

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1037**

State of Minnesota,
Respondent,

vs.

Rafael Earl Steele,
Appellant.

**Filed May 5, 2025
Affirmed
Halbrooks, Judge***

Olmsted County District Court
File No. 55-CR-23-213

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

Michael Walters, Olmsted County Attorney, James E. Haase, Assistant County Attorney,
Rochester, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Sara J. Euteneuer, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Wheelock, Presiding Judge; Bjorkman, Judge; and
Halbrooks, Judge.

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

NONPRECEDENTIAL OPINION

HALBROOKS, Judge

Appellant challenges his sentence for first-degree criminal sexual conduct, arguing that the district court abused its discretion by denying his motion for a downward dispositional departure. Because the district court properly exercised its discretion, we affirm.

FACTS

Appellant Rafael Steele pleaded guilty to one count of first degree criminal sexual conduct, stating that in 2022, when his daughter, Z.M., was 14 years old, they had sexual intercourse, she became pregnant, and she had a baby whose paternity test indicated that appellant was his father. The plea agreement gave Steele the right to seek a sentencing departure.

At the sentencing hearing, Steele sought a dispositional departure, arguing that he was particularly amenable to probation. The prosecutor opposed this, stating that Steele's comment that "[Z.M.] should be charged with a crime . . . for concealing the pregnancy in the early trimesters" was "at best . . . blame shifting" and "at worst, . . . [could] be read as wishing that he had been able to destroy the evidence before this crime could be detected." The prosecutor asked for a sentence at or near the top of the guidelines range (172 months), because the case involved "a parent, who abuse[d] a position of trust," "a child victim . . . who has to start that [motherhood] stage of her life well before she ever planned to," and "a new baby who is, in turn, also a victim."

Steele said that he had been dealing with “knowing my child has to suffer, knowing my [grandchild] has to suffer,” and that he did not “even really recall doing anything wrong” but a “major wrong” was done “to [his] child [and] . . . to [his grandchild], because now they have to hide who they are for the rest of their lives or accept . . . embarrassment.”

The district court told Steele that he had been “all over the board” in taking or not taking responsibility for what he had done and that the statement that particularly concerned the district court was Steele’s saying, “I don’t know if I did it. I don’t remember doing it, but I must have because there is a damn baby here. If I did it, I’m sorry.”

The district court went on to state, “I just can’t make a finding that you are particularly amenable to probation and/or treatment.” The district court acknowledged that Z.M.’s victim-impact statement asked that Steele not go to prison: “I appreciate that . . . prison is not the request of [Z.M.]. I do struggle with the victim-impact statement that she provided because I don’t believe what’s stated in the victim-impact statement. I do think she’s in a very difficult position.” The district court sentenced Steele to a guidelines sentence of 150 months, finding Steele’s offense was “more significant than the typical offense” because both Z.M. and her child will suffer the consequences of Steele’s actions for their lifetimes.

DECISION

This court “will affirm the imposition of a presumptive guidelines sentence when the record shows that the sentencing court carefully evaluated all the testimony and information presented before making its determination.” *State v. Johnson*, 831 N.W.2d 917, 925 (Minn. App. 2013) (quotation omitted), *rev. denied* (Minn. Sept. 17, 2013). Steele

argues that his sentence should be reversed because substantial and compelling circumstances show that he is particularly amenable to probation. Therefore, he asserts that the district court's denial of his request for a dispositional departure is an abuse of discretion.

Limiting sentencing departures furthers the guidelines' objective of uniformity in sentencing. *State v. Soto*, 855 N.W.2d 303, 309 (Minn. 2014). Therefore, departures from guidelines sentences are discouraged and intended for only a small number of cases. *State v. Solberg*, 882 N.W.2d 618, 623 (Minn. 2016). This court will reverse a district court's refusal to make a dispositional sentencing departure only in a rare case. *State v. Kindem*, 313 N.W.2d 6, 7 (Minn. 1981). Although the facts of this case are fortunately rare, this is not the "rare case" in any sense that would justify a departure from the guidelines.

While a district court *may* make a dispositional sentencing departure when substantial and compelling circumstances are present, "[a] departure is not mandatory." *State v. Walker*, 913 N.W.2d 463, 468 (Minn. App. 2018). In addition, a defendant must be *particularly* amenable to probation to justify staying a presumptively executed sentence. *Soto*, 855 N.W.2d at 308. Factors to be considered in determining particular amenability to probation include age, prior record, remorse, cooperation, attitude in court, and support of friends and family. *State v. Trog*, 323 N.W.2d 28, 31 (Minn. 1982). These are not the only factors, and consideration of all the factors is not necessary. *Soto*, 855 N.W.2d at 310.

Here, the sentencing-hearing transcript demonstrates that the district court carefully evaluated all the testimony and information in the record before making its determination.

See Johnson, 831 N.W.2d at 925. The district court did not find that substantial and compelling circumstances exist in this case. Nor did the district court find that Steele is particularly amenable to probation based on its review of the entire record.

In light of the district court's clear explanation and findings in support of its determination that substantial and compelling circumstances for a dispositional departure are not present here, we conclude that the district court properly exercised its discretion by sentencing Steele to a guidelines sentence of 150 months.

Affirmed.