

### First-Degree Assault, subd. 1: Sentenced 2020-2024

Minnesota Sentencing Guidelines Commission (MSGC) monitoring data are person-based, meaning cases represent persons rather than individual charges. Persons sentenced within the same county in a one-month period are generally counted only once, based on their most serious offense. This data request was prepared by the research staff of MSGC in fulfillment of the Commission's statutory role as a clearinghouse and information center for information on sentencing practices. This is not a policy document. Nothing in this request should be construed as a statement of existing policy or recommendation of future policy on behalf of the Commission itself, or as an authoritative interpretation of the Minnesota Sentencing Guidelines, Minnesota statutes, or case law.

#### **FIRST-DEGREE ASSAULT, SUBD. 1**

##### Analysis:

- Sentenced 2020-2024
- First-Degree Assault under Minn. Stat. § 609.221, subd. 1
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175
- Departure Rates by Criminal History Score (CHS)

From 2020-2024, 230 people were sentenced for First-Degree Assault under Minn. Stat. § 609.221, subd. 1. Of the 230 people sentenced, 64 (28%) received a mitigated dispositional departure. Of the 166 people who received an executed prison sentence, 36 (22%) received a mitigated durational departure and 7 (4%) received an aggravated durational departure. The departure rates by criminal history score are displayed in the table below.

**Table 1. Sentencing Information for First-Degree Assault, subd. 1, Sentenced 2020-2024**

CHS	Total	Dispositional Departure		Durational Departure (prison only)			Average Pronounced Prison Term
		None	Mitigated	None	Aggravated	Mitigated	
0	120	82	38	60	4	18	81.6 months
	100.0%	68.3%	31.7%	73.2%	4.9%	22.0%	
1	23	14	9	10	0	4	83.9 months
	100.0%	60.9%	39.1%	71.4%	0.0%	28.6%	
2	28	18	10	14	0	4	99.8 months
	100.0%	64.3%	35.7%	77.8%	0.0%	22.2%	
3	11	8	3	5	2	1	135.3 months
	100.0%	72.7%	27.3%	62.5%	25.0%	12.5%	
4	15	15	0	13	1	1	131.2 months
	100.0%	100.0%	0.0%	86.7%	6.7%	6.7%	
5	10	8	2	5	0	3	128.4 months
	100.0%	80.0%	20.0%	62.5%	0.0%	37.5%	
6+	23	21	2	16	0	5	149.0 months
	100.0%	91.3%	8.7%	76.2%	0.0%	23.8%	
Total	230	166	64	123	7	36	101.6 months
	100.0%	72.2%	27.8%	74.1%	4.2%	21.7%	

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, shows remorse/accepts responsibility, and recommended by court services. The prosecutor agreed to/recommended/did not object to the departure in 58% of cases, objected to the departure in 20% of cases, and in 22% of cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated durational departures were shows remorse/accepts responsibility, victim recommendation/acquiescence/victim's family, and offense less onerous. The prosecutor agreed to/recommended/did not object to the departure in 72% of cases, objected to the departure in 11% of cases, and in 17% of cases the position of the prosecutor was unknown.

The most common reasons cited for aggravated durational departures were victim is particularly vulnerable, particular cruelty, and position of authority over victim/trust. In two cases the person waived jury determination of aggravating factors.