in calculating his criminal-history score because the state did not prove that two 2003 controlled-substance-crime convictions arose from separate behavioral incidents. A district court has wide discretion in sentencing, and we will not reverse a sentence absent an abuse of discretion. *State v. Soto*, 855 N.W.2d 303, 307-08 (Minn. 2014). It is the state’s burden at sentencing to prove that a defendant’s prior conviction should be included in his criminal-history score. *Williams v. State*, 910 N.W.2d 736, 740 (Minn. 2018).¹

When multiple sentences are imposed based on a single course of conduct, a district court must include only the weight from the most severe offense when calculating a defendant’s criminal-history score. *See* Minn. Sent’g Guidelines 2.B.1.d.(1) (2022). The phrase “single course of conduct” has the same meaning as the phrase “single behavioral incident.” *State v. Drljic*, 876 N.W.2d 350, 353 n.1 (Minn. App. 2016) (quoting Minn. Sent’g Guidelines 2.B and cmt. 2.B.116 (Supp. 2013)). To determine whether the crimes were part of a single behavioral incident, a court looks at “(1) whether the offenses occurred at substantially the same time and place, and (2) whether the conduct was motivated by an

¹ The state argues that Sanchez has forfeited his right to appeal his criminal-history score because he failed to “present th[e] issue to the district court in some meaningful way.” It is well-established that appellate review of a defendant’s criminal-history score may not be forfeited, *State v. Maurstad*, 733 N.W.2d 141, 147 (Minn. 2007), “because a sentence based on an incorrect criminal history score is an illegal sentence,” *State v. Outlaw*, 748 N.W.2d 349, 356 (Minn. App. 2008), *rev. denied* (Minn. July 15, 2008).

effort to obtain a single criminal objective.” *State v. Bakken*, 883 N.W.2d 264, 270 (Minn. 2016) (quotations and citations omitted). “The [s]tate bears the burden of proving, by a preponderance of the evidence, that a defendant’s offenses were not part of a single behavioral incident.” *Id.*; *see also State v. McAdoo*, 330 N.W.2d 104, 109 (Minn. 1983) (providing that the state has the burden at sentencing to prove “facts which establish” that two offenses are not part of the same course of conduct for purposes of calculating a defendant’s criminal-history score).

The PSI assigned two criminal-history points for Sanchez’s 2003 first-degree controlled-substance conviction in file 60-K2-02-1671 and one and one-half criminal-history points for a second-degree controlled-substance offense from the same file. The amended complaint and guilty plea transcript from file 60-K2-02-1671 are part of the record on appeal. The amended complaint alleges that Sanchez manufactured methamphetamine on or about November 1-20, 2002, and possessed methamphetamine with the intent to sell on November 20, 2002. Sanchez pleaded guilty to possessing three or more grams of methamphetamine, admitting during the plea hearing that he resided in Badger Township and manufactured methamphetamine there between November 1 and 20, 2002.

We agree with Sanchez that the record does not establish that the state carried its burden at sentencing to prove that the two 2003 drug offenses were not part of the same behavioral incident. *See Williams*, 910 N.W.2d at 740. We therefore conclude that the district court abused its discretion when it included points for both 2003 offenses in its calculation of Sanchez’s criminal-history score. But “[w]hether multiple offenses form

part of a single behavioral act is a question of fact.” *State v. Marchbanks*, 632 N.W.2d 725, 731 (Minn. App. 2001). Because Sanchez did not object to the calculation of his criminal-history score, we reverse his sentence and remand to allow the state to “further develop the sentencing record” to permit the district court to appropriately determine whether the 2003 convictions arose from a single behavioral incident. *See Outlaw*, 748 N.W.2d at 356.

Affirmed in part, reversed in part, and remanded.