

## Second-Degree Assault, subd. 2: 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.

### **SECOND-DEGREE ASSAULT, SUBD. 2**

#### **Analysis:**

- Sentenced 2020-2024
- Second-Degree Assault under Minn. Stat. § 609.222, subd. 2
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175
- Departure rates by criminal history score (CHS)

From 2020-2024, 173 people were sentenced for Second-Degree Assault under Minn. Stat. § 609.222, subd. 2. Of the 173 people sentenced, 76 (44%) received a mitigated dispositional departure. Of the 96 people who received an executed prison sentence<sup>1</sup>, 19 (20%) received a mitigated durational departure and 13 (14%) received an aggravated durational departure. One person received a mitigated departure to a misdemeanor/gross misdemeanor sentence. The average pronounced prison term for the 96 people who received prison was 45.9 months.

**Table 1: Departure Rates for Second-Degree Assault, subd. 2, Sentenced 2020-2024**

CHS	Total	Dispositional Departure		Durational Departure (prison only)			Average Pronounced Prison Term
		None	Mitigated	None	Aggravated	Mitigated	
0	74	24	50	19	1	4	24.8 months
	100.0%	32.4%	67.6%	79.2%	4.2%	16.7%	
1	19	10	9	7	0	3	35.2 months
	100.0%	52.6%	47.4%	70.0%	0.0%	30.0%	
2	21	11	10	5	1	4	35.6 months
	100.0%	52.4%	47.6%	50.0%	10.0%	40.0%	
3	24	20	4	16	3	1	47.0 months
	100.0%	83.3%	16.7%	80.0%	15.0%	5.0%	
4	10	9	1	5	2	2	67.0 months
	100.0%	90.0%	10.0%	55.6%	22.2%	22.2%	
5	7	6	1	2	2	2	69.7 months
	100.0%	85.7%	14.3%	33.3%	33.3%	33.3%	
6+	18	17	1	10	4	3	66.9 months
	100.0%	94.4%	5.6%	58.8%	23.5%	17.6%	
<b>Total</b>	<b>173</b>	<b>97</b>	<b>76</b>	<b>64</b>	<b>13</b>	<b>19</b>	<b>45.9 months</b>
	<b>100.0%</b>	<b>56.1%</b>	<b>43.9%</b>	<b>66.7%</b>	<b>13.5%</b>	<b>19.8%</b>	

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, recommended by court services, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/ did not object to the departure in 67% of cases, objected to the departure in 12% of cases, and in 21% of cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated durational departures were shows remorse/accepts responsibility and crime less onerous than usual. The prosecutor agreed to/recommended/did not object to the departure in 68% of cases, objected in 5% of cases, and in 26% of cases the position of the prosecutor was unknown.

<sup>1</sup> One case applied [State v. Beganovic](#), No. A21-0477, 2022 WL 1073237 (Minn. Ct. App. Apr. 11, 2022).” “Whether or not case is a departure is ambiguous due to rounding errors related to Commission’s 8/1/2019 0.5 Custody Status Point policy.” Though the case was a presumptive commit that did not receive prison, it is considered a “non-departure.”