

*This opinion is nonprecedential except as provided by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
A25-1946**

State of Minnesota,
Respondent,

vs.

James Tyrone Woods,
Appellant.

**Filed August 24, 2026
Affirmed
Rasmusson, Judge**

Ramsey County District Court
File No. 62-CR-24-3168

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

John J. Choi, Ramsey County Attorney, Anna R. Light, Assistant County Attorney, St. Paul, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Hannah B. Laub, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Reyes, Presiding Judge; Ede, Judge; and Rasmusson, Judge.

NONPRECEDENTIAL OPINION

RASMUSSON, Judge

Appellant challenges his conviction and sentence for possession of theft tools, arguing that the statute underlying his conviction is unconstitutionally vague and that the

district court abused its discretion by denying his request for a downward dispositional departure. We affirm.

FACTS

On May 15, 2024, appellant James Tyrone Woods was at a retail store in St. Paul. An employee who was monitoring the store's security cameras saw Woods conceal some of the store's clothing merchandise. This employee saw Woods go to a different part of the store where he grabbed a pair of scissors, removed them from their package, and used them to cut security tags off the clothing. Law enforcement apprehended Woods at the store after he walked past all points of sale.

Respondent State of Minnesota charged Woods with one count of possession of theft tools in violation of Minn. Stat. § 609.59 (2022). The matter proceeded to a jury trial in June 2025, and the jury found Woods guilty.

The district court held a sentencing hearing in August 2025. At the hearing, Woods moved for a downward dispositional departure. The state did not take a position on the departure motion. The presentence investigation report (PSI) recommended a downward dispositional departure. Woods argued that he would be a "good candidate for probation" because he did not have violations while out on conditional release, he did not have a recent alcohol or drug addiction, he could benefit from a cognitive-skills class, and he did not present a public-safety risk.

Ultimately, the district court denied Woods's request for a downward dispositional departure, stating that it was "shocked" to see that Woods had over 40 prior convictions. The district court added that it could not say that Woods was particularly amenable to

probation given his extensive criminal history. It further explained that, when it evaluates whether someone is an appropriate candidate for a dispositional departure, it considers whether the person is “struggling because of chemical . . . use” or “struggling [with] some other situation” such that the person could benefit from programming. Because Woods, who was not struggling with chemical use, could not benefit from chemical-use programming or other programming, and had not shown that he was willing to change his trajectory, the district court determined that he was not suitable for probation.

The district court sentenced Woods to 19 months in prison, a downward durational departure from the Minnesota Sentencing Guidelines, which provides for a presumptive executed sentence of 20 to 27 months. Minn. Sent’g Guidelines 4.A, 5.A (Supp. 2023). At the conclusion of the hearing, the district court stated that “[e]verything in that neighborhood [was] shutting down because [of] people doing stuff like [Woods was] doing.”

This appeal follows.

DECISION

I. Woods has forfeited his challenge that the offense statute is unconstitutionally vague.

Woods first argues that the statute underlying the theft-tools offense is unconstitutionally vague. He concedes that he did not present this argument to the district court.

Appellate courts “ordinarily do not consider issues raised for the first time on appeal, even when those issues are constitutional questions of criminal procedure or are

challenges to the constitutionality of a statute.” *State v. Williams*, 794 N.W.2d 867, 874 (Minn. 2011); *see also State v. Moore*, 846 N.W.2d 83, 87 (Minn. 2014) (“The law is clear in Minnesota that the constitutionality of a statute cannot be challenged for the first time on appeal.” (quotation omitted)). There is, however, an exception to this rule in which appellate courts “may choose to address constitutional and other issues that were not raised at the district court, when the interests of justice require their consideration and when doing so would not work an unfair surprise on a party.” *Williams*, 794 N.W.2d at 874. The Minnesota Supreme Court has considered issues for the first time on appeal in the interests of justice when, for example, the United States Supreme Court issued a decision that could have plausibly affected the scope of the criminal defendant’s available relief. *State v. Henderson*, 706 N.W.2d 758, 759-60 (Minn. 2005).

Woods contends that we should address the vagueness argument because it is purely a legal issue, the interests of justice require consideration because the statute lacks proper safeguards to prevent arbitrary and discriminatory enforcement, and there is no unfair surprise to the state. The state counters that Woods does not meet the significant criteria necessary to meet this exception.

The interests of justice do not require us to address Woods’s vagueness argument. Nothing prevented Woods from asserting, in the district court, his claim that the relevant statute is unconstitutionally vague. Moreover, there is no applicable change in the law, like in *Henderson*, that warrants the use of this exception. *Id.* (addressing a constitutional issue not raised below because *Blakely v. Washington*, 542 U.S. 296 (2004), had been decided while the appellant’s case was pending on appeal). Because Woods fails to

persuade us that the circumstances warrant applying this narrow exception, we do not consider his constitutional challenge.

II. The district court acted within its discretion in sentencing Woods.

Woods argues that the district court abused its discretion by denying his motion for a downward dispositional departure because the circumstances support a departure, it failed to evaluate all relevant information, it based its decision on an erroneous view of the law, and it considered impermissible factors.

District courts have significant discretion in their sentencing decisions. *State v. Soto*, 855 N.W.2d 303, 307 (Minn. 2014). We review a district court’s sentencing decision for an abuse of discretion. *Id.* at 307-08. “[A] [district] court abuses its discretion when its decision is based on an erroneous view of the law.” *Id.* at 308 n.1 (quotation omitted). Appellate courts will affirm a “[district] court’s exercise of discretion, as long as the record shows [that] the [district] court carefully evaluated all the testimony and information presented before making a determination.” *State v. Pegel*, 795 N.W.2d 251, 255 (Minn. App. 2011) (quotation omitted). Appellate courts “generally will not interfere with a [district] court’s decision to impose a term within the presumptive sentence range,” *State v. Kangbateh*, 868 N.W.2d 10, 14 (Minn. 2015), and will reverse a district court’s refusal to depart only in a “rare case,” *State v. Kindem*, 313 N.W.2d 6, 7 (Minn. 1981).

The sentences prescribed by the Minnesota Sentencing Guidelines are “presumed to be appropriate for all typical cases sharing criminal history and offense severity characteristics.” Minn. Sent’g Guidelines 1.B.13 (Supp. 2023). A district court’s decision to depart from the Minnesota Sentencing Guidelines must be based on “identifiable,

substantial, and compelling circumstances.” *State v. Solberg*, 882 N.W.2d 618, 623 (Minn. 2016) (quoting Minn. Sent’g Guidelines 2.D.1 (2012)). One factor that a district court may use to justify a departure is “particular[] amenab[ility] to probation.” Minn. Sent’g Guidelines 2.D.3.a(7) (Supp. 2023). Factors relevant to whether an individual is particularly amenable to probation include “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) (the *Trog* factors). But a district court is not required to depart even if a defendant is particularly amenable to probation. *State v. Olson*, 765 N.W.2d 662, 664-65 (Minn. App. 2009).

Here, Woods requested a downward dispositional departure from the presumptive guidelines sentence, which in this case is an executed sentence of 20 to 27 months. Minn. Sent’g Guidelines 4.A, 5.A. A downward dispositional departure “places the offender in a different setting than that called for by the presumptive guidelines sentence,” such as a stay of execution of a sentence. *Solberg*, 882 N.W.2d at 623.

Woods first argues that the *Trog* factors support departure because of his age (at least 60 years old), remorse, cooperation, respectful attitude, and support from family and friends. The district court disagreed, noting that Woods had over 40 prior convictions and that his criminal history was “prolific” and “shocking.” Woods relatedly argues that departure is appropriate because substantial grounds exist to mitigate his culpability, such as his advanced age, housing insecurity, limited income, and lack of use of a weapon. *See* Minn. Sent’g Guidelines 2.D.3 (Supp. 2023) (listing mitigating factors that can be used as reasons for departure). Even so, the presence of mitigating factors does not compel a

sentencing departure. *Wells v. State*, 839 N.W.2d 775, 781 (Minn. App. 2013), *rev. denied* (Minn. Feb. 18, 2014). And this court will not interfere with the district court's refusal to depart on the basis that a mitigating factor is present. *State v. Bertsch*, 707 N.W.2d 660, 668 (Minn. 2006).

Woods next argues that the district court did not carefully evaluate all the information in the record before denying his departure motion, such as the fact that he was experiencing economic difficulties and the PSI's recommendation in favor of a downward dispositional departure. The record, however, reflects that the district court did evaluate all this information through its review of the PSI and consideration of Woods's arguments in favor of departure. *See Pegel*, 795 N.W.2d at 255.

Woods additionally argues that the district court based its sentencing decision on an erroneous view of the law by deciding that he is less amenable to probation on the ground that he is not chemically dependent. He relies upon the following statement from the district court:

When I'm looking at somebody who's an appropriate candidate for a dispositional departure, I'm looking at are you struggling because of chemical health use? You're not. Are you struggling for some other situation that I can put some programming in place on probation that's going to change your trajectory, your path? You've shown us that you are not willing to make that change.

When considered in its full context, this statement reflects that the district court broadly considered whether Woods could benefit from some type of programming while on probation to address issues related to his criminal conduct, which could contribute to his amenability to probation. The district court used chemical-health treatment as an example

of potential programming. Woods accordingly fails to show that the district court misapplied the law.

Woods last argues that the district court considered impermissible factors in its sentencing decision. After the district court imposed its sentence, it stated, “Everything in that neighborhood is shutting down because people doing stuff like you’re doing [Y]ou can’t act like this and not expect to have the consequences that the legislature has set for it.” We are unconvinced that this statement reflects consideration of impermissible factors. The district court made the challenged statement only after imposing its sentence. Additionally, “a district court may consider both offender- and offense-related factors” when addressing a motion for a downward dispositional departure. *State v. Walker*, 913 N.W.2d 463, 468 (Minn. App. 2018). When read in its full context, the district court’s statement demonstrates that it was discussing the practical effects of Woods’s conduct in explaining the rationale behind the law’s presumption of incarceration for this offense. The record accordingly does not reflect that the district court considered impermissible factors in imposing its sentence.

In sum, the district court’s denial of Woods’s downward-dispositional-departure motion is supported by the record, which reflects that the district court “carefully considered circumstances for and against” a departure. *Pegel*, 795 N.W.2d at 255. Woods has failed to establish that the district court abused its discretion in its sentencing decision.

Affirmed.