

*This opinion is nonprecedential except as provided by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
A25-2084**

State of Minnesota,
Respondent,

vs.

Michael Everett Splittstoser,
Appellant.

**Filed August 31, 2026
Affirmed
Bentley, Judge**

Chisago County District Court
File No. 13-CR-25-295

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

Janet Reiter, Chisago County Attorney, Brandon J. Pellerin, Assistant County Attorney,
Center City, Minnesota (for respondent)

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

Considered and decided by Johnson, Presiding Judge; Smith, Tracy M., Judge; and
Bentley, Judge.

NONPRECEDENTIAL OPINION

BENTLEY, Judge

In this sentencing appeal, appellant Michael Everett Splittstoser argues that the district court abused its discretion when it denied his motion for a downward dispositional departure in sentencing. We affirm.

FACTS

In May 2025, a caller reported a “road rage” incident in Harris, alleging that an intoxicated driver had tried to “run [the caller] off the road.” The caller relayed the driver’s license plate number. Shortly thereafter, law enforcement pulled over a truck matching the description given by the caller. Splittstoser was driving. A preliminary breath test showed that Splittstoser’s alcohol concentration was 0.27. But later, when Splittstoser was asked to submit to a chemical test at the police department, he refused.

Respondent State of Minnesota charged Splittstoser with one count of driving while intoxicated (DWI), refusal to submit to a chemical test, in violation of Minn. Stat. § 169A.20, subd. 2(1) (2024); and one count of careless driving, in violation of Minn. Stat. § 169.13, subd. 2(a) (2024). If convicted, Splittstoser faced a presumptive sentence of 57 to 79 months’ imprisonment. The state offered to recommend an executed sentence of no more than 57 months if Splittstoser pleaded guilty, leaving Splittstoser free to request a downward sentencing departure. Splittstoser could not remember important details about the offense, so he entered a *Norgaard* plea, which the district court accepted.¹ Splittstoser was released to in-patient treatment pending sentencing.

Prior to sentencing, Splittstoser moved for a downward dispositional departure. At the sentencing hearing in September 2025, he argued that he was particularly amenable to treatment and probation because he had completed treatment and was living a “sober,

¹ “In a *Norgaard* plea, a defendant pleads guilty despite claiming an inability to remember the circumstances of the offense due to intoxication, amnesia, or other reason.” *State v. Steichen*, 36 N.W.3d 393, 398 (Minn. 2026).

beautiful life”—he was the “leading house manager” at his sober living house, he had “gotten his [driver’s] license back,” and he had returned to work. He acknowledged that he committed this offense while on probation for a domestic-assault incident that occurred in 2023, but he argued that he was newly amenable to probation because he had addressed “his underlying issues with alcohol [and] his previous trauma” while in treatment. Splittstoser told the district court that he was “sorry for what happened” and that he took “full responsibility.”

The district court agreed that Splittstoser was amenable to *treatment* but denied his motion to depart, finding that he was not “amenable to *probation* because [he] committed this latest offense while on probation.” (Emphasis added.) The district court adjudicated Splittstoser guilty and sentenced him to 57 months in prison.

Splittstoser appeals.

DECISION

Splittstoser argues that the district court abused its discretion when it denied his motion for a downward dispositional departure. He argues that the district court’s decision “went against the facts in the record,” given the district court’s finding that he is amenable to treatment. He asks this court to “exercise its authority to direct entry of a stayed sentence.”

District courts have great discretion to impose sentences in accordance with the Minnesota Sentencing Guidelines. *State v. Soto*, 855 N.W.2d 303, 307-08 (Minn. 2014). Departures from the guidelines must be supported by “substantial and compelling” circumstances. *Id.* at 308 (quotation omitted); Minn. Sent’g Guidelines 2.D.1.c (2024). One

factor the district court may consider in determining whether a dispositional departure is appropriate is whether the offender is “particularly amenable to probation.” Minn. Sent’g Guidelines 2.D.3.a.(7) (2024). When determining whether particular amenability to probation is present, a district court may consider: “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). But “[t]he fact that a mitigating factor [is] clearly present [does] not obligate [a] court to place defendant on probation or impose a shorter term than the presumptive term.” *State v. Wall*, 343 N.W.2d 22, 25 (Minn. 1984).

Appellate courts review a district court’s decision to deny a motion for dispositional departure for an abuse of discretion, reversing only in the “rare case.” *State v. Bertsch*, 707 N.W.2d 660, 668 (Minn. 2006). We will affirm the district court’s sentencing decision “as long as the record shows the sentencing court carefully evaluated all the testimony and information presented before making a determination.” *State v. Van Ruler*, 378 N.W.2d 77, 81 (Minn. App. 1985).

Splittstoser asserts that the district court did not give appropriate weight to the fact that he is newly amenable to probation, in light of his success in treatment. For two reasons, we are not persuaded that this argument establishes an abuse of discretion.

First, the record shows that the district court “carefully evaluated all the testimony and information presented before making a determination.” *Id.* The district court stated that it had “rereview[ed] all the submissions, and [it] considered the arguments.” And even though it was not required to give reasons for imposing a guidelines sentence, *see id.* at 80,

the district court acknowledged Splittstoser's success in treatment and explained that it did not consider him to be amenable to probation because he committed this offense while on probation—a fact that neither party disputes. The district court's order is supported by the record, and we will not reweigh the evidence before the district court to reach a different determination. *See id.* (affirming the district court's imposition of a guidelines sentence even though the sentencing record contained some evidence that appellant was amenable to probation).

Second, even if Splittstoser's success in treatment were a mitigating factor that could establish a substantial and compelling reason to depart, the district court "is not required to do so." *State v. Olson*, 765 N.W.2d 662, 664-65 (Minn. App. 2009). Splittstoser relies on cases in which the district court granted a departure after determining that probation was a more appropriate setting to support the defendant's rehabilitation than prison. *See, e.g., State v. Malinski*, 353 N.W.2d 207, 209 (Minn. App. 1984), *rev. denied* (Minn. Oct. 16, 1984); *State v. Wright*, 310 N.W.2d 461, 462-63 (Minn. 1981). But he provides no authority for the position that the district court must grant a departure in a circumstance like this. We are aware of none.

Although we recognize and commend Splittstoser's progress in treatment, we are not persuaded that the district court abused its discretion by denying the departure motion.

Affirmed.