MSGC Departure Report

Offender Name (Last, First, Middle):	Date of Sentence:	Sentencing County Name:
Bregel, Caycee Lynn	4/12/2019	Dakota
Judge Name:	**Date of Report:**	**District Court Case No.:**
Jerome B. Abrams	4/12/2019	19HA-CR-18-2183
Report Completed By (Name/Title):	**Contact Information:**	
Jerome Abrams/Judge	651-438-8141	

Instructions

In making decisions about departing from the Guidelines, and in writing reasons for departures, judges should consult § 2.D of the ***Minn. Sentencing Guidelines and Commentary.*** This report should be completed by the Court when:

(a) The pronounced disposition (prison/probation) differs from the presumptive disposition under the Guidelines;
(b) The length of the sentence pronounced by the Court differs from the presumptive sentence length;
(c) A consecutive sentence is given in a circumstance other than described in § 2.F of the Guidelines;
(d) A consecutive sentence is not pronounced when consecutive sentencing is presumed under the Guidelines; or
(e) A non-felony sentence is pronounced for an offender convicted of a felony-level offense.

Type of Departure (check all that apply)

Dispositional:	Durational:		
☐ **Mitigated/Downward** (Stay – Guidelines presume prison)	☐ **Mitigated/Downward** (Less than Guidelines time)	☑ **Non-Felony Sentence** (Misdemeanor or Gross Misd. sentence pronounced for felony-level conviction)	☐ **Consecutive** (Departure from Guidelines policy on consecutive sentencing)
☐ **Aggravated/Upward** (Prison – Guidelines presume stay)	☐ **Aggravated/Upward** (Greater than Guidelines time)		
☐ **NOT** an aggravated/upward dispositional departure: Sentence was executed pursuant to offender's right to demand execution, offense date after 7/31/2015 (Guidelines § 2.D.1.f).			

Aggravated Departure:

If the sentence is an aggravated departure, please indicate how the sentence was imposed:

☐ Jury determination of aggravating factors (other than the fact of a prior conviction)	☐ Defendant waived right to jury determination of aggravating factors

Reason(s) for Departure

Please do one or more of the following: 1) Check the appropriate reason(s) for departure on the checklist of frequently cited departure reasons on page 2; 2) Write the reasons in the space below; or 3) Attach the relevant pages from the sentencing order or sentencing transcript.

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State of Minnesota
Dated 4-12-19

Section 1, below, contains frequently cited reasons for departure provided to the Court for convenience. Check all reasons that apply. An asterisk (*) denotes a reason listed in Guidelines § 2.D.3, which is a nonexclusive list. Reasons with no asterisk are not enumerated in the Guidelines, but may be sanctioned elsewhere in law. Items listed in section 2 are requested as additional information. ***The Court may also record reasons for departure in the space provided on page 1.***

Section 1. Frequently Cited Reasons for Departure

Related to Nature of Current Offense

Reasons Frequently Used as Mitigating Factors:

- ☐ Offender played minor or passive role*
- ☐ Victim was aggressor in incident*
- ☒ Crime less onerous than usual

Reasons Frequently Used as Aggravating Factors:

- ☐ Victim treated with particular cruelty*
- ☐ Victim was particularly vulnerable*
- ☐ Victim injury/psychological impact on victim
- ☐ Current conviction is offense w/ victim injury (including Crim. Sex. Conduct) and there is a similar prior*
- ☐ Major economic offense--involves 2 or more of following:*
  - ☐ multiple victims/multiple incidents per victim
  - ☐ use of position/status
  - ☐ high degree planning/soph./lengthy period of time
  - ☐ actual/attempted loss greater than usual/than min.
  - ☐ similar prior conduct
- ☐ Committed, for hire, a crime against the person*
- ☐ Committed crime as part of a group of three or more persons who all actively participated in the crime*
- ☐ Major controlled substance crime involving 2 or more of the following:*
  - ☐ 3 or more separate transactions
  - ☐ offender or accomplice possessed equipment, paraphernalia, or monies evidencing wholesale trafficking
  - ☐ involved manufacture for use by others
  - ☐ offender or accomplice possessed firearm or other dangerous weapon during offense
  - ☐ high position in drug distribution hierarchy
  - ☐ high degree of sophistication/lengthy period of time
  - ☐ use of position/status
  - ☐ separate acts in 3 or more counties
  - ☐ prior conv. under Minn. Stat. § 609.1095, s. 1(d), except prior under chap. 152, including attempt or conspiracy
  - ☐ sale to a minor or vulnerable adult
  - ☐ occurred in a zone or correctional/treat. facility
- ☐ Multiple victims or multiple incidents per victim
- ☐ Crime committed in victim's home or zone of privacy
- ☐ Position of authority, superiority, confidence or trust
- ☐ Crime more onerous than usual offense

Related to Individual Offender

Reasons Frequently Used as Mitigating Factors:

- ☒ Lacked substantial capacity for judgment (not drug/alc.)*
- ☐ Particularly amenable to probation
- ☒ Particularly amenable to treatment:
  - ☐ Chem. dependency ☐ Sex offender ☒ Other
  - ☐ Convicted of controlled substance offense, is particularly amenable to probation based on adequate evidence that offender is chemically dependent and has been accepted by, and can respond to, a treatment program in accordance with Minn. Stat. § 152.152*
- ☒ Impose restitution/ensure financial penalties paid
- ☐ Ensure compliance w/ probation or allow longer supervision
- ☒ Shows remorse/accepts responsibility
- ☐ Current Severity Level 1-4 offense and priors resulted from crime spree*

Reasons Frequently Used as Aggravating Factors:

- ☐ Has failed on probation/unamenable to probation
- ☐ Career Offender under Minn. Stat. § 609.1095, s. 4
- ☐ Dangerous Offender under Minn. Stat. § 609.1095, s. 2
- ☐ Engrained Offender under Minn. Stat. § 609.3455, s. 3a

Related to Requests for Executed Sentence

- ☐ Request prison to avoid probation and/or jail
- ☐ Request prison as part of a plea agreement
- ☐ Request prison--revocation/prison on another offense
- ☐ Request prison--other reasons_____

Related to Recommendations Regarding Sentence

- ☐ Recommended by court services
- ☐ Recommended by treatment professional

Section 2. Additional Information Requested *(if applicable)*

Regarding Victim/Witness

- ☐ Recommendation or agreement of victim/victim's family
- ☐ Witness is unlikely, unable, or unwilling to testify
- ☐ Prevent trauma to witness from testifying

Regarding Plea Agreements and Prosecutorial Recommendations

- ☒ Prosecutor objects to the departure
- ☐ Departure recommended by prosecutor
- ☐ Prosecutor does not object to the departure
- ☐ Plea agreement on sentence
- ☐ Prosecutor motion to sentence without regard to Minn. Stat. § 609.11

PLEASE SEND TO:
Minnesota Sentencing Guidelines Commission
658 Cedar Street, Suite G-58, St. Paul, MN 55155
Voice: (651) 296-0144 Email: sentencing.guidelines@state.mn.us

*** Indicates reasons specified in the *nonexclusive* list in § 2.D.3 of the Minn. Sentencing Guidelines and Commentary.**