

*This opinion is nonprecedential except as provided by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
A25-2221**

State of Minnesota,
Respondent,

vs.

Nathaniel Aaron Zeon,
Appellant.

**Filed August 17, 2026
Affirmed
Reyes, Judge**

Ramsey County District Court
File No. 62-CR-24-7841

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

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

Cathryn Middlebrook, Chief Appellate Public Defender, Julia Q. Brady, Assistant Public
Defender, St. Paul, Minnesota (for appellant)

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

NONPRECEDENTIAL OPINION

REYES, Judge

Following his sentencing for first-degree assault, appellant challenges the district
court's denial of his motion for a downward dispositional departure. We affirm.

FACTS

Respondent State of Minnesota charged appellant Nathaniel Aaron Zeon with first-degree assault for inflicting great bodily harm in violation of Minnesota Statutes section 609.221, subdivision 1 (2024). The parties entered into a plea agreement in which appellant would plead guilty as charged but argue for a dispositional departure at sentencing. The state later noted that it “does not oppose a conditional release . . . to treatment pending sentencing.”

The district court held a plea hearing at which appellant admitted to the following facts underlying the charge, which were also supported by surveillance video. Early one morning, appellant and victim were passengers in a vehicle that arrived at a gas station. Appellant and victim exited the vehicle and “got in a fight.” Victim was “very intoxicated” and “ended up down on the ground” while appellant was still standing. Appellant then “stomped on [victim’s] head repeatedly.” Victim lost consciousness, had “almost all of his teeth” knocked out, and suffered facial injuries requiring plastic surgery.

After these admissions, the district court stated that it would (1) wait to accept appellant’s plea pending review of a presentence investigation report (PSI) and (2) conditionally release appellant to inpatient treatment with a particular treatment center “for co-occurring mental illness and chemical dependency” pending sentencing. The conditions of his release required appellant to “comply with [the] requirements and recommendations of the treatment facility” and prohibited him from “leav[ing] treatment without prior authorization by the Court.”

Appellant entered inpatient treatment in May 2025, when he was 19 years old. A counselor from the treatment center told appellant's probation officer that he "participates in all aspects of treatment progress, engages with peers through positive feedback[,] and address[es] his concerns during group and individual sessions." During an interview with the probation officer, appellant acknowledged the influence of alcohol and drugs on his behavior and expressed interest in "address[ing] his mental health" through treatment. The probation officer completed the PSI in June 2025 and recommended sentencing appellant "pursuant to the presumptive guideline sentence" of 86 months in prison. Although appellant "provided negative drug testing results to date," the PSI noted "the seriousness of the offense" and explained that "there does not appear to be substantial information to support a dispositional departure."

Appellant completed inpatient treatment at the treatment center and then transitioned into outpatient treatment but failed to attend some of the outpatient treatment sessions. In July 2025, the treatment center deemed appellant to have "absconded for poor attendance."

Appellant moved for a downward dispositional departure and requested probationary release to a different treatment center for outpatient treatment. The district court held a sentencing hearing during which both parties presented arguments on the motion and appellant provided an oral statement. The district court ultimately accepted appellant's guilty plea, adjudicated him guilty of first-degree assault, denied his departure motion, and imposed a presumptive guidelines sentence of 86 months in prison with 190 days credited for time served.

This appeal follows.

DECISION

Appellant argues that the district court abused its discretion by denying his motion for a downward dispositional departure. He further challenges the district court’s (1) statement that probation would involve “the exact same kinds of conditions and treatment” as conditional release; (2) failure to consider his “immaturity” during treatment; and (3) focus on his amenability to treatment.

A district court has broad discretion in sentencing decisions. *State v. Soto*, 855 N.W.2d 303, 307-08 (Minn. 2014). 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. Glover*, 4 N.W.3d 124, 134 (Minn. 2024) (quotation omitted).

The Minnesota Sentencing Guidelines provide “presumptive sentences for felony offenses according to the severity level of the offense . . . and [the] offender’s criminal history score.” Minn. Sent’g Guidelines 1.B.15 (2024). A guidelines sentence is presumed appropriate. Minn. Sent’g Guidelines 2.D.1 (2024). “We will affirm the imposition of a presumptive guidelines sentence when the record shows that the sentencing court carefully evaluated all the testimony and information presented before making a determination.” *State v. Johnson*, 831 N.W.2d 917, 925 (Minn. App. 2013) (quotation omitted), *rev. denied* (Minn. Sept. 17, 2013).

A district court may depart from a presumptive guidelines sentence if “identifiable, substantial, and compelling circumstances” support the departure. Minn. Sent’g Guidelines 2.D.1. However, even if the record reflects factors that could support a

departure, the district court has broad discretion not to depart. *See, e.g., State v. Walker*, 913 N.W.2d 463, 468-69 (Minn. App. 2018).

When evaluating a motion for a downward dispositional departure, a district court considers whether the defendant is “particularly amenable to individualized treatment in a probationary setting.” *State v. Wright*, 310 N.W.2d 461, 462 (Minn. 1981). A district court may consider the *Trog* factors in making this determination, which include the defendant’s age, prior record, remorse, cooperation, attitude while in court, and support of friends and family. *State v. Trog*, 323 N.W.2d 28, 31 (Minn. 1982). When denying a dispositional departure, the district court need not discuss every *Trog* factor, *State v. Pegel*, 795 N.W.2d 251, 254 (Minn. App. 2011), or explain its reasoning for the denial on the record, *Johnson*, 831 N.W.2d at 926.

After hearing arguments from each party’s counsel and an oral statement from appellant, the district court acknowledged that “this is an incredibly difficult case” and whether to depart is “not an easy choice.” It discussed the *Trog* factors and recognized that several weighed in favor of a departure but then explained that it could not “get over” the fact that appellant “made a decision to walk away from” treatment while on conditional release. The district court further explained: “And given the seriousness of the underlying crime, when weighing all of those factors together, I find he is not particularly amenable to treatment or to probation here.”

Appellant’s primary argument is that the district court abused its discretion when denying his departure motion because “substantial and compelling circumstances existed and show that [he] is particularly amenable to probation.” But even if some factors favored

departure, the district court did not need to depart. *See Walker*, 913 N.W.2d at 468-69. When denying a departure motion, a district court only needs to “carefully evaluate[] all the testimony and information presented before making a determination.” *Johnson*, 831 N.W.2d at 925.

Appellant makes three additional assertions. We address the first two together before turning to the third. Appellant first contends that the district court erred by stating that his requested probationary treatment center would involve the “exact same kinds of conditions and treatment” as his conditional-release treatment center. Appellant next contends that the district court erred by “fail[ing] to consider how [his] immaturity played into his failure to complete outpatient treatment.” But because appellant presents no caselaw or legal argument to support either of these assertions of error, he forfeits them. *See State v. Bellazan*, 18 N.W.3d 385, 402 (Minn. App. 2025) (“[A]n assignment of error based on mere assertion and not supported by any argument or authorities in appellant’s brief is [forfeited] and will not be considered on appeal unless prejudicial error is obvious on mere inspection.” (quotation omitted)), *rev. denied* (Minn. May 28, 2025). We discern no prejudicial error and therefore decline to consider his arguments about the different treatment centers and his immaturity during treatment. *See id.*

Lastly, appellant contends that the district court “confuse[d] amenability to probation with amenability to treatment,” and erroneously focused only on his amenability to treatment. But the record reflects that the district court found that appellant “is not particularly amenable to treatment *or to probation*.” (Emphasis added.) Moreover,

appellant conceded that he needed treatment and specifically argued at sentencing that he was particularly amenable to treatment.

The district court carefully considered the factors weighing in favor of and against departure. *See Johnson*, 831 N.W.2d at 925. It did not misapply the law or rely on erroneous facts or logic. *See Glover*, 4 N.W.3d at 134. This is therefore not the “rare case” justifying reversal of a presumptive guidelines sentence imposed by the district court. *State v. Kindem*, 313 N.W.2d 6, 7 (Minn. 1981); *see also* Minn. Sent’g Guidelines cmt. 2.D.301 (2024) (noting that factors justifying departures will only occur in “small number of cases”).

We acknowledge the positive steps that appellant has taken since his offense, including completing inpatient treatment, taking responsibility for his actions, and developing a plan to start his own business. But applying our deferential standard of review, we conclude that the district court did not abuse its discretion by imposing a presumptive guidelines sentence.

Affirmed.