

Fourth-Degree Assault, subd. 1(c)(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.

FOURTH-DEGREE ASSAULT, SUBD. 1(C)(1)

Analysis:

- Sentenced 2020-2024
- Fourth-Degree Assault under Minn. Stat. § 609.2231, subd. 1(c)(1)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 284 people were sentenced for 4th degree assault, subd. 1(c)(1) – 259 (91%) people had a presumptive stayed disposition and 25 (9%) had a presumptive disposition of commit. Of the 25 people who were presumptive commits, 8 (32%) received a mitigated dispositional departure. None of the presumptive stayed cases received an aggravated dispositional departure. In total, 23 people received prison.¹ Of the 23 people who received prison, four received a mitigated durational departure and none received an aggravated durational departure. 41 (14%) cases received a mitigated departure to a misdemeanor/gross misdemeanor sentence. The average pronounced prison term for the 23 people who received prison was 20.7 months.²

Table 1. Departure Rates for 4th Degree Assault, subd. 1(c)(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	Mitigated	
0	130	130	0	--	--	--	--	--
	100.0%	100.0%	0.0%	--	--	--	--	
1	43	43	0	--	--	--	--	--
	100.0%	100.0%	0.0%	--	--	--	--	
2	24	24	0	--	--	1	0	12.0 months
	100.0%	100.0%	0.0%	--	--	100.0%	0.0%	
3	33	33	0	--	--	2	0	13.0 months
	100.0%	100.0%	0.0%	--	--	100.0%	0.0%	
4	14	14	0	--	--	1	0	15.0 months
	100.0%	100.0%	0.0%	--	--	100.0%	0.0%	
5	15	15	0	--	--	0	2	14.0 months
	100.0%	100.0%	0.0%	--	--	0.0%	100.0%	
6+	25	0	25	17	8	15	2	23.2 months
	100.0%	0.0%	100.0%	68.0%	32.0%	88.2%	11.8%	
Total	284	259	25	17	8	19	4	20.7 months
	100.0%	91.2%	8.8%	68.0%	32.0%	82.6%	17.4%	

The most common reasons cited for mitigated dispositional departures were recommended by court services, amenable to probation, amenable to treatment, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/ did not object to the departure in five cases and objected in three cases.

The most common reasons cited for departures to a misdemeanor/gross misdemeanor sentence were shows remorse/accepts responsibility, amenable to treatment, and offense less onerous than usual. The prosecutor agreed to/recommended/did not object in 76% of cases, objected in 5%, and in 19% of cases the position was unknown.

¹ Two people demanded execution of sentence where it was not considered an aggravated dispositional departure, bringing the total of people that received prison to 23.

² Includes two cases that received a consecutive sentence.