

FORMAL SUBMISSION TO THE MINNESOTA SENTENCING GUIDELINES COMMISSION

Re: Sentencing Disparities in Person Crimes, Plea Practices, and the Need for Proportional Reform

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I. Executive Summary

Minnesota's sentencing guidelines produce deeply disproportionate outcomes for person crimes—crimes involving direct harm to human beings—compared to drug and property offenses. The current framework allows violent offenders and those who kill through reckless conduct to receive stayed sentences and minimal jail time, while drug offenders routinely serve longer executed prison terms. This disparity is not an anomaly; it is a systemic pattern embedded in the structure of the guidelines themselves and amplified by departure practices and plea negotiations that consistently devalue harm to persons.

This submission presents a comparative analysis of documented sentencing outcomes, supported by data published by the Minnesota Sentencing Guidelines Commission (MSGC), and proposes targeted reforms to restore proportionality, accountability, and public safety to Minnesota's sentencing framework. The cases documented herein are not outliers. They represent a recurring pattern in which the system assigns greater consequence to drug possession than to the taking of a human life, and in which plea agreements systematically dismiss the most serious person crime charges in exchange for convictions on lesser counts.

When I, Katie McCormick, heard on the news that a little girl (Lily Loycano) lost her life, and the individual who committed the crime was sentenced to 44 months in prison, my sense of justice was outraged. My heart ached for Lily's family. I reached out to the family and discussed my crime; how I was sentenced to 41 months for stealing a firearm from an unoccupied house (my own residence). Lily Loycano's family and I decided to work together to make a change—to make our state's sentencing fairer, especially when victims are involved. Below are just some examples of how our guidelines are inconsistent and result in unjust outcomes.

“Forty-four months is not justice for a little girl’s life.”

— Emmy Loycano, mother of 11-year-old Lilyana “Lily” Loycano, killed by a distracted driver

II. Findings — Sentencing Disparities in Practice

A. Person Crimes Receiving Disproportionately Low Sentences

The following three verified case studies illustrate the systemic undervaluation of person crimes within Minnesota’s sentencing framework. In each case, offenses involving direct physical harm to human beings—including death—resulted in stayed sentences, minimal incarceration, or both.

Case Study 1 — Connor Iversen (Hennepin County, 2025–2026)

On February 26, 2025, 19-year-old Connor Iversen drove through a four-way stop at 63 miles per hour while using his cell phone, slamming into an SUV carrying Lily Loycano, age 11, and her family on their way to school. Lily died two days later from her injuries.

On April 15, 2026, Iversen was sentenced to 44 months for vehicular homicide—a sentence the Loycano family publicly called “a slap in the face.” As part of the plea agreement, separate charges—including fleeing police, receiving stolen property, and stabbing a man just two days after the crash—were dismissed. Iversen faces approximately one year and four months of actual prison time for taking a child’s life.

Case Study 2 — Abdimahat Bille Mohamed (Hennepin County, 2024–2025)

Mohamed was sentenced in May 2025 in two separate sexual assault cases. In the first, involving a 15-year-old girl who was raped at gunpoint in 2017, Mohamed pleaded guilty to third-degree criminal sexual conduct and received a three-year prison sentence that was stayed for five years. In the second, involving the rape of an adult woman in May 2024, he received 14 months in prison—also stayed. The Court later discharged him from probation, noting “the conviction was not a crime of violence.”

Within months, in September 2025, Mohamed allegedly kidnapped another woman, held her at a Bloomington hotel for nearly a week, and sexually assaulted her twice before she escaped.

Case Study 3 — Brian Wayne Nelson (Fillmore County, 2024–2025)

On August 4, 2024, Nelson, 51, drove drunk and fatally struck Cale Alan Jackson, 23, on a dark road. Nelson had a prior DWI conviction from 2001. The court imposed a 57-month prison sentence but stayed it entirely. Nelson received 180 days in jail (with work release eligibility), 10 years of probation, and was ordered to spend three days in jail each year on the anniversary of the crash. Six other criminal charges were dismissed as part of the plea deal.

B. Drug Offenses Receiving Disproportionately High Executed Sentences

Under the Drug Offender Sentencing Grid, controlled substance offenses at higher severity levels routinely result in executed prison sentences of 65 months or more, even for first-time offenders with no history of violence. The structural effect is that individuals convicted of possessing or selling controlled substances frequently serve longer executed prison terms than individuals who kill or sexually assault another person.

C. Burglary Severity Ranking Disparities

Under the current Standard Sentencing Guidelines Grid, burglary offenses are ranked at severity levels that can exceed those assigned to certain person crimes involving direct physical harm to victims. This ranking structure means that an offender who burglarizes a dwelling may face a higher presumptive sentence than an offender who inflicts serious bodily harm upon another person—an inversion of proportionality that undermines the foundational principle that crimes against persons warrant the most serious sanctions.

II.D. Exhibit A — Comparison Chart (Guidelines & Monitoring Data)

This exhibit presents a side-by-side comparison demonstrating that no-victim drug and property offenses often carry equal or greater prison terms than crimes against people, and that departure practices further reduce accountability in person-harm cases.

Offense Category	Example Offense	Presumptive or Average Sentence (Months)	Victim Involved
Drug	Controlled Substance Crime, 1st Degree (Drug Grid D8, CHS 0)	65 (presumptive)	No direct victim
Person (death)	Criminal Vehicular Homicide (Severity Level 8, CHS 0)	48 (presumptive)	Yes — death
Person (sexual harm)	Criminal Sexual Conduct, 3rd Degree (Sex Grid C, CHS 0)	48 (presumptive)	Yes — bodily harm
Property	First-Degree Burglary, subd. 1(a) (monitoring data: prison cases)	47 (average pronounced prison term)	Often no bodily harm
Property (author)	Katie McCormick burglary case	41 (executed)	No victim present

Person (Lily case)	Lilyana “Lily” Loycano — Criminal Vehicular Homicide case	44 (pronounced; ≈16 months imprisonment)	Yes — death
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III. MSGC Data — Departure Rates and Systemic Patterns

The 2024 MSGC Annual Summary Statistics reveal that while the majority of felony cases receive the guidelines-recommended disposition, mitigated dispositional departures are concentrated in offense categories that disproportionately affect person crime accountability:

Metric / Offense Category	Finding
Overall guidelines compliance rate	84% of felony cases received the recommended disposition
Overall mitigated dispositional departure rate	16%
Felony DWI — mitigated dispositional departure rate	50%
Failure to Register, Predatory Offender — departure rate	49%
Assault 2nd Degree — mitigated dispositional departure rate	39%
Identity Theft (Severity Level 8) — departure rate	55%
Arson 1st Degree — departure rate	51%

These departure rates are dramatically above the 16% statewide average and indicate that for certain serious offense categories—including violent person crimes—courts are routinely imposing sentences far below guidelines recommendations.

Additional systemic patterns documented by the MSGC include:

- A growing gap between recommended and pronounced prison sentences, as noted in the 2024 MSGC Report to the Legislature.
- Documented geographical sentencing variations across Minnesota counties, producing inconsistent outcomes for comparable offenses.

IV. Policy Recommendations

Reform 1 — Mandate Executed Sentences for Severity Level 7+ Person Crimes

For offenses involving direct harm to persons ranked at Severity Level 7 or higher on the Standard Grid, the presumptive sentence should be an executed commitment to the Commissioner of Corrections. Downward dispositional departures (from prison to probation) should be prohibited, absent extraordinary, documented circumstances.

Proposed Guideline Language:

“For person offenses ranked at Severity Level 7 or above on the Standard Grid, the presumptive disposition shall be commitment to the Commissioner of Corrections. No downward dispositional departure shall be granted unless the court makes written findings on the record that substantial and compelling circumstances exist.”

Reform 2 — Adjust Burglary and Drug Offense Rankings to Restore Proportionality

The Commission should review and adjust severity rankings so that offenses involving direct physical harm to persons are never ranked below property crimes or drug offenses of comparable or lesser severity. Specifically:

- Drug offenses involving possession without evidence of distribution should be re-ranked to ensure that executed sentences do not exceed those imposed for violent person crimes at equivalent criminal history scores.
- Severity levels should be recalibrated so that no property crime carries a higher presumptive sentence than a person crime involving equivalent or greater harm.

Reform 3 — Prohibit Volume-Discount Plea Deals That Dismiss Person Crime Charges

When a defendant faces multiple charges including at least one person crime at Severity Level 7 or above, plea agreements that dismiss the person crime charge(s) in exchange for conviction on lesser counts should be prohibited.

Proposed Statutory Language:

“In cases involving one or more charges for a person offense ranked at Severity Level 7 or above, no plea agreement shall result in the dismissal of all such person offense charges. At minimum, one person offense charge at the highest applicable severity level shall be sustained as a condition of any negotiated plea.”

V. Additional Sentencing Examples Cited in Support of Reform

The following additional examples are cited to further illustrate the broader pattern of disproportionate sentencing outcomes described in this submission. These examples reflect

cases and summaries referenced within the submission materials and are presented to show recurring sentencing outcomes across offense types.

Sexual assault / CSC examples (executed sentences under 44 months or stayed):

- John Cermak (Serial 1st Degree CSC): CHS 0 presumptive executed term reported as 43 months (range starting at 41 months).
- Aaron Hjermsstad (Youth coach sexual abuse): sentence reported as 36 months for a 2nd Degree CSC conviction.
- Lieberman (Predatory CSC): sentence reported as 36 months for a 3rd Degree CSC involving a 13-year-old girl.
- Jeremy Shane Zimmerman: sentence reported as 30 months for 5th Degree CSC after a probation violation; sentence was originally stayed.
- Christine Funk: teacher convicted of 3rd Degree CSC received a stayed 36-month sentence (zero initial prison time).
- State v. Soto: defendant convicted of 1st Degree CSC originally received a stayed 144-month sentence before reversal on appeal (as reported in submission materials).

Vehicular homicide / road-rage examples (stayed or reduced outcomes):

- Brian Wayne Nelson: stayed 57-month sentence for criminal vehicular homicide (also detailed above).
- Jose Gutierrez Ojeda: 75-month stayed sentence for aiding an offender in a fatal road-rage shooting (zero prison time) (as reported in submission materials).

Non-violent drug examples (executed 65-month sentences):

- Daniel Eduardo Martinez-Castro: 65 months executed for aiding and abetting 1st Degree heroin possession/sale (as reported in submission materials).
- Victor Ernesto Castro-Garcia: 65 months executed for a 1st Degree controlled substance offense (as reported in submission materials).

Property / identity theft examples (executed sentences in the 48–55 month band):

- Donyea Terrell Collins: 55 months executed for identity theft/bank fraud conspiracy (as reported in submission materials).
- Christeena Janell Barker: 48 months executed for identity theft (as reported in submission materials).

VI. Conclusion

This comparison demonstrates a structural inversion in Minnesota's sentencing framework: non-violent drug and property offenses often carry prison terms equal to or greater than crimes involving death or bodily harm. This undermines proportionality, public safety, and public confidence in our judicial system.

Katie McCormick and the Loycano family respectfully request that the Minnesota Sentencing Guidelines Commission address these disparities as part of its comprehensive review, ensuring that crimes against people are never punished less severely than crimes without victims.



Lily Loycano