



MINNESOTA

**SENTENCING GUIDELINES
COMMISSION**

Winter Series #2: Course of Conduct & Hernandizing

Winter Series – January 6, 2026

Sentence Guidelines Policies Effective Date

Guidelines used for the “current” offense

- Each year on August 1st, a Sentencing Guidelines manual is published for offenses *committed* on or after that date.
- Each Sentencing Guidelines manual remains in effect through July 31st of the following year.
- That means that *technically*, the idea of “the current Guidelines” is not based on the calendar date; rather, it is based on the date the current conviction offense occurred.
- These are the policies that will be used to find everything related to the current offense including the severity level, modifiers or mandatory minimums, and the Grid used to find the presumptive sentence.

Guidelines used for the “current” offense

- The changes made to criminal history calculation policies that were enacted in 2019 will now apply to all offenses regardless of their offense date.
- If the current offense occurred on or before 7/31/2019, used the 2019 Sentencing Guidelines manual.
- If the offense occurred on or after 8/1/2019, use the manual in effect based on the date the offense occurred.
 - 05/01/1980-07/31/2020 – the 2019 manual
 - 08/01/2020-09/14/2021 – the 2020 manual
 - 09/15/2021-07/31/2022 – the 2021 manual
 - 08/01/2022-07/31/2023 – the 2022 manual
 - 08/01/2023-07/31/2024 – the 2023 manual
 - 08/01/2024-07/31/2025 – the 2024 manual
 - 08/01/2025-07/31/2025 – the 2025 manual

MINNESOTA SENTENCING GUIDELINES COMMISSION

Website: mn.gov/sentencing-guidelines

- The Commission
- The Guidelines
- Comprehensive Review
- Research & Data
- Education & Training
- Forms

Home > The Guidelines > Sentencing Guidelines Archive

- The Guidelines
- 2025 Sentencing Guidelines & Commentary
- The Felony Sentencing Process
- How to Read the Grids
- Departing from the Presumptive Sentence
- Sentencing Guidelines Archive

Previous Years Guidelines and Commentary

The presumptive sentence for any offender convicted of a felony committed on or after May 1, 1980, is determined by the Sentencing Guidelines in effect on the date of the conviction offense. If multiple offenses are an element of the conviction offense, the date of the conviction offense must be determined by the fact finder. If offenses have been aggregated, the date of the earliest offense should be used as the date of the conviction offense. The majority of previous Guidelines have an effective date starting August 1st, and are in effect until the next publication. The effective date can be found on the cover page of every previous Guidelines.



2024 Sentencing Guidelines

The Minnesota Sentencing Guidelines are a set of rules and principles used to determine sentences for felony offenses in Minnesota. They aim to promote fairness and consistency in sentencing by considering both the seriousness of the offense and the offender's criminal history. The guidelines are advisory, meaning judges can deviate from them, but must explain their reasoning for doing so.

Sort

Newest Oldest



2024 Amendments

MSGC periodically amends the sentencing guidelines to ensure they remain relevant, fair, and effective in addressing criminal behavior and promoting public safety. These modifications can involve Legislative amendments to crime laws affecting the guidelines, technical amendments, and changes to the presumptive sentence for various crimes. The MSGC's overarching goal is to reduce sentencing disparities, ensure sanctions are proportional to the offense and offender's history, and maintain public safety.

Archives

- 2024 August
- 2023
- 2022
- 2021
- 2020
- 2019
- 2018
- 2017
- 2016
- 2015
- 2014

Select "The Guidelines"

Select "Sentencing Guidelines Archive"

Select the year needed from the list and the Guidelines, Amendments, and Grids in effect will populate the page.

Single vs. Separate Courses of Conduct

Crime Punishable Under Different Provisions

Minn. Stat. § 609.035, subd. 1

- CONDUCT; MULTIPLE CRIMES; CHARGEABLE FOR ONE OFFENSE.
 - “Except as provided in subdivisions 2, 3, 4, and 5, and in sections 609.2114, subdivision 3, 609.251, 609.2691, 609.486, 609.494, 609.585, and 609.856, and Minnesota Statutes 2012, section 609.21, subdivision 1b, if a person's conduct constitutes more than one offense under the laws of this state, the person may be punished for only one of the offenses and a conviction or acquittal of any one of them is a bar to prosecution for any other of them. All the offenses, if prosecuted, shall be included in one prosecution which shall be stated in separate counts.”
- Exceptions to this policy: “Except as provided in [609.035 subdivisions 2, 3, 4, and 5], and in sections **609.2114, subd.3, 609.251, 609.2691, 609.486, 609.494, 609.585, and 609.856.**”
 - In the bolded statutes above, the following language is included: “Notwithstanding section 609.04, a prosecution for or conviction of the crime of [insert appropriate offense] is not a bar to conviction of or punishment for any other crime committed during the time of the [insert appropriate offense].”
 - For example, Minn. Stat. § 609.585 reads “DOUBLE JEOPARDY. Notwithstanding section 609.04, a prosecution for or conviction of the crime of burglary is not a bar to conviction of or punishment for any other crime committed on entering or while in the building entered.”

Crime Punishable Under Different Provisions

Minn. Stat. § 609.035, subd. 2, 3, 4, and 5

- CONDUCT; MULTIPLE CRIMES; CHARGEABLE FOR ONE OFFENSE.
 - “Except as provided in subdivisions 2, 3, 4, and 5...”
 - Although these statutes do not include the term “double jeopardy,” they do include *either*:
 - Notwithstanding subdivision 1, a prosecution or conviction for violating section 609.487 is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.
 - Notwithstanding section 609.04, a prosecution for or conviction of a violation of section 609.165 or 624.713, subdivision 1, clause (2), is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.
- These crimes either consider the “single vs. separate” courses of conduct OR the “conviction of a lesser offense.” (see next slide). These offenses are:
 1. Firearm offenses – connected specifically to ineligible possession of a weapon under 609.165 or 624.713.
 2. Arson offenses – connected specifically to arson 1st thru 3rd degree, or wildfire arson used to conceal a crime.
 3. Fleeing a Peace Officer – at the felony level, this would be fleeing in a motor vehicle; however, it applies to any offense found in 609.487.
 4. Criminal Sexual Conduct offenses – 1st through 4th degree CSC with force or violence.

Conviction of Lesser Offense

Minn. Stat. § 609.04

CONVICTION OF LESSER OFFENSE

- Subdivision 1. **Lesser offense prosecution.** Upon prosecution for a crime, the actor may be convicted of either the crime charged or an included offense, but not both. An included offense may be any of the following:
 - (1) a lesser degree of the same crime; or
 - (2) an attempt to commit the crime charged; or
 - (3) an attempt to commit a lesser degree of the same crime; or
 - (4) a crime necessarily proved if the crime charged were proved; or
 - ~~(5) a petty misdemeanor necessarily proved if the misdemeanor charge were proved.~~
- Subd. 2. **Conviction; bar to prosecution.** A conviction or acquittal of a crime is a bar to further prosecution of any included offense, or other degree of the same crime.

Examples* of lesser offenses (aka lesser included)

- (1) Assault 1st degree and Assault 3rd degree – *if you commit great bodily harm, you definitely committed substantial bodily harm*
- (2) Attempted Carjacking and Completed Carjacking – *if you completed the crime, you obviously attempted to complete the crime.*
- (3) Completed Assault 1st degree and Attempted Assault 3rd degree – *if you completed a great bodily harm level of assault, you definitely attempted to commit substantial bodily harm*
- (4) Simple Robbery and Theft from Person – *if you “take personal property from the person” then you definitely can say that “the property is taken from the person.”*

*please confirm with the prosecutor to determine if 609.04 applies.

So, what does this mean for the Guidelines?

This is a decision for the **court** to make. Period. No question about it.

But even the court can struggle with this question...

- I got a call from a judge asking if they could sentence on multiple drug and gun charges. I *could have* asked:
 - Were they different drugs?
 - Were they a mix of sale and possession?
 - What about the firearm – was it proven to be an element of the drug crimes in addition to being a felon in possession?
- Instead, I reminded her that this was a decision for the court to make based on 609.035 and 609.04, and that if they sentenced on more than one offense, there would be *Hernandizing*.

And what about when the prosecutor asks you for pre-plea worksheets on ALL the counts so they can decide what to sentence? Do you complete one for every count? Do you *Hernandize* or not *Hernandize*?

Well, MSGC has a solution to aid with this very circumstance. It's called the **Criminal History Summary**.

CRIMINAL HISTORY SUMMARY

Reviewed Date: Not Reviewed

Version: 1 of 1 Status: OPEN

Offender and Court Case Information			
Name:	Testcase, John Sample	County:	AITKIN (1)
DOB:	12/02/1992	Gender:	Male
Race/Ethnicity:	White/Unknown	Case #:	CR256543
Offense Date:	12/14/2025	MN SID #:	
	PSI Investigator:	MSGC, (651)296-0144	

Criminal History Score				
Custody Status Point	Juv Points	Misc/G.M. Points	Felony Points	Total Criminal History Points
1	0	1	5	
Type: Probation				7

Offenses Included in Criminal History Score					
Type	Offense Title	Sev	Units/Points	Diso Date	Exo Date
Juvenile	No Juvenile Priors				
Misc./G.M	1. Domestic Assault		1 unit	01/01/2018	01/01/2019
	2. GM Check Forgery		1 unit	01/01/2018	01/01/2019
	3. GM DWI		1 unit	01/01/2018	01/01/2019
	4. GM DWI		1 unit	01/01/2018	01/01/2019
Felony	1. Controlled Substance 3rd Degree *	D6	1.5 pts.	01/01/2022	01/01/2027
	2. Drugs - 1st Degree - Sale - 17 Grams or More-Cocaine or Meth w/in 90-Day Period	D8	2.0 pts.	01/01/2022	01/01/2027
	3. Burglary-1st Deg-Dwelling-Occupied-Non-Accomplice Present	6	1.5 pts.	01/05/2024	01/05/2029

Comments

This defendant is on custody for a Controlled Substance 3rd Degree.

Because there is a prior 1st degree drug conviction, if sentence on any of the 1st degree drug counts, this will be a subsequent drug under 152.021.3(b); however, the Grid time would exceed the mandatory minimum duration of 48 months.

(This spot also holds about 5,000 characters, so plenty of space to include all the information you need to provide to the parties.)

DISCLAIMER:

This Criminal History Summary may not be accurate if:

- there are current multiple offenses (Minn. Sent. Guidelines Sec. 2.B.1.e)
- the current offense is a felony DWI or CVH/CVO (Minn. Sent. Guidelines Sec. 2.B.4)
- the current offense is an enhanced felony (Minn. Sent. Guidelines Sec. 2.B.6)
- the current offense is a criminal sexual conduct offense (Minn. Sent. Guidelines Sec. 2.B.1 and 2.B.2)

The Criminal History Summary – the antidote for the “multiple count cases” stress headache

The Criminal History Summary (CHS) is perfect for those cases when there are multiple counts in a single case, all with the same offense date.

- The CHS provides the parties with:
 - what the *starting* criminal history score is;
 - additional history information including the severity level and disposition date for priors (neither appear on the worksheet);
 - plenty of room for comments; up to 5,000 characters will carry over to the final worksheet;
 - disclaimers which explain how things might change with the final worksheet.

It's not always count 1 that is sentenced, so avoid the hassle and do a CHS instead!

Court Case

Get Court Case: The 'Get Court Case' service retrieves available court case data from the MN Court Information System (MNCIS) and enters it into the 'offender' and 'offense' portion of your worksheet. To use the service, enter a valid court case number and click 'Get Court Case'. Afterwards, you will be able to manually add information to your worksheet not available from the Courts.

Preparing more than one worksheet? Make sure you get court case information in the order that the offenses are being sentenced.

*County: * Court Case Number:

Pre-Plea Criminal History Summary

* Conviction/Plea Date:

Some side effects may be fewer missing worksheets and unintended departures!

Conviction Offense	
Sent ord #:	1
Count #:	1
Offense Title:	Burglary - 3rd Degree - Enters w/out consent with intent to Steal/Commit Felony or Gross Misdemeanor
Offense Date:	10/05/2024
Conviction Statute:	609.582.3(a)
Penalty Statute:	609.582.3(a)
Addl Statutes:	
Modifiers:	
Severity Level 4	

Criminal History Score				
Custody Status Point	Juv Points	Misd/G.M. Points	Felony Points	Total Criminal History Points
0	0	0	5	5
Type:	None			

Offenses Included in Criminal History Score				
Type	Offense Title	Units/Pts	Disp Date	Exp Date
Juvenile	No Juvenile Priors			
Misd./G.M.	No Misdemeanor Priors			
Felony	1. Theft-Take/Drive Motor Vehicle-No Owner Consent	1.0 pt.	04/28/2016	10/10/2018
	2. Theft-Take/Use/Transfer Movable Prop-No Consent	0.5 pt.	05/25/2016	06/26/2018
	3. Drugs - 5th Degree - Possess Schedule 1,2,3,4 - Not Small Amount Marijuana	0.5 pt.	12/28/2016	10/11/2018
	4. Theft-Take/Use/Transfer Movable Prop-No Consent	0.5 pt.	02/17/2017	03/01/2019
	5. Drugs - 5th Degree - Possess Schedule 1,2,3,4 - Not Small Amount Marijuana - MN	0.5 pt.	06/13/2018	10/31/2019
	6. Check Forgery	0.5 pt.	06/13/2018	02/03/2022
	7. Theft-Take/Use/Transfer Movable Prop-No Consent	0.5 pt.	01/17/2019	09/20/2021
	8. Burglary-3rd Deg-Steal/Commit Felony or Gross Misd	1.0 pt.	01/17/2019	12/13/2021

Presumptive Disposition	
Commit to Commissioner	
Presumptive Duration	
27 months	
Lower Range:	23 months
Upper Range:	32 months
In the event of mitigated dispositional departure, the length of stay must not exceed 5 years.	

Comments
Removed 19HACR13868, 5th degree Possession - per Stroebel - and decay rule

Conviction Offense	
Sent ord #:	1
Count #:	2
Offense Title:	Drugs - 2nd Degree - Possess 25 grams or more cocaine or methamphetamine
Offense Date:	10/05/2024
Conviction Statute:	152.022.2(a)(1)
Penalty Statute:	
Addl Statutes:	
Modifiers:	
Severity Level D7	

Criminal History Score				
Custody Status Point	Juv Points	Misd/G.M. Points	Felony Points	Total Criminal History Points
0	0	0	5	5
Type:	None			

Offenses Included in Criminal History Score				
Type	Offense Title	Units/Pts	Disp Date	Exp Date
Juvenile	No Juvenile Priors			
Misd./G.M.	No Misdemeanor Priors			
Felony	1. Theft-Take/Drive Motor Vehicle-No Owner Consent	1.0 pt.	04/28/2016	10/10/2018
	2. Theft-Take/Use/Transfer Movable Prop-No Consent	0.5 pt.	05/25/2016	06/26/2018
	3. Drugs - 5th Degree - Possess Schedule 1,2,3,4 - Not Small Amount Marijuana	0.5 pt.	12/28/2016	10/11/2018
	4. Theft-Take/Use/Transfer Movable Prop-No Consent	0.5 pt.	02/17/2017	03/01/2019
	5. Drugs - 5th Degree - Possess Schedule 1,2,3,4 - Not Small Amount Marijuana - MN	0.5 pt.	06/13/2018	10/31/2019
	6. Check Forgery	0.5 pt.	06/13/2018	02/03/2022
	7. Theft-Take/Use/Transfer Movable Prop-No Consent	0.5 pt.	01/17/2019	09/20/2021
	8. Burglary-3rd Deg-Steal/Commit Felony or Gross Misd	1.0 pt.	01/17/2019	12/13/2021

Presumptive Disposition	
Commit to Commissioner	
Presumptive Duration	
98 months	
Lower Range:	84 months
Upper Range:	117 months
In the event of mitigated dispositional departure, the length of stay must not exceed 5 years.	
The presumptive sentence was automatically calculated. There may be errors, especially if modifiers apply. Please ensure that the presumptive sentence is correct by applying the Sentencing Guidelines in effect on the date of offense.	

Comments
Removed 19HACR13868, 5th degree Possession - per Stroebel - and decay rule

Sentencing multiple offenses in one hearing: the *Hernandizing* Policies in 2.B.1.e

Hernandizing Current Multiple Sentences: 2.B.1.e:

“Multiple offenses sentenced at the same time before the same court must be sentenced in the order in which they occurred. As each offense is sentenced, include it in the criminal history for the next offense to be sentenced (also known as *Hernandizing*) except as follows...”

Before we discuss “except as follows,” let’s clarify *Hernandizing*:

- *Hernandizing*, under 2.B.1.e, is the extended application of 2.B.1 which states that offenses receiving an imposed sentence or Stay of Imposition are included in criminal history if they are *sentenced before the current offense*.
- This is from the appellate case *State v. Hernandez* (311 N.W.2d 478 (1981)) “All the court was trying to do was avoid mere formalities and, in the interest of judicial economy, do in one day what the Guidelines allow to be done in three or more days.”
- In short, the case defined what “before the current offense” means.

Hernandizing exception #1 – Single Course of Conduct/Multiple Sentences (§ 2.B.1.e(1))

- Court Case (1) [Add Related Court Case](#)
 - **Court Case: Cass - (11)CR123456 - Conviction Date: 7/20/2022**
 - Offense (2) [Add Related Offense](#)
 - **Sentence 1 - Count 1 - 7/19/2022 - Burglary-3rd Deg-Steal/Commit Felony or Gross Misd**
Severity Level: 4 - Custody Status: None - 0.0
 - Priors (2) [Add Priors](#)
 - F1 - 2/1/2013 - Motor Vehicle Theft - MN CR134658 - 1.0 Point
 - F2 - 10/10/2019 - Traffic - DWI - Operate Motor Vehicle Under Influence of Alcohol - MN CR197654 - 1.5 Points
 - Total Points/Presumptive Sentence - Stay - 18.0 Months - **Criminal History Score = 2 - Complete**
 - **Sentence 2 - Count 2 - 7/19/2022 - Theft-Take/Use/Transfer Movable Prop-No Consent**
Severity Level: 3 - Custody Status: None - 0.0
 - Priors (2) [Add Priors](#)
 - F1 - 2/1/2013 - Motor Vehicle Theft - MN CR134658 - 1.0 Point
 - F2 - 10/10/2019 - Traffic - DWI - Operate Motor Vehicle Under Influence of Alcohol - MN CR197654 - 1.5 Points
 - Total Points/Presumptive Sentence - Stay - 15.0 Months - **Criminal History Score = 2 - Complete**

[Submit for Review](#)

[Hold](#)

[Reorder Sentences](#)

[New Search](#)

[Refine Search](#)

[View/Print](#)

- If the defendant commits a burglary, kidnapping, or meth offense involving a child or vulnerable adult, *and* an additional offense in the same course of conduct:
- All offenses which occur can be sentenced – there is no double jeopardy under Minn. Stat. § 609.035.
 - There is no *Hernandizing* of offenses.
 - When reading this policy, do not stop at “Single Course of Conduct/Multiple Sentences” and assume no *Hernandizing*. Keep reading...
 - If there is a sentence #2, there will be *Hernandizing* unless it is these three specific offenses, and the additional offense(s) sentenced as part of the same incident.

When these sentencing situations are considered for future criminal history on a non-related offense, only the one at the highest severity level will be used under 2.b.1.d(1).

2.B.109 – the *Hernandizing* method and 609.035

- Back on slide 6, four other offenses were listed that carry the double jeopardy language: “conviction of this offense is not a bar to conviction of or punishment for any other offense committed as part of the same conduct.”
- Those offenses from 609.035, subd. 3 thru 6 are felony in possession, arson, fleeing a peace officer, and certain CSC offenses.
- 2.B.109: *The Commission has carefully considered the application of the Hernandez method to sentencing in provisions of Minnesota law other than Minn. Stats. §§ 152.137, 609.585, and 609.251. The Commission’s decision **not** to amend the Sentencing Guidelines is deliberate. See, State v. Williams, 771 N.W.2d 514 (Minn. 2009).*
- When the court makes the decision not to *Hernandize* and one of the offenses is **not** burglary, kidnapping, or meth involving a child/vulnerable adult, it will be a departure.

Minnesota Sentencing Guidelines Commission

SENTENCING WORKSHEET

Email: sentencing.guidelines@state.mn.us
 Phone: (651) 296-0144

Reviewed Date: HOLD
 Version: 1 of 1 Status: Hold

Offender and Court Case Information			
Name:	Doe, James Paul	County:	HENNEPIN (27)
DOB:	12/02/1992	Gender: Male	Case #: CR1811111
Race/Ethnicity:	White/Unknown	MN SID #:	
Conv./Plea Date:	04/26/2024	PSI Investigator:	MSGC, (651)296-0144

Conviction Offense			
Sent ord #:	1	Count #:	1
Offense Title:	Burglary - 3rd Degree - Enters w/out consent with intent to Steal/Commit Felony or Gross Misdemeanor	Severity Level	4
Offense Date:	11/29/2023		
Conviction Statute:	609.582.3(a)	Penalty Statute:	
Addl Statutes:			
Modifiers:			

Criminal History Score				
Custody Status Point	Juv Points	Misd/G.M. Points	Felony Points	Total Criminal History Points
0	0	0	0	0
Type: None				

Offenses Included in Criminal History Score					Presumptive Disposition
Type	Offense Title	Units/Pts	Disp Date	Exp Date	Stay
Juvenile	No Juvenile Priors				
Misd./G.M.	No Misdemeanor Priors				
Felony	No Felony Priors				
					Presumptive Duration
					12 months
<p><i>The length of stay must not exceed 5 years.</i></p> <p><i>The presumptive sentence was automatically calculated. There may be errors, especially if modifiers apply. Please ensure that the presumptive sentence is correct by applying the Sentencing Guidelines in effect on the date of offense.</i></p>					

Comments

Minnesota Sentencing Guidelines Commission

SENTENCING WORKSHEET

Email: sentencing.guidelines@state.mn.us
 Phone: (651) 296-0144

Reviewed Date: HOLD
 Version: 1 of 1 Status: Hold

Offender and Court Case Information			
Name:	Doe, James Paul	County:	HENNEPIN (27)
DOB:	12/02/1992	Gender: Male	Case #: CR1811111
Race/Ethnicity:	White/Unknown	MN SID #:	
Conv./Plea Date:	04/26/2024	PSI Investigator:	MSGC, (651)296-0144

Conviction Offense			
Sent ord #:	2	Count #:	2
Offense Title:	Theft-Take/Use/Transfer Movable Prop-No Consent	Severity Level	4
Offense Date:	11/29/2023		
Conviction Statute:	609.52.2(a)(1)	Penalty Statute:	609.52.3(3)(d)(v)
Addl Statutes:			
Modifiers:			

Criminal History Score				
Custody Status Point	Juv Points	Misd/G.M. Points	Felony Points	Total Criminal History Points
0	0	0	0	0
Type: None				

Offenses Included in Criminal History Score					Presumptive Disposition
Type	Offense Title	Units/Pts	Disp Date	Exp Date	Stay
Juvenile	No Juvenile Priors				
Misd./G.M.	No Misdemeanor Priors				
Felony	No Felony Priors				
					Presumptive Duration
					12 months
<p><i>For stayed sentences pronounced on or after August 1, 2023, refer to Minn. Stat. § 609.135, subd. 2, for the maximum length of stay.</i></p> <p><i>The presumptive sentence was automatically calculated. There may be errors, especially if modifiers apply. Please ensure that the presumptive sentence is correct by applying the Sentencing Guidelines in effect on the date of offense.</i></p>					

Comments

Sentencing multiple offenses in one hearing: *Hernandizing* exception #2 – Single Course of Conduct/Multiple Victims (§ 2.B.1.e(2) & 2.B.1.d(2))

- When there is a single course of conduct that results in multiple victims, multiple sentences can be imposed in the order the offenses occurred.
- For *Hernandizing* count only two of the (sentenced) offenses at the highest severity level as criminal history on the next offense being sentence.
- When these sentencing situations are used in future criminal history, count only the two highest severity levels from the entire incident. (2.b.1.d(2))

Sentencing multiple offenses in one hearing: *Hernandizing* exception #2 – Single Course of Conduct/Multiple Victims (§ 2.B.1.e(2)) w/ example

- Court Case (1) [Add Related Court Case](#)
 - **Court Case: Cass - (11)CR123456 - Conviction Date: 7/20/2022**
 - Offense (4) [Add Related Offense](#)
 - **Sentence 1 - Count 1 - 7/19/2022 - Aggravated Robbery-1st Degree**
Severity Level: 8 - Custody Status: None - 0.0
[Add Priors](#)
 - Total Points/Presumptive Sentence - Commit to Commissioner - 48.0 Months - **Criminal History Score = 0 - Complete**
 - **Sentence 2 - Count 2 - 7/19/2022 - Aggravated Robbery-1st Degree**
Severity Level: 8 - Custody Status: None - 0.0
 - Priors (1) [Add Priors](#)
 - F1 - 7/20/2022 - Aggravated Robbery-1st Degree - MN CR123456 - **1.5 Points**
 - Total Points/Presumptive Sentence - Commit to Commissioner - 58.0 Months - **Criminal History Score = 1 - Complete**
 - **Sentence 3 - Count 3 - 7/19/2022 - Aggravated Robbery-1st Degree**
Severity Level: 8 - Custody Status: None - 0.0
 - Priors (2) [Add Priors](#)
 - F1 - 7/20/2022 - Aggravated Robbery-1st Degree - MN CR123456 - **1.5 Points**
 - F2 - 7/20/2022 - Aggravated Robbery-1st Degree - MN CR123456 - **1.5 Points**
 - Total Points/Presumptive Sentence - Commit to Commissioner - 78.0 Months - **Criminal History Score = 3 - Complete**
 - **Sentence 4 - Count 4 - 7/19/2022 - Aggravated Robbery-1st Degree**
Severity Level: 8 - Custody Status: None - 0.0
 - Priors (2) [Add Priors](#)
 - F1 - 7/20/2022 - Aggravated Robbery-1st Degree - MN CR123456 - **1.5 Points**
 - F2 - 7/20/2022 - Aggravated Robbery-1st Degree - MN CR123456 - **1.5 Points**
 - Total Points/Presumptive Sentence - Commit to Commissioner - 78.0 Months - **Criminal History Score = 3 - Complete**

- If the defendant commits a single course of conduct that results in *multiple victims*, multiple sentences can be imposed in the order the offenses occurred.
- For *Hernandizing* count only two of the sentenced offenses at the highest severity level on the next offense being sentence.

When these sentencing situations are considered for future criminal history on a non-related offense, only the two highest severity levels from the entire incident are used. (2.b.1.d(2))

**Minnesota Sentencing
Guidelines Commission**

Email: sentencing.guidelines@state.mn.us
Phone: (651) 296-0144

Offender and Court Case Information	
Name:	Doe, James Paul
DOB:	12/02/1992
Race/Ethnicity:	White/Non-Hispanic
Conv./Plea Date:	04/26/2024

Conviction Offense	
Sent ord #:	1
Offense Title:	Aggravated Robbery-1st Degree
Offense Date:	07/19/2022
Conviction Statute:	609.245.1
Addl Statutes:	
Modifiers:	

Criminal History Score	
Custody Status Point	Juv Points
0	0
Type: None	

Offenses Included in Criminal History Score		
Type	Offense Title	Units
Juvenile	No Juvenile Priors	
Misd./G.M.	No Misdemeanor Priors	
Felony	No Felony Priors	

**Minnesota Sentencing
Guidelines Commission**

Email: sentencing.guidelines@state.mn.us
Phone: (651) 296-0144

Offender and Court Case Information	
Name:	Doe, James Paul
DOB:	12/02/1992
Race/Ethnicity:	White/Non-Hispanic
Conv./Plea Date:	04/26/2024

Conviction Offense	
Sent ord #:	2
Offense Title:	Aggravated Robbery-1st Degree
Offense Date:	07/19/2022
Conviction Statute:	609.245.1
Addl Statutes:	
Modifiers:	

Criminal History Score	
Custody Status Point	Juv Points
0	0
Type: None	

Offenses Included in Criminal History Score			
Type	Offense Title	Units/Pts	Dis
Juvenile	No Juvenile Priors		
Misd./G.M.	No Misdemeanor Priors		
Felony	1. Aggravated Robbery-1st Degree	1.5 pts.	07/19/2022

Comments

**Minnesota Sentencing
Guidelines Commission**

Email: sentencing.guidelines@state.mn.us
Phone: (651) 296-0144

Offender and Court Case Information	
Name:	Doe, James Paul
DOB:	12/02/1992
Race/Ethnicity:	White/Non-Hispanic
Conv./Plea Date:	04/26/2024

Conviction Offense	
Sent ord #:	3
Offense Title:	Aggravated Robbery-1st Degree
Offense Date:	07/19/2022
Conviction Statute:	609.245.1
Addl Statutes:	
Modifiers:	

Criminal History Score	
Custody Status Point	Juv Points
0	0
Type: None	

Offenses Included in Criminal History Score			
Type	Offense Title	Units/Pts	Dis
Juvenile	No Juvenile Priors		
Misd./G.M.	No Misdemeanor Priors		
Felony	1. Aggravated Robbery-1st Degree	1.5 pts.	07/19/2022
Felony	2. Aggravated Robbery-1st Degree	1.5 pts.	07/19/2022

Comments

SENTENCING WORKSHEET

**Minnesota Sentencing
Guidelines Commission**

Email: sentencing.guidelines@state.mn.us
Phone: (651) 296-0144

Reviewed Date: HOLD

Version: 1 of 1 Status: Hold

Offender and Court Case Information			
Name:	Doe, James Paul	County:	CASS (11)
DOB:	12/02/1992	Gender:	Male
Race/Ethnicity:	White/Non-Hispanic	Case #:	CR123456
Conv./Plea Date:	04/26/2024	PSI Investigator:	Training, Msgc, (651)757-1728

Conviction Offense	
Sent ord #:	4
Offense Title:	Aggravated Robbery-1st Degree
Offense Date:	08/03/2023
Conviction Statute:	609.245.1
Addl Statutes:	
Modifiers:	

Severity Level
8

Criminal History Score				
Custody Status Point	Juv Points	Misd./G.M. Points	Felony Points	Total Criminal History Points
0	0	0	3	3
Type: None				

Offenses Included in Criminal History Score				
Type	Offense Title	Units/Pts	Disp Date	Exp Date
Juvenile	No Juvenile Priors			
Misd./G.M.	No Misdemeanor Priors			
Felony	1. Aggravated Robbery-1st Degree	1.5 pts.	07/20/2022	07/22/2024
Felony	2. Aggravated Robbery-1st Degree	1.5 pts.	07/20/2022	07/20/2024

Presumptive Disposition
Commit to Commissioner
Presumptive Duration
78 months
Lower Range: 67 months
Upper Range: 93 months
<i>In the event of mitigated dispositional departure, the length of stay must not exceed 5 years.</i>
<i>The presumptive sentence was automatically calculated. There may be errors, especially if modifiers apply. Please ensure that the presumptive sentence is correct by applying the Sentencing Guidelines in effect on the date of offense.</i>

Comments

Status: **Hold**  Created Date: **4/11/2019** Last Updated Date: **6/10/2025**
Offender: **Testcase, Felony Paul - 12/02/2002**  Agent: **Msgc** 

- Court Case (1) [Add Related Court Case](#)
 -   **Court Case: Brown - (8)CR251234 - Conviction Date: 6/12/2025**
 - Offense (1) [Add Related Offense](#)

One final tip on *Hernandizing*

Under Minn. Stat. § 609.035, subd. 1, “All the offenses, if prosecuted, shall be included in ***one prosecution which shall be stated in separate counts.***”

In this situation, you would use the “**Add Related Offense**” link to keep building off the first worksheet, and ask “should I *Hernandized these counts,*” to which the answer would be yes UNLESS one of the exceptions applies.

Hernandize? Yes: The court has determined that these are separate courses of conduct and will be imposing more than one sentence, even though they may have the same offense date or have a single case number.

Hernandize? No: Although multiple offenses are being sentenced, the exception from 2.B.1.e(1) is present (e.g., one of the offenses is a burglary).

Hernandize? Yes, but: Although the court will be imposing more than one sentence, the exception from 2.B.1.e(2) is present (e.g., an agg robbery with a group of people). *Hernandizing* will only involve two at the highest severity level as you proceed through the worksheets.

BUT when you are using the “**Add Related Court Case**” link then you will always *Hernandize*, even when instructed not to do so. (Here would be where you might point out 2.B.1.e, 609.035, and 609.04 to the parties.)

This has been a training presentation by the staff of the Minnesota Sentencing Guidelines Commission. Opinions expressed are not necessarily those of the Commission itself, and information presented is not necessarily authoritative.

Please refer to the Commission's web site for the actual policies to the Sentencing Guidelines discussed in this presentation.

<https://mn.gov/sentencing-guidelines/guidelines/>

For assistance, please e-mail sentencing.guidelines@state.mn.us