

*This opinion is nonprecedential except as provided by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
A25-1779**

State of Minnesota,
Respondent,

vs.

Bryan William Demarais,
Appellant.

**Filed August 17, 2026
Affirmed
Worke, Judge**

Meeker County District Court
File No. 47-CR-24-2

Keith Ellison, Attorney General, Lydia Villalva Lijó, Assistant Attorney General, St. Paul, Minnesota; and

Brandi Schiefelbein, Meeker County Attorney, Litchfield, Minnesota (for respondent)

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

Considered and decided by Ede, Presiding Judge; Worke, Judge; and Reilly, Judge.*

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

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant challenges the district court’s imposition of the top-of-the-box sentence¹ for appellant’s second-degree murder conviction. We affirm.

FACTS

In January 2024, respondent State of Minnesota charged appellant Bryan William Demarais with second-degree murder and two counts of child endangerment. *See* Minn. Stat. §§ 609.19, subd. 1, .378, subd. 1(b)(1) (2022). The presumptive sentence for the murder offense was 306 months in prison, with a range between 261 and 367 months. The state moved for an aggravated sentence because Demarais murdered his wife in the presence of their children. The district court granted the state’s motion.

In July 2025, Demarais pleaded guilty to the three offenses. The agreement provided that Demarais would request a 306-month prison sentence, and the state would withdraw its aggravated-departure motion and request a 367-month prison sentence. The victim’s family also wanted the district court to impose the 367-month prison sentence.

Demarais entered a *Norgaard* plea, claiming to “not remember the circumstances of the offenses,” but acknowledging that the state’s evidence was sufficient for a jury to find him guilty. *See State ex rel. Norgaard v. Tahash*, 110 N.W.2d 867 (Minn. 1961). In establishing the factual basis to support the plea, Demarais agreed that he was married to

¹ A presumptive sentence is often referred to as the “middle of the box.” *State v. Morgan*, 968 N.W.2d 25, 28 n.2 (Minn. 2021). “The longest and shortest terms in the presumptive range are commonly called the ‘top of the box’ and the ‘bottom of the box.’” *Id.*

K.D., and they had two young children. On the morning of December 28, 2023, Demarais and K.D. argued about marital issues. Demarais went to work, but he left early and returned home because he was upset. Demarais took a firearm that was in the house and was going to move it to the garage. Demarais and K.D. began to argue. Demarais claimed that this was the last thing that he remembered.

Demarais acknowledged that the state was prepared to present the following facts to the jury. The children were in a bedroom when they heard arguing and then multiple gunshots. The children saw K.D. fall to the ground. K.D. yelled out to call 911. The older child asked Demarais if the child should call 911. Demarais responded that he would call 911 and closed the bedroom door. The children heard additional gunshots and were scared because they thought that an intruder had entered the home. When officers arrived, they helped the children climb out of the bedroom window. In his 911 call, Demarais admitted that he shot K.D. “repeatedly” using a .22-caliber firearm. K.D. suffered nine gunshot wounds.

At the sentencing hearing, the state argued that a 367-month prison sentence was proper because K.D. was unarmed and in her own home, and her children witnessed her fall to the ground and beg for help. The prosecutor asserted that Demarais did not express any remorse, and “throughout the investigation and jail messages, [Demarais] attempted to paint [K.D.] as a mean monster that deserved to be dead and that [the children] are better off without having [her] in their lives.” The prosecutor stated that Demarais described K.D. as “the enemy, a black shadow, and the danger.” The prosecutor stated that, because the children were adopted by Demarais’s parents, they will only ever hear negative

comments about their mother. Several victim-impact statements from K.D.'s family members were read at sentencing.

Demarais argued that he should receive a 306-month prison sentence because “the presumed sentence is the appropriate sentence.” He argued that he immediately called 911 and cooperated with law enforcement, he is a veteran, and he has no criminal history.

The district court sentenced Demarais to 367 months in prison for his murder conviction, a concurrent 28 months in prison for the first child-endangerment conviction, and a concurrent 33 months in prison for the second child-endangerment conviction. The district court noted that Demarais had taken responsibility by pleading guilty. But the district court stated that 367 months was appropriate because the children will be without their mother for the rest of their lives, Demarais failed to show remorse, and the children were frightened during the murder. This appeal followed.

DECISION

Demarais argues that the district court abused its discretion by imposing the top-of-the-box sentence. “We afford the [district] court great discretion in the imposition of sentences” and review its sentencing decision only for an abuse of that discretion. *State v. Soto*, 855 N.W.2d 303, 307-08 (Minn. 2014) (quotation omitted). A district court abuses its discretion when its decision is contrary to law or against logic and the facts on record. *Riley v. State*, 792 N.W.2d 831, 833 (Minn. 2011).

A district court must pronounce a sentence within the applicable range provided in the Minnesota Sentencing Guidelines, unless “identifiable, substantial, and compelling circumstances” support a departure. Minn. Sent’g Guidelines 2.D.1 (2022). A sentence

within the guidelines range is presumed appropriate. *Id.* And a sentence within the guidelines range is not a departure, but “is a presumptive sentence . . . generally not subject to appellate review of the district court’s exercise of its discretion.” *State v. Delk*, 781 N.W.2d 426, 427 (Minn. App. 2010), *rev. denied* (Minn. July 20, 2010). “Presumptive sentences are seldom overturned.” *Id.* at 428 (quotation omitted). This court will affirm the imposition of a presumptive sentence when a district court carefully evaluated all the testimony and information presented before making a decision. *State v. Johnson*, 831 N.W.2d 917, 925 (Minn. App. 2013), *rev. denied* (Minn. Sept. 17, 2013).

Here, Demarais acknowledges that his sentence is within the presumptive guidelines range, but he argues that it unfairly exaggerates the criminality of his conduct and that the district court impermissibly considered “social factors.” Specifically, Demarais argues that the district court should not have considered that the children would not have a mother and that he was not remorseful.

The district court properly considered all of the information presented at sentencing and did not abuse its discretion by imposing the top-of-the-box sentence. First, as part of the plea agreement, the state indicated its intent to seek the top-of-the-box sentence, so Demarais was always aware that the state would seek this sentence. Second, the district court had granted the state’s motion to seek an aggravated sentence. So, the state believed that Demarais should receive a longer sentence than the 367-month sentence and would have been able to argue for a longer sentence if Demarais had been found guilty after a trial.

Additionally, while “social factors” are not to be considered in justifying a sentencing departure, this case does not involve a departure. *See State v. Solomon*, 359 N.W.2d 19, 22 (Minn. 1984) (stating that social and economic factors may not be considered except indirectly in determining whether a defendant is particularly amenable to probation). Finally, while Demarais argues that the district court should not have considered his lack of remorse, a district court does not have to explain its reasons for imposing a presumptive sentence when it considers all relevant information before imposing sentence. *See State v. Van Ruler*, 378 N.W.2d 77, 80 (Minn. App. 1985).

The district court was aware of the parties’ agreement regarding sentencing and heard the parties’ sentencing arguments. The district court also considered the victim-impact statements, the fact that the children witnessed their mother’s murder and would live their lives without her, and the fact that Demarais did not express remorse and instead stated that the children would be better off without their mother. The record supports the district court’s sentencing decision; therefore, the district court did not abuse its discretion by imposing the top-of-the-box sentence.

Affirmed.