

*This opinion is nonprecedential except as provided by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
A26-0129**

State of Minnesota,
Respondent,

vs.

Da'Monte Si'Quan Lewis-Meghie,
Appellant.

**Filed October 5, 2026
Affirmed
Rasmusson, Judge**

Carver County District Court
File No. 10-CR-25-285

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

Mark Metz, Carver County Attorney, Angella Erickson, Assistant County Attorney,
Chaska, Minnesota (for respondent)

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

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

NONPRECEDENTIAL OPINION

RASMUSSON, Judge

In this appeal from final judgment raising a sentencing issue, appellant argues that the prosecutor engaged in plain-error misconduct at the sentencing hearing and that the district court abused its discretion by imposing a guidelines sentence. We affirm.

FACTS

In March 2025, respondent State of Minnesota charged appellant Da'Monte Si'Quan Lewis-Meghie with one count of first-degree criminal sexual conduct in violation of Minnesota Statutes section 609.342, subdivision 1a(e) (2024).¹ The complaint alleged that Lewis, then 18 years old, sexually abused his three-year-old sister while she was in his care. The state filed notice of its intent to seek an aggravated sentencing departure.

The parties came to an agreement whereby Lewis would plead guilty, the state would withdraw its request for an aggravated sentence, and Lewis would be free to seek a downward durational or dispositional departure. The district court accepted Lewis's plea, and he subsequently filed a motion for a downward dispositional departure.

Lewis appeared and argued for a downward dispositional departure at the sentencing hearing. The state opposed the departure request, and several of the prosecutor's responsive arguments are at issue in this appeal. In response to defense counsel's statements that Lewis would have been in juvenile court had the offense happened nine months earlier, the prosecutor stated that Lewis "would have been in the exact same position that he's in right now" because the offense involves presumptive certification as an adult. In requesting a prison sentence, the prosecutor added that imprisonment has a deterrent effect and that it would "send a message to [Lewis] and any future offender and the community." Additionally, the prosecutor alleged that Lewis, who remained in jail during the pendency of the case, did not attempt to identify or enroll in any treatment

¹ For subsequent references, we refer to appellant as "Lewis" based on his naming preference.

programs. The prosecutor further stated that Lewis had “pedophilic attraction” to prepubescent children, that Lewis failed to recognize the significant role he played in the victim’s life as her brother, that his family did not provide adequate prosocial support, and that the offense would permanently affect the victim “for the rest of her life.” Lewis did not object to these statements at the sentencing hearing.

The district court denied the departure motion and imposed the presumptive sentence of 144 months in prison. *See* Minn. Sent’g Guidelines 4.B (2024). In doing so, the district court explained that it must impose a sentence within the guidelines range absent factors that would justify a departure and that, after carefully reviewing all submissions, it did “not find substantial nor compelling reasons to depart.”

This appeal follows.

DECISION

I. Even assuming without deciding that the prosecutor engaged in misconduct, the state proved that the statements did not affect Lewis’s substantial rights.

Lewis argues that the prosecutor’s comments at the sentencing hearing constitute plain-error prosecutorial misconduct affecting his substantial rights. Because Lewis did not object to these comments at the sentencing hearing, we apply “the modified plain-error test.” *State v. Portillo*, 998 N.W.2d 242, 248 (Minn. 2023). Under this test, Lewis “has the burden to demonstrate that the misconduct constitutes (1) error, (2) that was plain.” *Id.* (quotation omitted). “For an error to be plain, the issue must have been clear or obvious.” *Id.* at 250 (quotations omitted). “Usually this is shown if the error contravenes case law, a

rule, or a standard of conduct,” or “contravenes a principle that is conclusively resolved at the time of appeal.” *Id.* (quotations omitted).

If Lewis is successful, “the burden then shifts to the State to demonstrate that the error did not affect [his] substantial rights.” *Id.* at 248 (quotation omitted). To meet this burden, the state must show that it is not reasonably likely that the misconduct significantly affected the district court’s sentencing decision. *Cf. id.* at 248, 251-55 (addressing whether misconduct significantly affected the jury’s verdict). “If these three prongs are satisfied, the court then assesses whether the error should be addressed to ensure fairness and the integrity of the judicial proceedings.” *Id.* at 248 (quotation omitted).

Lewis argues that the prosecutor engaged in misconduct in several ways. The state responds that the prosecutor did not engage in misconduct, and that even if they did, Lewis was not prejudiced because “there is nothing in the record to suggest the sentencing court’s decision was a result” of the offending arguments.

For the purpose of this analysis, we assume without deciding that the prosecutor engaged in misconduct. But, for the following reasons, we agree that the alleged misconduct did not affect Lewis’s substantial rights. *See Portillo*, 998 N.W.2d at 248. The record does not show that any alleged misconduct affected the district court’s sentencing decision. As discussed below, the district court did not abuse its discretion in sentencing Lewis. The district court sentenced Lewis to a guidelines sentence, which is “presumed to be appropriate.” Minn. Sent’g Guidelines 2.D.1 (2025). Furthermore, the district court did not state that it relied on any of the allegedly erroneous arguments made by the prosecutor in sentencing Lewis. The district court concluded that it did “not find substantial nor

compelling reasons to depart” and that this conclusion was based on its consideration of “the *Trog* factors . . . argument of counsel, [and] the record.” This shows that the district court properly considered the relevant sentencing information in rendering its decision.

Finally, Lewis cites no binding caselaw, and we are aware of none, in which this court has reversed the district court’s imposition of a guidelines sentence based on prosecutorial misconduct at a sentencing hearing. “Although district court judges are not immune from emotional appeals,” the risk of prejudice is limited given their familiarity with applicable legal standards. *Cf. State v. Smith*, 940 N.W.2d 497, 504 (Minn. 2020) (quotation omitted) (addressing prejudice with respect to the admission of evidence in a bench trial); *State v. Burrell*, 772 N.W.2d 459, 467 (Minn. 2009) (explaining that, at a court trial, “[t]he risk of unfair prejudice to [a defendant] is reduced because there is comparatively less risk that the district court judge, as compared to a jury of laypersons, would use [prejudicial] evidence for an improper purpose or have his sense of reason overcome by emotion.”). Because judges are familiar with the law and are less susceptible than juries to improper suggestions, it is unlikely that the prosecutor’s remarks, even if they were improper, had any effect on the district court’s sentence.

We conclude that there is no reasonable probability that the district court would have imposed a different sentence absent the prosecutor’s statements. Thus, the state has met its burden of proving that Lewis’s substantial rights were not affected by those statements.

II. The district court acted within its discretion by denying Lewis’s departure motion.

Lewis also challenges the district court’s denial of his motion for a downward dispositional departure, arguing that he is particularly amenable to probation, the district court misunderstood its ability to depart, and the district court improperly considered the victim’s vulnerability.

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. *State v. Solberg*, 882 N.W.2d 618, 623 (Minn. 2016). A district court’s decision to depart from the Minnesota Sentencing Guidelines must be supported by “identifiable, substantial, and compelling circumstances to support a departure.” *Id.* (quoting Minn. Sent’g Guidelines 2.D.1 (2012)). The district court may, in its discretion, grant a downward dispositional departure if it finds that the defendant is particularly amenable to probation. *State v. Olson*, 765 N.W.2d 662, 664-65 (Minn. App. 2009). Factors relevant to this determination 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).

We review a district court’s denial of a downward-dispositional-departure motion for an abuse of discretion. *State v. Beganovic*, 974 N.W.2d 278, 286 (Minn. App. 2022), *aff’d*, 991 N.W.2d 638 (Minn. 2023). One way in which a district court abuses its discretion is by misapplying the law. *State v. Hoskins*, 943 N.W.2d 203, 211 (Minn. App. 2020). We 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).

Lewis first argues that the *Trog* factors demonstrate that he is particularly amenable to probation. This argument lacks merit because a district court is not required to depart even if a defendant is particularly amenable to probation. *See Olson*, 765 N.W.2d at 664-65. Lewis additionally suggests that the district court failed to fully consider the *Trog* factors. A district court is not, however, required to explain its decision to impose a guidelines sentence, provided that the district court “carefully evaluated all the testimony and information presented before making a determination.” *State v. Van Ruler*, 378 N.W.2d 77, 80-81 (Minn. App. 1985). In this case, the district court reviewed the submissions prior to the sentencing hearing, and, after hearing arguments, recessed to consider the matter before proceeding with sentencing. Prior to imposing the sentence, the district court stated that it had “carefully considered the [departure] motion, including the submissions and the argument of counsel.”

Lewis also points to *Taylor v. State* in arguing that it was improper to consider the victim’s vulnerability in imposing the sentence. 670 N.W.2d 584, 589 (Minn. 2003). However, *Taylor* merely held that it is impermissible to consider the victim’s vulnerability as to age when imposing an *upward departure* when the offense statute takes the victim’s

age into account. *Id.* at 589-90. Although Lewis acknowledges this aspect of *Taylor*'s holding, he nonetheless contends that, "[i]f vulnerability cannot be used to justify an upward departure for the charge at hand, it cannot be used to justify denying a downward departure." This argument is misguided because it is materially different to use offense elements (e.g., age) to impose an upward departure than it is to consider these elements in imposing a guidelines sentence for that offense. Caselaw prohibits the former but not the latter. *Compare Taylor*, N.W.2d at 589-90, with *State v. Soto*, 855 N.W.2d 303, 313 (Minn. 2014). For example, in *Soto*, the supreme court considered the forcible nature of the assault—an element of the offense—when it concluded that the district court abused its discretion by departing from the guidelines sentence. 855 N.W.2d at 313.

Because the district court properly considered whether departure was appropriate, we conclude that it acted within its discretion by denying Lewis's request for a downward dispositional departure.²

Affirmed.

² Lewis gives passing reference to Minnesota Statutes section 609.342, subdivision 3(1)-(2) (2024), which allows a district court, in certain circumstances, to stay the imposition or execution of a sentence for an offense under section 609.342, subdivision 1a(g) (2024). Lewis did not present this argument to the district court, and so it is therefore forfeited. *See Roby v. State*, 547 N.W.2d 354, 357 (Minn. 1996) (explaining that a party generally forfeits arguments by failing to raise them in district court). And, in any event, this provision is inapplicable because Lewis was not convicted under subdivision 1a(g) of section 609.342; he was convicted under subdivision 1a(e).