

Approved Meeting Minutes

February 12, 2026

A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on February 12, 2026, in the Afton Room at the Department of Corrections, 1450 Energy Park Drive, Saint Paul, MN 55108; and by telephone and/or electronically.

Present in person were Kelly Lyn Mitchell, Chair and Designee of the Commissioner of Corrections; and Commissioners Leonardo Castro, District Court Judge; Keale Ede, Court of Appeals Judge; Richard Frase, Professor Emeritus, University of Minnesota Law School; Amirthini Keefe, Public Member and Executive Director, Domestic Abuse Project; Kyrá Ladd, Wadena County Attorney; Cathryn Middlebrook, Chief Appellate Public Defender; Gordon L. Moore, III, Minnesota Supreme Court Justice; and Latonya Reeves, Hennepin County Career Probation Officer. Also present in person were MSGC staff members Leah Bower, Matthew Hlina, Linda McBrayer, Jill Payne, and Devonte Roache; and one member of the public, Professor Kevin Reitz, University of Minnesota Law School.

A Commission member present by telephone and/or electronically was Chief Brian Mueller, Stillwater Police Department, the notice required by Minn. Stat. § 13D.015 having been posted on the MSGC website on January 9, 2026. Also present by telephone and/or electronically were MSGC Executive Director Nate Reitz and staff member Kathleen Madland; and members of the public Professor Christopher Uggen, University of Minnesota; Elizabeth Ruhland, and Katie McCormick.

1. Call to Order & Roll Call

Chair Mitchell called the meeting to order at 1:30 p.m.

MSGC staff member Linda McBrayer called the roll. Present were Chair Mitchell and members Castro, Ede, Frase, Keefe, Ladd, Middlebrook, Moore, Mueller, and Reeves. Ten members were present; three members were absent. A quorum was present.

2. Adoption of Draft Meeting Agenda (Action)

This was on the agenda as an action item.

Motion by Commissioner Reeves and second by Commissioner Moore to approve the draft meeting agenda for February 12, 2026.

Motion carried unanimously on a 10–0 roll-call vote.

Voting “Yes” was Chair Mitchell, and members Castro, Ede, Frase, Keefe, Ladd, Middlebrook, Moore, Mueller, and Reeves.

3. Approval of Draft Meeting Minutes from January 8, 2026 (Action)

This was on the agenda as an action item.

Motion by Commissioner Castro and second Commissioner Middlebrook to approve the draft meeting minutes from January 8, 2026.

Motion carried unanimously on a 10–0 roll-call vote.

Voting “Yes” was Chair Mitchell, and members Castro, Ede, Frase, Keefe, Ladd, Middlebrook, Moore, Mueller, and Reeves.

4. Multiple Offenses and Criminal History in Minnesota (“Hernandizing”)

This was on the agenda as a discussion item.

Chair Mitchell called on MSGC staff to present “Sentencing Multiple offenses in one hearing: Hernandizing Policies.” The presentation was to go over the Hernandizing topic, which is a planned focus for the Commission for 2026. The presentation was to educate the Commission on Hernandizing data and the policies.

MSGC staff member Linda McBrayer presented slides entitled “What is Hernandizing,” sharing some of the history, case law, and how Hernandizing works in practice. She also presented the exceptions for Hernandizing; *e.g.*, single course of conduct with multiple offenses and single course of conduct with multiple victims.

The Commission asked clarifying questions about sentencing multiple offenses on the same date.

MSGC staff member Mathew Hlina presented “Hernandizing in Practice,” which included data on Hernandized cases over the time from 2001 to 2024. The data showed that cases were being Hernandized more often over time. There was a spike after 2020, which may be attributed to clearing case backlogs after the COVID-19 health pandemic. The data included the most common offenses that were Hernandized and the percentages of cases being Hernandized by the number of priors.

Chair Mitchell called on Professor Kevin Reitz who presented “Sentencing Multiple Counts of Conviction: Minnesota’s ‘Hernandez Rule’ and Alternatives from Other Systems.” The presentation included multistate comparative research conducted by Professor Reitz and Law Student Emma Walsh-Alker, University of Minnesota Law School. Professor Reitz said that that Minnesota’s *Hernandez* Rule deviated from the majority of other Sentencing Guidelines in the United States and “has a significant impact on Minnesota’s prison population and almost certainly contributes to racial disparities in prison admissions and rates.” Prof Reitz presented a slide describing a 2009 study of racial disparities by Richard Frase, Professor Emeritus, University of Minnesota Law School, finding in Minnesota that “high criminal history accounted for about two-thirds of black/white difference in recommended-prison rates.”

The Commission asked questions of Professor Reitz and staff. Chair Mitchell thanked Professor Reitz and closed the discussion stating that the Commission will be able to compare policies and think about how these policies make an impact on disparities and victims.

5. Restructuring the Guidelines

This was on the agenda as a discussion item.

Chair Mitchell called on Director Reitz to discuss restructuring the Guidelines. Director Reitz presented, “Restructuring the Sentencing Guidelines,” which was about ways in which to simplify and reorganize the Guidelines, in response to the Commission’s comprehensive review and stakeholder engagement process. Director Reitz shared some problems with the current Guidelines that may benefit from restructuring, including the Guidelines’ outline structure and the organization of mandatory minimums and modifiers. Some solutions were presented on how to make it easier for readers to understand the Guidelines, including adopting the statutory decimal format and adding history to keep track of the changes made over time and organize in a logical order and provide clear order of operations.

6. Committee Appointments

This was on the agenda as an action item by the Chair.

Chair Mitchell assigned members to committees.

- Restructuring Committee: Commissioners Castro, Ede, Frase, and Middlebrook.
- Hernandizing Committee: Commissioners Ede, Frase, Middlebrook, Moore, Ladd, and Chair Mitchell.

7. Vacancy in the Position of Vice- Chair

This was on the agenda as a discussion item.

Chair Mitchell reminded the Commission of the Vice-Chair vacancy, informed the Commission of the duties of the Vice-Chair, and notified the Commission that the election for the position will be held at the March Commission meeting.

8. Executive Director’s Report

This was on the agenda as a discussion item.

Chair Mitchell called on Director Reitz who reported that the Minnesota Legislative Session would start on Tuesday, February 17, 2026.

9. Public Input

Chair Mitchell asked if there were members of the public who wished to speak.

Katie McCormick, who participated remotely, shared her story of her experience with the Minnesota criminal justice process and the inconsistency with her sentence compared to others. McCormick

indicated that she had submitted a written comment that would be shared with the Commission as part of the March 12 meeting materials.

10. Adjournment

Chair Mitchell adjourned the meeting at 3:37 p.m., without objection.