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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1092**

State of Minnesota,
Respondent,

vs.

Nathan Ray Sutton,
Appellant.

**Filed March 30, 2026
Affirmed
Schmidt, Judge**

Anoka County District Court
File No. 02-CR-24-5086

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

Brad Johnson, Anoka County Attorney, Kelsey R. Kelley, Assistant County Attorney,
Anoka, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Roy G. Spurbeck, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Larson, Presiding Judge; Johnson, Judge; and Schmidt,
Judge.

NONPRECEDENTIAL OPINION

SCHMIDT, Judge

Appellant Nathan Ray Sutton challenges the district court's order denying his
request for a downward dispositional departure. We affirm.

FACTS

While living with his wife and her children, Sutton sexually assaulted his wife's 13-year-old daughter. Respondent State of Minnesota charged Sutton with ten counts of first-degree criminal sexual conduct. The complaint alleged numerous instances of sexual abuse spanning over a year. The district court issued a domestic-abuse no-contact order and a harassment restraining order, both of which prohibited Sutton from contacting the child. Despite the orders, Sutton continued to contact the child.

Sutton pleaded guilty to one count of first-degree criminal sexual conduct, and, in return, the state dismissed the remaining nine charges. Sutton requested a downward dispositional departure on his sentence, arguing that he was particularly amenable to probation. The state opposed the departure request, citing the district court's issuance of the no-contact orders and Sutton's continued contact with the child following his arrest.

At sentencing, the district court gave its reasoning for denying the departure motion:

Well, obviously, Mr. Sutton, the Court was provided with a number of documents, a lot of information regarding both the offense and regarding you as a person and the steps you have taken. As it's already been alluded to, in order for the Court to order a departure in any case from the guidelines, the Court has to find that there are substantial and compelling reasons. So things that set this case apart from others similarly situated. And for a dispositional departure, the Court looks more at factors surrounding yourself. Not necessarily the offense, but we say the offender. So looking at those factors to see whether or not you're particularly suited to individualized treatment in a probationary or community setting.

And there's a number of factors that by law kind of guides the Court in looking at that. One of those is your age. Obviously, at the time of the offense you were 20 years old. You're 22 now. You're not, you know, an old individual who's

had a ton of life experiences. So we kind of look at that to say you know, are you old enough to know better. Obviously, you were an adult and knew right from wrong and knew your actions were wrong, but not maybe someone with the same experience that we would necessarily determine would have that additional background to give the Court pause. So that doesn't necessarily work against a departure. It's somewhat neutral in this case.

Your prior record. Obviously, you don't have a prior record of this kind. However, the Court also looks at that, kind of, is already taken into account. Even with no criminal record, the legislature has determined that this is a type of crime that warrants, even on a first offense, a prison sentence. So I—I look not only at prior record because that's already kind of taken into account, criminal history, but also some of the actions, you know, if you have been on probation or your ability to follow court orders.

And obviously here, there are some concerns with that considering that while the investigation was ongoing, there was at least a harassment restraining order in place. So there was a Court order in place that you would have had an opportunity to show that you're able to abide by court orders and conditions that are ordered by the Court, and you violated that. You admit in there that you continued your relationship with the victim even after court orders were in place, even after having the knowledge that you were being investigated, solely for the reason that you thought, essentially, there wasn't any proof and that you could continue and get away with that type of conduct. So, obviously, that's something that works against the Court moving forward with a departure.

Remorse is a little tricky. Obviously, I think, at this point, you've shown an understanding of the type of impact that you've had on the victim. However, also there are those concerns where you knew what you were doing was wrong at that time; you were confronted with it; you had an opportunity to take accountability at that time and stop even additional trauma from impacting the victim in this case, her family, your family, your life; and you chose to continue with that conduct and not have the wherewithal to—to stop yourself and to have that remorse at the time.

Cooperation. Obviously, more recently you've been cooperative with the process with being very up front with what occurred. Obviously, that wasn't the case in the beginning. That's changed over time with the initial denial, thinking, you know, it's your word against hers, and no one is really believing her. So I can continue doing what I'm doing. So it's hard to say—and same with remorse. There's that divide with you after the fact knowing you've been caught versus prior to and even having the idea that people were starting to catch on or least have those allegations out there, and you continued.

Your attitude in court has been fine. There's no concerns with the Court about that. You've been respectful in court. So that's not necessarily a reason that works against you. And then it does appear from the letters that you have the support of family members who want to see you succeed moving forward. However the Court's concern, obviously, in those situations is you had that family, you had that support when this was ongoing. And you didn't use that. You didn't reach out to family to prevent, like I said, additional trauma to the victim, additional issues for yourself and your family moving forward. So it's concerning. While I think and I hope in the future you will use that support moving forward, it—it doesn't necessarily work in favor of a departure in the matter.

So when I look at all of the types of factors overall that the Court looks at and analyzing those from a perspective of whether or not probation would be appropriate in your case, the Court, at this point, can't find that there are substantial and compelling reasons for a dispositional departure. And I hope to you that doesn't mean that you stop the work that you've done because I don't think that that—and I don't want you to think that's ignored either, that you have taken some steps to try to better yourself while you are in custody and to try to take those steps to ensure that this doesn't happen to you or anyone else in the future so you can be the type of person when you get out that you are hoping for. I—I hope that you keep those goals moving forward. But at this time, it does not appear appropriate to the Court to grant a dispositional departure.

The district court then sentenced Sutton to 144 months in prison. Sutton appealed.

DECISION

Sutton argues that the district court abused its discretion by denying his motion for a downward dispositional departure. The Minnesota Sentencing Guidelines provide presumptive sentences for adult felony offenses. *See* Minn. Stat. § 244.09, subd. 5 (2022). We generally will not reverse a district court’s imposition of a presumptive-guideline sentence. *State v. Musse*, 981 N.W.2d 216, 220 (Minn. App. 2022), *rev. denied* (Minn. Dec. 28, 2022). When the record demonstrates that the court considered the reasons for a departure, it need not explain its decision to impose a presumptive sentence. *Id.*

The record shows that the district court “weigh[ed] reasons for and against departure” and “made a deliberate decision” to impose a presumptive 144-month sentence. *State v. Mendoza*, 638 N.W.2d 480, 484 (Minn. App. 2002), *rev. denied* (Minn. Apr. 16, 2002). The court heard arguments from defense counsel, the state, and Sutton. It also considered numerous filings, such as the presentence-investigation report, a psychosexual-evaluation report, Sutton’s departure memorandum, and letters of support.

Despite having no obligation to explicitly provide an explanation for imposing a presumptive sentence, the district court thoroughly explained its reasons for denying Sutton’s motion for a departure. The court spoke directly to Sutton and addressed the facts that weighed for and against a departure, including Sutton’s age, his lack of criminal history, his failure to follow the no-contact orders, his remorse, his respectful demeanor in court, and his familial support. The district court did not abuse its discretion when it denied Sutton’s motion for a downward dispositional departure.

Affirmed.