

*This opinion is nonprecedential except as provided by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
A26-0214**

State of Minnesota,
Appellant,

vs.

Julie Louise Myhre-Schnell,
Respondent.

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

Ramsey County District Court
File No. 62-CR-24-5497

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

Ronald Hocevar, Scott County Attorney, Michael M. Hayek, Elisabeth M. Johnson,
Kaitlyn A. Stamson, Assistant County Attorneys, Shakopee, Minnesota (for appellant)

James H. Gempeler, North Star Criminal Defense, St. Paul, Minnesota (for respondent)

Considered and decided by Beane, Presiding Judge; Smith, Tracy M., Judge; and
Schmidt, Judge.

NONPRECEDENTIAL OPINION

BEANE, Judge

Appellant State of Minnesota challenges the sentence imposed for respondent Julie Louise Myhre-Schnell's conviction of attempted first-degree premeditated murder. The state argues that the district court abused its discretion by granting a downward durational

departure because the court failed to explain its reasoning and because Myhre-Schnell's conduct was not significantly less serious than the typical attempted first-degree premeditated murder. Seeing no basis to conclude that the district court's sentencing decision constituted an abuse of its broad discretion, we affirm.

FACTS

The state charged Myhre-Schnell with attempted first-degree premeditated murder by amended complaint, which contains the following allegations. On December 3, 2023, Myhre-Schnell went to the group home where her vulnerable-adult son (son) lived and tried to kill son by putting a "slurry" of water and crushed up Lorazepam pills from her own prescription into son's feeding bag. The next day, son was taken to the hospital and was diagnosed with acute hypoxemic respiratory failure, but he eventually recovered. Myhre-Schnell later admitted to family members and police that she had tried to kill son. She told police that, at the time, she thought to herself, "Am I doing this? Am I doing this? I can't believe I'm doing this." But she also said that she "completely regretted he survived." Several months later, Myhre-Schnell sent a text message to son acknowledging what she had done and saying she had hoped he would "go to sleep forever."

The state filed notice of its intent to seek an aggravated sentence. It later agreed not to pursue an aggravated sentence in exchange for Myhre-Schnell pleading guilty to the charged offense.¹

¹ The record does not contain a transcript of the guilty-plea hearing.

Myhre-Schnell moved for a downward dispositional sentencing departure,² arguing that she is particularly amenable to probation and mental-health treatment, she has expressed remorse and taken responsibility, son “acquiesce[s]” to a probationary sentence, and she “lacked substantial capacity for judgment” at the time of the offense. In support of her motion, Myhre-Schnell submitted a confidential sentencing memorandum that detailed various aspects of her life and relationship with son, including son’s significant medical needs and Myhre-Schnell’s active involvement in his care for the past 30 years. The memorandum said that she experienced “caregiver burnout.” Myhre-Schnell also submitted 20 letters of support from friends and family and a video of roughly seven minutes with statements from friends and family. And she highlighted the presentence-investigation report, which detailed various aspects of Myhre-Schnell’s life and relationship with son but also recommended a prison sentence of 180 months—the middle of the presumptive range under the Minnesota Sentencing Guidelines.

At the sentencing hearing, the district court noted that it had received Myhre-Schnell’s guilty plea and had prepared for sentencing by reviewing the presentence-investigation report, the victim impact statement, and Myhre-Schnell’s motion and supporting materials. The district court then heard arguments from the parties. In arguing the motion for a downward dispositional departure, defense counsel highlighted the various

² The Minnesota Sentencing Guidelines prescribe presumptive sentences for felony offenses and define two types of sentencing departures: dispositional and durational. A downward dispositional departure involves a deviation from a presumptive prison sentence to a probationary sentence based on the defendant’s characteristics, while a downward durational departure involves a reduction in the length of the sentence based on the seriousness of the offense. *State v. Solberg*, 882 N.W.2d 618, 623 (Minn. 2016).

supporting materials and son's "acquiescence" to a probationary sentence. Counsel also emphasized Myhre-Schnell's decades of caring for son and Myhre-Schnell's own mental-health challenges, and asserted that "[h]er actions must be understood within the context of profound long-term caregiver burnout" because "when the systems around her failed, she had no choice but to step in."

The state opposed the motion and requested a sentence of 216 months' imprisonment, the top of the presumptive sentencing range. The state countered Myhre-Schnell's arguments about caregiver burnout by asserting that she was not son's only caregiver and asserted that her complaints about systemic failures amount to a "shirking of responsibility" by blaming others.

Myhre-Schnell also personally addressed the court. She reiterated and expounded on defense counsel's arguments about her mental-health challenges and the toll of being son's primary caregiver for decades. She also said that, in December 2023, she was contemplating taking her own life and "couldn't bear the thought" of son "lingering without proper care," so she sought to end his life before ending her own.

In imposing the sentence, the district court noted and discussed the various factors the parties highlighted but ultimately focused on the seriousness of Myhre-Schnell's conduct. The district court explained that, in its experience, a typical attempted murder involves a shooting in the community in an unsuccessful effort to kill someone, which implicates public safety. The district court reasoned that, because those factors are absent here, Myhre-Schnell's conduct is less serious than is typical of an attempted first-degree

premeditated murder. On that basis, the district court sentenced Myhre-Schnell to 36 months' imprisonment, which is a downward durational departure.

The state appeals.

DECISION

A district court generally must impose the presumptive sentence established in the Minnesota Sentencing Guidelines. Minn. Sent'g Guidelines 2.D.1 (2024). But the district court has discretion to depart from the presumptive sentencing disposition or duration if “identifiable, substantial, and compelling circumstances” support a departure. *Id.*; *see also State v. Soto*, 855 N.W.2d 303, 308 (Minn. 2014). A durational departure looks to the seriousness of the offense, not the characteristics of the offender. *Solberg*, 882 N.W.2d at 623. A downward durational departure is justified when a “defendant’s conduct was significantly less serious than that typically involved in the commission of the offense.” *Id.* at 624 (quotation omitted). We afford district courts “great discretion in the imposition of sentences.” *Soto*, 855 N.W.2d at 307 (quotation omitted). A district court abuses its discretion if its reasons for a sentencing departure are “improper or inadequate.” *State v. Rund*, 896 N.W.2d 527, 532 (Minn. 2017).

The state argues that the district court abused its discretion in granting a downward durational departure because it offered no explanation for its determination that this offense is less serious than typical other than to say that the offense did not involve a shooting in the community. But the determination that Myhre-Schnell’s offense was committed in a manner that is significantly less serious than typical is a permissible basis for a downward durational departure. *See Solberg*, 882 N.W.2d at 625-26. The district court explained that

a typical attempted murder involves shooting a gun in the community, which poses a threat to public safety. And the district court further explained that, by contrast, Myhre-Schnell committed attempted first-degree premeditated murder in a manner that did not impact public safety. Reasonable minds may differ as to the substance of this explanation, but the district court articulated a permissible basis to depart and the reason for doing so. Given that, we cannot conclude that the district court's reasons for its sentencing decision were improper or inadequate, such that they would constitute an abuse of discretion.

The state also identifies several other factors that it contends are improper or unsupported bases for a durational departure—Myhre-Schnell's remorse, her mental-health challenges, son's wishes, and concerns about systemic failures related to son's care. But although the parties and the district court discussed these factors during the sentencing hearing, the district court did not rely on them in sentencing Myhre-Schnell. In fact, the district court expressed skepticism as to whether Myhre-Schnell had truly accepted responsibility for her conduct and whether her actions were related to her mental-health concerns. In any event, "a single mitigating factor, standing alone, may justify a downward durational departure." *Id.* at 624-25. Once the district court had articulated a valid basis to depart—here, the determination that Myhre-Schnell's conduct was less serious than is typical of an attempted first-degree premeditated murder—it was not then also required to expressly reject all the other factors presented by the parties that would not have been a permissible basis to depart.

Finally, we are not persuaded by the state's argument that this case cannot be less serious than typical because other factors, such as son's particular vulnerability, could have

supported a finding that this case was *more* serious than typical rather than less. Son's particular vulnerability is a factor on which the state could have relied in seeking an aggravated sentence, *see* Minn. Sent'g Guidelines 2.D.3.b(1) (2024), but the state chose not to pursue an aggravated sentence in exchange for Myhre-Schnell's guilty plea. Moreover, the record reflects that the district court understood and considered son's circumstances and nonetheless determined that Myhre-Schnell's conduct was, overall, substantially less serious than the typical attempted first-degree premeditated murder. Even if another district court might have reached a different conclusion, we are not persuaded that the decision to impose a downward durational departure constituted an abuse of the district court's broad discretion. *See State v. Blom*, 682 N.W.2d 578, 613 (Minn. 2004) (stating that the mere possibility "that another district court, in the proper exercise of its discretion," might have done differently, is insufficient to show an abuse of discretion).

Affirmed.