

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

**DEFENSE'S SENTENCING  
MEMORANDUM**

v.

Joseph Francis Sandoval II,

Court File No. 62-CR-22-6099

Defendant.

**To:** The Honorable Joy D. Bartscher, Judge of District Court; Daniel Rait, Assistant Ramsey County Attorney; Clerk of Criminal Court.

**NOTICE OF MOTION AND MOTION**

Please take notice, on July 19, 2024, Mr. Sandoval, by and through his attorney, is seeking a downward durational departure from the Minnesota Sentencing Guidelines.

**INTRODUCTION**

A horrible tragedy occurred on October 20, 2022, which resulted in the loss of life of not one person, but two. Mr. Sandoval was the one who perpetrated that tragedy. Mr. Sandoval has accepted his responsibility for what he did that day. However, it would be a mischaracterization to say Mr. Sandoval was alone in responsibility for this loss of life.

Beginning in July of 2021, Mr. Sandoval, due to his mental health diagnoses, posed a substantial likelihood of physical harm to himself or to others, which was demonstrated by recent attempts at self-harm and threats, or actual harm to others. Mr. Sandoval was found to have habitual and excessive use of alcohol, drugs, or other mood-altering substances, which posed a substantial harm to himself or others. A Hennepin County District Court Judge ordered Mr. Sandoval to be committed to the Commissioner of Human Services as a person who posed a risk of harm due to his mental illness and chemical dependency. That judge found Mr. Sandoval to

have judgment that was impaired and behavior that was disruptive, impulsive, threatening, and physically aggressive. Specifically, Mr. Sandoval lacked capacity to recognize reality and to reason or understand.<sup>1</sup>

On October 20<sup>th</sup>, 2022, Mr. Sandoval remained under civil commitment. However, Mr. Sandoval's mental health was decompensating. He was non-compliant with his anti-psychotic medications. Documentation from Mr. Sandoval's mental health providers verified he was experiencing hallucinations and delusional thoughts. His providers had suggested months before he have psychiatric intervention at a higher level. Yet, his civil commitment was not revoked until after October 20<sup>th</sup>, in which he killed two people during a psychotic episode when his paranoia was fueled by his unmedicated mental illnesses and substance use.

In no way is this an attempt to minimize Mr. Sandoval's role here. He was the actor. He was the person who caused the death of Jason Murphy and Jon Wentz. But every system in place to help Mr. Sandoval obtain services, and with treatment to be non-violent towards himself and protect the community, failed. Mr. Sandoval was hospitalized for under 30 days, was discharged from his locked treatment facility due to "staff shortages," and was placed in a treatment program focused on "harm reduction," which resulted in the greatest harm possible.

Mr. Sandoval is respectfully seeking a mitigated durational departure from the Minnesota Sentencing Guidelines. Mr. Sandoval pleaded guilty to two counts of 2<sup>nd</sup> Degree Murder – Intentional, in violation of Minn. Stat. 609.19, subd. 1(1), which is a Severity Level 11 offense. Mr. Sandoval is asking this court to sentence him to prison, but under a Severity Level 10 offense, with Counts 1 and 2 concurrent. The basis for this request is other substantial grounds

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<sup>1</sup> 27-MH-PR-21-709, Order for Commitment As A Chemically Dependent Person and A Person Who Poses A Risk of Harm Due To A Mental Illness (Rule 20), dated July 2, 2021.

exist that tend to excuse or mitigate the offender's culpability, although not amounting to a defense. Minnesota Sentencing Guidelines 2.D.3.a.5

### SOCIAL HISTORY

Joseph Sandoval's history has been detailed in previous competency evaluations to the Court, however relevant sentencing information is detailed below.

As a child and adult, [REDACTED]

[REDACTED] He has shared how important his cultural heritage is to him. Mr. Sandoval struggled with his own mental illness and substance use from a young age. [REDACTED]

Mr. Sandoval participated in three chemical dependency programs prior to 2021. He relapsed after each one. Mr. Sandoval was unhoused and lived in homeless shelters for much of his adult life. Although he had some family support in the community, [REDACTED]

Mr. Sandoval's mental health deteriorated severely in 2021 and 2022. He reported a tragic victimization that occurred in 2021 [REDACTED] During this time, Mr. Sandoval became more involved in the justice system, was found incompetent in Hennepin County, and civilly committed.

Mr. Sandoval ultimately decompensated severely when he returned the community and progressively struggled for months prior to the present offense with his substance use and mental illness. It is because of this decompensation that we are here today.

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<sup>2</sup> Information summarized from Rule 20.01 Evaluation, Author Myles Antoioli, Date: May 19, 2021, Rule 20.01 Evaluation, Author: Dr. Adam Gierok, Date: January 9, 2023, and Personal Communication with Joseph Sandoval on July 12, 2024.

## MENTAL HEALTH HISTORY

Joseph Sandoval has a significant history of mental illness and substance use disorder. In recent years, Mr. Sandoval's competency to proceed has been evaluated several times. The following is a summary of these evaluations, mental health diagnoses which resulted from the evaluations, and observations. Additionally, Mr. Sandoval's treatment records from Anoka Metro Regional Treatment Center (AMRTC), CARE Anoka, Evergreen Recovery Center, other records from the Ramsey County Adult Detention Center, and Regions Hospital will be reviewed.

In April and May of 2021 Mr. Sandoval participated in a competency evaluation per Minn. R. Crim. P. 20.01 while in the Hennepin County Adult Detention Center. This was related to alleged events which occurred in September 2020 and March 2021.<sup>3</sup> These matters remain pending at this time with future court dates in Hennepin County.

In the May 2021 Rule 20.01, Mr. Sandoval was found incompetent during this evaluation. The provider evaluating Mr. Sandoval reported many observations of his behavior. In the section on this evaluator's opinion regarding competency, they stated:

Throughout the interview, Mr. Sandoval displayed behavior consistent with individuals experiencing hallucinations or delusions. This disturbance in his ability to recognize reality influences his interpretation of what is occurring in his external environment. Mr. Sandoval appeared distracted throughout both interviews. This indicates Mr. Sandoval's is [sic] unable to filter his internal experience from his external reality. This prevents him from absorbing new information and adjust [sic] his understanding of to accommodate this new knowledge. This prevents him from being able to follow along in hearings or witness testimony.<sup>4</sup>

Mr. Sandoval was committed as mentally ill and chemically dependent in July 2021 in court file 27-MH-PR-21-709. Judge Jamie Anderson adopted the findings of Referee Danielle

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<sup>3</sup> 27-CR-21-6204, 27-CR-21-6082, 27-CR-21-6206

<sup>4</sup> Rule 20.01 Evaluation, Author Myles Antoioli, Date: May 19, 2021, pg. 12

Mercurio on July 1, 2021. In those findings, Mr. Sandoval was found to be diagnosed with “substantial psychiatric disorders” which “grossly impairs his judgement, behavior, capacity to recognize reality, and ability to reason or understand.”<sup>5</sup> The order further noted:

Respondent has a lengthy history of violence, substance use, and an inability to care for his daily needs. In September 2020, authorities were called to a residential burglary in progress and found Respondent with blood on his arms, face, and pants as he exited the residence. Respondent admitted to smoking methamphetamine shortly before the incident and stated that he was hallucinating and disoriented. In October 2020, Respondent was brought to the emergency department after allegedly attacking people and trying to stab them with a knife. He told hospital staff that he used alcohol and marijuana before this incident. Following this incident, Respondent was taken to jail where he allegedly took a cleaning broom and struck another inmate in the head with the broom at least three times. There was no indication as to why Respondent attacked the fellow inmate. Respondent continues to display psychotic symptoms while in jail. On March 31, 2021, reports indicate that Respondent was not responding to correctional officers and would stare blankly back at them.

(internal citations omitted).<sup>6</sup>

Under the commitment, the Commissioner of Human Services was ordered to “hold [Mr. Sandoval] safe and secure for the period of commitment[.]”<sup>7</sup> Mr. Sandoval transitioned from the Hennepin County Jail to Anoka Metro Regional Treatment Center (AMRTC) on July 8, 2021.

It is noted in Mr. Sandoval’s AMRTC records he experienced behavioral struggles while in custody at the Hennepin County Jail and was placed on suicide precautions for several weeks.<sup>8</sup>

During his incarceration, Mr. Sandoval was prescribed medications [REDACTED]

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<sup>5</sup> 27-MH-PR-21-709, Order for Commitment As A Chemically Dependent Person and A Person Who Poses A Risk of Harm Due To A Mental Illness (Rule 20), dated July 2, 2021.

<sup>6</sup> 27-MH-PR-21-709, Order for Commitment As A Chemically Dependent Person and A Person Who Poses A Risk of Harm Due To A Mental Illness (Rule 20), dated July 2, 2021.

<sup>7</sup> 27-MH-PR-21-709, Order for Commitment As A Chemically Dependent Person and A Person Who Poses A Risk of Harm Due To A Mental Illness (Rule 20), dated July 2, 2021.

<sup>8</sup> Minnesota Department of Human Services Direct Care and Treatment Discharge Summary, August 4, 2021, pg. 1

<sup>9</sup> Minnesota Department of Human Services Direct Care and Treatment Discharge Summary, August 4, 2021, pg. 2

Less than 30 days later, on August 4, 2021, Mr. Sandoval was transitioned out of AMRTC. During his hospitalization, his medications were adjusted [REDACTED]

[REDACTED] At his time of discharge, Mr. Sandoval reported feeling anxious and depressed, denied suicidal or homicidal ideation, and displayed no overt signs of psychosis. His treatment plan provided various goals including managing sleep, anxiety, depressed mood, concentration, and tension to discharge safety to the community.<sup>11</sup> Mr. Sandoval's diagnoses at the time of discharge were unspecified anxiety disorder, substance use disorder (methamphetamine, heroin), and borderline personality disorder (by history). His discharge medications were [REDACTED]

[REDACTED] Mr. Sandoval's aftercare program and recommendation was to transition to CARE Anoka.<sup>13</sup>

On August 4, 2021, Mr. Sandoval admitted to CARE Anoka directly from AMRTC. During this program he was offered psychoeducation, recreation, skills group, mental health group, relapse prevention, emotional wellness group, family education, individual counseling, nursing and medical services, spiritual support, and transition services. This included morning and evening groups multiple times each week.<sup>14</sup> Mr. Sandoval was also evaluated across the dimensions of acute intoxication and withdrawal potential, biomedical conditions and complications, emotional, behavioral and cognitive conditions and complications, readiness for change, relapse continued use, and continued problem potential, and recovery environment.<sup>15</sup>

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<sup>10</sup> Minnesota Department of Human Services Direct Care and Treatment Discharge Summary, August 4, 2021, pg. 2

<sup>11</sup> Minnesota Department of Human Services Direct Care and Treatment Person Centered Master Treatment Plan, July 29, 2021, pg. 7

<sup>12</sup> Minnesota Department of Human Services Direct Care and Treatment Discharge Summary, December 2, 2021 pg. 5

<sup>13</sup> Minnesota Department of Human Services Direct Care and Treatment Discharge Summary, December 2, 2021, pg. 6

<sup>14</sup> Minnesota Department of Human Services Direct Care and Treatment Discharge Summary, December 2, 2021, pg. 1

<sup>15</sup> Minnesota Department of Human Services Direct Care and Treatment Discharge Summary CARE, December 2, 2021, pgs. 1-11

Several excerpts from his records at CARE Anoka were noteworthy. It was reported in Mr. Sandoval's discharge summary:

Client admitted guarded and isolated for first few weeks. He eventually was able to attend group and engage (*although minimally most of the time*) stating that anxiety was a barrier for him. He reported no suicide ideation or intent to harm others at discharge. However, during his stay he did become verbally threatening at times with staff when asked to do things that he did not want to do (ie. room change – refused stating that he would tear the place up). Continued work in areas of impulse control and appropriate reactions in stressful situations for client is likely to help with overall life skills and long-term sobriety. Meeting with MHP to process anxiety should continue to be encouraged.<sup>16</sup>

Additionally, this discharge summary reports one reason for discharge was, ***“Due to staff shortages and suspension of Anoka Care program, client was discharged to Evergreen to continue his treatment.”***<sup>17</sup> Mr. Sandoval was discharged on December 1, 2021.<sup>18</sup> (emphasis added)

Mr. Sandoval was admitted to Evergreen Recovery Center intensive outpatient program on December 1, 2021. He was provided lodging through this facility. Mr. Sandoval was enrolled in Evergreen Recovery Center's program until the present offense occurred in the sober lodging provided by Evergreen Recovery Center. Mr. Sandoval experienced a decline in his mental health and relapse to substances over the course of many months.<sup>19</sup> The records from Evergreen document his struggles.

Of note, Evergreen Recovery Center is a “harm reduction” program.<sup>20</sup> A harm reduction program does not employ a zero-use policy, but instead “engag[es] with people who use drugs and equip[s] them with life-saving tools and information to create positive change in their lives

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<sup>16</sup> Minnesota Department of Human Services Direct Care and Treatment Discharge Summary CARE, December 2, 2021, pg. 6

<sup>17</sup> Minnesota Department of Human Services Direct Care and Treatment Discharge Summary CARE, December 2, 2021, pg. 2

<sup>18</sup> Minnesota Department of Human Services Direct Care and Treatment Discharge Summary CARE, December 2, 2021, pg. 2

<sup>19</sup> Personal Communication with Joseph Sandoval on July 12, 2024

<sup>20</sup> <https://egrecovery.com/about-evergreen>

and potentially save their lives.”<sup>21</sup> Meaning, Evergreen Recovery Center allowed for Mr. Sandoval to use illegal substances. Many of the same substances he was said to have used when he allegedly perpetrated the offenses in Hennepin County.

It was noted throughout his Evergreen Recovery Center records he had positive urinalysis drug screenings.<sup>22</sup> Mr. Sandoval often missed his urinalysis tests. He also missed treatment programming.

The records received from Evergreen Recovery Center, which are dated from June of 2023, are in direct conflict with the provider notes provided by Evergreen. In many of the records, the wrong pronouns are listed. Many of the provider’s notes appear to be copied and pasted from week-to-week. Many of those same notes were signed by the provider days after the date of service is listed. Evergreen Recovery Center was not, and did not, meet the needs of Mr. Sandoval.

In his treatment plan area of emotional, behavioral, cognitive conditions and complications, Mr. Sandoval reported feeling manageable feelings of anxiety and depression consistently during his stay in this facility. There were several instances where his mental health symptoms appeared to increase or become more unmanageable. In February 2022, Mr. Sandoval experienced a medication change and had some increased anxiety. In April 2022, Mr. Sandoval experienced greater anxiety due to being out of medications. In July 2022, he reported unmanageable grief and using substances to cope.<sup>23</sup>

It is noted in Mr. Sandoval’s Evergreen Recovery Center discharge summary:

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<sup>21</sup> <https://www.samhsa.gov/find-help/harm-reduction>

<sup>22</sup> : 9/9/22 (alcohol), 7/29/22 (THC), 7/19/22 (THC), 6/29/22 (meth and THC), 6/16/22 (THC and opiates), 6/6/22 (THC), 5/31/22 (meth and THC), 5/10/22 (meth and THC), 5/3/22 (THC), 4/4/22 (THC), 3/23/22 (THC), 3/15/22 (THC), 3/7/22 (THC), 2/28/22 (oxy, BZP-Rx, THC), 2/24/22 (THC), 2/16/22 (THC), 2/9/22 (THC), 2/1/22 (THC), 1/28/22 (Amp, THC), 1/20/22 (THC). Evergreen Recovery Inc. Progress Note and Treatment Plan Review, Date: October 17, 2022, pgs. 2-4

<sup>23</sup> Evergreen Recovery Inc. Progress Note and Treatment Plan Review, Date: October 17, 2022, pgs. 7-10



Prior to discharge client was reporting feeling frustrated in his community and wanting a change, client and primary counselor advocated for a change in living location which was followed through with as part of the client's success plan. Client was brought to new living location on 10/20/2022, client had appeared to have shaved his head and historically had long hair. Staff had asked him what motivated client towards this change, client responded that he did not know, Client appeared to have a low affect this day and met with Peer Recovery Coach Specialist with no reported concerns at that time.<sup>24</sup>

Evergreen Recovery Center told law enforcement the reason Mr. Sandoval was being moved to the Lawson Avenue address to get "swapped" out with another resident who was not getting along with others. However, one of the residents who was returning home on October 20<sup>th</sup> was asked by police about recent issues with current or former residents. This resident confirmed there were none.

From January of 2022 until September 2022, Mr. Sandoval was seen by Better Outlook for psychiatry and individual therapy. Mr. Sandoval attended psychiatry appointments virtually. He attended eight virtual psychiatry appointments. Mr. Sandoval attended individual therapy in a hybrid fashion. His first therapy visit was remote. The provider noted this was not a good fit for Mr. Sandoval as he struggled due to his presentation of confused thoughts and disorganized speech.<sup>25</sup> However, the next appointment was also remote. Mr. Sandoval attended two sessions in person. In total, he attended four individual therapy sessions.

Mr. Sandoval's recorded diagnoses included major depressive disorder, generalized anxiety disorder, and post-traumatic stress disorder.<sup>26</sup> Based upon his records it appears that his medications were adjusted on multiple occasions. On January 7, 2022, he was continued on the medication [REDACTED]

[REDACTED] started on a

<sup>24</sup> Evergreen Recovery Center Discharge Summary, November 9, 2022, pg. 4

<sup>25</sup> Better Outlook Individual Progress Notes, Dated March 10, 2022

<sup>26</sup> Better Outlook Psychiatric Progress Note, Dates: February 4, 2022 and February 21, 2022

<sup>27</sup> <https://my.clevelandclinic.org/health/drugs/19288-quetiapine-tablets>

new dose [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]<sup>33</sup>, and discontinued on [REDACTED]. On February 4, 2022, he was also prescribed [REDACTED]

[REDACTED]

Medications were adjusted on February 21, 2022 (adjustment of dosages) and April 25, 2022

[REDACTED]

Better Outlook appointment records note concerns from Mr. Sandoval’s providers on his presentation and needs. On April 9, 2022, it was reported: “Concern: Out of medication(s); psychosis. Demonstrates abnormal speech patterns including tangential replies, incoherence, perseveration, and moving quickly from subject to subject”.<sup>38</sup>

[REDACTED]

<sup>31</sup> Better Outlook Psychiatric Progress Note , Date: January 7, 2022

<sup>34</sup> Better Outlook Psychiatric Progress Note, Date: January 21, 2022

<sup>36</sup> Better Outlook Psychiatric Progress Note, Date: February 4, 2022

<sup>37</sup> Better Outlook Psychiatric Progress Notes, Dates: February 21, 2022 and April 25, 2022

<sup>38</sup> Better Outlook Individual Progress Note, Date: April 9, 2022

In this same record, an intervention was recorded stating that the client should be referred for *immediate evaluation by a psychiatrist regarding his psychotic symptoms and possible prescription for an antipsychotic medication.* (emphasis added) The note indicates no release of information form between Better Outlook and Evergreen Recovery Center and the potential need for referral to an intensive residential treatment facility. No follow up notes on this recommendation were noted although one further therapy session occurred.<sup>39</sup>

On September 28, 2022, Mr. Sandoval's psychiatric provider's notes state the following:

The patient appears to be a poor historian with somewhat of a conflicting story and events. It appears pt. continue [sic] to relapse though [sic] while engaged in treatment. This prescriber is looking at discontinuing [REDACTED], advised pt plan to if cannot maintain sobriety. Encouraged continuation of therapy to work out traumas. Explained to client goal is to cut back and ultimately do away with [REDACTED] at some point. He is aware of this today. Encouraged sobriety and connecting back with therapy.<sup>40</sup>

It was also noted in this encounter that Mr. Sandoval appeared to be actively using at this appointment.<sup>41</sup>

On October 20, 2022, the present offenses occurred.

Mr. Sandoval was taken to Regions Hospital following his initial contact with the police regarding this matter. He was treated for a facial laceration and discharged to the custody of the police department.<sup>42</sup> He was later treated for lacerations to his finger.<sup>43</sup> There are no records of testing for substances at Regions Hospital or the Ramsey County Detention Center.

In November 2022, Mr. Sandoval's competency to proceed was evaluated as part of his Hennepin County matters. Mr. Sandoval was in the custody of the Ramsey County Adult

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<sup>39</sup> Better Outlook Individual Progress Note, Date: April 9, 2022

<sup>40</sup> Better Outlook Psychiatric Progress Note, Date: September 28, 2022

<sup>41</sup> Better Outlook Psychiatric Progress Note, Date: September 28, 2022

<sup>42</sup> Regions Hospital records, Dates: October 20-21, 2022

<sup>43</sup> Regions Hospital records, Date: November 9, 2022

Detention Center for the present matter during this evaluation. No finding on competency was provided in this evaluation.<sup>44</sup>

Mr. Sandoval returned to Regions Hospital from the Ramsey County Adult Detention Center on December 12, 2022, for crisis evaluation. Mental health medications at that time were recorded as [REDACTED]

[REDACTED] Mr. Sandoval was recommended to taper off his antidepressants and initiate [REDACTED] for nightmares and consider a mood stabilizer and future therapy.<sup>46</sup> He was diagnosed at discharge with paranoid schizophrenia, cluster B personality, history of PTSD (from childhood neglect/abuse), and a rule out of BPAD II (bipolar affective disorder). Mr. Sandoval was discharged December 19, 2022, with mental health medications [REDACTED]

In January 2023, Mr. Sandoval's competency to proceed was evaluated as part of his present matter. Mr. Sandoval remained in the custody of the Ramsey County Adult Detention Center during this evaluation. Mr. Sandoval was diagnosed with unspecified schizophrenia spectrum and other psychotic disorder, Rule-Out other or unknown substance-induced psychotic disorder, borderline personality disorder (with antisocial traits), unspecified anxiety disorder, Rule-out posttraumatic stress disorder, opioid use disorder, (severe, in a controlled environment), stimulant use disorder, (amphetamine-type substance, severe, in a controlled environment), alcohol use disorder, (severe, in a controlled environment), cannabis use disorder, (moderate, in a controlled environment), and stimulant use disorder, (cocaine, moderate, in a controlled environment). This report provided significant information which could support a finding of

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<sup>44</sup> Rule 20.01 Evaluation, Author Brie Pileggi-Valleen, Date: November 14, 2022

<sup>45</sup> Regions Hospital record, ED to Hosp-Admission (Discharged) in RH NE4, History and Physical, Date: December 12, 2022, pgs. pg. 50 & 51

<sup>46</sup> Regions Hospital record, Impression, Date: December 12, 2022, pg. 52

<sup>47</sup> Regions Hospital Record, Discharge Summary, Date: December 19, 2022, pgs. 54 & 56

incompetence or competence to proceed; however, counsel for Mr. Sandoval filed an objection to the opinion. This objection was for the purpose of allowing Mr. Sandoval more time to become medication compliant and stabilize.<sup>48</sup>

In June 2023, Mr. Sandoval's competency to proceed was evaluated again by Dr. Gierok. Mr. Sandoval was again diagnosed with unspecified schizophrenia spectrum disorder, borderline personality disorder (with anti-social traits), unspecified anxiety disorder, post-traumatic stress disorder, opioid use disorder (severe, in a controlled environment), stimulant use disorder (amphetamine type substance, severe, in a controlled environment), alcohol use disorder (severe, in a controlled environment), cannabis use disorder (moderate, in a controlled environment), and stimulant use disorder (cocaine, moderate, in a controlled environment).<sup>49</sup> Mr. Sandoval was found competent to proceed through this evaluation and this finding was adopted by the Court on June 16, 2023.

#### CURRENT TREATMENT

Mr. Sandoval has remained in the custody of the Ramsey County Adult Detention Center throughout the pendency of this matter. As noted, he was admitted to Regions Hospital for several days in December 2022. Mr. Sandoval's mental health symptoms were to a degree the Ramsey County Adult Detention Center staff could not safely treat Mr. Sandoval. Since his return, mental health staff have consistently met with and monitored Mr. Sandoval's mental health symptoms and presentation.<sup>50</sup> His medication regimen has been adjusted throughout his stay.<sup>51</sup> [REDACTED]

[REDACTED]

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<sup>48</sup> Rule 20.01 Evaluation, Author: Dr. Adam Gierok, Date: January 9, 2023

<sup>49</sup> Rule 20.01 Evaluation, Author: Dr. Adam Gierok, Date: June 9, 2023

<sup>50</sup> Ramsey County Jail Adult Detention Center Records, October 2022-November 2023, Personal Communication with Mental Health staff on April 11, 2023, June 5, 2024, and July 5, 2024.

<sup>51</sup> Ramsey County Jail Adult Detention Center Records, October 2022-November 2023

<sup>52</sup> Ramsey County Adult Detention Center Records, Nurse Visit January 25, 2023

Since beginning the [REDACTED] in January of 2023, Mr. Sandoval continued to stabilize to the point of being capable of being housed with other incarcerated individuals. Mr. Sandoval moved into general population on March 16, 2023.<sup>53</sup> He has been housed in the “G-unit” for good behavior for the past three months. This unit allows him more time in the living unit and some recreation. Mr. Sandoval’s present medications include: [REDACTED], [REDACTED]

#### MINNESOTA SENTENCING GUIDELINES COMMISSION DATA

During the years of 2018 through 2022, 180 people were sentenced for Second-Degree Murder under Minn. Stat. § 609.19, subd. 1(1). None of these cases received a mitigated dispositional departure. 30 (17%) people received a mitigated durational departure. The most common reasons cited for mitigated durational departures were: shows remorse/accepts responsibility, and offense less onerous. In two of the sentenced cases which received a mitigated durational departure one of the factors supporting a departure was that the defendant lacked substantial capacity for judgement.<sup>55</sup> In six of the sentenced cases which received a mitigated durational departure one of the factors supporting the departure was that defendant had mitigated culpability although not amounting to a defense.<sup>56</sup> Please see Exhibit 3 for full information on the sentencing of this offense.

#### MOTION FOR DEPARTURE

Mr. Sandoval respectfully requests a mitigated durational departure in this matter. The following factors for departure, identified in the Minnesota Sentencing Guidelines & Commentary Report, August 1, 2023, § 2.D.3, are relevant in the case of Mr. Sandoval.

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<sup>53</sup> Ramsey County Adult Detention Center Record, Psychotherapy- Individual, March 17, 2023

<sup>54</sup> Personal Communication with Ramsey County Adult Detention Center Mental Health staff on July 12, 2024

<sup>55</sup> 27-CR-17-3170, 27-CR-20-1932

<sup>56</sup> 27-CR-17-3170, 27-CR-18-2710, 27-CR-18-1839, 27-CR-19-1995, 27-CR-19-2054

The Ramsey County Community Corrections Department has determined Mr. Sandoval has one criminal history point. After being sentenced on Count 1, Mr. Sandoval would have an additional two criminal history points for a total score of three.

Points	0	1	2	3
11	306 261-367	326 278-391	346 295-415	366 312-439
10	150 128-180	165 141-198	180 153-216	195 166-234

Counsel, on behalf of Mr. Sandoval is making this request. Mr. Sandoval, again, is in no way attempting to minimize, mitigate, or otherwise avoid ownership for what he did. However, for the foregoing reasons, the defense is requesting this court to grant Mr. Sandoval a downward durational departure.

***Other substantial grounds exist that tend to excuse or mitigate the offender's culpability, although not amounting to a defense.***

Mr. Sandoval suffered from mental impairment at the time of the offense and his capacity for judgement was impacted. Throughout 2022, Mr. Sandoval experienced a decline in mental health which was observable to those around him. Prior to this, Mr. Sandoval had a history of the significant impact his mental illness had on his functioning and behavior both in the community and in controlled settings. This impairment, along with his addiction to substances, led to felony-level criminal charges, an incompetency finding, his civil commitment, and subsequent hospitalization in locked facilities.

Mr. Sandoval's use of intoxicants is a factor which impacted his mental illness. However, it is noted in his medical records from the Ramsey County Adult Detention Center and

his competency evaluations that his symptoms occur *independently* of any substance use. In the Ramsey County Adult Detention Center, Mr. Sandoval endorsed or was observed to have symptoms of anxiety, intrusive thoughts, suicidality, depression, paranoia/paranoid delusions, auditory hallucinations, and visual hallucinations. These symptoms persisted after Mr. Sandoval's arrest. They persisted in such a nature that Mr. Sandoval had to be hospitalized for multiple days. The symptoms only improved after his hospitalization at Regions in December 2022 and having medications adjusted in January 2023 and. Mr. Sandoval was eventually able to move to a general population unit at the Ramsey County Jail in March 2023. Until March of 2023, Mr. Sandoval was kept in segregation for the safety of both himself and others.

The district court has broad discretion to depart if substantial and compelling circumstances exist, and appellate courts generally will not interfere with the exercise of that discretion. *State v. Kindem*, 313 N.W.2d 6, 7 (Minn.1981). Recognizing that the presumptive sentence provided by the sentencing guidelines will not be “appropriate, reasonable, or equitable” in every case, the guidelines commission determined that it was appropriate to allow sentencing courts, on occasion, to depart from the presumptive sentence. *Id.* cmt. II.D.01. But departures are permitted only when the case involves substantial and compelling circumstances. *Id.* II.D. The guidelines provide that when “[t]he offender, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed,” the sentencing court may use that impairment as a mitigating factor to support a downward departure. *Id.* II.D.2.a.(3).

To establish a mitigating factor based on a physical or mental impairment, a defendant must establish the existence of a physical or mental impairment and demonstrate that because of the impairment, the defendant “lacked substantial capacity for judgment when the offense was



committed.” Minn. Sent. Guidelines 2.D.3.a.(3). There is legal precedent in Minnesota to support a finding of well-documented mental illness is a substantial and compelling factor to justify a downward durational departure.

In *State v. Martinson*, 671 N.W.2d 887, 892 (Minn. App. 2003) the district court granted a downward durational departure where defendant suffered from “the psychosis of paranoid schizophrenia.” In *State v. Barsness*, 473 N.W.2d 325, 326 (Minn. App. 1991) a durational departure was affirmed on appeal where the defendant was suffering from major depression at the time of the offense. Another example is *State v. Wall*, 343 N.W.2d 22, 25 (Minn. 1984), where the court of appeals reversed the district court's imposition of upward durational departure where the defendant had a nearly 20-year documented history of mental illness that included hospitalization and civil commitment. Finally, in *State v. Hennem*, 441 N.W.2d 793, 797 (Minn. 1989) the district court was affirmed when it granted a downward durational departure for a defendant who suffered from alcohol dependence, psychoneurotic depression, and an antisocial-personality disorder.

The Minnesota Supreme Court has established “[a]s to mental illness, we have held that in order to constitute a mitigating factor in sentencing, a defendant's impairment must be ‘extreme’ to the point that it deprives the defendant of control over his actions.” *State v. McLaughlin*, 725 N.W.2d 703, 716 (Minn. 2007).

It is uncontroverted that Mr. Sandoval has ample, unrebutted evidence to support a finding Mr. Sandoval suffered from extreme mental impairment. Mr. Sandoval has a documented history of diagnoses of mental illnesses. Those diagnoses include schizophrenia, borderline personality disorder, post-traumatic stress disorder, substance use disorders, anxiety disorders, and depression. This is not an exhaustive list.

Mr. Sandoval's condition is well documented in this court's record. His paranoia manifested itself in irrational fears that people were trying to kill him. Mr. Sandoval believed his roommates were going to kill him in his sleep. He reported to the police that the television in the Lawson Avenue house told him to "take his opportunity," and "the TV said they're gonna kill me. Said they're gonna pretend to sleep and they're gonna kill me. When I go to sleep they're gonna kill me. When I was watching dragon ball Z."

The record is supported by the records summarized above. Mr. Sandoval suffered from the psychosis of his paranoia in both community and controlled settings. His illness manifested itself in delusional paranoia, causing Mr. Sandoval to perceive threats to his life by complete strangers. Mr. Sandoval was "unable to filter his internal experience from his external reality."<sup>57</sup>

On the contrary, there is nothing in the record to suggest Mr. Sandoval's psychosis is a mild or moderate mental impairment. Instead, there is an abundance of reports from professionals opining Mr. Sandoval's condition is sufficiently extreme to meet the requirement that his mental impairment is a substantial and compelling circumstance that provides a basis for a downward durational departure from the Minnesota Sentencing Guidelines. This court can, and should, make a finding Mr. Sandoval had a mental illness before, during, and after October 20<sup>th</sup>, 2022, and this illness impaired Mr. Sandoval psychologically, both before October 20<sup>th</sup> and to the present.

This is obviously a substantial request of this court. And the request is not taken lightly. Two lives were taken violently and without reason. The natural rebuttal to this request is that the sentence would not be proportional to the severity of the offense because Mr. Sandoval killed two people.

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<sup>57</sup> Rule 20.01 Evaluation, Author Myles Antoioli, Date: May 19, 2021, pg. 12

In determining proportionality, consideration goes to “whether the defendant's conduct was significantly more or less serious than that typically involved in the commission of the crime in question.” *State v. Cox*, 343 N.W.2d 641, 643 (Minn.1984). The question is whether Mr. Sandoval’s conduct was more or less serious than the typical offense in which a life is lost and what makes that conduct more or less serious than the typical offense.

The major significant difference between this offense and the “typical” murder is a typical murderer is not diagnosed as being psychotic at the time of the offense. Mr. Sandoval did not pursue a defense under Minn. R. Crim. P. 20.02 nor as voluntarily intoxicated. However, Mr. Sandoval had to enter his guilty pleas through a *Norgaard* plea due to lack of memory. Mr. Sandoval could not ascertain what was “reality” versus what was only “real” to him. Mr. Sandoval’s mental state renders his conduct less serious than that of a defendant whose capacity for judgment at the time of the offense was not substantially impaired.

Mr. Sandoval’s decision to not seek a defense due to mental illness is a not a barrier for a durational departure. *See State v. Martinson*, 671 N.W.2d 887, 893 (Minn. Ct. App. 2003) (the sentencing guidelines included a “catch-all” mitigating factor “substantial grounds ... which tend to excuse or mitigate the offender's culpability, although not amounting to a defense.” Minn. Sent. Guidelines II.D.2.a.(5). If section II.D.2.a.(3) was limited to those who meet the M’Naghten standard for a mental-illness defense the mitigating factor would be nullified for only defendants who were not legally responsible for their conduct.)

This court has presided over many homicide cases. As noted above, this is not the typical homicide case. Mr. Sandoval’s mental illness and psychosis drove his actions. Mr. Sandoval did not go to a crowded bar and get into a fight with people with whom he had issue. These were not

intimate partners who had left him. This was not a situation where Mr. Sandoval was gang-involved killing opps as an initiation.

Instead, this was a situation where Mr. Sandoval's brain is wired wrong. It is an organic illness that caused him to believe what he did. Mr. Sandoval did not wake up October 20<sup>th</sup> with the clear and conscious decision to end two people's lives. And again, Mr. Sandoval was found to be incapable of taking care of himself. He was found to have an inability to differentiate to recognize reality when he was not treating his mental health and using substances. When Mr. Sandoval killed Mr. Murphy and Mr. Wentz, he was in similar circumstances to when he was placed under a commitment: not treating his mental health and using substances.

When Mr. Sandoval was at Regions Hospital after his arrest, he asked a security officer to shackle both of his legs to the bed. He as the police officer present with him to handcuff both hands to the bed. When asked why, Mr. Sandoval replied, "Because I don't how I'm going to react. I don't know what I'll do later."

Finally, Mr. Sandoval feels an incredible amount of remorse and responsibility for what happened to Jason Murphy and Jon Wentz. District courts typically consider remorse an offender-related factor. *See State v. Solberg*, 882 N.W.2d 618, 625-26 (Minn. 2016). But remorse can justify a downward durational departure if it "is directly related to the criminal conduct at issue and made that conduct significantly less serious than the typical conduct underlying the offense of conviction." *Id.* at 626.

During the pendency of this case, Mr. Sandoval has slowly reviewed the discovery. This was a slow process because of the concern of setting him back or causing decompensation by seeing what he did to Mr. Murphy and Mr. Wentz. Mr. Sandoval was insistent on reviewing the

crime scene photos, because he again struggled to know what was reality versus what was in his mind.

When talking about this case, Mr. Sandoval stated, he “feel[s] horrible about what happened to these people. I can’t change it, but I’m going to do my time.”<sup>58</sup> Nothing Mr. Sandoval says can take back the loss of Jason Murphy or Jon Wentz. He cannot undo the harm he has caused, as much as Mr. Sandoval wishes that to be the case. Mr. Sandoval has accepted a lengthy prison sentence is appropriate but given the nature of Mr. Sandoval’s mind at the time of the offense and the clarity he has now, his remorse and acceptance of responsibility can be considered by this court as another substantial and compelling factor for a lesser sentence.

#### CONCLUSION

Death is not an acceptable outcome for mental illness. But death was the outcome for Jason Murphy and Jon Wentz. Mr. Sandoval caused their deaths on October 20<sup>th</sup> of 2022. The systems put in place to care for Mr. Sandoval failed. These same systems failed Jason, Jon, and their families as well.

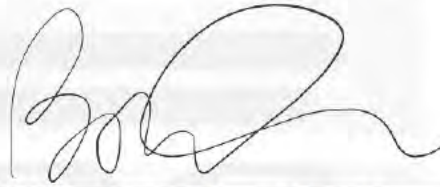
This court cannot impose a sentence on the civil commitment court, or the treatment providers tasked with being responsible for Mr. Sandoval. It can only determine the appropriate consequence for Mr. Sandoval. When making the request for this court to sentence Mr. Sandoval to less than the presumptive sentence, the defense is mindful this is a difficult request to grant. There is a lot of hurt and pain attached to this case. To the loss of the lives of two people. And the intent is not to insult the loss of those lives. Even with the intent not being to insult, that could be the result. For the above-stated reasons, Mr. Sandoval respectfully requests

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<sup>58</sup> Personal interview with Mr. Sandoval, 7/12/24

the court to grant his mitigated durational departure request and sentence him to 165-months on Count 1 and 195-months on Count 2, concurrent.

**RESPECTFULLY SUBMITTED,**



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Baylea Kammacher, 0396047  
Attorney for Joseph Sandoval  
Assistant Public Defender



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Jenilee Rowley, MSW, LGSW  
Dispositional Advisor

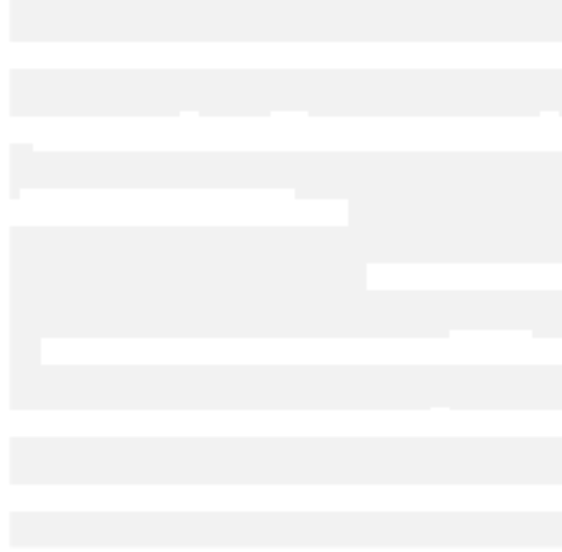
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STATE OF MINNESOTA v. JOSEPH FRANCIS SANDOVAL, II

COURT FILE NO. 62-CR-22-6099  
Minnesota Sentencing Guidelines Data 609.19

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MINNESOTA  
JUDICIAL  
BRANCH

**Murder Second Degree, subd. 1(1): Sentenced 2018-2022**

Minnesota Sentencing Guidelines Commission (MSGC) monitoring data are person-based, meaning cases represent persons rather than individual charges. persons sentenced within the same county in a one-month period are generally counted only once, based on their most serious offense. This data request was prepared by the research staff of MSGC in fulfillment of the Commission's statutory role as a clearinghouse and information center for information on sentencing practices. This is not a policy document. Nothing in this request should be construed as a statement of existing policy or recommendation of future policy on behalf of the Commission itself, or as an authoritative interpretation of the Minnesota Sentencing Guidelines, Minnesota statutes, or case law.

Information Requested: Departure rates for Murder, 1609.19.t(1).

**Analysis:**

- Ante oed 01:S- 0
- Second-Degree Murder under Minn. Stat. § 609. 9, subd. ( )
- Desa empts der inn1.Sa .§ 609.17 and cons.pirracies un e.r Minn. Stat. § 609 75
- Depalltlu e rates by • inal History Score (C

From 018-- 022, 180 people were sentenced for Second-Degree Murder under Minn. Stat. § 609.19, subd. 1(1). None of these cases received a mitigated dispositional departure. 301(17) people received a mitigated durational departure and 211 received an aggravated durational departure. The durational departure rates by criminal history score are displayed in the table below.

Table 1. Departure Rates by CHS for 2nd Degree Murder, subd. 1(1): Sentenced 2018-2022

OHS	Total	Dispositional Departure		Durational Departure		
		None	Mitigated	None	Aggravated	Mitigated
0	67	67	0	49	7	11
	100.0%	100.0%	0.0%	71.6%	10.4%	16.4%
1	7	17	0	9	3	5
	100.0%	100.0%	0.0%	52.9%	17.6%	29.4%
2	32	32	0	24	4	4
	100.0%	100.0%	0.0%	50.0%	12.5%	12.5%
3	23	23	0	18	3	2
	100.0%	100.0%	0.0%	78.3%	13.0%	8.7%
4	11	11	0	7	2	2
	100.0%	100.0%	0.0%	63.6%	18.2%	18.2%
5	10	10	0	6	1	3
	100.0%	100.0%	0.0%	60.0%	10.0%	30.0%
6+	20	20	0	17	0	3
	100.0%	100.0%	0.0%	85.0%	0.0%	15.0%
Total	UN)	1-80	0	130	20	30
	100.0%	100.0%	0.0%	72.2%	11.1%	16.7%

The most common reasons cited for mitigated durational departures were remorse/accepts responsibility, and offense less onerous. The prosecutor or a friend of the defendant did not object to the departure in 87 of cases, objected in 7 of cases, and in 7 cases the prosecutor was utilized. The most common reasons cited for aggravated durational departures were particular crime, and crime committed in victim's home/private. 10 people waived entry determination of aggravating factors.