

*This opinion is nonprecedential except as provided by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
A26-0334**

State of Minnesota,
Respondent,

vs.

Lamar Daeshaun Ford,
Appellant.

**Filed September 21, 2026
Affirmed
Schmidt, Judge**

Hennepin County District Court
File Nos. 27-CR-24-4283, 27-CR-19-26329

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

Mary F. Moriarty, Hennepin County Attorney, Mark V. Griffin, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

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

Considered and decided by Bratvold, Presiding Judge; Schmidt, Judge; and Harris, Judge.

NONPRECEDENTIAL OPINION

SCHMIDT, Judge

Appellant Lamar Daeshaun Ford challenges the district court's order revoking his probation on his felony domestic abuse conviction and executing his stayed sentences. Ford argues the district court (1) erred by executing his sentence in a written order without

an additional hearing; (2) erred by failing to advise him of his rights at his probation-revocation hearing; and (3) abused its discretion by revoking his probation without first finding that rehabilitation had failed. We affirm.

FACTS

In 2019, respondent State of Minnesota charged Ford with felony domestic abuse and he later pleaded guilty. The district court sentenced Ford to 21 months in prison and stayed the sentence for three years. The district court imposed several conditions on Ford's probation, including: remain law abiding; no possession of firearms or other dangerous weapons; and abide by a three-year probationary domestic-abuse no-contact order.

In 2024, following a new charge for felony possession of a firearm, the county filed a probation-violation report in Ford's 2019 case. The report and subsequent addendum alleged that Ford violated the conditions of his probation by failing to remain law abiding due to the firearm possession charge, failing to remain law abiding by allegedly being in possession of a stolen vehicle, failing to remain law abiding by allegedly physically abusing his seven-year-old daughter, and failing to report his new arrest within 72 hours.

Ford pleaded guilty to the 2024 firearm possession charge and admitted violating the conditions of his probation for his 2019 offense. The district court sentenced Ford to 60 months in prison on the firearm-possession charge and stayed execution of the sentence for five years. The district court also continued Ford's probation on the 2019 offense.

In 2025, the county filed a second probation-violation report in Ford's 2019 file and filed the same probation-violation report in Ford's 2024 file. The report and subsequent addendum alleged that Ford failed to remain law abiding by committing several new felony

offenses of domestic assault: threats of violence, domestic assault by strangulation, and domestic abuse in Ramsey County.

At a contested probation-revocation hearing,¹ Ford admitted that he had violated the terms of his probation by pleading guilty to the Ramsey County charges. The state asked the district court to revoke Ford's probation in both his 2019 and 2024 cases. Ford argued that his probation should not be revoked because he was working on multiple rehabilitative programs and rehabilitation had not yet failed. Ford's probation officer expressed concerns about Ford's behavioral patterns, victim safety, and public safety. The district court took the matter under advisement.

The district court issued a written order revoking Ford's probation and executing his sentences. Ford appeals.

DECISION

Ford raises three challenges to the district court's order revoking his probation. First, Ford contends that the district court erred by executing his sentence in a written order without an additional hearing where Ford was present. Second, he argues that the district court erred by failing to adequately advise him of his rights at the probation-revocation hearing. Finally, Ford argues the district court abused its discretion when it revoked his probation without finding that rehabilitation had failed. We address each argument in turn.

¹ Otherwise known as a *Morrissey* hearing. See *Morrissey v. Brewer*, 408 U.S. 471, 488-89 (1972) (defining the minimum due process rights a defendant is entitled to during a contested probation hearing).

I. The district court did not err by executing Ford’s sentence in a written order without an additional hearing.

Ford argues that the district court erred when it held a probation-revocation hearing, took the matter under advisement, and then “did not reconvene the hearing to execute [his] prison sentences.” Ford contends the district court erred because it revoked his probation and executed his sentences in an order without him being present.

The parties offer different standards of review to analyze this issue.² We need not resolve the disagreement because we affirm even under a *de novo* standard of review, which would be the most favorable to Ford. The question before us is whether the district court erred when, after hearing arguments from both parties at the contested-revocation hearing and taking the matter under advisement, it issued a written order revoking Ford’s probation and executing his sentences without holding an additional hearing.

Minnesota Statutes section 609.14 (2024) sets out the procedural framework to revoke a defendant’s probation. The statute requires the district court to notify a defendant of the alleged grounds for probation revocation in writing. Minn. Stat. § 609.14, subd. 2. If the defendant contests the grounds for revocation, the court must hold a hearing “at which the defendant is entitled to be heard and to be represented by counsel.” *Id.*

Minnesota Rule of Criminal Procedure 27.04 reiterates the procedural requirements for a probation-revocation hearing. “If the [district] court finds or the probationer admits

² In his opening brief, Ford asserts that the standard of review is abuse of discretion because the issue presents a question of the district court’s “decision to proceed with a trial in absentia.” The state responds that we should review the issue for plain error because Ford did not object at the district court. In his reply brief, Ford argues the issue under a *de novo* standard of review.

a probation violation, the [district] court may: . . . (v) execute a sentence.” Minn. R. Crim. P. 27.04, subd. 3(2)(b). If the district court holds a contested revocation hearing, the rule requires a “verbatim record” be made and the court must “make written findings of fact, including a summary of the evidence relied on in reaching a revocation decision and the basis for the [district] court’s decision.” *Id.*, subd. 3(3)

Neither section 609.14 nor rule 27.04 requires a district court to hold an additional hearing where the defendant is present at which the court verbally announces its decision to revoke probation and to execute the sentence. The process that the district court employed did not violate the statute or the rule.

Our recent decision in *State v. Redford* further demonstrates that the district court committed no error. 986 N.W.2d 257, 263 (Minn. App. 2023). In *Redford*, we noted that “prior to a final decision revoking parole or probation, there must be an opportunity for a hearing at which a final evaluation of any contested facts is made and the defendant has an opportunity to be heard.” *Id.* (quotations omitted). If a district court holds such a hearing, we held that the court may thereafter “issue an order revoking a stay of execution without the defendant being present.” *Id.*

Here, Ford was present and had an opportunity to be heard at the November 2025 contested revocation hearing. After the hearing, the district court took the matter under advisement. Four days later, the district court issued a written order summarizing its findings and ordering the revocation of Ford’s probation and execution of his sentences. We discern no error in this process.

Ford also argues that Minnesota Rule of Criminal Procedure 27.03 requires a defendant to be present for sentencing. Ford was, however, present at the sentencing hearings for both his 2019 offense and his 2024 offense. In both instances, the district court imposed a sentence and stayed its execution. When the district court later vacated the stay and executed the previously imposed sentence, no additional hearing was necessary. *See Brouillette v. State*, 10 N.W.3d 24, 29 (Minn. 2024) (holding that executing a previously imposed sentence is not a new sentence).

Because the district court met the requirements under the statute, rule, and caselaw, we discern no error in revoking Ford’s probation and executing his sentences in a written order following the contested revocation hearing.

II. The district court failed to adequately advise Ford of his rights under rule 27.04, but the plain error did not affect Ford’s substantial rights.

Ford argues that the district court failed to adequately advise him of his rights as articulated in rule 27.04. Because defense counsel did not object to the district court’s failure to comply with rule 27.04, we review this issue for plain error. *State v. Beaulieu*, 859 N.W.2d 275, 281 (Minn. 2015).

To meet the plain error standard, “a criminal defendant must show that (1) there was an error, (2) the error was plain, and (3) the error affected the defendant’s substantial rights.” *State v. Myhre*, 875 N.W.2d 799, 804 (Minn. 2016). If all three prongs are satisfied, we will only correct the error if it “seriously affects the fairness, integrity or public reputation of judicial proceedings.” *Beaulieu*, 859 N.W.2d at 279.

Rule 27.04 requires that, “[w]hen the probationer initially appears on the warrant or summons[,] the [district] court must” inform the defendant of several specific rights. *See* Minn. R. Crim. P. 27.04, subd. 2(1)(c)(a)-(f). Ford and the state agree that the district court did not advise Ford of these rights. Our review of the record supports the parties’ agreement that the district court committed plain error. *See Beaulieu*, 859 N.W.2d at 282 (“The district court’s failure to provide [defendant] with the rights advisory mandated by Minn. R. Crim. P. 27.04 was an error that was plain because it contravened an unambiguous rule of criminal procedure.”).

We conclude, however, that the plain error did not affect Ford’s substantial rights. The record reflects that many of the rights enumerated under rule 27.04 were satisfied: Ford was represented by counsel (Minn. R. Crim. P. 27.04, subd. 2(1)(c)a.), he had a revocation hearing (*id.* at b.), he was informed of the new charges and evidence that initiated the revocation hearing (*id.* at c.), and he has since appealed the outcome of his revocation hearing (*id.* at f.). Therefore, the first, second, third, and sixth rights enumerated under rule 27.04 were not affected by the plain error. Our analysis, therefore, is limited to the fourth (the right to present evidence) and fifth (the right to present mitigating evidence) rights enumerated in rule 27.04, subdivision 2(1)(c).

Ford contends that “[w]ithout evidence that he knew of these rights and still waived them, it is impossible to say that he would have continued this course and that his substantial rights were not impacted.” We are not persuaded.

First, Ford failed to meet his burden to affirmatively show that his substantial rights were affected by the district court’s plain error. *Myhre*, 875 N.W.2d at 804. It is not

enough to contend that the district court's plain error left room for other theoretical outcomes that Ford cannot identify. The argument that it is "impossible to say" whether Ford would have proceeded as he did had the district court advised him of his rights does not satisfy his "heavy burden" of showing that the district court's plain error "was prejudicial and affected the outcome of the proceedings." *Beaulieu*, 859 N.W.2d at 282.

Second, our review of the record reveals that Ford agreed that he and his attorney discussed his rights, that he pleaded guilty to the new offense that led to revocation, and that he wished to waive his right to an evidentiary hearing on the matter:

THE COURT: All right. This matter is before the Court on two cases, 27-CR-19-26329 and 27-CR-24-4283. We are here for a contested revocation hearing also known as a Morrissey hearing. With that I will turn to the state.

STATE: Your Honor, I believe after talking to defense counsel that the defendant will be making an admission to the alleged violation contained in the probation violation reports of failing to remain law abiding. And that would be acceptable to the state. We would not be seeking to prove any of the other allegations, Your Honor.

THE COURT: Is there any further agreement?

STATE: No, Your Honor. We would intend to argue disposition.

THE COURT: All right. [Defense counsel], is that your understanding as well?

DEFENSE ATTORNEY: It is, Your Honor. They're—both files do share the same allegation of failure to remain law abiding. And we are prepared to enter an admission to that.

THE COURT: All right. Go ahead.

DEFENSE ATTORNEY: Yes, Your Honor. Do you want the full *Morrissey* waiver as well?

THE COURT: Yes, please.

DEFENSE ATTORNEY: All right. Mr. Ford, we've discussed the fact that you're entitled to what we sometimes call a *Morrissey* hearing. Also just an evidentiary hearing in which the state would have to prove by clear and convincing evidence that you had in fact violated your probation. We talked about that, correct?

FORD: Correct.

DEFENSE ATTORNEY: And we've discussed the fact that you did recently enter a plea in Ramsey County. You're awaiting sentencing on that file, correct?

FORD: Yes. That's correct.

DEFENSE ATTORNEY: All right. Are you then willing to waive the *Morrissey* hearing, the contested evidentiary hearing in this matter, understanding that you do have the right to that?

FORD: Yes.

DEFENSE ATTORNEY: And do you further admit that you did failure (sic) to remain law abiding by entering a guilty plea to the charge of threats of violence in Ramsey file 62-CR-25-5274?

FORD: Yes. That is correct.

DEFENSE ATTORNEY: Okay. And I know there was a domestic charge dismissed as a part of that agreement. But you did plead guilty to the threats of violence, correct?

FORD: Correct.

DEFENSE ATTORNEY: And you would agree then that you have failed to remain law abiding, and therefore, you have in fact violated one of the terms of your probation on each file?

FORD: Yes.

DEFENSE ATTORNEY: Nothing further as [to] the waiver, Your Honor.

THE COURT: State satisfied with the waiver?

STATE: Yes, Your Honor.

Following that waiver, the district court questioned Ford to ensure that he understood that he was admitting to violating the terms of his probation by failing to remain law abiding:

THE COURT: Just so I understand, Mr. Ford. You know and understand and are acknowledging to me that in both of these cases—that is 19-26329 and 24-4283—that you were on probation. Is that correct, sir?

FORD: Yes, sir.

THE COURT: And you knew and understood that one of the obligations you had as a condition of probation was to remain law abiding. Is that correct, sir?

FORD: Yes.

THE COURT: And you have admitted in Ramsey County that you broke the law by committing the crime of threats of violence as is outlined by 25-5274—Ramsey County. So 62-CR-25-5274. Is that correct, sir?

FORD: Yes, sir.

THE COURT: And there is no legal justification or excuse for you resorting to the crime of threats of violence. That is to say you're guilty of that offense and there's no legal defense or justification for violating the term and condition of your probation. Is that correct, sir?

FORD: Yes, sir.

The record shows Ford’s attorney and the court made sure that Ford understood that he had a right to an evidentiary hearing where he could present mitigating evidence about his alleged probation violation. Ford noted that he understood and chose to proceed with admitting to the violation. There is no evidence that Ford “lacked actual knowledge of the rights set forth in Rule 27.04, nor that he would have denied the probation violations had the court read him the Rule 27.04 rights advisory.” *Id.* at 282.

Ford failed to meet his burden to show that the plain error affected his substantial rights. Because Ford failed to satisfy the third prong of the plain-error test, we need not address whether the plain error “seriously affects the fairness, integrity or public reputation of judicial proceedings.” *Id.* at 279 (quotations omitted).

III. The district court did not abuse its discretion by not making explicit findings about whether rehabilitation failed before revoking Ford’s probation.

Ford argues that the district court abused its discretion by revoking his probation “without finding that rehabilitation had failed and because rehabilitation had not failed.” Ford’s argument has been rejected by binding caselaw.

Appellate courts review a district court’s probation-revocation decision for an abuse of discretion. *State v. Austin*, 295 N.W.2d 246, 249-50 (Minn. 1980). District courts “must make three findings,” known as the *Austin* factors, before revoking probation: “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.” *Id.* at 250. The supreme court has explained that the “purpose of probation is rehabilitation and revocation should be used only as a last

resort when treatment has failed.” *Id.* In 2023, the Minnesota Legislature added an amendment to Minnesota Statutes section 609.14 to codify the supreme court’s holding. *See* 2023 Minn. Laws ch. 52, art. 17, § 32, at 1114.

Ford cites the 2023 amendment to section 609.14 and argues that the district court must make an affirmative finding that “rehabilitation has failed.” But we recently rejected this interpretation of section 609.14. *See State v. Eastman*, 29 N.W.3d 741, 753 (Minn. App. 2025), *rev. granted* (Minn. Feb. 18, 2026). In *Eastman*, we concluded that the “2023 amendment to Minnesota Statutes section 609.14, subdivision 1(a), does not create a new or heightened standard that requires a district court, before it may revoke a defendant’s probation, to make any findings that rehabilitation has failed additional to or different from those currently required by existing caselaw.” *Id.*

Ford acknowledges *Eastman* but asserts that our decision is wrong. We are bound by the precedential decision in *Eastman*, however, even though the Minnesota Supreme Court has granted further review of that decision. *See State v. Chauvin*, 955 N.W.2d 684, 694-95 (Minn. App. 2021) (concluding that a precedential opinion from the Minnesota Court of Appeals is binding authority for this court and the district courts immediately upon its filing, even though further review by the supreme court is possible or pending), *rev. denied* (Minn. Mar. 10, 2021). Following *Eastman*, the district court did not need to make an affirmative finding that rehabilitation has failed before revoking Ford’s probation.

Affirmed.