

*This opinion is nonprecedential except as provided by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
A25-0992**

State of Minnesota,
Respondent,

vs.

Thomas Anthony Flowers,
Appellant.

**Filed February 2, 2026
Affirmed
Worke, Judge**

Crow Wing County District Court
File No. 18-CR-22-93

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

Kelsey Hopps, Crow Wing County Attorney, Brent Peterson, Assistant County Attorney,
Brainerd, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Hannah B. Laub, Assistant Public
Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bond, Presiding Judge; Worke, Judge; and Jesson,
Judge.*

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

NONPRECEDENTIAL OPINION

WORKE, Judge

On appeal from the district court's probation-revocation decision, appellant argues that the district court abused its discretion because its decision lacked supporting evidence, improperly credited the testimony of the state's witness, and applied an incorrect legal standard. We affirm.

FACTS

In February 2022, appellant Thomas Anthony Flowers pleaded guilty to first-degree aggravated robbery. Flowers requested a downward dispositional departure, arguing that he is particularly amenable to probation. The district court granted Flowers's departure request, staying execution of a 48-month prison sentence and placing Flowers on supervised probation for five years.

Between April and July 2024, the state filed a probation-violation report and several addenda, alleging that Flowers failed to: (1) appear for random drug testing; (2) comply with individual therapy and outpatient chemical-dependency treatment; (3) complete an updated diagnostic assessment; (4) abstain from alcohol; and (5) remain law-abiding. In July 2024, the state withdrew one violation, Flowers admitted to the remaining violations, and the district court reinstated him on probation.

In November 2024, the state filed a second violation report, alleging that Flowers failed to remain law-abiding because he was charged with felony fleeing a police officer in a motor vehicle and additional vehicle-related misdemeanors. Flowers later pleaded guilty to the fleeing offense, which involved a high-speed chase that ended only after police

used a precision immobilization technique (PIT) maneuver. The state also alleged that Flowers failed to complete an updated chemical-use assessment and maintain contact with community corrections. Flowers admitted to all three violations.

At the contested disposition hearing, a probation agent testified about the violations and opined that the violations were intentional and inexcusable and that the need for confinement outweighed policies favoring probation given the public-safety concerns. Because Flowers had for the most part been supervised in other counties, the probation officer had only met Flowers once and testified largely from his notes. The district court also heard testimony from one of Flowers's friends and a dispositional advisor, each of whom testified about Flowers's troubled upbringing, the availability and benefits of additional treatment options, and community support.

The district court found that Flowers's violations were intentional and inexcusable. Balancing "[Flowers's] interest in freedom and the State's interest in ensuring a probationer's rehabilitation and public safety," the district court (1) determined that the need for confinement outweighed the policies favoring probation, (2) revoked Flowers's probation, and (3) executed the sentence of 48 months in prison.

This appeal followed.

DECISION

District courts have broad discretion in determining whether there is sufficient evidence to revoke probation, and appellate courts reverse an order revoking probation only if the district court clearly abused its 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).

When a defendant violates a condition of probation, the district court may revoke probation and execute the previously stayed sentence. Minn. Stat. § 609.14, subds. 1(a), 3(1) (2024). Before revoking a defendant’s probation and executing the stayed sentence, the 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.

Under the third *Austin* factor, district courts must balance “the probationer’s interest in freedom and the state’s interest in insuring his rehabilitation and the public safety.” *Id.* To make a finding on this factor, the district court considers three “*Modtland* subfactors”: whether (1) “confinement is necessary to protect the public from further criminal activity by the offender”; (2) “the offender is in need of correctional treatment which can most effectively be provided if he is confined”; or (3) “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) (quotation omitted). Only one of the *Modtland* subfactors is necessary to support revocation. *State v. Smith*, 994 N.W.2d 317, 320 (Minn. App. 2023), *rev. denied* (Minn. Sept. 27, 2023).

Flowers challenges the third *Austin* factor, arguing specifically that the district court abused its discretion in its analysis of the third *Modtland* subfactor.¹ Flowers maintains that he took accountability for the offense that resulted in the new violation, and he highlights his difficult childhood, available treatment options, and the housing and support his friend would provide him if he remained in the community. And he asserts that, because he received a probationary sentence on the St. Louis County felony-fleeing conviction, reinstating him on probation would not unduly depreciate the seriousness of the violation of failing to remain law-abiding.

The district court recognized that Flowers had taken responsibility for the fleeing offense and noted that it “heard testimony regarding [Flower’s] familial connections, the importance of family, and about the support he would have no matter the outcome of these proceedings.” But the district court reasoned that “[t]his is not only a matter of accumulated technical violations, but also a serious concern to public safety” because, “[s]ince being placed on probation, [Flowers] has offered a guilty plea and awaits sentencing on a felony-fleeing charge in a separate case. [Flowers] engaged in a high-speed chase with police, which only ended when police utilized a PIT maneuver.” Expressly balancing Flowers’s interest in freedom, public safety, and the state’s interest in ensuring Flowers’s rehabilitation, the district court determined that it would unduly

¹ Flowers also challenges the district court’s findings on other *Modtland* subfactors. Because there was a sufficient basis for the district court to revoke Flowers’s probation under the third *Modtland* subfactor, and only one subfactor is necessary to support revocation, we need not address Flowers’s argument on the other *Modtland* subfactors. See *Smith*, 994 N.W.2d at 320.

depreciate the seriousness of the violation if probation were not revoked. We discern no abuse of discretion in the district court’s determination.

Flowers challenges the district court’s decision to credit the testimony of the probation agent—the state’s sole witness—arguing that the agent lacked familiarity with Flowers’s case. The record shows that the district court considered the testimony of the probation agent, as well as the testimony given by Flowers’s friend and the dispositional advisor. And the district court recognized that “[t]he probation officer who testified has had limited interactions with [Flowers], as he has largely been supervised out of two other counties.” It is “the district court’s role . . . to judge the credibility of the witnesses,” and we must defer to the district court’s credibility determinations. *State v. Losh*, 694 N.W.2d 98, 102 (Minn. App. 2005), *aff’d*, 721 N.W.2d 886 (Minn. 2006).

Finally, Flowers contends that the district court misapplied the law by focusing on the seriousness of the underlying crime, in addition to the seriousness of his violations.² *Modtland*, 695 N.W.2d at 607 (requiring the district court to consider whether “it would unduly depreciate the seriousness of *the violation* if probation were not revoked.” (emphasis added)). We disagree. While the district court did reference the “underlying

² Flowers argues that, under recent legislation, probation may only be revoked when all rehabilitation has failed. See Minn. Stat. § 609.14, subd. 1(a) (2024) (providing that “[r]evocation *shall* only be used as a last resort when rehabilitation has failed” (emphasis added)). In a precedential opinion filed after the parties filed their briefs, we rejected this argument. See *State v. Eastman*, __ N.W.3d __, __, 2025 WL 3439465, at *8 (Minn. App. Dec. 1, 2025) (holding that the amended statutory language “does not create a new or heightened standard that requires a district court, before it may revoke a defendant’s probation, to make any findings that rehabilitation has failed additional to or different from those currently required by existing caselaw”).

crime” in its application of the third *Modtland* subfactor, it also referenced the violations, as Flowers acknowledges. Indeed, it is apparent from the district court’s numerous findings related to the fleeing offense and its implications for public safety that the court’s primary consideration was the violation. Because the district court did not revoke Flowers’s probation based on the seriousness of his underlying crime alone, the district court did not misapply the law. *See Fortner*, 989 N.W.2d at 376 (observing that the district court “noted . . . that both the underlying offense and the probation violations were ‘serious’” (emphasis added)); *State v. Marsh*, No. A18-1201, 2019 WL 1431926, at *3 (Minn. App. Apr. 1, 2019) (concluding that “[a]lthough the district court did discuss the revocation in the context of the underlying offenses, the district court also clearly had the violations themselves under consideration. . . . If the district court had revoked on the seriousness of [appellant’s] underlying crime alone, it would have abused its discretion. We are satisfied that this did not occur.”).³

In sum, the district court acted within its discretion by revoking Flowers’s probation. *See Modtland*, 695 N.W.2d at 607-08 (stating that, if the district court made findings on the *Austin* factors, and the record supports those findings, the district court acted within its discretion in revoking probation).

Affirmed.

³ We cite nonprecedential opinions for their persuasive value. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c).