

## Theft of Movable Property over \$5,000 (Severity Level 3): 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.

### **THEFT OF MOVABLE PROPERTY OVER \$5,000**

#### **Analysis:**

- Sentenced 2020-2024
- Theft under Minn. Stat. § 609.52, subd. 2(a)(1)
- Severity Level 3 (over \$5,000)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 613 people were sentenced for felony theft at Severity Level 3 – 435 (71%) were presumptive stays and 178 (29%) were presumptive commitments. One of the presumptive stayed cases received an aggravated dispositional departure. Of the 178 people who were presumptive commits, 74 (42%) received a mitigated dispositional departure. In total, 112 people received prison.<sup>1</sup> Of the 112 people who received prison, 13 (12%) received a mitigated durational departure and 5 (5%) received an aggravated durational departure. 25 cases received a mitigated departure to a misdemeanor/gm sentence. The average pronounced prison term was 22 months.

**Table 1. Sentencing Information for Theft over \$5,000, Sentenced 2020-2024**

CHS	Total	Recommended Disposition		Dispositional Departure (presumptive commits)		Durational Departure (prison only)			Received M/GM Sentence	Average Pronounced Prison Term
		Stay	None	None	Mitigated	None	Aggravated	Mitigated		
0	242	242	0	---	---	2	0	0	18	12.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	0.0%	7.4%	
1	82	82	0	---	---	---	---	---	2	---
	100.0%	100.0%	0.0%	---	---	---	---	---	2.4%	
2	64	64	0	---	---	4	1	0	1	19.8 months
	100.0%	100.0%	0.0%	---	---	80.0%	20.0%	0.0%	1.6%	
3	47	47	0	---	---	0	1	1	1	17.5 months
	100.0%	100.0%	0.0%	---	---	0.0%	50.0%	50.0%	2.1%	
4	29	0	29	15	14	13	0	1	1	18.2 months
	100.0%	0.0%	100.0%	51.7%	48.3%	92.9%	0.0%	7.1%	3.4%	
5	34	0	34	13	21	11	1	1	2	21.7 months
	100.0%	0.0%	100.0%	38.2%	61.8%	84.6%	7.7%	7.7%	5.9%	
6+	115	0	115	76	39	64	2	10	0	22.9 months
	100.0%	0.0%	100.0%	66.1%	33.9%	84.2%	2.6%	13.2%	0.0%	
<b>Total</b>	<b>613</b>	<b>435</b>	<b>178</b>	<b>104</b>	<b>74</b>	<b>94</b>	<b>5</b>	<b>13</b>	<b>25</b>	<b>21.7 months</b>
	<b>100.0%</b>	<b>71.0%</b>	<b>29.0%</b>	<b>58.4%</b>	<b>41.6%</b>	<b>83.9%</b>	<b>4.5%</b>	<b>11.6%</b>	<b>4.1%</b>	

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, recommended by court services, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 66% of cases, objected in 15% of cases, and in 19% of cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated durational departures were offender played minor/lesser/passive role, offense less onerous and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 69% of cases and in 31% of cases the position of the prosecutor was unknown.

<sup>1</sup>Eight people demanded execution of their sentence where it was not considered an aggravated dispositional departure, bringing the total of people that received prison to 112.