
From: Abigail Lambert
Sent: Wednesday, January 27, 2021 6:08 PM
To: Guidelines, Sentencing (MSGC)
Subject: Sentencing Issue

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

To whom it may concern,

Good afternoon. My name is Abigail Lambert and I am a prosecuting attorney for Freeborn County. My caseload is mainly adult felonies. It was brought to my attention today that there is an issue with Sentencing Guideline 1, sub. B (1)(i), which allows a double rounding of a criminal history score. As a practitioner, I just wanted to share my concerns with the way the rules are currently worded. It is my opinion that if we continue with the way the guidelines are currently worded, Defendant's are inappropriately getting a double benefit. Not only are they receiving $\frac{1}{2}$ a custody status point for some offenses, the way in which some of the rules are currently written, it is almost as if that $\frac{1}{2}$ point doesn't exist at all.

For example, if someone has 4.5 criminal history points. The currently written rules would drop the points to 4. If you then add the custody status point back it increases again to 4.5 but the individual will still be sentenced at 4 instead of 5. I do not think this was the intent when these guidelines were written and would advocate for the rules to be changed to correctly reflect that the felony points should not drop to the nearest whole number until AFTER the custody status point is added.

Thank you for your time and attention to this. If you have any questions or concerns, please feel free to call.

Thank you

Abigail Lambert

Assistant Freeborn County Attorney
411 South Broadway Avenue
Albert Lea, MN 56007
507-377-5192

Disclaimer: This is an official government communication. As the recipient, you are responsible for the lawful use of this information. This e-mail and any attachments may be confidential and are intended solely for the individual or organization to which they are addressed. They may contain privileged or confidential information and should not be disseminated. If you are not the intended recipient of this e-mail, you should not copy, distribute or take any action in reliance upon this e-mail or the attachments. If you received this e-mail in error, please notify the sender immediately and delete this message. Thank you.