# State v. Jaeger

Nonprecedential opinion (2025)

Minnesota Court of Appeals

A24-1375 | May 27, 2025

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**STATE OF MINNESOTA**
**IN COURT OF APPEALS**
**A24-1375**

State of Minnesota,
Respondent,

vs.

Deanna May Jaeger,
Appellant.

**Filed May 27, 2025**
**Reversed and remanded**
**Ross, Judge**

Kandiyohi County District Court
File No. 34-CR-23-755

Keith Ellison, Attorney General, St. Paul, Minnesota; and

Shane D. Baker, Kandiyohi County Attorney, Willmar, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jiaqi Li, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bratvold, Presiding Judge; Ross, Judge; and Smith, Tracy M., Judge.

## NONPRECEDENTIAL OPINION

**ROSS**, Judge

Two months into her sentence for drug possession, Deanna Jaeger's probation agent reported that she had violated probationary conditions by missing drug tests and appointments and by failing to complete a comprehensive substance-abuse and mental- Source PDF page 2 health assessment. The district court conducted a hearing and revoked Jaeger's probation, remarking that she had not complied with court orders arising from unrelated proceedings in family-law matters. Jaeger argues on appeal that the district court improperly revoked her probation by relying on those other matters and that it also failed to make adequate findings supporting revocation. Because the record supports Jaeger's contention that the district court may have, without notice, decided to revoke Jaeger's probation based on circumstances outside the record, we reverse the revocation decision and remand for further findings.

## FACTS

Deanna Jaeger pleaded guilty to felony drug possession in January 2024. When the district court released Jaeger from custody pending sentencing, the judge told Jaeger, "I'm very well aware of your prior actions while on release, and your propensity to not follow my orders." When Jaeger appeared for a sentencing hearing which did not occur because of an attorney-scheduling conflict, the same judge ordered Jaeger to be taken into custody based on a pretrial agency report that Jaeger had continued to use drugs.

After the eventual sentencing hearing, the same judge sentenced Jaeger to serve 15 months in prison but stayed execution of the prison term on probationary conditions, which included serving 120 days in jail. The judge added that she was rejecting the parties' bargained-for 30-day cap on executed jail time due to Jaeger's consistent noncompliance with conditions imposed by the court:

> Ms. Jaeger, I've known you for a lot of years. . . . I can only think what would be different in your life if you had followed the plans that were in place for you years ago that were meant
> Source PDF page 3 to improve your mental health and your stability, but you refused to participate in those things. . . . You could have done much better in maintaining contact with corrections pre-trial. Instead, you went off and did things your way, which was not what you bargained for or the state.

The probationary conditions prohibited Jaeger from using or possessing drugs and required her to sign a probation agreement, submit to random drug testing, meet with her probation agent as directed, complete a comprehensive assessment for substance abuse and mental-health disorders, and obey the law.

About a month after Jaeger completed her jail term, her probation agent reported that she had violated probation in four ways: failure to complete random testing, failure to comply with her probation agreement and meet with her agent as directed, failure to complete the comprehensive assessment, and failure to remain law abiding. At a hearing on the violations, the state dropped its allegation that Jaeger had failed to remain law abiding, and Jaeger indicated that she would like to admit to the other violations. But the judge presiding over the hearing—who was not the judge who had previously handled the matter—did not accept Jaeger's admission because Jaeger did not establish an adequate factual basis for the violations. The district court set the case for a contested revocation hearing.

Jaeger failed to appear for the scheduled hearing. The judge who had sentenced Jaeger issued a bench warrant, stating in part, "The Court has a long history of Ms. Jaeger, a long history of failure to appear, a long history of illegal substance use. There's no way that this Court would have released her [after the prior hearing], but another Court did, unfortunately." Police took Jaeger into custody the next day.

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The district court then held a contested revocation hearing at which the sentencing judge presided. Jaeger's probation agent testified that Jaeger had complied with testing once and tested negative but then twice failed to report for testing. She also testified that Jaeger had met with a probation agent but then failed to report for three more recently scheduled meetings. She said that Jaeger had failed to complete a comprehensive assessment and failed to stay in contact with her office or cooperate to transfer her probation supervison to Swift County, where Jaeger lived.

A probation agent who was investigating the probation transfer to Swift County also testified. She similarly said that Jaeger completed one drug test but missed two others. She testified that Jaeger had attended three probation appointments but missed three others, including the two more recent ones. She testified that Jaeger had failed to provide proof that she completed a comprehensive assessment and that the probation transfer did not occur because of Jaeger's failures to attend appointments, complete drug testing, and provide a verifiable home address.

Jaeger testified in her defense. She stated she did not have a fully operational cellphone and that walking was her primary means of transportation. She said she had contacted the organization tasked with administering her comprehensive assessment but implied that she had not yet attended an appointment.

The state asked the district court to order Jaeger to serve 90 days in jail for the violations and to complete the comprehensive assessment, among other conditions. Jaeger asked to be reinstated to probation on the prior terms.

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The district court judge then issued an oral order, stating that she was "[m]aking the following findings":

> Ms. Jaeger has had significant Court involvement, whether it was in criminal probation matters or Court oversight, child protection, or termination of parental rights matters. *Ms. Jaeger is unamenable to supervision in either area, whether it is child protection or criminal.*

(Emphasis added.) The judge recounted Jaeger's struggles on probation in other criminal files, observing that Jaeger had asked to be excused from court orders based on her poverty, her lack of a functioning phone, and her unstable housing, and that she "comes to Court each time with the very same excuses with no willingness to actually problem solve on her own benefit." The judge continued, "So, through the course of years and many cases, the court finds that Ms. Jaeger is not amenable to community supervision, that probation is revoked and her sentence will be executed." The judge then listed the "specific conditions" Jaeger had violated—failure to maintain contact with probation, failure to make appointments, and failure "to abide by no use in testing"—and observed, "If I did not violate her or revoke her stay, it would unduly depreciate the seriousness of her violations in context with every other violation of the last three years has resulted in the execution of two prison sentences previously to this." The judge concluded, "The stay of execution previously imposed is revoked" and outlined the terms of the imposed sentence.

Jaeger appeals.

## DECISION

Jaeger makes two principal arguments on appeal. She argues first that the district court improperly based its probation-revocation decision on family-law matters outside the Source PDF page 6 record. She argues second that the district court erred by failing to make sufficient record-supported *Austin* findings before revoking her probation. *See State v. Austin*, 295 N.W.2d 246, 250 (Minn. 1980). For the reasons that follow, we conclude that the district court abused its discretion by improperly referring to, and apparently basing its revocation decision at least partially on, circumstances in the family-court proceedings.

We agree with Jaeger that the district court improperly based its revocation decision on family-law matters outside the record. We review a district court's decision to revoke probation for an abuse of discretion. *Id.* at 249–50. Given the district court's statements, Jaeger's contention that the district court based its revocation on her unamenability to supervision in child-protection and termination-of-parental-rights matters is, at least in part, well-founded. The state euphemizes a concession, saying that "it would have been better [for the district court] not to say these words." It does not appear that the district court was merely saying words; the district court seems to have based its decision to revoke probation on its concerns about Jaeger's failings in family-court proceedings. This was error because, to revoke probation based on a violated probationary condition, "the condition alleged to have been violated must have been a condition actually imposed by the court." *State v. Ornelas*, 675 N.W.2d 74, 80 (Minn. 2004). None of the conditions of Jaeger's probation included issues related to "significant Court involvement [in other cases], whether it was in criminal probation matters or Court oversight, child protection, or termination of parental rights matters." And the district court openly decided that "Ms. Jaeger is unamenable to supervision in either area, whether it is child protection or criminal."

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Our concern is not allayed by the fact that the district court did not expressly refer to Jaeger's family-law matters when it made its "specific" findings on which probation conditions she had violated. By beginning its decision by twice referencing Jaeger's family-law proceedings, the district court revealed that it was relying at least partly on its concerns about those matters. Because the district court based its revocation decision on extra-record family-law matters, it abused its discretion.

The substantive error includes a procedural deficiency. A district court must inform a probationer that she has the right to disclosure of "all evidence used to support revocation." Minn. R. Crim. P. 27.04, subd. 2(1)(c). The district court informed Jaeger of this right, but it does not appear from the record that Jaeger had ever been notified of, and therefore had reason to prepare to respond to, the court's stated concerns about her conduct in the family-law matters. Neither Jaeger's probation-violation report nor the probation agents' testimony at the revocation hearing expressly discussed the family-law-related conduct the district court alluded to. Jaeger's own testimony and her cross-examination of the agents at the revocation hearing reasonably focused instead on her partial compliance with the alleged probation violations and the reasons why she had failed to fully comply.

We acknowledge that the district court here also referenced Jaeger's other criminal matters and that a district court considering whether to revoke probation may, in the proper context, consider prior offenses because "determining the threat to the public and the need for confinement will, on occasion, require analysis of a defendant's [prior] record." *State v. Osborne*, 732 N.W.2d 249, 253, 256 (Minn. 2007); *see also State v. Rottelo*, 798 N.W.2d 92, 95 (Minn. App. 2011) (approving reliance on probationer's prior criminal record to Source PDF page 8 assess his "need for confinement and treatment"), *rev. denied* (Minn. July 19, 2011). Jaeger was therefore on notice that the district court might take her prior criminal record into account because her criminal history was listed on the violation report. But the failure to notify Jaeger that the court would base its decision partially on her involvement in family-law matters is an independent reason for our reversal today.

Jaeger asks us to remand the case with instructions to assign it to a different district court judge. We will reverse and remand for the district court to determine whether to revoke probation on proper findings. *See State v. Modtland*, 695 N.W.2d 602, 606–08 (Minn. 2005). But we decline to require that the case be assigned to a different district court judge, as we are not persuaded to do so by Jaeger's reliance on *State v. Malone*, 963 N.W.2d 453 (Minn. 2021). The *Malone* court reversed and remanded the criminal proceedings to a different judge because the original judge had, in relevant part, "investigated a fact not introduced into evidence, announced the findings from that investigation to the parties, relied on those findings in rejecting Malone's motion to dismiss, suggested that the State might want to consider calling a second witness to testify against Malone, and had communications passing through the judge's chambers as to the identity of a potential witness." *Id.* at 466. Unlike the judge in *Malone*, the district court judge here did not involve herself improperly in the proceedings. Although it was improper for the judge to refer to Jaeger's family-law circumstances, we presume that the assigned judge can and will "set aside collateral knowledge and approach cases with a neutral and objective disposition." *State v. Dorsey*, 701 N.W.2d 238, 248–49 (Minn. 2005) (quotation omitted).

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We are confident that, on remand, the district court will objectively decide whether to revoke Jaeger's probation based on proper considerations.

Because we are remanding this case for further findings, which may rest on the prior hearing or, at the discretion of the district court, on additional proceedings, we do not address Jaeger's alternative argument challenging the sufficiency of the district court's fact findings.

**Reversed and remanded.**