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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A12-1559**

State of Minnesota,
Respondent,

vs.

Jabaris Curt Boldman,
Appellant.

**Filed April 15, 2013
Affirmed
Klaphake, Judge***

Ramsey County District Court
File No. 62-CR-09-1089

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)

David W. Merchant, Chief Appellate Public Defender, Kathryn J. Lockwood, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Kirk, Presiding Judge; Hooten, Judge; and Klaphake,
Judge.

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

UNPUBLISHED OPINION

KLAPHAKE, Judge

Appellant Jabaris Curt Boldman challenges the sentence he received for a conviction of second-degree murder. Appellant argues that the district court abused its discretion by denying his request for a minimum presumptive guidelines sentence of 312 months and granting the state's request for a maximum presumptive guidelines sentence of 439 months. 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, it is undisputed that the district court imposed a presumptive sentence.

Generally, an upward durational departure must be supported by *offense*-related, rather than *offender*-related, factors. *State v. Chaklos*, 528 N.W.2d 225, 228 (Minn. 1995). Although the district court did not impose an upward durational departure, because it imposed a maximum presumptive guidelines sentence we find it logical to consider the characteristics of the relevant offense.¹ The record establishes that appellant traveled to the victim's home and shot him "twice in the back from a distance of one to

¹ In its sentencing determination, the district court did not cite any offense-related factors. But a district court need not provide reasons to support the imposition of a presumptive sentence. Minn. Sent. Guidelines II.C, D (2008).

two feet. One bullet entered the back of his head and the other entered near his tailbone. Both bullets traveled back to front, at a downward 45-degree angle.” *State v. Boldman*, 813 N.W.2d 102, 107 (Minn. 2012).

Because these offense-related factors support a high sentence, we conclude that the district court did not abuse its discretion by imposing a maximum presumptive sentence.

Affirmed.