

Theft of Movable Property, over \$5,000: by Criminal History Score, 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 Theft of Movable Property, § 609.52 subd. 2(a)(1), value equaling more than \$5,000, § 609.52 subd. 3(2), by Criminal History Score (CHS).

Analysis:

- Theft of Movable Property, § 609.52 subd. 2(a)(1), value equaling more than \$5,000, § 609.52 subd. 3(2),
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175
- Departure rates by Criminal History Score

From 2019-2023, 583 cases were sentenced for Theft of Movable Property, § 609.52 subd. 2(a)(1), value equaling more than \$5,000, § 609.52 subd. 3(2). 418 (71.7%) had a presumptive disposition of stay and 165 (28.3%) had a presumptive disposition of commit. Among presumptive stay cases, zero received an aggravated dispositional departure. Among presumptive commit cases, 68 (41.2%) received a mitigated dispositional departure. Of the 103 people who received an executed prison sentence, 14 (13.6%) received a mitigated durational departure and four (3.9%) received an aggravated durational departure.

Table 1. Theft of Movable Property, over \$5,000: by Criminal History Score, Sentenced 2019-2023

CHS	Total	Presumptive Disposition		Dispositional Departure			Durational Departure (prison only)		
		Stay	Commit	None	Aggravated (pres. stays)	Mitigated (pres. commits)	None	Aggravated	Mitigated
0	237	237	0	237	0	0	2	0	0
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%
1	73	73	0	73	0	0	0	0	0
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2	55	55	0	55	0	0	3	1	0
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	75.0%	25.0%	0.0%
3	53	53	0	53	0	0	1	0	0
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%
4	28	0	28	15	0	13	13	0	1
	100.0%	0.0%	100.0%	53.6%	0.0%	46.4%	92.9%	0.0%	7.1%
5	25	0	25	9	0	16	7	1	1
	100.0%	0.0%	100.0%	36.0%	0.0%	64.0%	77.8%	11.1%	11.1%
6+	112	0	112	73	0	39	59	2	12
	100.0%	0.0%	100.0%	65.2%	0.0%	34.8%	80.8%	2.7%	16.4%
Total	583	418	165	515	0	68	85	4	14
	100.0%	71.7%	28.3%	88.3%	0.0%	41.2%	82.5%	3.9%	13.6%

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 44 (64.7%) cases, objected to the departure in 13 (19.1%) cases, and in 11 (16.2%) cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated durational departures were offender played a minor role and crime less onerous. The prosecutor agreed to/recommended/did not object to the departure in nine (64.3%) cases, objected to the departure in zero cases, and in five (35.7%) cases the position of the prosecutor was unknown.