

Reducing Sentencing Disparity Under Minnesota Guidelines Prepared for: Minnesota Sentencing Guidelines Commission

Prepared by: Katie McCormick

Purpose: Present concise, evidence-based examples of inconsistent sentencing under Minnesota’s Sentencing Guidelines and recommend Commission-level reforms.

Core finding: Similar burglary and weapon-related cases have produced materially different outcomes—executed prison time, stayed sentences, and downward departures—undermining proportionality and public confidence. The Commission can reduce disparity now through standardized departure documentation, clearer departure criteria, improved data reporting, and expanded use of supervised release for eligible first-time offenders.

Key Case Evidence

Defendant	Offense	Prior Record	Sentence	Departure
McCormick	1st-deg burglary (firearm)	Minor alcohol only	41 months executed; 1 yr SR	No
Rogers	Burglary (weapon-appearance)	Not listed	36 months (initial) → vacated on appeal	Downward durational (initial)
Troy	1st-deg drug; burglary	Not listed	65 months stayed; 33 months stayed	Downward dispositional
Garcia-Gutierrez	1st & 2nd-deg burglary	Multiple burglary matters	75 months (1st, departure); 60 months (2nd)	Mixed

Deronti Rogers — Stearns County

- **Initial sentence:** District court committed Rogers to **36 months** with a downward durational departure.
- **Appellate outcome:** Minnesota Supreme Court reversed the first-degree burglary conviction because the victim was not present; the Court held the elevation element required a person-present finding.
- **Supporting line:** “Commit to Commissioner of Corrections at the MN Correctional Facility - St. Cloud for 36 months.”

Leontan Marshawn Troy — Olmsted County

- **Offenses:** First-degree fentanyl possession and burglary.
- **Sentences:** **65 months stayed for 5 years** (drug case); **33 months stayed for 5 years** (burglary) — both recorded as downward dispositional departures.
- **Supporting line:** “Commit to Commissioner of Corrections at the MN Correctional Facility - St. Cloud for 65 months. Sentence is stayed for 5 years. This is a departure from the sentencing guidelines — Downward Dispositional.”

Guillermo Garcia-Gutierrez — Scott County

- **Offenses & outcomes:** First-degree burglary (weapon) recorded with a **75-month** sentence and a downward durational departure; second-degree burglary resulted in **60 months executed**.
- **Supporting line:** “Commit to Commissioner of Corrections at the MN Correctional Facility - St. Cloud for 60 months. Was this a departure from the sentencing guidelines? No.”

Katie McCormick — Crow Wing County

- **Offense:** First-degree burglary with a firearm (Minn. Stat. § 609.582, subd. 1(b)).
- **Prior record:** No prior felonies; only a minor in possession of alcohol.
- **Sentence:** **41 months executed; 1 year supervised release; no stay of adjudication.**
- **Supporting line:** “A Crow Wing County jury convicted McCormick of first-degree burglary and obstructing the legal process.” The jury found McCormick not guilty of Trespassing

Minnesota's Sentencing Guidelines can deliver consistent, proportional outcomes if the Commission tightens departure practice, increases transparency, and expands evidence-based alternatives for eligible first-time offenders. The Commission can implement these reforms now—standardized departure documentation, clearer criteria, targeted review, and supervised-release pilots will reduce unwarranted disparity, restore public confidence, and better align sentencing with public safety and rehabilitation goals.