

Third-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.

THIRD-DEGREE ASSAULT, SUBD. 1

Analysis:

- Sentenced 2020-2024
- Third-Degree Assault under Minn. Stat. § 609.223, subd. 1
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 1,457 people were sentenced for 3rd degree assault, subd. 1 – 1,179 (81%) people had a presumptive stayed disposition and 278 (19%) had a presumptive disposition of commit. Of the 278 people who were presumptive commits, 91 (33%) received a mitigated dispositional departure. Five of the presumptive stayed cases received an aggravated dispositional departure. In total, 208 people received prison.¹ Of the 208 people who received prison, 38 (18%) received a mitigated durational departure and 11 (5%) received an aggravated durational departure. Of the 1,457 people sentenced, 224 (15%) received a mitigated departure to a misdemeanor/gross misdemeanor sentence.

Table 1. Sentencing Information for 3rd Degree Assault, subd. 1, Sentenced 2020-2024

CHS	Total	Recommended Disposition		Dispositional Departure (presumptive commits)		Durational Departure (prison only)			Average Pronounced Prison Term
		Stay	Commit	None	Mitigated	None	Aggravated	Mitigated	
0	792	785	7	1	6	3	2	0	23.4 months
	100.0%	99.1%	0.9%	14.3%	85.7%	60.0%	40.0%	0.0%	
1	177	176	1	1	0	2	0	1	14.0 months
	100.0%	99.4%	0.6%	100.0%	0.0%	66.7%	0.0%	33.3%	
2	115	115	0	---	---	5	1	0	20.0 months
	100.0%	100.0%	0.0%	---	---	83.3%	16.7%	0.0%	
3	104	103	1	0	1	7	0	2	20.3 months
	100.0%	99.0%	1.0%	0.0%	100.0%	77.8%	0.0%	22.2%	
4	76	0	76	43	33	36	2	5	22.7 months
	100.0%	0.0%	100.0%	56.6%	43.4%	83.7%	4.7%	11.6%	
5	74	0	74	51	23	41	4	6	26.0 months
	100.0%	0.0%	100.0%	68.9%	31.1%	80.4%	7.8%	11.8%	
6+	119	0	119	91	28	65	2	24	26.7 months
	100.0%	0.0%	100.0%	76.5%	23.5%	71.4%	2.2%	26.4%	
Total	1,457	1,179	278	187	91	159	11	38	25.0 months
	100.0%	80.9%	19.1%	67.3%	32.7%	76.4%	5.3%	18.3%	

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, victim recommendation/acquiescence, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 86% of cases, objected in 2% of cases, and in 12% 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, and offense less onerous than usual. The prosecutor agreed to/recommended/did not object to the departure in 87% of cases, and in 13% of cases the position of the prosecutor was unknown.

¹ Effective with the August 1, 2015, amendments to Guidelines § 2.D.1, a sentence that is executed pursuant to an offender's right to demand execution is no longer considered an aggravated dispositional departure. 16 people demanded execution of sentence where it was not considered an aggravated dispositional departure, bringing the total of offenders that received prison to 208.