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**STATE OF MINNESOTA
IN COURT OF APPEALS
A16-1013**

State of Minnesota,
Respondent,

vs.

Tony Dejuan Jackson,
Appellant.

**Filed March 20, 2017
Affirmed; motion denied
Rodenberg, Judge**

Ramsey County District Court
File No. 62-K0-97-001881

Lori Swanson, Attorney General, St. Paul, Minnesota; and

John J. Choi, Ramsey County Attorney, Thomas R. Ragatz, Assistant County Attorney, St. Paul, Minnesota (for respondent)

Melvin R. Welch, Welch Law Firm, LLC, St. Paul, Minnesota (for appellant)

Considered and decided by Cleary, Chief Judge; Ross, Judge; and Rodenberg, Judge.

UNPUBLISHED OPINION

RODENBERG, Judge

Appellant Tony Dejuan Jackson challenges the district court's denial of his motion to correct a sentence under Minn. R. Crim. P. 27.03, subd. 9, arguing that the Ramsey County District Court's life sentence was not authorized by law. We affirm.

FACTS

In May 1997, appellant sexually assaulted three people in Ramsey, Washington, and Dakota counties. He was convicted of crimes in all three counties.

In Washington County, appellant was convicted of first-degree burglary and first-degree criminal sexual conduct. The Washington County District Court sentenced appellant to 182 months in prison, based on both aggravating factors and a finding that appellant was a patterned sex offender under Minn. Stat. § 609.1352 (1996).

Appellant was subsequently convicted in Ramsey County of first-degree criminal sexual conduct under Minn. Stat. § 609.342, subd. 1(e)(i) (1996). Because the Washington County District Court had previously found appellant to be a patterned sex offender, the Ramsey County District Court imposed a mandatory life sentence under Minn. Stat. § 609.346, subd. 2a(a) (1996).

Appellant has frequently appealed both of these convictions and sentences. In this appeal, appellant challenges the Ramsey County District Court's denial of his motion to correct the life sentence under Minn. R. Crim. P. 27.03, subd. 9, and argues that the sentence was not authorized by law. The district court denied appellant's motion, both because it concluded that his sentence was authorized by law, and because it considered his action to be a postconviction petition that is time barred under Minn. Stat. § 590.01, subd. 4(a)(2) (2016), and procedurally barred under *State v. Knaffla*, 309 Minn. 246, 243 N.W.2d 737 (1976).

This appeal followed.

DECISION

Appellant argues that his life sentence was unauthorized by law because it was based on the earlier Washington County sentence under section 609.1352, which appellant argues was not supported by sufficient findings.¹

A district court “may at any time correct a sentence not authorized by law.” Minn. R. Crim. P. 27.03, subd. 9. “[F]or a sentence to be unauthorized, it must be contrary to law or applicable statutes.” *Reynolds v. State*, 888 N.W.2d 125, 129 (Minn. 2016) (quotation omitted). Whether a sentence is authorized by law is a legal question that we review de novo. *Vazquez v. State*, 822 N.W.2d 313, 315 (Minn. App. 2012).

Appellant was sentenced in Ramsey County under Minn. Stat. § 609.346, subd. 2a(a)(1), (2)(i), which requires a sentencing court to impose a life sentence if the person is convicted under section 609.342 and that person was previously sentenced as a patterned sex offender under section 609.1352. The Ramsey County District Court correctly found that both of these factors were met. Appellant had been previously convicted under section 609.342, and he had earlier been sentenced as a patterned sex offender by the Washington County District Court under section 609.1352. As such, the Ramsey County sentence is authorized by law.

¹ Respondent moved that we dismiss this appeal under our “inherent authority,” or, alternatively, that we disallow oral argument. By Order dated October 25, 2016, we deferred the motion to dismiss to the merits panel and set the case for oral argument. Respondent waived oral argument, and we consider this appeal based solely on appellant’s arguments. We now deny respondent’s motion to dismiss the appeal, and we address the appeal on the merits.

Appellant fails to identify error by the Ramsey County District Court. Instead, he argues that the Washington County District Court’s sentence under section 609.1352 was not supported by sufficient findings.² It is not the proper role of the sentencing court in Ramsey County to review the Washington County District Court’s earlier sentencing orders for error.³ *State ex rel. Minn. Nat’l Bank of Duluth v. Dist. Court*, 195 Minn. 169, 173-74, 262 N.W. 155, 157 (1935) (“Our district courts have concurrent jurisdiction. In spite of the theory that they constitute but one court, they yet function as independent tribunals. . . . [w]hen one acquires jurisdiction over the subject matter and parties to an ordinary lawsuit that jurisdiction is exclusive.” (citation omitted)). The Ramsey County District Court correctly found that appellant had previously been sentenced under section 609.1352, and it therefore properly declined to further review the Washington County District Court’s earlier sentencing order. The district did not err in denying appellant’s motion under rule 27.03, subdivision 9.

² While it is not dispositive in this appeal, we note that the Washington County District Court’s sentence was based on an evaluator’s conclusion that appellant was “a serious risk to public safety if not incarcerated. . . . He is likely to remain a severe threat to the community and even with treatment retains a high potential for reoffense” The evaluator did not use the words “patterned sex offender,” but his conclusion was that appellant fit the definition of a patterned sex offender. *See* Minn. Stat. § 609.1352, subd. 1(a)(3) (defining a “patterned sex offender” as “one whose criminal sexual behavior is so engrained that the risk of reoffending is great without intensive psychotherapeutic intervention or other long-term controls”). But the Washington County sentence is not before us for review.

³ Appellant previously asked us to review the Washington County District Court’s sentence, which we affirmed, although we did not reach the issue of whether the district court correctly found him to be a “patterned sex offender.” *Jackson v. State*, No. CX-01-36, 2001 WL 800039, at *2 (Minn. App. July 17, 2001), *review denied* (Minn. Sept. 11, 2001).

Appellant makes additional arguments by way of a separate pro se brief. These arguments mostly restate counsel's arguments concerning whether appellant's sentence was legally authorized. Appellant's additional pro se arguments provide no discernable basis for appellate relief.

Because the district court correctly denied the motion on substantive grounds, we need not address whether appellant's motion was time barred or procedurally barred.

Affirmed; motion denied.