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Minn. Stat. § 480A.08, subd. 3 (2006).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-1219**

Shah Aziz, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed May 20, 2008
Affirmed
Shumaker, Judge**

Hennepin County District Court
File No. 98063932

Shah Aziz, OID No. 137424, MCF-Stillwater, 970 Pickett Street North, Bayport, MN 55003 (pro se appellant)

Lori Swanson, Attorney General, 1800 Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101-2134; and

Michael O. Freeman, Hennepin County Attorney, J. Michael Richardson, Assistant County Attorney, C-2000 Government Center, Minneapolis, MN 55487 (for respondent)

Considered and decided by Willis, Presiding Judge; Shumaker, Judge; and
Poritsky, Judge.*

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

UNPUBLISHED OPINION

SHUMAKER, Judge

Appellant-inmate challenges a district court's denial of his "Motion to Clarify Terms of Sentence and/or for an Evidentiary Hearing," arguing that he is entitled to an evidentiary hearing before the department of corrections (DOC) requires him to participate in the Intensive Supervised Release (ISR) program. We affirm.

DECISION

Appellant Shah Aziz, currently imprisoned until 2011, was informed by his DOC caseworker that he would be placed in the ISR program at the conclusion of his executed sentence. Appellant argues that only the district court has the authority to impose such conditions of supervised release.

We conclude that appellant is not entitled to a hearing on this matter because the DOC has clear statutory authority to impose ISR requirements on selected inmates. "[E]very inmate shall serve a supervised release term upon completion of the inmate's term of imprisonment" Minn. Stat. § 244.05, subd. 1 (2006). The commissioner of corrections also has clear statutory authority to maintain legal custody and control over a released inmate. Minn. Stat. § 243.05, subd. 1(b) (2006). This authority includes the discretion to "order that an inmate be placed on intensive supervised release for all or part of the inmate's supervised release or parole term." Minn. Stat. § 244.05, subd. 6 (2006); *see also* Minn. Stat. § 244.13, subd. 1 (2006) (requiring the commissioner to establish a program for those inmates designated for ISR).

We further conclude that this appeal is controlled by *Kachina v. State*, 744 N.W.2d 407 (Minn. App. 2008). *Kachina* explained that “[a]lthough the sentence imposed by the district court determines the maximum length of the supervised release period, the court does not set the terms or conditions on which the offender is released.” *Id.* at 409. Recognizing the DOC’s clear statutory power to impose such conditions, *Kachina* cited the supreme court’s holding in *State v. Schwartz*, 628 N.W.2d 134, 140-41 (Minn. 2001), that the commissioner’s authority to supervise released inmates does not usurp or interfere with judicial sentencing functions. *Id.* Because the legislature granted the commissioner authority over supervised release, according to *Kachina*, “the DOC did not exceed its authority in requiring appellant to begin his supervised release term on intensive supervised release.” *Id.*

Affirmed.