

*This opinion is nonprecedential except as provided by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
A25-1264**

State of Minnesota,
Respondent,

vs.

Bruce Alvin Thompson,
Appellant.

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

Carlton County District Court
File No. 09-CR-24-1533

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

Jeffrey L.H. Boucher, Carlton County Attorney, Carlton, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Peter H. Dahlquist, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Larson, Presiding Judge; Johnson, Judge; and Kirk,
Judge.*

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

NONPRECEDENTIAL OPINION

JOHNSON, Judge

Bruce Alvin Thompson pleaded guilty to domestic assault. He moved for a downward dispositional departure from the presumptive sentencing range. The district court denied the motion and imposed an executed sentence of 32 months of imprisonment. We conclude that the district court did not err by denying the motion. Therefore, we affirm.

FACTS

In September 2024, Thompson and a cousin, M.O., drank alcoholic beverages together outside the apartment building where both of them lived. They later went to Thompson's apartment, where they continued drinking. While in the apartment, Thompson hit M.O. in the face, thereby causing significant bruising. Also, M.O. reported that, before hitting her, Thompson touched her breasts without her consent and told her that he wanted to have sex with her.

The state charged Thompson with domestic assault, in violation of Minn. Stat. § 609.2242, subd. 4 (2024); third-degree assault, in violation of Minn. Stat. § 609.223, subd. 1 (2024); and fifth-degree criminal sexual conduct, in violation of Minn. Stat. § 609.3451, subd. 1a(1) (2024). The state later dismissed the charge of criminal sexual conduct.

In March 2025, the district court conducted a hearing at which it ruled on various pre-trial issues, including motions *in limine*. After a recess, Thompson informed the district court that he wished to plead guilty. During the plea hearing, Thompson admitted

that he hit M.O. in the face and injured her. The district court accepted Thompson's plea with respect to the charge in count 1.

Before sentencing, Thompson filed a motion for a downward dispositional departure from the presumptive sentencing range. Thompson argued that there are substantial and compelling reasons for a departure, including his need for chemical-dependency treatment, his advanced age of 72, and significant health issues. The state opposed the motion and argued that substantial and compelling reasons for a departure are not present because of Thompson's record of violent felonies and his prior criminal conduct while on probation. The state also argued that Thompson's health issues did not prevent him from engaging in violent criminal acts.

At the sentencing hearing, the parties presented oral arguments in support of their respective positions. Thompson argued that his age, his health issues, his need for chemical-dependency treatment, and the support of his family made him particularly amenable to probation. In response, the state argued that placing Thompson on probation posed a significant risk to public safety given his history of violent conduct while on probation. The state read a victim-impact statement. Thompson spoke in allocution. He expressed regret about pleading guilty and stated that he had "never hit her." Thompson also spoke at length about M.O.'s size and weight and said that he found her unattractive.

The district court denied Thompson's motion for a departure. In doing so, the district court stated that it had reviewed the pre-sentence investigation (PSI) report "a number of times" and had "been thinking about this sentencing for quite some time." The district court noted that Thompson's statements at the sentencing hearing are "in stark

contrast” to the statements he had made during the pre-sentence investigation. The district court noted Thompson’s lengthy criminal record, including serious offenses, which the district court recited on the record. The district court acknowledged Thompson’s health issues but noted that they had not prevented him from engaging in violent criminal activity. The district court also noted Thompson’s lack of remorse and his disrespectful and offensive remarks about the victim. The district court concluded by stating that there are “absolutely no reasons” to depart from the presumptive sentencing range, which would require “substantial and compelling reasons,” a finding that “the court cannot in any way make.” The district imposed an executed sentence of 32 months of imprisonment. Thompson appeals.

DECISION

Thompson argues that the district court erred by denying his motion for a downward dispositional departure.

The Minnesota Sentencing Guidelines prescribe presumptive sentences for felony offenses. Minn. Sent’g Guidelines 2.C (2024). For any particular offense, the guidelines sentence is “presumed to be appropriate for all typical cases sharing criminal history and offense severity characteristics.” Minn. Sent’g Guidelines 1.B.13 (2024). Accordingly, a district court “must pronounce a sentence . . . within the applicable [presumptive] range unless there exist identifiable, substantial, and compelling circumstances to support a departure.” Minn. Sent’g Guidelines 2.D.1 (2024).

If a defendant requests a downward departure, a district court first must determine whether “mitigating circumstances are present” and, if so, whether “those circumstances

provide a ‘substantial[] and compelling’ reason not to impose a guidelines sentence.” *State v. Soto*, 855 N.W.2d 303, 308 (Minn. 2014) (alteration in original) (quoting *State v. Best*, 449 N.W.2d 426, 427 (Minn. 1989), and Minn. Sent’g Guidelines 2.D.1 (2012)). If substantial and compelling reasons exist, the district court has discretion to order a downward departure. *Soto*, 855 N.W.2d at 308; *Best*, 449 N.W.2d at 427.

Particular amenability to probation is one of the mitigating factors recognized in the sentencing guidelines as a basis for a downward dispositional departure. Minn. Sent’g Guidelines 2.D.3.a(7) (2024). Particular amenability to probation is not established if the defendant is only somewhat amenable to probation. *Soto*, 855 N.W.2d at 308-09. Rather, the defendant must be “*particularly*” amenable to probation in a way that “distinguishes the defendant from most others and truly presents the substantial and compelling circumstances that are necessary to justify a departure.” *Id.* at 309 (quotation omitted). In determining whether a defendant is particularly amenable to probation so as to justify a downward dispositional departure, a district court may consider, among other things, “the defendant’s age, his prior record, his remorse, his cooperation, his attitude while in court, and the support of friends and/or family.” *State v. Trog*, 323 N.W.2d 28, 31 (Minn. 1982).

If a district court departs from the presumptive sentence, the district court is required to state the reason or reasons for the departure. Minn. Sent’g Guidelines 2.D.1.c (2024). But if the district court does not depart, the district court is not required to state reasons for imposing a presumptive sentence. *State v. Johnson*, 831 N.W.2d 917, 925 (Minn. App. 2013), *rev. denied* (Minn. Sept. 17, 2013); *State v. Van Ruler*, 378 N.W.2d 77, 80 (Minn. App. 1985). This court applies an abuse-of-discretion standard of review to a district

court's denial of a request for a downward departure. *Soto*, 855 N.W.2d at 307-08. Only in a “rare case” will an appellate court reverse a district court's imposition of a presumptive sentence. *State v. Bertsch*, 707 N.W.2d 660, 668 (Minn. 2006) (quoting *State v. Kindem*, 313 N.W.2d 6, 7 (Minn. 1981)).

In this case, Thompson argues that the district court's decision is against logic and the facts in the record. He contends that the district court did not give full consideration to the *Trog* factors. Specifically, he contends that “the district court failed to consider Thompson's age, his need for probationary treatment both for his chemical health and medical health needs, his support of family and friends, and his cooperation and attitude while in court.”

Thompson's contention is inconsistent with caselaw stating that a district court need not discuss all the *Trog* factors if the district court denies a motion for a downward dispositional departure. *See State v. Pegel*, 795 N.W.2d 251, 254 (Minn. App. 2011). In addition, Thompson's contention is inconsistent with the record, which shows that the district court did consider some of the *Trog* factors that Thompson says were not considered. For example, the district court stated, “I understand and empathize with your health issues,” but the district court also stated that those health issues “have not prevented you from committing violent acts.” In addition, the district court addressed Thompson's cooperation when it stated that Thompson's statements at the sentencing hearing are “in stark contrast” to the statements he had made during the pre-sentence investigation. Furthermore, the district court addressed Thompson's attitude while in court by stating that his “comments about the victim . . . are deplorable [and] absolutely sickening.” The district

court's reasons for denying Thompson's motion are supported by the record. The district court's recitation of Thompson's criminal record corresponds to the PSI report. Many of Thompson's prior convictions coincide with the time period in which he was experiencing health issues and receiving medical treatment. During allocution, Thompson denied assaulting M.O. at least eight times and made numerous disparaging remarks about M.O.

The *Trog* factors that the district court did not mention do not compel the conclusion that there are substantial and compelling reasons for a downward dispositional departure from a presumptive sentence of 32 months. It appears that Thompson was not in chemical-dependency treatment at the time of sentencing; his attorney represented merely that he was "willing to do treatment." Also, the record lacks documentary evidence of support from Thompson's family and friends, such as letters. Thompson's attorney represented to the district court in motion papers that Thompson's family "is willing to support him, having frequently appeared at hearings, and stayed in contact with him in the jail." At the sentencing hearing, Thompson's attorney noted that Thompson's adult daughter was in the gallery. The transcript reveals that Thompson's adult daughter disrupted the proceedings twice, first to defend Thompson's derogatory comments toward M.O. and, second, to criticize Thompson's attorney for Thompson's guilty plea. The adult daughter's comments raise questions about whether she would provide positive support for court-ordered probation. Thompson's contention that his age at the time of sentencing (72 years old) justifies a probationary sentence is unsupported by caselaw, which generally recognizes that youth (not advanced age) may justify a more lenient sentence. *See Soto*, 855 N.W.2d

at 310; *Trog*, 323 N.W.2d at 30-31. Thus, the *Trog* factors on which Thompson relies do not overcome the district court's stated reasons for denying his departure motion.

In sum, the district court did not err by determining that there are no substantial and compelling reasons for a downward dispositional departure and by denying Thompson's motion.

Affirmed.