

*This opinion is nonprecedential except as provided by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
A25-1901**

State of Minnesota,
Respondent,

vs.

Demetrius Santana Perez Solis,
Appellant.

**Filed July 6, 2026
Affirmed
Bratvold, Judge**

Mower County District Court
File No. 50-CR-21-2413

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

Kristen Nelsen, Mower County Attorney, Heather N. Kjos Schmit, Assistant County Attorney, Austin, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Steven P. Russett, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Larkin, Presiding Judge; Reyes, Judge; and Bratvold, Judge.

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

This appeal follows a previous appeal in which this court affirmed appellant's convictions but reversed in part and remanded for resentencing. After resentencing, appellant now seeks to vacate a lifetime conditional-release term on the second of two

convictions for third-degree criminal sexual conduct. Appellant argues that he was convicted of both offenses simultaneously and therefore did not have a “prior sex offense conviction” as required for lifetime conditional release and as defined under Minnesota Statutes section 609.3455, subdivision 1(g) (2020). Because we conclude that the district court sequentially convicted appellant of the two offenses and that appellant had a prior sex offense conviction when the district court imposed lifetime conditional release, we affirm.

FACTS

Respondent State of Minnesota charged appellant Demetrius Santana Perez Solis with two counts of first-degree criminal sexual conduct (counts one and two) and two counts of third-degree criminal sexual conduct (counts three and four). Minn. Stat. §§ 609.342, subd. 1(e)(i), .344, subd. 1(b) (2020). The state’s case against Perez Solis was tried in April 2024, and the jury found him guilty of counts three and four and not guilty of counts one and two.

After reading the verdicts into the record and polling the jury, the district court stated, “All four verdicts then shall be entered on the record.” The district court also set the date for sentencing.

At the sentencing hearing in June 2024, the district court stated:

With respect to Count 3, Third Degree Criminal Sexual Conduct, a felony, I’m sentencing you to a commitment of the custody of the Commissioner of Corrections for a period of thirty-six months. I’ll stay the execution of that for a period of fifteen years placing you on supervised probation

. . . .

. . . [T]here is also a ten-year period of conditional release that will apply to that count. What that means [is] that if your sentence is ever executed there would be a ten-year period of conditional release that would begin to run at the end of the executed sentence, including at the end of any supervised release period.

. . . .

With respect to Count 4, for the same offense . . . at a different time, Third Degree Criminal Sexual Conduct, a felony, on that you do not [sic] have a Criminal History Point, so the period of time is forty-eight months. I’m sentencing you to a commitment of the custody of the Commissioner of Corrections for a period of forty-eight months. I’ll stay the execution of that sentence for a period of up to fifteen years

. . . .

On that count, because that is a second conviction, there is a lifetime period of conditional release that applies to that count.

(Emphasis added.)

Perez Solis appealed his convictions. *State v. Solis*, No. A24-1415, 2025 WL 2202562 (Minn. App. Aug. 4, 2025), *rev. denied* (Minn. Oct. 15, 2025). We affirmed both convictions but reversed in part after concluding that the district court erred in imposing conditional-release terms because the sentences were stayed. *Id.* at *3-4. We acknowledged that Perez Solis also argued that “the district court erred when it imposed a lifetime conditional-release term on [the second] count.” *Id.* at *3 n.3. But this court declined to reach that issue based on our conclusion that it was error to impose conditional-release terms on a stayed sentence. *Id.* We remanded for resentencing. *Id.* at *3.

Before resentencing, the district court found at a contested probation-revocation hearing that Perez Solis had violated the terms of his probation. The district court revoked probation and executed the sentences on counts three and four. The district court stated, “With respect to [count four] . . . I am also imposing as I’m required to, a lifetime conditional release period.” Neither attorney objected.

About two weeks later, at the request of the prosecuting attorney, the district court held a hearing to reconsider the lifetime conditional-release term. The district court determined that the lifetime conditional-release term was proper, reasoning that the two counts were “clearly, plainly, sentenced separately.”

This appeal follows.

DECISION

Perez Solis asks this court to “remand[] for resentencing because the correct conditional release term for Count 4 is not lifetime.” Perez Solis argues that the district court erred because “the verdicts were simultaneously accepted and recorded.” Based on this, he asserts that his conviction for count three was not a prior sex offense conviction “for purposes of section 609.3455, subdivision 7(b),” when he was convicted of count four. Whether a sentence conforms to the requirements of a statute is a question of law that appellate courts review de novo. *See State v. Williams*, 771 N.W.2d 514, 520 (Minn. 2009). This court “may at any time correct a sentence not authorized by law.” Minn. R. Crim. P. 27.03, subd. 9.

Minnesota Statutes section 609.3455, subdivision 7(b) (2020), requires a district court to impose a “conditional release for the remainder of the offender’s life” when (1) a

court “commits an offender to the custody of the commissioner of corrections” for, among other offenses, third-degree criminal sexual conduct and (2) “the offender has a previous or prior sex offense conviction.”¹ A “prior sex offense conviction” means that the offender “was *convicted* of committing a sex offense before the offender [was] convicted of the present offense, regardless of whether the offender was convicted for the first offense before the commission of the present offense, and the convictions involved separate behavioral incidents.” Minn. Stat. § 609.3455, subd. 1(g) (emphasis added).²

It is undisputed that Perez Solis’s two convictions arose from separate behavioral incidents and that he did not have another prior sex offense conviction at the time he was convicted of counts three and four. *See* Minn. Stat. § 609.3455, subd. 1(g) (requiring that a “prior sex offense conviction” and the “present offense . . . involved separate behavioral incidents”). Thus, the sole issue is whether the district court convicted Perez Solis sequentially or simultaneously of counts three and four.

Caselaw governs our analysis of the central issue. In *State v. Nodes*, the supreme court determined whether convictions occurred simultaneously or sequentially. 863 N.W.2d 77, 79-80 (Minn. 2015). Nodes pleaded guilty to two counts of criminal sexual

¹ “[P]revious sex offense conviction” means that the offender was “convicted and sentenced for a sex offense before the commission of the present offense.” Minn. Stat. § 609.3455, subd. 1(f) (2020). This provision does not apply to Perez Solis because he did not have a conviction and sentence for criminal sexual conduct before he committed the offenses in this case.

² “Sex offense,” as used in the statutory definition of prior sex offense conviction, includes third-degree criminal sexual conduct. Minn. Stat. § 609.3455, subd. 1(h) (2020).

conduct, but the district court did not formally accept Nodes's plea until the sentencing hearing. *Id.* at 78. In accepting Nodes's plea, the district court stated:

I will now formally accept the pleas, and on count one adjudicate him guilty of criminal sexual conduct in the first degree, a felony, in violation of Minnesota Statute 609.342, [s]ubd. 1(a) and [s]ubd. 2(a), on or about February 26, 2013, and also on count three, criminal sexual conduct in the second degree, a felony, in violation of Minnesota Statute 609.343, [s]ubd. 1(a) and [s]ubd. 2(a) on or about March 19, 2013.

Id. at 79. The district court did not impose a lifetime conditional-release term, and the state appealed, arguing that count one was a prior sex offense conviction. *Id.* The supreme court reversed after considering whether, “when a defendant is adjudicated guilty in a single proceeding of two qualifying sex offenses arising from separate behavioral incidents, the earlier-occurring offense constitutes a ‘prior sex offense conviction’ with respect to the later-occurring offense.” *Id.* at 80.

The supreme court relied on a statutory provision stating that a conviction occurs when “a plea of guilty . . . a verdict of guilty by a jury or a finding of guilty by the court” is “accepted and recorded by the court.” *Id.* (quoting Minn. Stat. § 609.02, subd. 5 (2014)). The supreme court reasoned that, “[a]lthough Nodes's two convictions occurred in rapid succession, the conviction on count one plainly occurred earlier than the conviction on count three.” *Id.* at 82. The supreme court concluded that Nodes's conviction on count one was a prior sex offense conviction, emphasizing that no “particular temporal gap between the convictions is required.” *Id.*

In *State v. Brown*, this court considered “whether convictions that are adjudicated *simultaneously* can result in a prior [sex offense] conviction” as defined in

section 609.3455, subdivision 1(g). 937 N.W.2d 146, 155-57 (Minn. App. 2019) (emphasis added), *rev. denied* (Minn. Feb. 18, 2020). Brown was convicted of one count of first-degree and one count of second-degree criminal sexual conduct, the district court imposed a lifetime conditional-release term, and Brown appealed. *Id.* at 152. The parties agreed that Brown’s “two convictions were adjudicated simultaneously.” *Id.* at 155. This court concluded that the record established that simultaneous convictions occurred. *Id.* The district court stated:

[Y]ou were convicted on June 22, 2018, of the crimes of criminal sexual conduct in the [first and second degree]. *And standing convicted of those crimes, so you’re going to be convicted today on both counts*, it is the sentence of law and the judgment of this court that as punishment, therefore, you shall be committed to the Commissioner of Corrections of this state for a period of 216 months on Count 1 and 140 months on Count 2. Count 2 will run concurrently with Count 1.

Id. at 155-56.

To decide whether Brown’s simultaneous convictions supported a lifetime conditional-release term, we first determined that the definition of prior sex offense conviction is unambiguous. *Id.* at 156. Applying the statutory definition, we reasoned that, “[w]ith no temporal gap whatsoever between a district court’s adjudication of offenses, no conviction is entered ‘before’ the other, and no conviction can be prior to the other.” *Id.* at 157; *see* Minn. Stat. § 609.3455, subd. 1(g) (requiring a conviction for a prior sex offense “*before* the offender has been convicted of the present offense” (emphasis added)). We distinguished *Nodes*, which “did not consider the issue of simultaneous convictions.” *Brown*, 937 N.W.2d at 156. We concluded that, “when a district court convicts an offender

simultaneously of multiple sex offenses in the same hearing, the offender does not have a prior sex-offense conviction and is not subject to a lifetime conditional-release term under Minn. Stat. § 609.3455, subd. 7(b), absent another qualifying conviction.” *Id.* at 157. We therefore reversed the lifetime conditional-release term. *Id.*

With *Nodes* and *Brown* in mind, we address Perez Solis’s argument that he was convicted when the district court read the verdicts on the record at the end of his trial. Caselaw does not support this argument. “A guilty plea or guilty verdict is not a conviction.” *State v. Walker*, 913 N.W.2d 463, 467 (Minn. App. 2018). Although “jury verdicts of guilt . . . are often referred to as ‘convictions’ . . . a formal adjudication of conviction requires more.” *State v. Jeffries*, 806 N.W.2d 56, 63 (Minn. 2011); *see* Minn. Stat. § 609.02, subd. 5 (2020) (stating that a guilty verdict becomes a conviction after it is “accepted and recorded by the court”). The record does not show that the district court adjudicated Perez Solis guilty by either accepting or recording the verdicts. *See* Minn. Stat. § 609.02, subd. 5. Thus, the district court did not convict Perez Solis when it read the verdicts on the record at the end of his trial.

We next determine whether the district court convicted Perez Solis simultaneously or sequentially at his sentencing hearing. The Minnesota Rules of Criminal Procedure provide that a “sentence . . . is *an adjudication of guilt*.” Minn. R. Crim. P. 27.03, subd. 8 (emphasis added). Based on the sentencing transcript, we conclude that the district court sequentially pronounced the sentences for counts three and four and therefore Perez Solis’s convictions were not entered simultaneously. In short, the record reflects a brief “temporal gap” between the district court’s pronouncement of each sentence, which indicates

sequential convictions. *Nodes*, 863 N.W.2d at 82 (stating that no “particular temporal gap” between adjudications is required to establish the earlier one as a prior sex offense conviction); *Brown*, 937 N.W.2d at 157 (determining that two convictions are simultaneous when there is “no temporal gap whatsoever” between adjudication of the offenses). Thus, Perez Solis had a prior sex offense conviction for count three at the time he was convicted of count four. We conclude that the district court did not err when it imposed a lifetime conditional-release term for count four as provided in Minnesota Statutes section 609.3455, subdivision 7(b).

Affirmed.