STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0556
A24-0593

Demetreious Anderson Baldwin, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

Filed January 21, 2025
Affirmed
Ross, Judge

Hennepin County District Court
File No. 27-CR-20-26727

Cathryn Middlebrook, Chief Appellate Public Defender, Gina D. Schulz, Assistant Public Defender, Amy Bakkum (certified supervised practitioner), St. Paul, Minnesota (for appellant)

Keith Ellison, Attorney General, St. Paul, Minnesota; and

Mary F. Moriarty, Hennepin County Attorney, Nicole Cornale, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Considered and decided by Ross, Presiding Judge; Harris, Judge; and Halbrooks, Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

NONPRECEDENTIAL OPINION

ROSS, Judge

The complaint that charged Dametreious Baldwin[1] with criminal vehicular homicide alleged that he drunkenly crashed his car and then fled the scene, leaving one of his passengers dead and dangling from the wreckage. Baldwin pleaded guilty to criminal vehicular homicide and received the presumptive sentence. Two years later he successfully petitioned for postconviction relief to be resentenced to correct an erroneous criminal-history score, but he failed to convince the district court that he was entitled to a lesser sentence. He argues on appeal that the district court should have granted his request for a downward sentencing departure based on his mental-health diagnoses and other factors. He argues alternatively that he should have been sentenced at the bottom of the presumptive range. Because the district court acted within its discretion to sentence Baldwin within the presumptive guidelines range, we affirm.

FACTS

The relevant facts are not in dispute. In December 2020, Dametreious Baldwin crashed a car that he was driving after he had consumed alcohol, drugs, or both, killing his passenger. According to the criminal complaint, roadway markings indicated that Baldwin's car left the road several times, went airborne, crashed into a parking lot, and came to rest on its side. Officers found a dead child hanging upside down from the car's

[1] The case caption in district court spells Baldwin's first name "Demetreious." Baldwin's appellate brief spells his name, "Dametreious." The caption of this opinion conforms to the caption used in the district court. *See* Minn. R. Civ. App. P. 143.01. But we use appellant's preferred spelling in the body of the opinion.

shattered rear window, his lower body trapped in the wreckage. The dead boy was Baldwin's cousin. Baldwin later admitted that he and the car's other passenger fled the crash scene without summoning help for his cousin. The state charged Baldwin with one count of criminal vehicular homicide, and he pleaded guilty.

Baldwin argued at sentencing for a downward dispositional or durational departure from the presumptive guidelines sentence of 111 months in prison. He based his request on, among other things, his alleged serious mental-health issues that began during his difficult childhood, including post-traumatic stress disorder (PTSD), his resulting chemical dependency, and his need and suitability for extended treatment outside prison. The district court imposed the presumptive prison sentence.

Baldwin timely petitioned for postconviction relief about two years later. He failed in his renewed departure request but argued successfully that the district court had calculated his sentence based on an erroneous criminal-history score (eight points instead of seven) and was entitled to be resentenced. The corrected score did not alter his presumptive sentence, and the district court resentenced Baldwin to the same sentence, rejecting his request to be resentenced at the bottom of the presumptive range rather than the presumptive 111-month term.

Baldwin appealed from both the resentencing order and the partial denial of his postconviction petition separately. We consolidated and now decide both appeals.

DECISION

We are not persuaded by Baldwin's two arguments on appeal, which are that the district court improperly reaffirmed its prior denial of his downward-departure request and

that it improperly reimposed a middle-of-the-box sentence. The district court enjoys "great discretion" in sentencing decisions, and we will reverse a sentencing decision only if the district court abuses that discretion. *State v. Soto*, 855 N.W.2d 303, 307–08 (Minn. 2014) (quotation omitted). The record here reveals no abuse of discretion.

Baldwin argues specifically that the district court in the postconviction proceeding erroneously affirmed its prior conclusion that his mental-health issues and other factors did not provide a substantial and compelling reason to depart from the presumptive sentence. A district court may depart from a Minnesota Sentencing Guidelines presumptive sentence only if "there exist identifiable, substantial, and compelling circumstances to support a departure." Minn. Sent'g Guidelines 2.D.1 (2020). One circumstance that can mitigate an offender's conduct is that he, "because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed." Minn. Sent'g Guidelines 2.D.3.a(3) (2020). For mental impairment to be a mitigating factor, "a defendant's impairment must be extreme to the point that it deprives [him] of control over his actions." *State v. McLaughlin*, 725 N.W.2d 703, 716 (Minn. 2007) (quotation omitted). Voluntary use of alcohol or drugs is not a mitigating factor in this context. Minn. Sent'g Guidelines 2.D.3.a(3). We do not suggest that PTSD is not a serious impairment. But the record does not indicate that Baldwin's mental-health diagnoses, including PTSD, left him without substantial capacity for judgment regarding his vehicular-homicide offense. We have considered, and find unconvincing, his attempt to liken his circumstance to those addressed in *State v. Martinson*, 671 N.W.2d 887 (Minn. App. 2003), *rev. denied* (Minn. Jan. 20, 2004), and *State v. Barsness*, 473 N.W.2d 325 (Minn. App. 1991), *rev. denied* (Minn. Aug.

29, 1991). Put bluntly, the record provides no reason suggesting that the district court was compelled to determine that his mental-health issues had any bearing on the decisions that led him to drive impaired, cause the collision, and abandon his cousin without providing or seeking aid. The district court acted within its discretion by refusing to depart durationally.

Baldwin also argues that his remorse, young age, support of family and friends, motivation to change, cooperation with the state, and respectful attitude in court should have led the district court to grant him a downward dispositional departure. A downward dispositional departure may be justified when an offender demonstrates "particular amenability" to treatment on probation. *State v. Trog*, 323 N.W.2d 28, 31 (Minn. 1982). But the district court retains the discretion to impose a presumptive prison sentence even if factors supporting a departure are present. *Wells v. State*, 839 N.W.2d 775, 781 (Minn. App. 2013), *rev. denied* (Minn. Feb. 18, 2014). The district court reviewed the record before sentencing and concluded that, because Baldwin had been on probation for two other felonies when he committed the present offense, he was not entitled to a dispositional departure. We are satisfied that the district court properly exercised its discretion when it refused to grant a downward dispositional departure in the postconviction proceeding.

We are likewise unconvinced by Baldwin's contention that the district court was bound to reimpose a middle-of-the-box prison term at resentencing. The sentences recommended by the Minnesota Sentencing Guidelines "are presumed to be appropriate." Minn. Sent'g Guidelines 2.D.1; *State v. Reece*, 625 N.W.2d 822, 824 (Minn. 2001). We will affirm the imposition of a presumptive sentence when the record informs us that the

"sentencing court carefully evaluated all the testimony and information" presented to it. *State v. Johnson*, 831 N.W.2d 917, 925 (Minn. App. 2013), *rev. denied* (Minn. Sept. 17, 2013). The record here so informs us. Baldwin's corrected criminal-history score left his presumptive sentence unchanged. The district court at resentencing expressly considered the information before it, including Baldwin's rehabilitative work while in prison. And it acted well within its discretion when it refused to grant a bottom-of-the-box sentence.

Affirmed.