

From: [REDACTED]
To: [Guidelines, Sentencing \(MSGC\)](#)
Subject: Opposition to proposed modification to sentencing guidelines
Date: Friday, November 14, 2025 3:24:14 PM

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Dear Sentencing Guidelines Commissioners:

Thank you for your recent work on proposed changes to the MN sentencing guidelines. I support many of your proposals. But I am writing today in opposition to one of them: the proposal to increase the severity level of fourth-degree assault from 1 to 3. I oppose this for the following reasons:

1. Fourth-degree assault is presumptively a gross misdemeanor; the offense becomes a felony when it involves infliction of “demonstrable bodily harm.” Demonstrable bodily harm is an extremely low standard that can be satisfied by any harm capable of being perceived by another person, including a slight bruise, scratch, minor swelling of a finger, etc. *See, e.g., State v. Farah*, 2025 WL 1551545 (Minn. App. Ct. Jun. 2, 2025); *State v. Backus*, 358 N.W.2d 93 (Minn. App. Ct. 1984). Elevating an offense from a gross misdemeanor to a felony based on this very low standard is already a severe punishment. Your proposal would increase the potential punishment significantly without sufficient justification.
2. Assault against a peace officer (a type of fourth-degree assault) is a charge that law enforcement officers have abused to charge people to cover up their own violence. *See* Vida Johnson, *Bias in Blue: Instructing Jurors to Consider the Testimony of Police Officers with Caution*, 44 Pepp. L. Rev. 245, 282 (2017) (explaining that “Assault on a police officer and resisting arrest are often ‘cover charges’ that hide police violence”); *see also* Russell Covey, *Police Officers as a Cause of Wrongful Convictions*, 90 Wash. U. L. Rev. 1133, 1153-54 (2013); Zamir Ben-Dan, *Reimagining Justice*, 45 N.Y.U. Rev. L. & Soc. Change 509, 531-34 (2022); Andrea Ritchie & Joey Mogul, *In the Shadows of the War on Terror: Persistent Police Brutality and Abuse of People of Color in the United States*, 1 DePaul J. for Soc. Just. 175, 200 (2008) (all describing incidents where police officers falsely charged people with assault, sometimes resulting in wrongful convictions of innocent people).

Very recently law enforcement officials across the United States have wielded assault against peace officer charges for political purposes, charging large numbers of protesters of federal immigration enforcement with assault against peace officers under

circumstances that appear dubious and, at times, demonstrably false. *See, e.g.,* Patrick Smith, *ICE detains a U.S. citizen in L.A. and charges her with obstructing an arrest*, NBC News (Jun. 27, 2025), <https://www.nbcnews.com/news/us-news/ice-detained-us-citizen-l-charged-obstructing-arrest-rcna215481>; Sam Levin, *Dropped cases against LA protesters reveal false claims from federal agents*, The Guardian (Jul. 28, 2025), <https://www.theguardian.com/us-news/2025/jul/28/doj-la-protesters-false-claims>; Tracey Tully, *Assault Case Against a Democratic House Member Can Proceed, Judge Rules*, NY Times (Nov. 13, 2025), <https://www.nytimes.com/2025/11/13/nyregion/lamonica-mciver-assault-case-alina-habba.html>. Elevating the potential punishment for such charges, as the Sentencing Guidelines Commission proposes, increases the pressure on potentially innocent people to plead guilty in exchange for avoiding the risk of serious penalties after trial.

3. During a recent presentation at St. Thomas Law, I asked Commissioner Kelly Lyn Mitchell what members of the community had called for a proposed increase to the severity level for fourth-degree assault. Commissioner Mitchell said that the commission had not received any calls to increase the severity level for this offense, and that the main concerns from community members had been about changing the severity levels for domestic assault, not other forms of assault.

I am concerned the Commission has not sufficiently evaluated the harmful consequences of increasing the severity level for fourth-degree assault. I object to this proposed increase.

Rachel Moran

Professor and Robins Kaplan Director of Clinical Education
University of St. Thomas (MN) School of Law



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From: [REDACTED]
To: [Guidelines, Sentencing \(MSGC\)](#)
Subject: Comment Regarding Sentencing Guidelines
Date: Monday, November 17, 2025 9:10:34 AM

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To Whom it May Concern,

I recently attended an informational session at the University of St. Thomas, School of Law regarding proposed changes to the sentencing guidelines. I am supportive of these efforts but have one objection.

During the presentation, one of the proposed changes was to increase the severity of 4th Degree Assault from a 1 to a 3. I am particularly concerned with how this will affect the severity of charges like "Assault against a peace officer/emt/state actor." It strikes me that this proposed change does little to increase the safety of the general public and also does little to increase the safety of officers/emts. Further, in my experience as a criminal defense attorney, I found that these charges were often times abused.

I defended several cases where an individual was overdosing or incoherent and flailed while being transported to an ambulance. This flailing resulted in the emt being hit and then resulted in charges against the individual.

I would urge the commission to reconsider this change.

Thank you,

Derek

Derek Thooft
Director of Law Clinic Operations
School of Law
Minneapolis, Minnesota 55403

[REDACTED]
University of St. Thomas | stthomas.edu/law



From: [REDACTED]
To: [Guidelines, Sentencing \(MSGC\)](#)
Cc: [REDACTED]
Subject: Sentencing Guidelines Commission
Date: Monday, November 17, 2025 3:46:28 PM
Attachments: [image001.png](#)
[image002.png](#)

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To whom it may concern,

For your consideration during your special meeting and public hearing.

Reducing presumptive sentences for offenders with prior convictions, and shortening the “look-back” period from 15 years to 10 for felonies (and even less for misdemeanors), weakens accountability for repeat offenders and we have many. These look-back windows exist for a reason: they help courts understand an individual’s long-term pattern of criminal behavior. When you shrink those windows, you artificially erase relevant history that would otherwise inform public-safety-minded sentencing.

Chronic offenders often cycle in and out of the system over many years. A 15-year period captures that pattern; a 10-year period can miss it entirely. Someone who has consistently reoffended but happened to fall just outside the new, shorter window would be sentenced as if they were a first-time or low-risk offender—even when their actual history shows a clear risk to community safety, does it not?

Reducing sentencing weight for prior behavior also undermines deterrence. When repeat offenders know that their older convictions “fall off” sooner, the consequence for reoffending becomes less meaningful. That can embolden continued criminal behavior and reduce the incentive to change.

From a community-safety standpoint, this change could lead to lighter sentences for some of the highest-risk offenders, increasing the likelihood they return to the community without adequate supervision, structure, or consequences. It shifts the system toward leniency at the expense of victims and public trust.

And who came up with the idea to stop counting delinquency adjudications in the sentencing point system? Has anyone been paying attention to what’s happening with juvenile crime? Come on—who is making these decisions? These proposals are not only out of touch, they’re bad for public safety.

Respectfully

Eric Klang

Sheriff

Crow Wing County Sheriff's Office

[REDACTED]
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From: [REDACTED]
To: [Guidelines, Sentencing \(MSGC\)](#)
Subject: Proposed Amendments to the Sentencing Guidelines
Date: Tuesday, November 18, 2025 10:11:22 AM

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Dear members of the Minnesota Sentencing Guidelines Commission,

I am writing you today to express my opposition to three proposed modifications to the sentencing guidelines as I believe the proposed changes would adversely affect public safety and demonstrate a disregard for those most effected by crime, the victims.

The commission is considering reducing the decay period for felonies from 15 years to 10 years. The commission has a proposal to reduce the decay period for misdemeanors and gross misdemeanors to 7 years. The commission is also considering the elimination of juvenile points from a criminal history score. The net effect of these changes will be shorter sentences for repeat offenders and fewer presumptive commits to prison.

There is an oft repeated quote used when teaching leadership. The quote is, "what you permit, you promote." These proposed changes reduce consequences for criminals who have victimized law abiding citizens repeatedly. These proposed changes will permit offenders to return to the streets sooner, often within the years they are most likely to re-offend, to create more victims. Time and time again, citizens and victims express their angst to me about the perplexingly short sentences handed down to criminals. This perceived lack of accountability for offenders in the criminal justice system has eroded the confidence the public once had in our criminal justice system. The proposed changes will only further erode the confidence our public has in our judicial system. These proposed changes turn a blind eye to the person who should be the center of focus in the criminal justice system, the victim. Crime victims suffer trauma, pain, physical harm, financial harm, and a sense of hopelessness as they watch offenders spend less and less time being held accountable for the harm they have done. The average citizens see this as well as stories circulate regularly in the news detailing the long list of previous

offenses in the criminal history of the latest criminal being held for their next heinous crime. The understandable question I hear often, and one that will undoubtedly echo louder if these proposals are ratified, is why this person was free to continue their rampage against society?

What you permit, you promote. I ask that each commission member ask themselves what they wish to promote. Justice for victims? Consequences for offenders? Safety from the specter of crime? If those are the goals the commission wishes to promote, I strongly encourage the commission to reject the changes to the decay periods and the elimination of juvenile points from the criminal history score.

Sincerely,
Troy Heck

Troy Heck
Sheriff
Benton County Sheriff's Office

[REDACTED]

[REDACTED]

Keeping Benton County safe by enforcing laws, providing public safety services, and building community partnerships with respect and integrity.

From: [REDACTED]
To: [Guidelines, Sentencing \(MSGC\)](#)
Subject: comment on changes to the MNSG
Date: Tuesday, November 18, 2025 2:28:26 PM

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Dear Sentencing Guidelines Commissioners:

Thank you for all of the work you have done on proposed changes to the MN sentencing guidelines. While I agree with most of your changes, there is one that is troubling to me. You have proposed to increase the crime of Felony Assault in the 4th degree from a severity level 1 to a level 3 offense. While I do not disagree with this proposal for most of the professionals covered by Assault in 4th Degree, I think 4th degree assaults on police officers should remain at a level 1 when they are a felony. The operable language that raises a 4th degree assault from a gross misdemeanor to a felony is “demonstrable bodily harm” or “transfers bodily fluids.” That language sets a very low and ambiguous bar for which someone would now be more likely to be imprisoned.

While I firmly support public safety and right of police officers to be free from harm as they do their job, this would mean that a defendant who might be mentally ill or even reasonably fearful of law enforcement would be more likely to go to prison for scratching or spitting at an officer during an altercation. While again, I do not condone this behavior, police work in our community has taken on an adversarial quality and sending more people to prison for relatively minor offenses against officers will not help the situation - especially when so many in the community already believe that police have too much power.

I should also note that before I was a law professor, I was a public defender in Ramsey County for 8 years. I saw a number of clients who were inappropriately and sometimes brutally beaten by police officers and even attacked by their dogs who were then charged with Obstructing Legal Process or Assault in the 4th Degree in an effort for the officers to avoid accountability for their actions. I am still in contact with many criminal defense attorneys and believe this situation continues to occur today. Police officers, unlike the other professionals listed in the statute (except for perhaps prison guards which is a population with whom I have not worked so will not include in my comments), wield a lot more power in these situations and, as law enforcement officers who work closely with prosecutors, their desires likely carry more weight with prosecutors when charging decisions are made. I hope you will reconsider and exempt police officers from this increase in severity levels. Thank you for your consideration.

Julie Jonas
Associate Professor
School of Law
[REDACTED]



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