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**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A12-1256  
A12-1270**

State of Minnesota,  
Respondent,

vs.

Michael Arthur Siegler,  
Appellant.

**Filed March 18, 2013  
Affirmed  
Halbrooks, Judge**

Winona County District Court  
File Nos. 85-CR-11-613, 85-CR-11-614

Lori Swanson, Attorney General, St. Paul, Minnesota; and

Karin L. Sonneman, Winona County Attorney, Justin A. Wesley, Assistant County Attorney, Winona, Minnesota (for respondent)

David W. Merchant, Chief Appellate Public Defender, Andrea Barts, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Larkin, Presiding Judge; Halbrooks, Judge; and  
Rodenberg, Judge.

**UNPUBLISHED OPINION**

**HALBROOKS**, Judge

In this sentencing appeal following his conviction of two counts of first-degree criminal sexual conduct, appellant Michael Arthur Siegler argues that the district court

abused its discretion by denying his motion for a downward dispositional departure. We affirm.

## **FACTS**

Siegler was charged with 14 counts of first-degree criminal sexual conduct for sexually abusing his daughter from 1994-1998 and his girlfriend's daughter from 2006-2007. He pleaded guilty to two of those counts.

Prior to sentencing, Siegler underwent two psychosexual evaluations and moved the district court for a dispositional departure on the grounds that he had an untreated impairment; he is amenable to probation, chemical-dependency treatment, and sex-offender treatment; he accepted responsibility for his actions; and the mother of one victim supported a departure.

The district court held a lengthy sentencing hearing in which it heard testimony from the two psychologists who evaluated Siegler, a probation agent, and the mother of one of the victims. The district court also heard arguments from the prosecutor and defense counsel as to whether a departure was warranted in this case. Michael Simpson, L.P., testified that he favored in-custody sex-offender treatment for Siegler, and James Gilbertson, Ph.D., L.P., agreed that Siegler is not a good candidate for outpatient treatment. Dr. Gilbertson further testified that Siegler lacks the ability to exercise good judgment, as indicated by Siegler's score on the global-assessment-of-functioning test, but clarified that that test does not measure diminished capacity. The probation agent testified that the department of corrections found no reason to support a departure in this

case. Siegler was not found to be amenable to probation by either of his psychosexual evaluators or by probation.

The district court denied Siegler's motion for a dispositional departure. In doing so, the district court gave an exhaustive, on-the-record explanation for its decision, addressing each ground that Siegler cited in support of his motion and explaining why each factor was either outweighed by another circumstance or failed to persuade the district court that a departure was appropriate. After concluding that no substantial or compelling reason for a departure existed, the district court imposed the presumptive sentence for each offense. This appeal follows.

### **D E C I S I O N**

“If the district court has discretion to depart from a presumptive sentence, it must exercise that discretion by deliberately considering circumstances for and against departure.” *State v. Mendoza*, 638 N.W.2d 480, 483 (Minn. App. 2002), *review denied* (Minn. Apr. 16, 2002). But the district court is not required to explain its decision to impose the presumptive sentence after denying a request for a departure. *State v. Van Ruler*, 378 N.W.2d 77, 80 (Minn. App. 1985). So long as the “sentencing court carefully evaluated all the testimony and information presented before making a determination,” we will defer to the district court's exercise of discretion. *State v. Pegel*, 795 N.W.2d 251, 255 (Minn. App. 2011) (quotation omitted).

Siegler argues that the district court abused its discretion by imposing the presumptive sentence because he is amenable to probation. Not only is this assertion without any factual basis, it is legally unsound. There is no finding of amenability, and,

even if there had been such a finding, the district court would not have been required to depart. Siegler cites no legal authority supporting his contrary contention.

Siegler also argues that the district court failed to weigh the factors supporting a departure. But our careful review of the record reveals that the district court thoroughly considered the circumstances that were presented both for and against a departure. And even though it was not required to do so, the district court explained its decision to deny the departure by addressing each factor that was asserted in support of Siegler's motion. The district court complied with the requirements of the law and acted well within the bounds of its discretion when it imposed the presumptive sentences.

**Affirmed.**