

Attachment 7 (revised 12-18-15)

b. Aggravating Factors.

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(4) The offense was a major economic offense, identified as an illegal act or series of illegal acts committed by other than physical means and by concealment or guile to obtain money or property, to avoid payment or loss of money or property, or to obtain business or professional advantage. The presence of two or more of the circumstances listed below ~~are~~ is an aggravating factors with respect to the offense:

\* \* \*

(5) The offense was a major controlled substance offense, identified as an offense or series of offenses related to trafficking in controlled substances under circumstances more onerous than the usual offense. The presence of two or more of the circumstances listed below ~~are~~ is an aggravating factors with respect to the offense:

(a) the offense involved at least three separate transactions ~~wherein in which~~ controlled substances were sold, transferred, or possessed with intent to ~~do so~~ sell or transfer;

(b) the ~~offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use~~ offender or an accomplice possessed equipment, drug paraphernalia, or monies evidencing the offense was committed as part of wholesale trafficking of a controlled substance;

(c) the offense involved the manufacture of controlled substances for use by other parties;

(d) the offender or an accomplice knowingly possessed a firearm or other dangerous weapon, as defined by Minn. Stat. § 609.02, during the commission of the offense;

(e) the circumstances of the offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(f) the offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; ~~or~~

(g) the offender used his or her position or status to facilitate the commission of the offense, including positions of trust, confidence or fiduciary relationships (e.g., pharmacist, physician or other medical professional);

(h) the offense involved separate acts of sale possession of a controlled substance in three or more counties;

(i) the offense involved the transfer of controlled substance across a state or international border and into Minnesota offender has a prior conviction for a crime of violence, as defined in Minn. Stat. § 609.1095, subd. 1(d), other than a violation of a provision under

Minn. Stat. chapter 152, including attempt or conspiracy, or was convicted of a similar offense by the United States or another state;

(j) the offense involved the sale of a controlled substance to a minor or vulnerable adult; and

(k) the defendant, or an accomplice, manufactured, possessed or sold a controlled substance in a school zone, park zone, public housing zone, federal, state, or local correctional facility, or drug treatment facility. \* \* \*