

*This opinion is nonprecedential except as provided by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
A25-1157**

State of Minnesota,
Respondent,

vs.

Darien Tyrell Randle,
Appellant.

**Filed June 15, 2026
Reversed and remanded
Johnson, Judge**

Dakota County District Court
File No. 19HA-CR-24-1141

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

Kathryn M. Keena, Dakota County Attorney, Zachary J. Kraemer, Assistant County Attorney, Hastings, Minnesota (for respondent)

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

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

NONPRECEDENTIAL OPINION

JOHNSON, Judge

Darien Tyrell Randle was convicted of first-degree driving while impaired (DWI). At sentencing, the district court found that Randle’s criminal-history score is four, based in part on two prior convictions in Illinois. We conclude that the district court erred in its

finding of Randle's criminal-history score because the state did not satisfy its burden of proving the facts necessary to establish that Randle's prior Illinois convictions should be included in his criminal-history score. Therefore, we reverse and remand for further proceedings.

FACTS

In June 2024, the state charged Randle with first-degree driving while impaired, in violation of Minn. Stat. § 169A.20, subd. 1(1) (Supp. 2023). Randle pleaded guilty in October 2024.

Before sentencing, a probation officer conducted a pre-sentence investigation (PSI). The probation officer also prepared a sentencing worksheet, which stated that Randle had four criminal-history points. That criminal-history score was based on four prior convictions. One prior conviction included in the sentencing worksheet is a 2012 conviction in Illinois for burglary, for which the probation officer assigned one criminal-history point. Another prior conviction included in the sentencing worksheet is a 2021 conviction in Illinois for aggravated fleeing from police, for which the probation officer assigned one-half of a criminal-history point.

The district court conducted a sentencing hearing in April 2025. Randle did not challenge the probation officer's calculation of criminal-history points, and the state did not present any evidence of Randle's prior Illinois convictions. The district court imposed a sentence of 60 months of imprisonment, which is within the presumptive guidelines range, given a severity level of seven. The district court stayed execution of the prison

sentence, ordered local confinement, and placed Randle on supervised probation. Randle appeals.

DECISION

Randle argues that the district court erred by assigning him criminal-history points for the 2012 Illinois burglary conviction and the 2021 Illinois fleeing conviction. He contends that the state did not introduce evidence to prove that each of the two prior Illinois convictions is equivalent to a Minnesota felony offense.¹

In a felony case, a defendant's presumptive sentence is determined by the severity of the present offense and the defendant's criminal-history score. Minn. Sent'g Guidelines 2 (Supp. 2023). A criminal-history score is the "sum of points" that are assigned for, among other things, prior felony convictions and prior juvenile adjudications. Minn. Sent'g Guidelines 2.B. The number of criminal-history points assigned to a prior felony conviction depends on the severity level of the prior offense. Minn. Sent'g Guidelines 2.B.1. Generally, "the offender is assigned a particular weight for every felony conviction for which a felony sentence was stayed or imposed before the current sentencing." Minn. Sent'g Guidelines cmt. 2.B.101.

¹In his appellate brief, Randle first challenged the validity of his guilty plea by arguing that there is an inadequate factual basis for a 2021 Wisconsin license revocation, which was used to enhance the charge to first-degree DWI. After this case was submitted, Randle filed a document entitled "Notice of Dismissal of Issue One of Appeal," which he personally signed, with a letter from his appellate attorney explaining that Randle had decided that he no longer wishes to pursue his first argument. Accordingly, we will not consider Randle's first argument and will consider only his second argument.

A prior conviction may be included in a defendant’s criminal-history score even if it was not entered in a Minnesota state court. Minn. Sent’g Guidelines 2.B.5.a.; *State v. Pruitt*, 16 N.W.3d 856, 860 (Minn. App. 2025). “In any particular case, the district court ‘must make the final determination as to whether and how a prior non-Minnesota conviction should be counted in the criminal history score.’” *Pruitt*, 16 N.W.3d at 860 (quoting Minn. Sent’g Guidelines 2.B.5.a (Supp. 2021)). A district court must consider “whether the [non-Minnesota] offense is defined as a felony, gross misdemeanor, or targeted misdemeanor in Minnesota” and “the sentence imposed” for the non-Minnesota offense. Minn. Sent’g Guidelines 2.B.5.b. “An offense may be counted as a felony” for purposes of a defendant’s criminal-history score “only if it would both be defined as a felony in Minnesota, and the offender received a sentence of 366 days or more, which includes the equivalent of a stay of imposition.” *Id.* (emphasis omitted).²

“‘The State bears the burden of proof at sentencing to show that a prior conviction qualifies for inclusion within the criminal-history score.’” *Pruitt*, 16 N.W.3d at 860 (quoting *Williams v. State*, 910 N.W.2d 736, 740 (Minn. 2018)). The state must “‘produce evidence to establish by a fair preponderance of the evidence the validity of the prior convictions, the fact that the defendant was the person involved, and that the crimes constituted felonies in Minnesota.’” *State v. Johnson*, 31 N.W.3d 566, 571 (Minn. App.

²The state cites *Hill v. State*, 483 N.W.2d 57 (Minn. 1992), in support of its assertion that the definition of the non-Minnesota offense should be the “main focus” of the district court’s analysis. As this court has noted, the *Hill* opinion applied the significantly different language of the 1987 version of the sentencing guidelines and, thus, does not provide useful guidance in applying the current version of the sentencing guidelines. *Pruitt*, 16 N.W.3d at 862-63.

2026) (quoting *State v. Griffin*, 336 N.W.2d 519, 525 (Minn. 1983)). This court applies an abuse-of-discretion standard of review to a district court’s determination of a defendant’s criminal-history score. *Id.* A district court abuses its discretion by including non-Minnesota convictions in a defendant’s criminal-history score if the state did not satisfy its burden of proof. *See id.*

In this case, Randle did not challenge his criminal-history score in the district court. Nonetheless, he may argue for the first time on appeal that the state did not satisfy its burden of proving the facts that support a criminal-history score. *See State v. Strobel*, 932 N.W.2d 303, 305-06 (Minn. 2019); *State v. Scovel*, 916 N.W.2d 550, 553 n.5 (Minn. 2018); *State v. Maurstad*, 733 N.W.2d 141, 147-48 (Minn. 2007). If a defendant makes such an argument for the first time on appeal, this court must examine the record to determine whether it contains evidence supporting the district court’s calculation of criminal-history points. *See State v. Maley*, 714 N.W.2d 708, 711-12 (Minn. App. 2006).

Randle argues that the evidentiary record of the sentencing hearing lacks evidence necessary for the inclusion of his prior Illinois convictions in his criminal-history score. With respect to the 2012 burglary conviction, Randle contends that “there is no evidence in the record that Randle engaged in conduct that meets the elements of” burglary under the Minnesota statute. With respect to the 2021 fleeing conviction, Randle contends that he “received the equivalent of a misdemeanor sentence.”

In response, the state admits that the record lacks some information about the prior Illinois convictions. With respect to the 2012 burglary conviction, the state admits that the record does not identify the Illinois statute that Randle violated or the facts of Randle’s

underlying conduct. With respect to the 2021 fleeing conviction, the state admits that the record does not identify the Illinois statute that Randle violated, the facts of his underlying conduct, or whether Randle received a felony-level sentence.

It appears that the unknown facts identified by the state are necessary for a determination that the Illinois offenses “would . . . be defined as a felony in Minnesota” and a determination that Randle “received a sentence of 366 days or more.” *See* Minn. Sent’g Guidelines 2.B.5.b. Accordingly, the state did not satisfy its burden of proving that Randle’s prior Illinois convictions should be included in his criminal-history score. *See Johnson*, 31 N.W.3d at 571; *Pruitt*, 16 N.W.3d at 860. Consequently, the district court erred by assigning Randle one and one-half criminal-history points for the two Illinois convictions.

Randle urges this court to order the district court to reduce his criminal-history score by excluding the points associated with the two Illinois convictions. Randle cites no authority for that remedy. The state argues that this court should reverse and remand so that it may introduce additional evidence concerning Randle’s prior Illinois convictions. This court has held that, if the state did not satisfy its burden of proof because an appellant did not challenge the assignment of criminal-history points at sentencing, the appropriate remedy is for the case to be reversed and remanded to allow the state to “further develop the sentencing record so that the district court can appropriately make its determination.” *State v. Outlaw*, 748 N.W.2d 349, 356 (Minn. App. 2008), *rev. denied* (Minn. July 15, 2008).

Thus, we reverse the sentence imposed and remand to the district court for further proceedings, with instructions to allow the state to further develop the sentencing record.

Reversed and remanded.