

SUPREME COURT OF MINNESOTA

State v. Strobel

932 N.W.2d 303 (Minn. 2019) · Decided August 14, 2019

SUMMARY

The Minnesota Supreme Court considered whether the classification of a prior offense under Minnesota Sentencing Guidelines § 2.B.7.a is determined by the statute defining the offense or by general statutory definitions of felony and gross misdemeanor. The court held that “current Minnesota offense definitions” refers to the element-based definitions of crimes. It affirmed the court of appeals’ reversal of the sentence and remand for resentencing because the State had not established that Strobel’s prior controlled-substance-possession offense qualified as a felony.

CASE DETAILS

|                       |                                                                                                                                                                                                                               |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Minnesota                                                                                                                                                                                                    |
| WRITING FOR THE COURT | Gildea, Chief Justice                                                                                                                                                                                                         |
| JURISDICTION          | Minnesota                                                                                                                                                                                                                     |
| DECIDED               | August 14, 2019                                                                                                                                                                                                               |
| DISPOSITION           | affirmed                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | The State petitioned the Minnesota Supreme Court for review of the court of appeals' decision reversing Strobel's sentence and remanding for resentencing based on an allegedly incorrect criminal-history-score calculation. |
| STANDARD OF REVIEW    | Interpretation of the Minnesota Sentencing Guidelines is reviewed de novo as a question of law. The Guidelines are interpreted using the same principles applied to statutes.                                                 |
| PRECEDENTIAL VALUE    | Published Minnesota Supreme Court opinion; precedential.                                                                                                                                                                      |
| PARTIES               | State of Minnesota v. Donald Albert Strobel                                                                                                                                                                                   |

TOPICS

- sentencing
- sentencing guidelines
- statutory interpretation
- criminal procedure

PRACTICE AREAS

- criminal law
- sentencing
- statutory interpretation

## QUESTIONS PRESENTED

1. Under Minnesota Sentencing Guidelines section 2.B.7.a, is the classification of a prior offense determined by the statute defining the elements of the crime or by Minn. Stat. § 609.02's categorical definitions of felony and gross misdemeanor?
2. Did the State prove that Strobel's 2012 fifth-degree possession conviction qualified as a felony for purposes of calculating his criminal-history score?

## HOLDINGS

1. The phrase "current Minnesota offense definitions" in section 2.B.7.a refers to the element-based statutory definitions of crimes, rather than merely to the categorical felony and gross-misdemeanor definitions in Minn. Stat. § 609.02.
2. The State did not establish that Strobel's 2012 fifth-degree possession conviction qualified as a felony under the element-based offense definitions applicable under section 2.B.7.a; therefore, the court of appeals properly reversed the sentence and remanded for resentencing.

## KEY QUOTATIONS

*"Based on the plain language of section 2.B.7.a, the phrase "offense definitions" refers to the element-based definitions of crimes."* (932 N.W.2d at 310)

*"Our obligation, however, is to give effect to both paragraphs."* (932 N.W.2d at 309)

## FACTUAL BACKGROUND

Strobel was convicted in 2012 of fifth-degree possession of a controlled substance under Minn. Stat. § 152.025, subd. 2(a)(1) (2014). After the 2016 Drug Sentencing Reform Act changed some first-time fifth-degree possession offenses from felonies to gross misdemeanors, Strobel committed and was convicted of first-degree sale of a controlled substance. In calculating the sentence for the current offense, the district court treated the 2012 conviction as a felony and assigned one-half of a felony point, although the record did not establish the type or amount of controlled substance involved in the prior offense.

## PROCEDURAL HISTORY

Strobel was convicted of first-degree sale of a controlled substance and sentenced by the district court to 115 months based on a criminal-history score of five, which included one-half of a felony point for a 2012 fifth-degree possession conviction. The court of appeals held that the State failed to prove the prior offense should be classified as a felony under Minnesota Sentencing Guidelines section 2.B.7.a and remanded for a new sentencing hearing. The Minnesota Supreme Court affirmed.

## DISPOSITION

affirmed

## REMAND INSTRUCTIONS

The court affirmed the court of appeals' remand for a new sentencing hearing. On remand, the State may develop the record concerning the type and amount of controlled substance underlying Strobel's 2012 conviction.

#### CASES CITED

- State v. Scovel, 916 N.W.2d 550 (Minn. 2018)
- State v. Maurstad, 733 N.W.2d 141 (Minn. 2007)
- State v. Washington, 908 N.W.2d 601 (Minn. 2017)
- State v. Kirby, 899 N.W.2d 485 (Minn. 2017)
- State v. Campbell, 814 N.W.2d 1 (Minn. 2012)
- State v. Thonesavanh, 904 N.W.2d 432 (Minn. 2017)
- Dereje v. State, 837 N.W.2d 714 (Minn. 2013)
- Clark v. Pawlenty, 755 N.W.2d 293 (Minn. 2008)
- Akers v. Akers, 233 Minn. 133, 46 N.W.2d 87 (1951)
- State v. Spence, 768 N.W.2d 104 (Minn. 2009)
- State v. Outlaw, 748 N.W.2d 349 (Minn. App. 2008)