

*This opinion is nonprecedential except as provided by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
A25-1165**

State of Minnesota,
Respondent,

vs.

Michael Allen Truelove,
Appellant.

**Filed April 27, 2026
Affirmed
Rasmusson, Judge**

Le Sueur County District Court
File No. 40-CR-23-400

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

Brent Christian, Le Sueur County Attorney, Jason L. Moran, Assistant County Attorney,
Le Center, Minnesota (for respondent)

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

Considered and decided by Cochran, Presiding Judge; Larkin, Judge; and
Rasmusson, Judge.

NONPRECEDENTIAL OPINION

RASMUSSON, Judge

In this sentencing appeal, appellant Michael Allen Truelove argues that he was deprived of his constitutional right to an impartial judge when the district court conducted independent research while deciding Truelove's motion for a downward dispositional

departure. We conclude that the district court’s conduct did not constitute an independent investigation into the facts in evidence and thus Truelove’s constitutional right to an impartial judge was not violated. Accordingly, we affirm.

FACTS

In March 2023, Truelove was arrested by law enforcement on suspicion of driving while impaired. In a later search of his vehicle, law enforcement discovered seven prepackaged plastic baggies containing methamphetamine.

Respondent State of Minnesota charged Truelove with one count of first-degree drug sale in violation of Minn. Stat. § 152.021, subd. 1(1) (2022), and one count of first-degree drug possession in violation of Minn. Stat. § 152.021, subd. 2(a)(1) (2022). The state later added a third count, fourth-degree driving while impaired in violation of Minn. Stat. § 169A.20, subd. 1(7) (2022). Truelove pleaded guilty to first-degree drug sale and fourth-degree driving while impaired in exchange for the state’s dismissal of the first-degree drug-possession charge. Truelove filed a motion for a downward dispositional departure wherein he requested that the district court stay execution of his sentence, place him on probation for five or more years, and require him to abide by certain conditions.

The district court held a sentencing hearing on April 22, 2025. The district court noted that it had reviewed the contents of probation’s presentence investigation report (PSI) and letters of support from individuals at Minnesota Adult and Teen Challenge (MNTC)—a program in which Truelove was participating at the time of the sentencing hearing.

The state opposed Truelove’s request for a dispositional departure. The state argued that Truelove had “committed a major controlled substance offense in [its] jurisdiction”

followed by similar offenses in two other Minnesota counties such that he was not “particularly amenable to probation.” The state requested that the district court impose a presumptive guidelines sentence of 125 months’ imprisonment, which was recommended by the PSI.

In response, Truelove’s counsel argued that a departure was warranted because Truelove had “nearly completed the 13-month [MNTC] program, and he wants another year beyond that” such that he was “particularly amenable to probation.” His counsel also noted that Truelove had recently requested and received a downward dispositional departure on a drug-related offense in another Minnesota county. In making his argument to the court, Truelove’s counsel stated the following:

And I’ve told how many judges over the years that, you know, the only time that you are ever going to really have feedback or public controversy in newspapers or radios or something on a break you give to somebody is when they fail. Because the public doesn’t care for the 20 breaks that you give to somebody that they all do wonderfully, that’s not news. But if one person screws up, you know, they point their finger back at you, making judges reluctant to do this. I don’t think you are at a risk here.

Three witnesses spoke on behalf of Truelove: a program mentor from MNTC, Truelove’s wife, and a graduate of MNTC who participated in the program with Truelove. The witnesses’ statements addressed the progress that Truelove had made in his recovery journey and their belief that he would continue to be successful. Finally, Truelove made several statements to the court. He acknowledged that he had “made some mistakes” but explained his successful participation in the MNTC program.

The district court took a ten-minute recess. After returning, the district court judge stated the following:

[Truelove's counsel] made a comment that in departure situations the Judge rarely ever receives attention unless the Defendant later violates probation and they get some bad publicity. I don't agree with that.

The judge then described that he was "looking at" an email from an MNTC employee that he received in January 2025. In the email, the MNTC employee gave the judge a positive update on the progress of an individual to whom the judge had granted a downward departure. The judge explained that he "receive[d] recognition for granting [the] downward departure."¹ It appears that the judge accessed this email in response to Truelove's counsel's statement that district court judges receive only negative public attention for downward departures.

The district court then reviewed Truelove's criminal history, focusing on offenses he committed in three Minnesota counties in 2023 within the span of several months (after successful completion of a treatment-court program), as well as the specific nature of this offense. The district court denied Truelove's departure motion and imposed a guidelines sentence of 125 months in prison.

Truelove appeals.

¹ The hearing transcript suggests, though does not definitively state, that the judge received recognition for granting this downward departure at an MNTC gala that he did not attend.

DECISION

Truelove raises only one issue on appeal: whether the district court's access, review, and discussion of a previously received email from an MNTC employee violated his constitutional right to an impartial judge.²

Truelove's contention that he was denied the constitutional right to an impartial judge is a legal question, which appellate courts review de novo. *State v. Duol*, 25 N.W.3d 135, 141 (Minn. 2025). The Sixth Amendment of the United States Constitution and article I, section 6 of the Minnesota Constitution guarantee criminal defendants the right to be tried by an impartial jury. U.S. Const. amend. VI; Minn. Const. art. I, § 6. Although the right to a trial before an impartial judge is not specifically enumerated in either constitution, this principle has long been recognized by the U.S. Supreme Court and the Minnesota Supreme Court. *See Rose v. Clark*, 478 U.S. 570, 577 (1986) (citing *Tumey v. Ohio*, 273 U.S. 510 (1927)); *Dorsey*, 701 N.W.2d at 249.

An impartial trial process “requires that conclusions reached by the trier of fact be based upon the facts in evidence and prohibits the trier of fact from reaching conclusions based on evidence sought or obtained beyond that adduced in court.” *Dorsey*, 701 N.W.2d at 249-50 (citations omitted). “A judge's conduct must be fair to both sides, and a judge

² Truelove cites two rules from the Minnesota Code of Judicial Conduct in his briefing: rule 2.9(c) and 2.11(A). He argues that these rules comport with the supreme court rule articulated in *State v. Dorsey*, 701 N.W.2d 238, 249-52 (Minn. 2005). He does not identify them as independent bases for relief. Both because we conclude that the district court did not violate *Dorsey*'s bright-line rule and because there is a strong “presumption that a judge has discharged his or her judicial duties properly,” we do not separately analyze these judicial-conduct rules. *McKenzie v. State*, 583 N.W.2d 744, 747 (Minn. 1998).

should refrain from remarks which might injure either of the parties to the litigation.” *Id.* at 250 (quotations omitted). Accordingly, Minnesota appellate courts adhere to a “bright-line rule that judges may not engage in independent investigations of facts in evidence.” *Id.* at 251; *see also State v. Lopez*, 988 N.W.2d 107, 119 (Minn. 2023) (reaffirming this principle); *Duol*, 25 N.W.3d at 142 (same).

The Minnesota Supreme Court has explained that “[a] judge must maintain the integrity of the adversary system at all stages of the proceedings.” *State v. Schlien*, 774 N.W.2d 361, 367 (Minn. 2009). We have consistently applied this principle from *Schlien* to extend the right articulated in *Dorsey* to sentencing hearings. *See, e.g., State v. Knopik*, No. A22-0766, 2023 WL 193989, at *5 (Minn. App. Jan. 17, 2023) (relying on *Schlien* for the proposition that “[w]e recognize that the right to an impartial judge extends to sentencing”), *rev. denied* (Minn. Mar. 28, 2023); *State v. Leckner*, No. A19-1007, 2020 WL 3172651, at *3 (Minn. App. June 15, 2020) (same).³ Additionally, no authority creates an exception for sentencing hearings. Accordingly, the rule in *Dorsey* against independent investigation of facts in evidence applies here.

Truelove argues that “[a] sentencing judge is not impartial when they independently seek out information relevant to the sentencing decision that was not presented in the record.” He reasons that the district court’s access, review, and discussion of the email “introduced facts outside of the record into the court’s sentencing decision, violating Truelove’s right to an impartial judge.” Truelove analogizes his case to *Leckner*, a case in

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

which we reversed a defendant's sentence after the district court continued a sentencing hearing to visit a correctional facility "to discover information in response to [the defendant's] evidence about the lack of treatment opportunities in Minnesota prisons." *Leckner*, 2020 WL 3172651, at *3-4.

The state counters that the district court did not violate Truelove's right to an impartial judge because the information it accessed was "unrelated" to its decision to deny Truelove's departure motion. In sum, the state appears to argue that the district court did not engage in an independent investigation of the facts in evidence and so remained impartial.

Truelove reads *Dorsey* too broadly. The "bright-line rule" prohibits judges from "engag[ing] in independent investigations of *facts in evidence*." *Dorsey*, 701 N.W.2d at 249-51 (emphasis added). Truelove's argument assumes, but does not explain how, the email that the district court accessed during the ten-minute recess relates to the "facts in evidence" presented by either party at the sentencing hearing. It does not appear that it does. Instead, the judge used the email to respond to a comment Truelove's counsel made about when district courts garner public attention for granting downward departures. Furthermore, the judge's remarks about the email were "fair to both sides" and did not "injure either of the parties." *Id.* at 250 (quotations omitted). In making its decision to deny Truelove's departure motion, the district court relied on Truelove's prior criminal record, the large amount of methamphetamine he possessed, and the trafficking nature of his conduct. Contrary to Truelove's assertions, the district court did not relate the contents

of the email to any of the facts presented by either party or rely on it when denying Truelove's motion.

This case is distinguishable from our nonprecedential decision in *Leckner* on these grounds. In *Leckner*, the defendant moved for a downward dispositional departure on the basis that he was unlikely to receive necessary mental-health treatment in prison. 2020 WL 3172651, at *1-2. During his sentencing hearing, he submitted evidence of his need for mental-health treatment and testified that he had not received any while previously incarcerated. *Id.* The district court continued the sentencing hearing to visit one of the two prisons where Leckner could have been incarcerated. *Id.* at *3. When the district court reconvened the sentencing hearing, it explained that it had visited the correctional facility and that individuals can “get more services in prison than [they] could ever get in the public.” *Id.* at *2 (emphasis omitted). The district court then denied Leckner's departure motion. *Id.* at *3.

On appeal, we explained that the district court's conduct violated *Dorsey*'s bright-line rule against independent investigations of facts in evidence because it performed this action “to discover information in response to Leckner's evidence about the lack of treatment opportunities in Minnesota prisons.” *Id.* We therefore concluded that “the district court's deliberate decision to continue the sentencing hearing to independently gather additional information and the court's subsequent reliance on that information, for the specific purpose of making a sentencing decision, denied Leckner his right to an impartial decision maker.” *Id.* at *4. Accordingly, we reversed the district court's denial of Leckner's departure motion and remanded for resentencing. *Id.*

Here, the district court did not access extra-record information—the email—to discover information in response to evidence Truelove submitted during the sentencing hearing. The email was not related to the facts in evidence offered by Truelove in support of a departure—it concerned only an argument that Truelove’s counsel made at the sentencing hearing. The district court did not rely upon the email for the purpose of making a sentencing decision, and the court’s mention of the email did not injure the rights of either party. Accordingly, the district court’s conduct in this case, unlike the district court’s conduct in *Leckner*, did not violate *Dorsey*’s bright-line rule.

Affirmed.