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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1048**

State of Minnesota,
Respondent,

vs.

Andrew Gerald Bloom,
Appellant.

**Filed August 10, 2026
Affirmed
Reyes, Judge**

Hennepin County District Court
File No. 27-CR-24-309

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

Mary F. Moriarty, Hennepin County Attorney, Nicholas G. Kimball, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Anders J. Erickson, Johnson Erickson Criminal Defense, Minneapolis, Minnesota (for appellant)

Considered and decided by Reyes, Presiding Judge; Larkin, Judge; and Bratvold, Judge.

NONPRECEDENTIAL OPINION

REYES, Judge

Following his conviction of and sentence for second-degree criminal sexual conduct, appellant challenges the district court's (1) decision not to provide specific-unanimity jury instructions; (2) addressing of prospective jurors; (3) grant of the state's

request to allow a support dog to accompany daughter-victim during her testimony; and (4) imposition of a presumptive guidelines sentence. We affirm.

FACTS

Respondent State of Minnesota charged appellant Andrew Gerald Bloom with two counts of second-degree criminal sexual conduct against a minor victim: one for multiple acts of sexual abuse while he had a significant relationship with the victim (count 1), in violation of Minnesota Statutes section 609.343, subdivision 1a(h)(iii) (Supp. 2021), and the other for sexual contact with the victim while in a position of authority over the victim (count 2), in violation of Minnesota Statutes section 609.343, subdivision 1a(f) (Supp. 2021).

One morning, the then-61-year-old appellant and his then-14-year-old daughter had a physical altercation while daughter's mother was outside of the family home. Appellant restrained daughter in her bed, pinned down her wrists and her legs, and covered her mouth with his hand. Daughter ultimately fled the house and told her twin brother: "I [don't] want [appellant] to touch me anymore." When mother returned home, daughter told her both about the altercation and that appellant "would put his hands under [daughter's] clothing sometimes." Daughter attended two interviews, one with Child Protection Services (CPS) and one with a forensic interviewer, and she described multiple incidents of appellant inappropriately touching her over the prior year.

The case proceeded to a jury trial, at which the state played a video recording of the forensic interview and an audio recording of the CPS interview for the jury. Daughter also provided testimony. Through this evidence, daughter described a general pattern of

inappropriate touching that occurred in the family home late at night or “very early in the morning” when mother was “asleep or gone.” Daughter testified that appellant touched her “under [her] pants and [her] underwear” multiple times. In the interviews, daughter identified this area as her “[c]rotch,” and explained that appellant, while touching her, would state that he just wanted her “to feel good,” he would not hurt her, and that she could trust him.

Daughter also testified that appellant had touched her “chest” or “breasts” on multiple occasions. She testified that appellant “would put his hand under [her] shirt,” after which she would “try and shift his arm further down.” During her forensic interview, daughter described this touch as occurring “under [her] chest.”

In general, daughter did not distinguish between different incidents of inappropriate touching. However, she described at least two specific incidents that she distinguished from others. First, daughter testified that she had “one memory” of appellant touching her inner thigh. Daughter recalled this memory as follows:

I was in my room. [Appellant] came in to check on me like he usually did, and I was like . . . I don’t want to be scolded for being awake at, like, 3:00 in the morning and then get lectured So [I’ve] got to pretend to be asleep, close [my] eyes, hide under the blanket, and then I remember his hand was, like, high on the inside of my thigh, and I have no further explanation for that other than it’s a thing I remember. . . . I moved away, got to still pretend to be sleeping, move away. . . . He pulled his hand away and left. . . . So that’s as much as I remember of that. And I was awake afterwards like panicking, like what happened, why, why, why, like why did that occur.

During her forensic interview, daughter provided a similar recollection but expressed that it was a “very vague memory.”

Second, daughter testified about appellant putting his hands under the waistband of her pants and underwear while sitting in the living room:

I was, like, laying on the couch looking at the TV. [Appellant] was in the chair next to me. . . . But he got up to, like, give me a hug, . . . and then he, like, laid down next to me on the couch. . . . And then I remember his hand went, like, under the waistband of my pants and my underwear, and I was very freaked out by that. I remember, like, specifically that his hands were cold. I specifically remember taking his hand away, getting up and looking at him like what on earth? Why would you do that? And I told him good night and I left.

Daughter described a very similar incident in her interviews, but stated that it occurred in her bedroom: “At some point my father came into my room And I can’t quite remember everything, but I think I might have told him to go away He put his hands on me and I did not like where he put his hands” When prompted, daughter clarified that the place appellant touched was her “[c]rotch,” under her clothes.

During the forensic interview, daughter marked on a body diagram where appellant had touched her, including her “crotch,” “chest,” and “inner leg.” The state introduced this diagram as evidence at trial, and the district court admitted it.

After the defense rested, the district court discussed jury instructions with the parties. Appellant requested a specific-unanimity jury instruction for count 1 only, which the district court denied. The district court provided the jury with a general-unanimity instruction, which advised that the jury’s verdict had to be unanimous. The jury found appellant guilty of both counts of criminal sexual conduct.

A presentence investigation report recommended that the district court impose a presumptive guideline sentence of 108 months in prison for count 1. The district court

convicted appellant of count 1 and sentenced him to 108 months in prison with 74 days credited for time served.

This appeal follows.

DECISION

Appellant argues that the district court (1) abused its discretion by not providing specific-unanimity jury instructions; (2) violated his constitutional rights and the rules of criminal procedure by addressing prospective jurors; (3) abused its discretion by granting the state's request to allow a support dog to accompany daughter while she testified; and (4) abused its discretion by imposing a presumptive guidelines sentence. We address each argument in turn.

I. The district court did not need to provide a specific-unanimity jury instruction for either count.

Appellant argues that the district court “violated his constitutional right to a unanimous verdict” by failing to provide a specific-unanimity jury instruction for both charged counts of criminal sexual conduct. We are not convinced.

“Jury verdicts in all criminal cases must be unanimous.” *State v. Pendleton*, 725 N.W.2d 717, 730 (Minn. 2007). “[A] jury must unanimously find that the government has proved each element of the offense.” *Id.* at 730-31 (quotation omitted). However, when a statute “contains alternative means of committing” an element, “[a] jury need not unanimously agree [on] which of those means was used to commit the offense.” *State v. Epps*, 949 N.W.2d 474, 486 (Minn. App. 2020), *aff'd*, 964 N.W.2d 419 (Minn. 2021). Before trial, appellant requested a specific-unanimity instruction for count 1 only. The

district court denied the request and did not provide a specific-unanimity instruction to the jury on either count.

We address the counts separately because each involves a different statutory offense, procedural backdrop, and standard of review.

A. The district court did not abuse its discretion by denying appellant’s request for a specific-unanimity jury instruction for count 1.

Regarding count 1, appellant contends that the district court abused its discretion by denying his request for a specific-unanimity instruction. We are not persuaded.

In *State v. Keyes*, the Minnesota Supreme Court recently reiterated that appellate courts review a district court’s denial of a requested specific-unanimity instruction for an abuse of discretion. ___ N.W.3d ___, ___, 2026 WL 2053029, at *6 (Minn. July 15, 2026). “A district court abuses its discretion when its jury instruction materially misstates the law when read as a whole.” *Id.* (quotation omitted).

The supreme court in *Keyes* presented a two-step framework for determining whether a specific-unanimity instruction is required on a case-by-case basis. *See id.* at *15-16. In the first step, courts “identify the elements of the offense.” *Id.* at *15. In doing so, we must “consider[] the statute defining the offense” and “distinguish any statutory means for committing the elements from the elements themselves.” *Id.* In the second step, courts “consider the facts that the State alleged at trial to prove a violation of the statute.” *Id.* This second step requires us to “inquire whether the State alleged a single act to satisfy the elements of the statute or multiple distinct acts, each of which on its own could satisfy the elements of the statute.” *Id.*

Keyes Analysis - Step 1

We first look to the statutory language to determine whether the relevant “statutory provision is an element of an offense or a means of committing an element.” *Id.* at *16. Minnesota Statutes section 609.343, subdivision 1a (Supp. 2021), enumerates circumstances in which it is a crime to “engag[e] in sexual contact with anyone under 18 years of age.” The specific circumstance at issue here, provided in subdivision 1a(h)(iii), applies when “the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual contact, and . . . the sexual abuse involved multiple acts committed over an extended period of time.”

Minnesota appellate courts have not yet addressed the means-element distinction within the phrase “the sexual abuse involved multiple acts committed over an extended period of time.” Minn. Stat. § 609.343, subd. 1a(h)(iii); *see State v. Yang*, __ N.W.3d __, __, 2026 WL 2104912, at *7 n.5 (Minn. July 22, 2026) (“We do not decide here whether the ‘multiple acts committed over an extended period of time’ in section 609.[3]43, subdivision 1(h)(iii) (2014), are individual elements of the offense.”). In other words, no caselaw has established whether the allegations underlying a subdivision 1a(h)(iii) charge are (1) “a means of committing” the element that is “multiple acts” or (2) each “an element of [the] offense” on their own. *Keyes*, 2026 WL 2053029, at *16.

In *State v. Crowsbreast*, the supreme court addressed comparable statutory language that required the state to prove, in part, “that the defendant . . . engaged in a past pattern of domestic abuse upon the victim.” 629 N.W.2d 433, 436 (Minn. 2001) (citing Minn. Stat. § 609.185(6) (2000)). The supreme court explained that this “past pattern” is one element

of the offense, even though the pattern itself involved a “grouping of past acts of domestic abuse” or a “course of conduct.” *Id.* at 439. As a result, the supreme court held that “jurors are not required to agree unanimously on which acts comprised the past pattern of domestic abuse,” as long as they agree that a pattern existed. *Id.*

Based on the plain language of the statute here, we conclude that there are four elements to the offense in Minnesota Statutes section 609.343, subdivision 1a(h)(iii): (1) an actor has “sexual contact with anyone under 18 years of age,” (2) “the actor has a significant relationship to the complainant,” (3) “the complainant was under 16 years of age at the time of the sexual contact,” and (4) “the sexual abuse involved multiple acts committed over an extended period of time.” Minn. Stat. § 609.343, subd. 1a(h)(iii). This reading is consistent with the pattern jury instructions for the offense, which do not divide “multiple acts” into separate elements. *See 10 Minnesota Practice*, CRIMJIG 12.20 (2024).

Keyes Analysis - Step 2

We next “inquire whether the State alleged a single act to satisfy the elements of the statute or multiple distinct acts, each of which on its own could satisfy the elements of the statute.” *Keyes*, 2026 WL 2053029, at *15.

To meet the first element of the offense, the state needed to prove that appellant “engage[d] in sexual contact with anyone under 18 years of age.”¹ Minn. Stat. § 609.343,

¹ Minnesota law defines “sexual contact” in this context as certain acts “committed with sexual or aggressive intent,” including “the intentional touching by the actor of the complainant’s intimate parts” or “of the clothing covering the immediate area of the intimate parts.” Minn. Stat. § 609.341, subd. 11(b)(i), (iv) (Supp. 2021). “Intimate parts”

subd. 1a. But to meet the fourth element, the state needed to prove the existence of a course of conduct, specifically “sexual abuse involv[ing] multiple acts committed over an extended period of time.” Minn. Stat. § 609.343, subd. 1a(h)(iii).

The state presented evidence of a general pattern of appellant touching daughter’s breasts and “crotch,” as well as distinct incidents of appellant touching daughter’s “crotch” and inner thigh.² Daughter expressed difficulty recalling exact dates and times of incidents, and she stated that “everything’s kinda blurred together.”

The statute here requires “sexual abuse involv[ing] *multiple acts* committed over an extended period of time,” which, like the pattern in *Crowsbreast*, involves a course of conduct. Minn. Stat. § 609.343, subd. 1a(h)(iii) (emphasis added); *see Crowsbreast*, 629 N.W.2d at 439 (explaining that “the jury found that [the defendant] engaged in a past pattern of domestic abuse involving a course of conduct”). There is no “distinct act,” *Yang*, 2026 WL 2104912, at *5, i.e., a single incident or portion of daughter’s testimony, that could “satisfy the elements of the statute” on its own, *Keyes*, 2026 WL 2053029, at *15.

We therefore conclude, like the supreme court in *Crowsbreast*, that the jury here was not required to agree unanimously on which incidents comprise the “sexual abuse involv[ing] multiple acts committed over an extended period of time.” Minn. Stat. § 609.343, subd. 1a(h)(iii); *see Crowsbreast*, 629 N.W.2d at 439 (concluding that “jurors

is then defined as “includ[ing] the primary genital area, groin, inner thigh, buttocks, or breast of a human being.” Minn. Stat. § 609.341, subd. 5 (2020).

² The parties do not dispute that these locations meet the statutory definition of “intimate parts.” *See* Minn. Stat. § 609.341, subd. 5.

are not required to unanimously agree on which acts comprised the past pattern of domestic abuse”).

B. The district court did not commit plain error by not providing a specific-unanimity jury instruction for count 2 sua sponte.

Appellant did not request a specific-unanimity jury instruction for count 2. Appellate courts review whether a district court should sua sponte provide a jury instruction for plain error. *See Yang*, 2026 WL 2104912, at *8. “To obtain relief for plain error, an appellant must show that there was (1) error; (2) that is plain; and (3) the error must affect [appellant’s] substantial rights.” *Id.* (quotation omitted). If an appellant fails to meet any prong of the plain-error test, we need not analyze the other prongs. *State v. Brown*, 815 N.W.2d 609, 620 (Minn. 2012). “When the appellant satisfies these requirements, the appellate court may correct the error only when it seriously affects the fairness, integrity, or public reputation of judicial proceedings.” *Yang*, 2026 WL 2104912, at *8 (quotation omitted). “With respect to the substantial-rights requirement, [the appellant] bears the burden of establishing that there is a reasonable likelihood that the absence of the error would have had a significant effect on the jury’s verdict.” *State v. Horst*, 880 N.W.2d 24, 38 (Minn. 2016) (quotation omitted).

Appellant presents no argument that a specific-unanimity instruction would have had any effect on the jury’s verdict for count 2, let alone a significant effect. Because appellant has not met his burden on the substantial-rights prong of the plain-error test, we conclude that his jury-instruction argument for count 2 fails.

II. The district court did not violate appellant’s constitutional rights or the rules of criminal procedure by addressing prospective jurors.

Appellant next contends that the district court held “a hearing off the record and outside the presence of [appellant] and his attorneys on the first day of jury selection,” violating his (1) right to be present at all stages of trial; (2) right to a public trial; and (3) right to counsel.³ These arguments do not merit relief.

Before turning to each argument, we note the relevant factual background from the record. Prospective jurors were present at the district court on March 3, 2025, the day before voir dire examination commenced. Appellant, his counsel, and the state were not present. The district court spoke to the prospective jurors and explained the process by which they would fill out a juror questionnaire. The prospective jurors filled out the questionnaire under oath. The questionnaire provided minimal information about the case, including the fact that it “involve[d] allegations of sexual conduct between an adult and a minor,” and it listed the names of individuals involved for the purpose of checking for conflicts. The district court did not make a contemporaneous record of its interactions with the prospective jurors.

On March 4, 2025, the district court met with the parties and summarized what had occurred the prior day. It noted that it “brought [the prospective jurors] in, *as I said I would*, told them what the process was going to be like for them during the

³ Although it appears that appellant conflates a defendant’s right to be present at all stages of trial with a defendant’s right to a public trial, these are distinct rights with different standards of review, as noted below, which we address separately.

questionnaires,”⁴ and then explained to the prospective jurors that it “would talk to them more about the case and the process and the schedule and everything else” once the parties and counsel were present. (Emphasis added.) Appellant did not object, and the parties’ counsel proceeded to examine the prospective jurors.

Whether a district court’s actions violated a criminal defendant’s “constitutional rights is a question of law, which this court reviews de novo.” *State v. Tate*, 682 N.W.2d 169, 174 (Minn. App. 2004), *rev. denied* (Minn. Sept. 29, 2004). However, “an assignment of error based on mere assertion and not supported by any argument or authorities in appellant’s brief is [forfeited] and will not be considered on appeal unless prejudicial error is obvious on mere inspection.” *State v. Bellazan*, 18 N.W.3d 385, 402 (Minn. App. 2025) (quotation omitted), *rev. denied* (Minn. May 28, 2025).

A. The district court did not violate appellant’s right to be present under either the U.S. Constitution or Minnesota Rule of Criminal Procedure 26.03.

“A defendant’s constitutional right to be present is grounded in . . . the Due Process Clause of the Fourteenth Amendment.” *Ford v. State*, 690 N.W.2d 706, 712 (Minn. 2005). Minnesota Rule of Criminal Procedure 26.03, subdivision 1(1), “provides a broader right to be present than the right guaranteed by the United States Constitution” and requires a

⁴ The state asserts that the phrase “as I said I would” suggests that the district court had told the parties in advance that it would address the prospective jurors. However, there is no information in the record to confirm that the district court and the parties discussed this prior to March 4, 2025. The rules of criminal procedure permit the use of a jury questionnaire either “[o]n the request of a party or on [the district court’s] own initiative.” Minn. R. Crim. P. 26.02, subd. 2(3)(a).

defendant's presence "at every stage of the trial." *Ford*, 690 N.W.2d at 712 (quotation omitted).

Generally, because of this right, "it is improper for the [district] court to communicate with the jury . . . outside the presence of the defendant." *State v. Nissalke*, 801 N.W.2d 82, 98 (Minn. 2011). But a defendant does not have the right to be present when either (1) they have waived that right or (2) a communication involves only routine housekeeping matters. *State v. Martin*, 723 N.W.2d 613, 619 (Minn. 2006) (discussing waiver); *Ford*, 690 N.W.2d at 712-13 (discussing "routine housekeeping matters"). The state does not argue that appellant waived his right to be present, so we focus on whether the district court's communication involved only routine housekeeping matters.

As an initial matter, appellant argues that we should apply structural-error review here. We disagree. "Generally, there are two types of error: structural error and trial error." *Colbert v. State*, 870 N.W.2d 616, 624 (Minn. 2015). Structural errors result in automatic reversal because they "affect the entire trial from beginning to end and undermine the structural integrity of the criminal tribunal itself." *Id.* But the supreme court has explained that these errors "occur only in a very limited class of cases," and instead "most constitutional errors are trial errors." *Id.* (quotation omitted). Trial errors "may be quantitatively assessed in the context of the other evidence presented" and are therefore subject to harmless-error review. *Id.* (quotation omitted). Importantly, the supreme court has specifically applied harmless-error review when a district court "errs by communicating with the jury outside the defendant's presence." *Nissalke*, 801 N.W.2d at 98. Because appellant asserts that an error occurred, we apply harmless-error review.

Turning to the substantive issue of appellant’s right to be present, appellant does not provide any argument in his principal brief about whether the district court’s addressing of prospective jurors involved routine housekeeping matters only. In his reply brief, appellant argues that the communication involved both “administrative” and nonadministrative acts by the district court, with the latter including “sw[earing] in” the prospective jurors to fill out the questionnaire and providing “a description of the case” via the questionnaire’s instructions. Appellant cites no caselaw to support the assertion that these are nonadministrative acts constituting an erroneous communication by the district court.⁵

We conclude that the district court’s communication with prospective jurors involved only routine housekeeping matters and did not violate appellant’s right to be present under the U.S. Constitution or rule 26.03.

⁵ To the extent that appellant challenges the district court’s record of what transpired on March 3, 2025, we are not persuaded. A challenging party has the burden of “com[ing] forward with any evidence suggesting that the account the district court provided on the record does not accurately reflect what transpired.” *Nissalke*, 801 N.W.2d at 98 n.7. Appellant relies on the fact that the district court did not explicitly state that the prospective jurors were under oath during the questionnaire or that the questionnaire briefly explained the context of the case. But this does not suggest that the record that the district court did provide was inaccurate. *See id.* Further, appellant had access to the questionnaires, which both reminded the prospective jurors that they were under oath and provided the brief case context. “[N]ot every judicial error automatically requires reversal.” *Martin*, 723 N.W.2d at 626 (quotation omitted). “[T]he granting of a new trial in criminal cases is done cautiously, and a conviction will not be reversed for mere technical errors [when] it appears that the accused has not been prejudiced through the impairment of substantial rights essential to a fair trial.” *Id.* (quotation omitted); *see also* Minn. R. Civ. P. 61 (requiring courts to disregard harmless error). Because appellant fails to meet his burden of producing evidence suggesting the impairment of his substantial rights, we conclude that he is not entitled to a presumption of prejudice, and we decline to grant his requested relief. *See Martin*, 723 N.W.2d at 624-25 (concluding defendant failed to “meet his burden of producing evidence suggesting” error).

B. The district court did not violate appellant’s right to a public trial.

“The right to a public trial is guaranteed by the United States and Minnesota Constitutions.” *State v. Bobo*, 770 N.W.2d 129, 139 (Minn. 2009) (citing U.S. Const. amend. VI; Minn. Const. art. I, § 6). A district court’s violation of that right “is considered a structural error,” requiring “automatic reversal of a conviction.” *Id.*; *State v. Kuhlmann*, 806 N.W.2d 844, 851 (Minn. 2011).

However, a defendant can forfeit their ability to appeal an alleged violation of this right if they do not object at trial. *See Pulczynski v. State*, 972 N.W.2d 347, 355 (Minn. 2022). When a defendant fails to object, as here, appellate courts may nonetheless review for plain error. *See id.* at 355-56.

Appellant asserts that the district court “likely” closed the courtroom to the public, but he does not provide any evidence in support. Further, appellant concedes that “it is unknown whether the doors to the courtroom were locked.” In other words, appellant does not establish that an error occurred. We conclude that appellant fails to establish a violation of his right to a public trial.

C. The district court did not violate appellant’s right to counsel.

“The Minnesota Constitution provides that, ‘[i]n all criminal prosecutions[,] the accused shall enjoy the right . . . to have the assistance of counsel in [their] defense.’” *State v. Maddox*, 825 N.W.2d 140, 143 (Minn. App. 2013) (first and third alterations in original) (quoting Minn. Const. art. I, § 6); *see also id.* (describing corollary right in U.S. Constitution). “A criminal defendant’s right to counsel applies to ‘critical stages of the proceedings.’” *Id.* at 144 (quoting *State v. Krause*, 817 N.W.2d 136, 144 n.6 (Minn.

2012)). “[C]ritical stages’ are ‘proceedings between an individual and agents of the State . . . whether formal or informal, in court or out, that amount to trial-like confrontations, at which counsel would help the accused in coping with legal problems or meeting [their] adversary.’” *Id.* (first and second alterations in original) (quoting *Rothgery v. Gillespie County*, 554 U.S. 191, 212 n.16 (2008)).

Appellant provides no legal argument and cites no relevant authorities to support his assertion that the district court denied him the right to counsel for a routine housekeeping communication for which neither he nor his adversary were present. We therefore conclude that appellant forfeited this argument. *See Bellazan*, 18 N.W.3d at 402. And because no prejudicial error is obvious, we decline to consider it.

III. The district court did not abuse its discretion by granting the state’s request to allow a support dog to accompany daughter while she testified.

Appellant next argues that the district court abused its discretion by granting the state’s request to “allow[daughter] to testify with the assistance of a support dog,” contending that “the standard” for permitting a support dog “is too low.” This argument is unavailing.

We review “a district court’s decision to allow a support animal to accompany a witness while testifying at trial” for an abuse of discretion. *State v. Fernandez Sorto*, 12 N.W.3d 207, 215 (Minn. App. 2024), *rev. denied* (Minn. Dec. 17, 2024).

[I]n evaluating whether to allow a support animal to accompany a witness during their trial testimony, a district court may consider (1) the effect and helpfulness of the support animal to aid the testimony of the witness, (2) the risk of prejudice associated with the use of the support animal during

the witness's trial testimony, and (3) the ability of the district court to mitigate possible prejudice.

Id. at 217. A district court may consider “additional factors or mitigation measures” when “appropriate given the circumstances of each case.” *Id.*

The state here moved to allow the presence of a support dog to accompany each minor witness while they testified: daughter, as the victim, and her twin brother. The district court carefully considered each of the *Fernandez Sorto* factors. It granted the request for daughter only.

We are not persuaded by appellant's argument that “the standard [articulated in *Fernandez Sorto*] is too low.” We must follow *Fernandez Sorto* as binding precedent. *See State v. Chauvin*, 955 N.W.2d 684, 690 n.3 (Minn. App. 2021) (explaining “the respect that an appellate court owes to its own precedents”), *rev. denied* (Minn. Mar. 10, 2021).

Because the district court carefully considered each of the *Fernandez Sorto* factors, we conclude that it acted within its discretion by granting the state's request to allow a support dog to accompany daughter while she testified.

IV. The district court did not abuse its discretion by imposing a presumptive guidelines sentence.

Lastly, appellant argues that the district court abused its discretion by “imposing the maximum presumptive sentence” because (1) the district court did not “giv[e] any justification,” and (2) “[s]uch a severe sentence was not justified because the State's evidence of guilt was not overwhelming.” We disagree.

Appellate courts review a district court's sentencing decision for an abuse of discretion. *State v. Soto*, 855 N.W.2d 303, 307-08 (Minn. 2014). “This court will not

generally review a district court's exercise of its discretion to sentence a defendant when the sentence imposed is within the presumptive guidelines range." *State v. Delk*, 781 N.W.2d 426, 428 (Minn. App. 2010), *rev. denied* (Minn. July 20, 2010).

It is undisputed that appellant's sentence of 108 months in prison is within the presumptive guidelines range for his conviction of second-degree criminal sexual conduct and his criminal-history score of zero. *See* Minn. Sent'g Guidelines 4.B (Supp. 2021) (providing presumptive sentence of 90 to 108 months in prison). Appellant's first argument is unavailing because a district court need not provide an explanation when it "considers reasons for departure but elects to impose the presumptive sentence." *State v. Van Ruler*, 378 N.W.2d 77, 80 (Minn. App. 1985). Appellant's second argument fails because, as the district court noted, the jury found appellant guilty based on all the evidence. *See State v. Jackson*, 749 N.W.2d 353, 359 n.2 (Minn. 2008) (explaining that presumptive guidelines sentences are acceptable "based solely on the offense at issue and the offender's criminal history score").

This is not the "rare case" justifying reversal of a district court's decision not to depart from the presumptive guidelines sentence. *State v. Kindem*, 313 N.W.2d 6, 7 (Minn. 1981); *see also* Minn. Sent'g Guidelines cmt. 2.D.301 (Supp. 2021) (noting that factors justifying departures will occur in "a small number of cases" only). We conclude that the district court did not abuse its discretion by imposing a presumptive guidelines sentence.

Affirmed.