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Minn. Stat. § 480A.08, subd. 3 (2012).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A13-1128**

State of Minnesota,  
Respondent,

vs.

Winfred Howard La'Virgne,  
Appellant.

**Filed April 21, 2014  
Affirmed  
Klaphake, Judge \***

Ramsey County District Court  
File No. 62-CR-12-9120

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

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

Cathryn Middlebrook, Chief Appellate Public Defender, Jennifer L. Lauermann,  
Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Schellhas, Presiding Judge; Cleary, Chief Judge; and  
Klaphake, Judge.

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

## UNPUBLISHED OPINION

**KLAPHAKE**, Judge

Appellant Winfred Howard La'Virgne challenges the sentence imposed after he pleaded guilty to a violation of predatory-offender registration requirements. Appellant argues that the district court abused its discretion by denying his motion for a downward dispositional departure and imposing a presumptive sentence. Because we conclude that the district court did not abuse its discretion, we affirm.

### DECISION

We review a district court's sentencing decision for an abuse of discretion. *State v. Franklin*, 604 N.W.2d 79, 82 (Minn. 2000). Only in a "rare case" with "compelling circumstances" will we modify a presumptive sentence. *State v. Delk*, 781 N.W.2d 426, 428 (Minn. App. 2010) (quotations omitted), *review denied* (Minn. July 20, 2010). Here, the district court imposed a "bottom of the box" sentence, or the low end of the presumptive sentence range of 26 to 36 months in prison.

Appellant argues that the district court abused its discretion by denying his motion for a downward dispositional departure when there were mitigating factors to support a probationary sentence. But the mere existence of mitigating factors does not require the court to place a defendant on probation. *See State v. Pegel*, 795 N.W.2d 251, 253-54 (Minn. App. 2011) (quotation omitted). As long as the district court carefully evaluated all of the information presented to it before making a determination, we will not interfere with the district court's exercise of discretion. *Id.* at 255 (quotation omitted). A district court is not required to explain its decision to deny a request for a departure. *State v. Van*

*Ruler*, 378 N.W.2d 77, 80 (Minn. App. 1985). The district court here nevertheless explained its reasoning with specific reference to appellant's argument before it adjudicated guilt and imposed a 26-month sentence.

Because the district court considered all arguments and information presented to it, we conclude that the district court did not abuse its discretion by denying appellant's motion for a downward dispositional departure and imposing a presumptive sentence.

**Affirmed.**