

*This opinion is nonprecedential except as provided by  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  
A25-1844**

State of Minnesota,  
Respondent,

vs.

Deandre Ladarlyl Lipscomb,  
Appellant.

**Filed September 14, 2026  
Affirmed  
Beane, Judge**

Hennepin County District Court  
File No. 27-CR-24-10430

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

Mary F. Moriarty, Hennepin County Attorney, Matthew D. Hough, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

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

Considered and decided by Ross, Presiding Judge; Larson, Judge; and Beane, Judge.

**NONPRECEDENTIAL OPINION**

**BEANE, Judge**

After pleading guilty to one count of possession of a firearm by an ineligible person, appellant Deandre Ladarlyl Lipscomb was sentenced to the mandatory minimum of 60 months' imprisonment. On appeal, Lipscomb argues that the district court abused its

discretion by failing to grant him downward dispositional and durational sentencing departures. Lipscomb also argues that if the district court was unable to grant either departure due to the mandatory minimum sentence, he should be allowed to withdraw his guilty plea because it was entered unintelligently. We affirm.

## **FACTS**

Respondent State of Minnesota charged Lipscomb by amended complaint with second-degree assault with a dangerous weapon and possession of a firearm by an ineligible person<sup>1</sup> following an incident in which the complaint alleged he shot at an occupied vehicle parked at a store.

Lipscomb agreed to plead guilty to possession of a firearm by an ineligible person and, in exchange, the state agreed to dismiss the second-degree assault charge. To effectuate that agreement, Lipscomb signed and filed a petition to enter a plea of guilty. In the petition, Lipscomb acknowledged that (1) he understood the charges against him, (2) the mandatory minimum sentence for this offense was 60 months in prison, and (3) he was represented by counsel and had reviewed the facts of his case.

The district court then held a hearing at which Lipscomb pleaded guilty. During the plea colloquy, Lipscomb acknowledged that he had reviewed and signed the petition, “understood and had read each and every line” of the petition, “agreed to all of its terms,” was “of a clear and sound mind,” and understood the rights he was relinquishing. Following the plea colloquy, the district court concluded that Lipscomb had “knowingly, voluntarily,

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<sup>1</sup> Lipscomb was previously convicted of attempted first-degree aggravated robbery, making him ineligible to possess a firearm. Minn. Stat. § 624.713, subd. 1(2) (2022).

and intelligently” waived his right to a trial. Lipscomb and his attorney then reviewed the circumstances of his case, including his understanding that, because of his previous conviction, he would be subject to a mandatory minimum sentence.

At sentencing, the state requested the mandatory minimum sentence of 60 months. In response, Lipscomb’s counsel stated that “this is a case where it is a mandatory, a hard mandatory,” but “[i]f the [c]ourt would choose to not follow the mandatory, . . . I think he is amenable to probation.” After Lipscomb’s allocution, the district court observed that it lacked discretion to impose a different sentence and imposed the mandatory minimum sentence of 60 months’ imprisonment. At no point before or during sentencing did Lipscomb file a motion or request a downward dispositional or durational departure.

Lipscomb appeals.

## **DECISION**

### **I.**

We first consider Lipscomb’s argument that the district court abused its discretion by failing to grant him a downward dispositional or durational departure at sentencing.

The Minnesota Sentencing Guidelines allow a district court to depart from the recommended sentence or disposition. A durational departure is a sentence that differs in length from the range prescribed by the sentencing guidelines. Minn. Sent’g Guidelines 1.B.5.b (Supp. 2023). A durational departure focuses on offense-related factors and may be appropriate if the defendant’s offense-related conduct is “significantly less serious than that typically involved in the commission of the offense.” *State v. Solberg*, 882 N.W.2d 618, 624 (Minn. 2016) (quotation omitted). And a dispositional departure “occurs when the

court orders a disposition other than that recommended” in the sentencing guidelines. Minn. Sent’g Guidelines 1.B.5.a. (Supp. 2023). When considering a dispositional departure, a court “typically focuses on characteristics of the defendant that show whether the defendant is particularly suitable for individualized treatment in a probationary setting.” *Solberg*, 882 N.W.2d at 623 (quotation omitted). We review a district court’s departure decision for an abuse of discretion. *State v. Soto*, 855 N.W.2d 303, 307-08 (Minn. 2014).

Because Lipscomb had previously been convicted of attempted first-degree aggravated robbery, Minnesota Statutes section 609.11, subdivision 8(b), required the district court to sentence Lipscomb to the statutory mandatory minimum sentence of 60 months’ imprisonment. Minn. Stat. § 609.11, subds. 5(b), 8(b) (2022). The district court therefore lacked discretion to grant a downward departure in this case. *See State v. Sheppard*, 587 N.W.2d 53, 56 (Minn. App. 1998) (stating that the district court has “no discretion to depart from minimum sentences under those circumstances described in [Minnesota Statutes] section 609.11, subd. 8(b)”), *rev. denied* (Minn. Jan. 27, 1999).

Lipscomb—without disputing that section 609.11, subdivision 8(b), applies in this case—nonetheless argues that the district court abused its discretion by failing to grant him a downward dispositional or downward durational departure. But even if the district court could have granted a departure, Lipscomb neither filed a motion seeking a departure nor requested one from the district court at sentencing. During the sentencing hearing, Lipscomb’s counsel stated only that “[i]f the [c]ourt would choose to not follow the mandatory, . . . I think he is amenable to probation.” No further record was made regarding Lipscomb’s particular amenability to probation or offense-related factors that might have

warranted a departure. We “generally will not decide issues which were not raised before the district court.” *Roby v. State*, 547 N.W.2d 354, 357 (Minn. 1996). For that reason, we have summarily rejected the argument that a district court should have granted a downward durational departure when the defendant did not request one. *See State v. Walker*, 913 N.W.2d 463, 468 n.1 (Minn. App. 2018). Here, the district court had no discretion to depart from the statutory mandatory minimum sentence, and even if it had such discretion, Lipscomb did not seek a departure or present facts at sentencing that would have justified a departure. Under these circumstances, the district court did not abuse its discretion by imposing the mandatory minimum sentence rather than a downward durational or dispositional departure.

## II.

We next address Lipscomb’s alternative argument that, if he is not entitled to a sentencing departure, he must be allowed to withdraw his guilty plea. Lipscomb contends that his guilty plea was unintelligent, and therefore invalid, because he believed that the district court had authority to grant a departure.

The validity of a guilty plea may be challenged for the first time on appeal. *State v. Epps*, 977 N.W.2d 798, 800 n.4 (Minn. 2022). “To be constitutionally valid, a guilty plea must be accurate, voluntary, and intelligent.” *State v. Raleigh*, 778 N.W.2d 90, 94 (Minn. 2010). A guilty plea is intelligently made if the defendant understands the charges against them, the rights they are waiving, and the consequences of their plea. *Id.* at 96. The consequences of a plea “refers to a plea’s direct consequences, namely the maximum

sentence and fine.” *Id.* The appellant bears the burden of proving the invalidity of their guilty plea, but we review its validity de novo. *Id.* at 94.

Lipscomb’s sole challenge to the validity of his guilty plea is that he misunderstood its consequences because he believed the district court had the authority to grant a departure at sentencing. His brief to this court asserts that Lipscomb never “agree[d] that it was not possible for him to receive any type of departure, nor did the state, the court, or defense counsel offer any explanation on the record as to why such a thing would not have been possible.” The record belies this assertion. Lipscomb signed a petition to enter a guilty plea, which expressly states that “the court may impose a sentence of imprisonment of not less than 60 months for this crime.” A signed plea petition that states the maximum sentence that could be imposed is evidence that can support a conclusion that the defendant understood the consequences of the plea. *See Perkins v. State*, 559 N.W.2d 678, 690 (Minn. 1997). During the plea hearing, Lipscomb confirmed that he had reviewed the petition “line by line” with his attorney and that he “understood and had read each and every line of the entire document.” Before the plea colloquy, the district court discussed the terms of the plea agreement with the prosecutor and defense counsel, and when asked whether the parties had agreed on a sentence, both attorneys confirmed their understanding that Lipscomb was subject to a mandatory 60-month sentence. Then, during the plea colloquy, Lipscomb confirmed his understanding that, because he was ineligible to possess a firearm due to a previous conviction for a crime of violence involving a firearm, he was subject to a “mandatory-mandatory sentence.”

At the sentencing hearing, Lipscomb asked the district court to be “lenient” but referenced his understanding that he was facing “60 months” in prison. And the prosecutor, defense counsel, and district court each addressed the mandatory nature of the 60-month sentence to be imposed. The record does not indicate that Lipscomb, upon hearing any of these references to a mandatory 60-month sentence, expressed confusion or asked to confer with his attorney for clarification. The fact that Lipscomb did not move for a departure at sentencing further indicates that all parties understood Lipscomb was subject to a mandatory sentence from which the district court could not depart. We are therefore not persuaded that Lipscomb has satisfied his burden to establish that his guilty plea was not intelligent.

To convince us otherwise, Lipscomb relies on *State v. Crawford*, in which this court held that a defendant’s guilty plea was not intelligent, and therefore was invalid, because the defendant pleaded guilty under the mistaken belief that the district court retained discretion to impose a dispositional departure even though the defendant was subject to a mandatory minimum sentence. 13 N.W.3d 693, 704 (Minn. App. 2024). But the circumstances in *Crawford* are readily distinguishable from those presented here. In *Crawford*, the state incorrectly asserted that a mandatory minimum sentence did not apply to Crawford’s first-degree controlled-substance offense because the charge against him did not reference his prior controlled-substance conviction. *Id.* at 695. Both the district court and defense counsel accepted that assertion. *Id.* Before pleading guilty, Crawford advised the state and the district court of his intent to seek a downward departure, to which neither the state nor the district court objected. *Id.* During Crawford’s plea hearing, the mandatory

minimum sentence was not addressed during the discussion of Crawford's intent to plead guilty and request a departure, and it was not mentioned during Crawford's waiver of trial rights in support of his guilty plea. *Id.* at 696. Instead, the district court told Crawford that it would consider his request for a departure at sentencing. *Id.* Under those circumstances, this court concluded that Crawford's guilty plea was invalid because he was misinformed of the consequences of his plea. *Id.* at 703-04.

Unlike the circumstances in *Crawford*, nothing in the record here indicates that the state or the district court misinformed Lipscomb about the consequences of his plea. Instead, the prosecutor, defense counsel, and the district court repeatedly discussed on the record that Lipscomb was subject to a mandatory minimum sentence. Lipscomb himself acknowledged the mandatory nature of the sentence he was facing, and he neither stated his intent to seek nor actually sought a downward departure. *Crawford* therefore does not support Lipscomb's contention that his guilty plea was invalid.

**Affirmed.**