

STATE OF MINNESOTA
IN COURT OF APPEALS

A23-_____

State of Minnesota,

Appellant,

v.

**STATEMENT OF THE CASE OF
APPELLANT**

Brian Harry Kjellberg,

Respondent.

1. **Case origin:** This case arises in the Second Judicial District, Ramsey County, the Honorable Leonardo Castro presiding (Ramsey County District Court File No. 62-CR-21-6868).

2. **Jurisdiction:**

(A) **Appeal from District Court:** This is a sentencing appeal by the State of Minnesota pursuant to Rule 28.05, Minn. R. Crim. P. Appeal is taken from the court's oral order of May 31, 2023, granting defendant/respondent's motion for a dispositional departure and placing him on probation.

(B) **Certiorari appeal:** Not applicable.

(C) **Other appellate proceedings:** None.

(D) **Finality of order:** The sentences imposed on May 31, 2023, is a final order of a court for which appeal is authorized.

(E) **Criminal:** A dispositional departure was imposed on May 31, 2023.

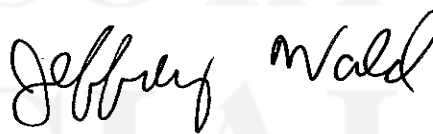
3. **Type of litigation:** Sentencing appeal by the State, from oral order.

4. **Issue proposed to be raised on appeal:** Whether the district court abused its discretion by granting defendant/respondent's motion for a dispositional departure, and placing him on probation.
5. **Related appeals:** None.
6. **Contents of record:** A transcript of the sentencing hearing has been ordered.
7. **Oral argument is not requested.**
8. **Type of brief filed:** Informal letter brief under Minn. R. Crim. P. 28.05, subd. 1(1).
9. **Attorneys for the parties:** For appellant, Jeffrey A. Wald, Assistant Ramsey County Attorney, 345 Wabasha Street N., Suite 120, St. Paul MN 55102, Atty. Reg. No. 0396344. For respondent, Earl P. Gray, 332 Minnesota St., Suite W1610, St. Paul, MN 55101, Atty. Reg. No. 037072.

Respectfully submitted,

JOHN CHOI
RAMSEY COUNTY ATTORNEY

Dated: August 29, 2023



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