

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subdivision 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1657**

John Kevin Melina, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed July 20, 2026
Affirmed
Ede, Judge**

Wright County District Court
File Nos. 86-CR-18-1000, 86-CR-18-2741, 86-CR-18-5642

Cathryn Middlebrook, Chief Appellate Public Defender, Andrew J. Nelson, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

Brian A. Lutes, Wright County Attorney, Jennifer K. Buske, Assistant County Attorney, Buffalo, Minnesota (for respondent)

Considered and decided by Ede, Presiding Judge; Bentley, Judge; and Halbrooks, Judge.*

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

NONPRECEDENTIAL OPINION

EDE, Judge

Appellant challenges the district court's order denying his motion to correct his sentences in three separate matters. He argues that the district court abused its discretion in determining that he received felony-level sentences in each case because his convictions were deemed gross misdemeanors based on the length of the imprisonment terms that the court imposed. We affirm.

FACTS

In 2018, respondent State of Minnesota charged appellant John Kevin Melina in three separate complaints—district court file nos. 86-CR-18-1000 (file 1000), 86-CR-18-2741 (file 2741), and 86-CR-18-5642 (file 5642)—that each alleged one count of felony fleeing a peace officer in a motor vehicle, in violation of Minnesota Statutes section 609.487, subdivision 3 (2016). The charges in each file arose from incidents in February 2018 (file 1000), May 2018 (file 2741), and October 2018 (file 5642).¹

In June 2018, Melina reached a plea agreement with the state to resolve file 1000 and file 2741 and pleaded guilty to the felony fleeing charges in each file, and the matter proceeded to a sentencing hearing. As to file 1000, the district court stayed imposition of sentence and placed Melina on probation for three years under certain conditions, including that he serve 180 days in jail. Concerning file 2741, the district court likewise stayed

¹ Minnesota Statutes section 609.487, subdivision 3 (2018)—the version of the statute under which the state charged Melina in file 5642—is identical to the 2016 provision cited above.

imposition of sentence and placed Melina on probation for three years under certain conditions, including a jail sanction of 180 days, concurrent with the carceral term in file 1000. The district court also filed sentencing orders in both matters, stating for each fleeing charge, among other things: that the “level of sentence” is “felony”; that the “sentence is a stay of imposition pursuant to [Minnesota Statutes section] 609.135”; that “successful completion of probation will result in a misdemeanor conviction”; that the statute of conviction is subdivision 3 of Minnesota Statutes section 609.487; that Melina “is placed on supervised probation for 3 years”; and that Melina is “sentenced to 180 days in the Wright County Jail.”² The district court made no departure findings as to these two cases.

In November 2019, Melina reached a plea agreement with the state to resolve file 5642. The district court held an omnibus hearing in file 5642 concurrently with probation-violation hearings in file 1000 and file 2741. Melina pleaded guilty in file 5642 and proceeded immediately to sentencing. The district court stayed imposition of sentence and ordered that Melina serve 180 days in jail, “concurrent to [his] other two files,” noting that the court was giving Melina “another chance to keep these as misdemeanors.” And the district court filed a sentencing order in file 5642 providing, inter alia: that the “level of sentence” is “felony”; that the “sentence is a stay of imposition pursuant to [Minnesota Statutes section] 609.135”; that “successful completion of probation will result in a misdemeanor conviction”; that the statute of conviction is subdivision 3 of Minnesota Statutes section 609.487; that Melina “is placed on supervised probation for 3 years”; and

² The sentencing order in file 2741 also provides that the sentence in that case is concurrent with file 1000.

that Melina is “sentenced to 180 days in the Wright County Jail.”³ The district court made no departure findings as to its disposition of file 5642.

During the same hearing, the district court addressed the probation violations in file 1000 and file 2741 that arose from Melina’s admission to the conduct underlying file 5642. The district court reinstated Melina on probation in file 1000 and file 2741, ordering, among other things, that he “serve 30 days [in] jail.” And the district court filed amended sentencing orders in file 1000 and file 2741, adding the 30-day jail sanction but otherwise maintaining the same terms and conditions for those files, as described above. The district court made no departure findings in addressing the probation violations and amending the dispositions in file 1000 and file 2741.

At a hearing in September 2020, Melina admitted that he violated certain terms and conditions of his probation in all three files.⁴ Concerning file 1000, the district court vacated the stay of imposition of sentence, imposed a prison term of 12 months and one day, and stayed execution of that sentence for three years and one day, placing Melina on supervised probation with the condition that he serve 50 days in jail. As to file 2741 and file 5642, the district court similarly vacated the stays of imposition of sentences in each case, imposed 13-month prison terms, and stayed execution of each sentence for three years and one day, placing Melina on supervised probation with the condition that he serve 50

³ The sentencing order in file 5642 also provides that the sentence in that case is “concurrent with another case number,” apparently referring to both file 1000 and file 2741.

⁴ At the hearing during which he admitted these probation violations, Melina repeatedly told the district court that he understood that his admissions would result in his convictions in file 1000, file 2741, and file 5642 remaining felonies.

days in jail. The district court ordered that the sentences it imposed in all three matters run concurrent with each other.

The amended sentencing orders addressing these probation violations provide that, as to the felony fleeing charges in each case, the “level of sentence” is “felony,” the statute of conviction is subdivision 3 of Minnesota Statutes section 609.487, and Melina received each of the aforementioned prison terms under stays of execution of sentence, with probationary periods of three years and one day and a jail sanctions of 50 days. The district court also noted in the amended sentencing orders that these sentences were not departures from the Minnesota Sentencing Guidelines.

In March 2022, a prosecutor in a separate criminal case against Melina—unrelated to file 1000—mischaracterized the sentence in that file, before correcting the error:

Then file 86-CR-18-1000, felony flee peace officer in a motor vehicle. Although it does appear, Your Honor, that that was sentenced as a gross misdemeanor, the charge was a felony. . . .

. . . .

. . . I’m sorry, Your Honor. There was a three-year term of probation on . . . file . . . 1000 to court services. So it actually looks like a stay of execution, my apologies. So that does appear to be a felony with the local jail time ordered.

In January 2025, Melina moved to correct his sentences in all three cases under Minnesota Rule of Criminal Procedure 27.03, subdivision 9, contending that his convictions were gross misdemeanors “because the [original] sentence[s]

imposed . . . [were] within the limits provided by law for a gross misdemeanor.”⁵ The district court later held a hearing on the motions and ruled, “based on [the court’s] review of all three files, with the revocation of the stay of imposition and the resentencing to a stay of execution of . . . sentence, [Melina] . . . received convictions for three felonies.” And the district court filed a written order memorializing its ruling to that effect, captioned with the case numbers for file 1000, file 2741, and file 5642.

Melina appeals from that order.

DECISION

In challenging the district court’s order denying his motion to correct his sentences in file 1000, file 2741, and file 5642, Melina contends that the court “abused its discretion when it found that he had received felony-level sentences.” More specifically, Melina maintains that, “when [he] was charged in all three cases, a gross misdemeanor was defined as a sentence between 91 days and one year,” that he “was sentenced to 180 days in the Wright County Jail in all three files,” and that “[a] felony conviction is deemed a gross misdemeanor if the sentence imposed is within gross misdemeanor limits.” The state counters that “Melina received felony-level sentences on files 1000, 2741, and 5642.” In support of this argument, the state asserts that the 180-day jail terms were conditions of his probation under the initial stays of imposition of sentence in the three matters. We agree with the state.

⁵ Before Melina filed these motions, the district court discharged him from probation in each matter, without further relevant amendments to the sentences in each case.

“Appellate courts ‘review a district court’s denial of a motion to correct a sentence under Minnesota Rule of Criminal Procedure 27.03, subdivision 9, for an abuse of discretion.’” *Pizarro-Rios v. State*, 23 N.W.3d 626, 631 (Minn. App. 2025) (quoting *Evans v. State*, 880 N.W.2d 357, 359 (Minn. 2016)). “The district court abuses its discretion when its decision is based on an erroneous application of the law or is against logic and the facts in the record.” *Id.* (quotation omitted). “A defendant bears the burden of proof to demonstrate that a sentence was unlawful under rule 27.03.” *Mason v. State*, 16 N.W.3d 828, 835 (Minn. App. 2025) (citing *Williams v. State*, 910 N.W.2d 736, 742–43 (Minn. 2018)), *rev. denied* (Minn. Apr. 23, 2025).

Minnesota Statutes section 609.487, subdivision 3, provides that a person who, “by means of a motor vehicle flees or attempts to flee a peace officer who is acting in the lawful discharge of an official duty,” and who “knows or should reasonably know the same to be a peace officer, is guilty of a felony and may be sentenced to imprisonment for not more than three years and one day or to payment of a fine of not more than \$5,000, or both.” “Notwithstanding a conviction is for a felony[,] . . . the conviction is deemed to be for . . . a gross misdemeanor if the sentence imposed is within the limits provided by law for a . . . gross misdemeanor as defined in section 609.02” Minn. Stat. § 609.13, subd. 1(1) (2016). In that connection, Minnesota Statutes section 609.02, subdivision 2 (2016), provides that “[f]elony’ means a crime for which a sentence of imprisonment for more than one year may be imposed.” “‘Misdemeanor’ means a crime for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both,

may be imposed.” Minn. Stat. § 609.02, subd. 3 (2016). And “[g]ross misdemeanor” means any crime which is not a felony or misdemeanor.” *Id.*, subd. 4 (2016).

“It is clear under both the Minnesota Rules of Criminal Procedure and persuasive caselaw that the responsibility for stating the precise terms of a sentence rests squarely with the [district] court.” *State v. Staloch*, 643 N.W.2d 329, 332 (Minn. App. 2002) (footnote omitted). Moreover, the district court’s “oral pronouncement of a sentence controls.” *Id.* And “local incarceration is a recognized condition of probation.” *State v. Moody*, 806 N.W.2d 874, 877 (Minn. App. 2011), *rev. denied* (Minn. Mar. 28, 2012); *see also* Minn. Stat. § 609.135, subds. 1, 4 (2016) (providing that a district court “may stay imposition or execution of sentence and . . . place the defendant on probation . . . on the terms the court prescribes, including intermediate sanctions when practicable”; that “the term ‘intermediate sanctions’ includes but is not limited to incarceration in a local jail”; and that “[t]he court may, as a condition of probation, require the defendant to serve up to one year incarceration in a county jail”).⁶

As to each file, after Melina pleaded guilty to felony fleeing a peace officer, the district court did not impose any sentence whatsoever but rather initially stayed the imposition of sentence and placed him on probation for three years under certain conditions, including that he serve 180 days in jail. These were not sentences imposed by the district court within the limits provided by law for a gross misdemeanor, as defined in

⁶ Minnesota Statutes section 609.02, subdivisions 2 to 4 (2018), Minnesota Statutes section 609.13, subdivision 1(1) (2018), and Minnesota Statutes section 609.135, subdivisions 1, 4 (2018)—the versions of those statutes applicable to file 5642—are identical to the 2016 provisions cited above.

Minnesota Statutes section 609.02, which would have resulted in the convictions being deemed gross misdemeanors. *See* Minn. Stat. § 609.13, subd. 1(1). Indeed, the district court made none of the findings that it would have had to make if it had actually imposed a sentence and durationally departed downward in any of the three matters. *See State v. Stempfley*, 900 N.W.2d 412, 416–17 (Minn. 2017) (“The Minnesota Rules of Criminal Procedure, the Minnesota Sentencing Guidelines, and Minnesota Statutes section 244.10, subdivision 2 (2016), all require the district court to make a record of its reasons for any deviation from the Guidelines.”); *see also* Minn. Stat. § 244.10, subd. 2 (“[T]he district court shall make written findings of fact as to the reasons for departure from the Sentencing Guidelines in each case in which the court imposes or stays a sentence that deviates from the Sentencing Guidelines applicable to the case.”); Minn. R. Crim. P. 27.03, subd. 4(C) (“[T]he court must make findings of fact supporting the departure.”); Minn. Sent’g Guidelines 2.D.1.c (Supp. 2017) (“In exercising the discretion to depart from a presumptive sentence, the court must disclose in writing or on the record the particular substantial and compelling circumstances that make the departure more appropriate than the presumptive sentence.”).⁷ Instead, the district court stayed the imposition of sentence, placed Melina on probation, and imposed terms of local incarceration as probationary conditions in the three cases. *See* Minn. Stat. § 609.135, subds. 1, 4; *see also Moody*, 806 N.W.2d at 877.

⁷ Minnesota Sentencing Guidelines 2.D.1.c (2018) and Minnesota Statutes section 244.10, subdivision 2 (2018)—the versions of the sentencing guidelines and the statute applicable to file 5642—are identical to the 2016 provisions cited above.

Consistent with the district court’s oral pronouncements on the record, the court’s initial written sentencing orders in the three matters all state for each fleeing charge, among other things: that the “level of sentence” is “felony”; that the “sentence is a stay of imposition pursuant to [Minnesota Statutes section] 609.135”; that “successful completion of probation will result in a misdemeanor conviction”; that the statute of conviction is subdivision 3 of Minnesota Statutes section 609.487; that Melina “is placed on supervised probation for 3 years”; and that Melina is “sentenced to 180 days in the Wright County Jail.” Given the district court court’s controlling oral pronouncements of probation with terms of local incarceration as conditions in all three files and its written sentencing orders consistent therewith, we reject Melina’s claim that he received gross-misdemeanor sentences based on references to the jail terms as “sentence[s]” in plea petitions and by defense counsel. *See Staloch*, 643 N.W.2d at 332. For the same reasons, we are unconvinced by Melina’s reliance on the March 2022 brief mischaracterization of the sentence in file 1000 by a prosecutor in a separate, unrelated criminal case, which the prosecutor promptly corrected. *See id.*

In sum, Melina has not met his burden of establishing that his felony sentences in the three matters before us are unlawful under Minnesota Rule of Criminal Procedure 27.03, subdivision 9. *See Mason*, 16 N.W.3d at 835. We conclude that the district court acted within its discretion in denying his motions to correct his sentences because its

decision is neither based on an erroneous application of the law nor against logic and the facts in the record. *See Pizarro-Rios*, 23 N.W.3d at 631.⁸

Affirmed.

⁸ While Melina’s arguments on appeal largely focus on the 2018 and 2019 sentences he received in each file, the district court’s September 2020 probation-violation decisions in vacating the stays of imposition of sentence in each case reinforce our conclusion that all three matters are felony rather than gross-misdemeanor convictions. In particular: the court stayed the execution of felony-level sentences in each file (i.e., 12 months and one day in file 1000, and 13 months in file 2741 and file 5642); the length of the probation terms that the court imposed (i.e., three years and one day) was longer than that permitted under Minnesota law for gross misdemeanors (i.e., two years); the court noted in the amended sentencing orders that the sentences were not departures from the Minnesota Sentencing Guidelines; and the court’s controlling oral pronouncements and consistent amended sentencing orders show that the court imposed probation with terms of local incarceration as conditions as to all three matters. *See* Minn. Stat. § 609.02, subd. 2; Minn. Stat. § 609.135, subd. 2 (2016); *Stempfley*, 900 N.W.2d at 416–17; *Staloch*, 643 N.W.2d at 332. Minnesota Statutes section 609.135, subdivision 2 (2018)—the version of that statute applicable to file 5642—is identical to the 2016 provision just cited.