

Agg. 1st Degree Controlled Substance w/ Firearm: Sentenced 2019-2023

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.

Information Requested: Sentencing data for Aggravated 1st Degree Controlled Substance with Firearm, § 152.021 subd. 2b(1).

Analysis:

- Sentenced 2019-2023
- Aggravated 1st Degree Controlled Substance with Firearm, § 152.021 subd. 2b(1)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175
- Departure rates by Criminal History Score

From 2019-2023, 17 cases were sentenced for Aggravated 1st Degree Controlled Substance with Firearm, § 152.021 subd. 2b(1). Zero had a presumptive stayed disposition and 17 (100.0%) had a presumptive disposition of commit. One (5.9%) case received a mitigated dispositional departure. Of the 16 people who received an executed prison sentence, three (18.8%) received a mitigated durational departure and one (6.2%) received an aggravated durational departure.

Table 1. Aggravated 1st Degree Controlled Substance with Firearm, § 152.021 subd. 2b(1): Sentenced 2019-2023

CHS	Total	Presumptive Disposition		Dispositional Departure			Durational Departure (prison only)		
		Stay	Commit	None	Aggravated	Mitigated	None	Aggravated	Mitigated
0	6	0	6	5	0	1	5	0	0
	100.0%	0.0%	100.0%	83.3%	0.0%	16.7%	100.0%	0.0%	0.0%
1	1	0	1	1	0	0	1	0	0
	100.0%	0.0%	100.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%
2	2	0	2	2	0	0	2	0	0
	100.0%	0.0%	100.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%
3	3	0	3	3	0	0	1	0	2
	100.0%	0.0%	100.0%	100.0%	0.0%	0.0%	33.3%	0.0%	66.7%
4	1	0	1	1	0	0	1	0	0
	100.0%	0.0%	100.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%
5	1	0	1	1	0	0	0	0	1
	100.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
6+	3	0	3	3	0	0	2	1	0
	100.0%	0.0%	100.0%	100.0%	0.0%	0.0%	66.7%	33.3%	0.0%
Total	17	0	17	16	0	1	12	1	3
	100.0%	0.0%	100.0%	94.1%	0.0%	5.9%	75.0%	6.2%	18.8%

The reasons cited for the sole mitigated dispositional departure were amenable to probation, amenable to drug court, recommended by court services, and amenable to treatment. The prosecutor agreed to/recommended/did not object to this departure.

The most common reasons cited for mitigated durational departures were shows remorse/accepts responsibility, offender played a minor role and crime less onerous. The prosecutor agreed to/recommended/did not object to the departure in two cases and objected to the departure in one case.