

*This opinion is nonprecedential except as provided by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
A25-2148**

State of Minnesota,
Respondent,

vs.

Randall Robert Hartmann,
Appellant.

**Filed August 3, 2026
Reversed and remanded
Reyes, Judge**

Anoka County District Court
File No. 02-CR-22-536

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

Brad Johnson, Anoka County Attorney, Kelsey R. Kelley, Assistant County Attorney,
Anoka, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Sara J. Euteneuer, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

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

NONPRECEDENTIAL OPINION

REYES, Judge

Appellant argues that the district court erred by (1) failing to make sufficient
findings prior to revoking his probation and (2) sentencing him to lifetime conditional

release following his incarceration. Because the district court made inadequate findings and imposed an unlawful conditional-release term, we reverse and remand.

FACTS

Appellant Randall Robert Hartmann pleaded guilty to fifth-degree criminal sexual conduct in violation of Minnesota Statutes section 609.3451, subdivisions 1a(1) and 3 (Supp. 2021).¹ Appellant admitted that, while participating in a residential treatment program, he placed his hands on a counselor's buttocks without the counselor's consent. Appellant's prior conviction of third-degree criminal sexual conduct made this new offense a felony. *See* Minn. Stat. § 609.3451, subd. 3(c) (providing that prior conviction of certain offenses could be used to enhance criminal penalty as provided in section 609.3451, subdivision 3(b)). The district court sentenced appellant to 59 months in prison, followed by lifetime conditional release, but stayed imposition of the sentence for seven years, subject to numerous conditions, including that appellant remain law-abiding.

While on probation, appellant committed domestic assault and spent a year in prison. Shortly before his release, the district court held a probation-revocation hearing at which it heard arguments from appellant and respondent State of Minnesota about whether it should revoke appellant's probation and execute his stayed sentence. The district court accepted appellant's admission that he violated the conditions of his probation by failing to remain law-abiding and found that he had "knowingly, intelligently, and voluntarily"

¹ The district court referenced the wrong subsection of subdivision 3 in its warrant of commitment. However, the penalty under the correct subsection is the same. Minn. Stat. § 609.3451, subd. 3(b)(2), (c) (Supp. 2021). We therefore proceed as if the district court had referenced the correct subsection.

waived his right to a contested hearing challenging the allegation that he had violated his probation conditions. After hearing the parties' arguments, the district court revoked appellant's probation, executed the previously stayed 59-month sentence, and imposed lifetime conditional release "due to the nature of the offense."

This appeal follows.

DECISION

I. The district court abused its discretion by revoking Hartmann's probation because it made insufficient factual findings.

Appellant argues that the district court erred by failing to make sufficient factual findings on whether the need to confine him outweighs the policies that favor probation, which is the third factor under *State v. Austin*, 295 N.W.2d 246, 250 (Minn. 1980). He argues that this error rendered the revocation an abuse of discretion. We agree.

When a defendant violates a condition of probation, the district court may revoke probation and execute the previously stayed sentence. Minn. Stat. § 609.14, subds. 1(a), 3(1) (2020). A district court has "broad discretion in determining if there is sufficient evidence to revoke probation and should be reversed only if there is a clear abuse of that discretion." *Austin*, 295 N.W.2d at 249-50. "A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record." *State v. Fortner*, 989 N.W.2d 368, 374 (Minn. App. 2023) (quotation omitted). A district court may also abuse its discretion by failing "to state the factors and considerations supporting its decision on the record." *State v. Bertsch*, 707 N.W.2d 660,

666 (Minn. 2006). Appellate courts review de novo whether the district court “made the findings required under *Austin*.” *State v. Modtland*, 695 N.W.2d 602, 605 (Minn. 2005).

Before revoking a defendant’s probation and executing the stayed sentence, the district court must “(1) designate the specific condition or conditions that were violated; (2) find that the violation was intentional or inexcusable; and (3) find that need for confinement outweighs the policies favoring probation.” *Austin*, 295 N.W.2d at 250.

Modtland provides three subfactors that district courts consider when making findings on the third *Austin* factor: whether (1) “confinement is necessary to protect the public from further criminal activity by the offender”; (2) “the offender is in need of correctional treatment which can most effectively be provided if [they are] confined”; or (3) “it would unduly depreciate the seriousness of the violation if probation were not revoked.” *Id.* at 607 (quotation omitted). “Only one *Modtland* subfactor is necessary to support revocation.” *State v. Smith*, 994 N.W.2d 317, 320 (Minn. App. 2023), *rev. denied* (Minn. Sept. 27, 2023). District courts “should not assume that they have satisfied *Austin* by reciting the three [*Austin*] factors and offering general, non-specific reasons for revocation.” *Modtland*, 695 N.W.2d at 608.

Here, the district court began by making findings on the first two *Austin* factors, stating, “I have found that you violated that term of probation by committing the new offense. Clearly that’s inexcusable.” It then recited the third *Austin* factor and the third *Modtland* subfactor, stating, “And I do believe that the public policy of probation is outweighed by need for incarceration as it would unduly depreciate the seriousness of violation if your probation were not revoked and I did not execute your prison sentence.”

Instead of explaining what facts it relied upon to make this determination, the district court stated, “In essence, you were on probation here and you were sent to prison on a different offense while you were on probation in this case.” This statement does not explain why the district court determined that the public policy of probation was outweighed by the need for incarceration in appellant’s case, *see Austin*, 295 N.W.2d at 250, or why continuing probation would unduly depreciate the seriousness of appellant’s violation, *see Modtland*, 695 N.W.2d at 607. The district court simply repeated its finding under the first *Austin* factor that appellant had violated his probation by committing a separate offense while on probation. The district court then stated, “I just simply don’t see how keeping you on probation makes sense at this point.” This is the type of general, nonspecific reason for revoking probation that *Modtland* prohibits. *See* 695 N.W.2d at 608.

The state argues that the record supports the district court’s determination. But the supreme court explained in *Modtland* that “it is not the role of appellate courts to scour the record to determine if sufficient evidence exists to support the district court’s revocation.” *Id.* Instead, district courts are required to “create thorough, fact-specific records setting forth their reasons for revoking probation,” and “must seek to convey their substantive reasons . . . and the evidence relied upon” when making the decision to execute a previously stayed sentence. *Id.* (emphasis added). Because the district court did not do so, we reverse and remand for additional findings consistent with *Austin* and *Modtland*.²

² Appellant also argues that the record did not establish that rehabilitation had failed. Because we remand for additional findings, we do not reach this issue.

II. The district court erred by sentencing appellant to lifetime conditional release.

Appellant next contends that the district court erred by sentencing him to lifetime conditional release because Minnesota's conditional-release statutes do not authorize imposition of lifetime conditional release for appellant's offense. The state concedes this issue and recommends that the court of appeals reverse and remand to the district court for resentencing. We agree.

"[T]he judiciary may only impose sentences within the statutory limits prescribed by the legislature." *State v. Pflepsen*, 590 N.W.2d 759, 764 (Minn. 1999). "The court may at any time correct a sentence not authorized by law." Minn. R. Crim. P. 27.03, subd. 9. A conditional-release term not authorized by statute is "unauthorized by law and must be vacated." *State v. Noggle*, 881 N.W.2d 545, 551 (Minn. 2016). Appellate courts review de novo the legality of a district court's sentencing decision. *State v. Franklin*, 847 N.W.2d 63, 64 (Minn. App. 2014).

The district court convicted appellant of violating Minnesota Statutes section 609.3451, subdivision 1a(1), a felony offense that can be sentenced under subdivision 3(b) due to appellant's prior conviction. There is no statutory authority to sentence appellant to a term of conditional release under this section. However, Minnesota Statutes section 609.3455, subdivisions 6 and 7(b) (Supp. 2021), provide conditional-release terms for certain sex offenders "[n]otwithstanding the statutory maximum sentence otherwise applicable." Neither of these subdivisions within section 609.3455 refer to fifth-degree criminal sexual conduct outlined in section 609.3451.

Because the statutory limits imposed by section 609.3451 are not modified by section 609.3455, the district court imposed an unauthorized sentence when it sentenced appellant to lifetime conditional release following his incarceration. We therefore remand to the district court to vacate the conditional-release term it imposed upon appellant.

Reversed and remanded.