STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0953

State of Minnesota,
Respondent,

vs.

Mark Noe Rios,
Appellant.

Filed June 9, 2025
Affirmed
Smith, Tracy M., Judge

Washington County District Court
File No. 82-CR-22-1304

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

Kevin M. Magnuson, Washington County Attorney, Andrew T. Jackola, Assistant County Attorney, Stillwater, Minnesota (for respondent)

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

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

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

In this direct appeal from the judgment of conviction for third-degree criminal sexual conduct, appellant Mark Noe Rios argues that (1) the evidence is insufficient to prove beyond a reasonable doubt that he committed third-degree criminal sexual conduct,

(2) the district court abused its discretion by denying his pretrial motion for in camera review of protected records about the complainant, and (3) the district court abused its discretion by denying his motion for a downward dispositional departure in sentencing.[1] We affirm.

FACTS

The following facts are drawn from evidence received in the jury trial. One night in October 2021, Rios had a family gathering at his house. Rios's youngest daughter, S.R., invited her friend, I.P., to Rios's house for a sleepover that night. At the time, I.P. was 14 years old and had been friends with S.R. for about a year and a half to two years. Throughout their friendship, I.P. had regularly slept over at Rios's house, usually in S.R.'s room.

I.P.'s Account of Events

I.P. testified about what happened that night. According to I.P., she went to Rios's house around 8:30 p.m. When she arrived, I.P. went into the garage and saw Rios and his family there, including his wife, his eldest daughter and her boyfriend, and S.R., among others. A game of beer pong was set up in the garage. I.P. spent time in the garage, talking with S.R. and her family for a while before beginning to play beer pong. I.P. did not recall

[1] Rios also submitted a pro se supplemental brief, which highlights facts that Rios asserts demonstrate his innocence and show that a downward dispositional departure was appropriate. Because Rios does not advance any specific legal arguments or cite to any authority in his supplemental brief, we focus our analysis on the arguments set forth in the brief submitted by Rios's counsel. *See State v. Bartylla*, 755 N.W.2d 8, 22 (Minn. 2008) ("We will not consider pro se claims on appeal that are unsupported by either arguments or citations to legal authority.").

playing on the same beer-pong team as Rios and recalled that she did not have any physical contact with him while she was in the garage.

Several adults—including Rios, his wife, and his eldest daughter—were drinking alcohol that night, and Rios and his wife showed signs of intoxication as the night progressed. I.P. also drank alcohol that night. Both Rios and his wife handed I.P. beers and hard liquor later in the night. I.P. estimated that she had about five to nine beers and some hard liquor but acknowledged that she could not recall exactly how much she drank. After drinking the alcohol, I.P. became "drowsy and unable to walk" and she struggled to see straight.

I.P. was in the garage until around 3:00 a.m. and then headed to the bathroom where she took a photo of herself on Snapchat with a caption about how she had been drinking alcohol. She also made a short video in which she said that she had "peed [her] pants," although she later could not remember if she actually had done so and her clothes were dry when she awoke in the morning. After leaving the bathroom, I.P. returned to the garage and wanted to continue playing beer pong. Only Rios was in the garage when she returned. When I.P. tried to play beer pong again, she began to feel tired and unable to walk, at which point Rios "started holding [her] up" by holding her arms from behind and supporting her weight. I.P. then went to the living room and fell asleep on the couch.

I.P. woke up to the feeling of being picked up and carried "bridal style." I.P. eventually opened her eyes and saw that Rios had carried her to his bedroom. Rios then laid I.P. down on his bed; removed her leggings, sweatshirt, and shirt; and started touching her. I.P. "was conscious but [she] was still feeling the effects of alcohol. [She] couldn't get

up. [She] was very drowsy." Rios touched the outside of I.P.'s vagina and the inside of her anus, eventually inserting his penis in her rectum for "not . . . more than five minutes." The penetration hurt I.P. Rios then put I.P.'s clothes back on her and carried her back to the couch.

When I.P. woke up the next morning, she felt pain "[o]n [her] butt." She felt hungover, and she smelled vomit on herself but did not remember throwing up. I.P. then went to S.R.'s room and told S.R., "I think that your dad raped me." S.R. got two of her sisters, and I.P. repeated her statement to them. S.R.'s sisters then went to talk to Rios. While that was happening, I.P. noticed that her father was waiting in a car outside of Rios's home to pick her up, so I.P. gathered her things and left Rios's house.

When I.P. was in the car with her father, he began asking her questions about what I.P. had been doing and why she smelled the way that she did. I.P. eventually "screamed at him that [she] was raped." I.P.'s father took her home, and they told I.P.'s mother what had happened. The three of them then went to the hospital.

Medical Examination and Law-Enforcement Investigation

At the hospital, I.P. told a doctor what had happened and was examined. The doctor testified that she did not observe any external injuries on I.P. but noted that I.P. reported feeling abdominal, vaginal, and rectal pain. The doctor referred I.P. to a nurse practitioner from a children's resource center. The nurse practitioner interviewed I.P. about what had happened, performed an examination, and collected DNA evidence. During the interview, I.P. told the nurse practitioner that Rios had sexually assaulted her. During the examination, the nurse practitioner did not notice any acute injury to I.P.'s genital area. And during the

collection of evidence, the nurse practitioner swabbed I.P.'s cheek for a sample of her DNA, and then swabbed I.P. in the places that I.P. had stated that Rios had touched her, including her face, neck, left hand, perineum (the outside of the genital area), vaginal opening, and rectum.

The incident was reported to the police and officers obtained a warrant to collect a DNA sample from Rios, which the officers did. Rios spoke to one of the officers, describing his version of events from the night before and denying I.P.'s allegations of sexual assault.

An officer transported Rios's and I.P.'s DNA swabs to the BCA for forensic testing. I.P.'s vaginal swab did not have male DNA matching Rios's profile. But, of the DNA tested from her perineal swab, her rectal swab, and the swab of her face, neck, and left hand, all the DNA matched either I.P. or Rios. The amount of male DNA on each of those three samples was, respectively, 1.06 nanograms, 0.39 nanograms, and 0.85 nanograms.

The state charged Rios with one count of third-degree criminal sexual conduct in violation of Minnesota Statutes section 609.344, subdivision 1a(b) (Supp. 2021).

Pretrial Motion for Review of Records

Before trial, Rios filed a motion for in camera review of I.P.'s medical, mental-health, child-protection, and juvenile-delinquency records pursuant to Minnesota Rule of Criminal Procedure 9.03, subdivision 6. Rios stated that he was seeking the review to determine "whether any records exist that would bear on the credibility of [I.P.], tend to show motive to fabricate the allegations, a history of lying by [I.P.] including prior recantations, bias by [I.P.] against [Rios], prejudice by [I.P.] against [Rios], or any other facts that would weigh on [I.P.'s] credibility."

The district court denied the motion. It determined that, to the extent that I.P.'s medical and mental-health records exist, they are statutorily privileged under Minnesota Statutes section 595.02, subdivision 1(d) and (g) (2024), and that Rios had failed to show that his constitutional rights would be violated if such privileged records were not released. As for the juvenile records, the district court determined that Rios "failed to make a plausible showing that the requested juvenile records would provide relevant, exculpatory or impeachment evidence." Further, the district court noted that all of Rios's requests lacked a date range and were "not reasonably specific."

Rios's Defense

Rios testified in his own defense at trial. The defense also called as witnesses several of Rios's family members who had been at the party, cross-examined one of the state's forensic-scientist witnesses about the conclusiveness of the DNA evidence, and introduced medical-provider testimony about Rios's physical limitations to show that he could not have carried I.P.

Rios, his wife, and his eldest daughter testified about the events of the night of the assault. All three admitted to drinking but stated that they were able to clearly remember that night and were adamant that alcohol was not provided to I.P. Rios and his wife stated that, although I.P. had been in the garage that night, she had spent most of the night in S.R.'s room. Rios's eldest daughter testified that, when I.P. was in the garage, Rios and I.P. played beer pong on the same team for "one or two rounds," and Rios's wife recalled Rios and I.P. giving each other "high fives" "[e]very time one of them would get [the ball]

in" the cup. Rios also testified that he played on the same team as I.P. and gave her high fives.

Rios's wife stated that, at the end of the night, she was in the dining room while Rios was in the garage cleaning up. She stated that Rios then came inside and they went to their bedroom together, at which time she saw I.P. lying on the couch. Rios's eldest daughter also stated that, around 3:00 a.m., she got up from bed and saw her kids sleeping on the couch with I.P. between them. Rios's wife stated that Rios did not get up and leave their bedroom at any point that night. Rios also denied leaving the bedroom that night. He stated that he learned from his eldest daughter the following morning that I.P. had made sexual-assault allegations against him.

One of the forensic scientists who testified regarding DNA evidence acknowledged during Rios's cross-examination that a study had found that the average quantity of DNA transferred through an instance of indirect contact is around three nanograms. The scientist also acknowledged that there was less male DNA found in I.P.'s samples than the average amounts of DNA from the indirect contact in the study.

Finally, Rios also testified that he previously served in the U.S. Marines and suffered multiple injuries, including a fractured spine. An anesthesiologist and nonoperative spine specialist who had treated Rios between 2019 and 2020 testified that Rios's injuries would prevent him from dead lifting 100 pounds and that dead lifting 50 pounds would make Rios "very uncomfortable." According to I.P., she weighed 130 pounds at the time of the assault.

Conviction and Sentencing

At the end of the trial, the jury found Rios guilty of third-degree criminal sexual conduct. The district court ordered a presentence investigation report and scheduled a sentencing hearing.

Rios moved for a downward dispositional departure, asserting that there is a substantial and compelling reason for departure because he is particularly amenable to probation and treatment. The district court denied the motion and imposed a prison sentence of 72 months—the top of the guidelines range.

Rios appeals.

DECISION

Rios challenges (1) the sufficiency of the evidence to support his conviction, (2) the district court's denial of in camera review of protected records about I.P., and (3) the district court's denial of a dispositional departure. We address each argument in turn.

I. The evidence is sufficient to support Rios's conviction.

Rios argues that the evidence is insufficient to prove beyond a reasonable doubt that Rios committed third-degree criminal sexual conduct. He contends that the record, when viewed as a whole, presents grave doubt as to the credibility of I.P.'s testimony and that reversal is warranted because her testimony was not corroborated. Rios argues that I.P.'s testimony is "improbable" because no one else saw Rios carrying I.P. through the house that night and his physical limitations, which were corroborated by multiple witnesses, would have prevented Rios from picking I.P. up and carrying her.

I.P.'s testimony is direct evidence that Rios sexually assaulted her. When a conviction is based on direct evidence, appellate review is limited to a careful review "of the record to determine whether the evidence, when viewed in a light most favorable to the conviction, was sufficient to permit the jurors to reach the verdict which they did." *State v. Horst*, 880 N.W.2d 24, 40 (Minn. 2016) (quotation omitted). The reviewing court must "assume that the jury believed the state's witnesses and disbelieved any evidence to the contrary." *State v. Friese*, 959 N.W.2d 205, 214 (Minn. 2021) (quotation omitted). The reviewing court will not overturn a conviction if, giving due regard to the presumption of innocence and the state's burden of proving an offense beyond a reasonable doubt, the jury could have reasonably found the defendant guilty. *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016).

Generally, a guilty verdict may be sufficiently supported by "the uncorroborated testimony of a single credible witness." *State v. Foreman*, 680 N.W.2d 536, 539 (Minn. 2004) (quotation omitted). In a prosecution for criminal sexual conduct, "the testimony of a victim need not be corroborated." Minn. Stat. § 609.347, subd. 1 (2024). Additionally, appellate courts defer to the jury to assess witness credibility. *State v. Robinson*, 921 N.W.2d 755, 761 (Minn. 2019). Appellate courts do not retry the facts, and "resolution of conflicting testimony is the *exclusive* function of the jury." *State v. Bliss*, 457 N.W.2d 385, 391 (Minn. 1990) (quotation omitted).

Rios recognizes these principles of appellate review but argues that this is one of the "rare cases" in which the absence of corroboration of a victim's testimony renders the evidence as a whole insufficient to support his conviction. In *State v. Ani*, the supreme

court wrote that, in criminal-sexual-conduct cases, "the absence of corroboration in an *individual* case may well call for a holding that there is insufficient evidence upon which a jury could find the defendant guilty beyond a reasonable doubt," even though corroboration is not statutorily or constitutionally required. 257 N.W.2d 699, 700 (Minn. 1977) (quotation omitted). And, in *Foreman*, the supreme court recognized that, in some cases, it had reversed convictions based on a victim's uncorroborated testimony when there were "additional reasons to question the victim's credibility" beyond the victim's uncorroborated statements. 680 N.W.2d at 539.

Rios contends that, consistent with those cases, corroboration of I.P.'s testimony was required but lacking here. He relies primarily on his comparison of this case to *Ani*. There, the supreme court upheld the appellant's conviction for first-degree criminal sexual conduct, but it did so noting that "the victim's testimony was positive and not contradicted[] and was strongly corroborated by other evidence." *Ani*, 257 N.W.2d at 699-700. Rios asserts that I.P.'s testimony, in contrast, was subject to significant reasons for doubt, was contradicted, and was not corroborated. He points to I.P.'s alcohol consumption, his physical limitations, and the testimony of his family members as reasons to doubt I.P.'s credibility. And he contends that the DNA evidence does not corroborate her account.

We are not persuaded that the testimony of Rios's family members, which contradicted some of I.P.'s testimony, constituted an "additional reason" to question I.P.'s credibility. *See Foreman*, 680 N.W.2d at 539. Arguably, though, there was some basis to question I.P.'s testimony in light of the amount of alcohol that she consumed and the

evidence about Rios's physical limitations. But, even if this evidence provided "additional reasons" to question I.P.'s credibility such that corroboration was required, I.P.'s testimony was corroborated.

I.P.'s testimony was corroborated first by the DNA evidence. Swabs taken from I.P.'s rectum and genital area yielded DNA results matching Rios's DNA profile. Rios argues that the DNA evidence was not strong corroborative evidence of I.P.'s testimony because the small amount of male DNA found on I.P. was consistent with transfer through indirect contact. Rios's theory is that his DNA was transferred to I.P. through harmless interactions, such as through high fives or when I.P. touched items that Rios had previously touched, and that Rios's DNA was then transferred from I.P.'s hands to her private regions when she cleaned herself in the bathroom. But, as the state points out, there were other people at the party with whom I.P. could have come into contact and yet the DNA found in I.P.'s private region was attributed only to I.P. and to Rios. In addition, the defense cross-examined the forensic scientist about the significance of the small amounts of DNA with respect to indirect transfer and, despite hearing this testimony, the jury found Rios guilty. We decline to reweigh the DNA evidence, *see Bliss*, 457 N.W.2d at 391, and we determine that the DNA evidence corroborated I.P.'s testimony.

I.P.'s account was also corroborated by her consistent statements to S.R., S.R.'s sisters, and the nurse practitioner. I.P. testified that she told S.R. and her sisters that Rios had sexually assaulted her, and Rios's testimony that his eldest daughter told him about I.P.'s sexual-assault allegations corroborated I.P.'s testimony that she told the sisters.

Additionally, I.P.'s interview with the nurse practitioner, a video recording of which was entered into evidence at trial, showed I.P. stating that Rios assaulted her.

In sum, I.P.'s testimony is direct evidence that Rios sexually assaulted her and, even if corroborating evidence was necessary, the DNA evidence and I.P.'s consistent statements to other individuals corroborated her testimony. The evidence is therefore sufficient to support Rios's conviction.

II. The district court did not abuse its discretion by denying Rios's motion for in camera review of I.P.'s records.

Rios contends that the district court abused its discretion by denying his motion for in camera review of I.P.'s medical and mental-health records, as well as her child-protection and juvenile-delinquency records, asserting that he made the required "plausible showing" that the requested records might contain material favorable to his defense.

The Minnesota Rules of Criminal Procedure permit broad discovery, but discovery of confidential records may be limited. *See State v. Paradee*, 403 N.W.2d 640, 642 (Minn. 1987). When confidential records are sought, the district court may review the documents in camera to decide whether to order their production. *See id.* A defendant is not entitled to in camera review of confidential records; instead, the defendant generally must make a "plausible showing" that the records sought will be "both material and favorable to his defense." *State v. Hummel*, 483 N.W.2d 68, 72 (Minn. 1992) (quotations omitted). "[T]he request itself must be reasonably specific." *State v. Lynch*, 443 N.W.2d 848, 852 (Minn. App. 1989), *rev. denied* (Minn. Sept. 15, 1989). "Fishing expeditions" will not meet the defendant's burden. *State v. Conrad (In re Hope Coal.)*, 977 N.W.2d 651, 659 n.6 (Minn.

2022). Appellate courts "review the limits placed by the district court on the release and use of protected records for an abuse of discretion." *State v. Hokanson*, 821 N.W.2d 340, 349 (Minn. 2012).

A. Medical and Mental-Health Records

We begin with the district court's denial of in camera review of I.P.'s medical and mental-health records. Medical and mental-health records are subject to the privileges provided by Minnesota Statutes section 595.02, subdivision 1(d) and (g). *State v. Ramirez*, 985 N.W.2d 581, 585-87 (Minn. App. 2023), *rev. dismissed* (Minn. July 31, 2023). In *Ramirez*, we held that, in a criminal case, the privileges afforded by these paragraphs preclude in camera review of protected records absent the consent of the subject of the record or a statutory exception, unless the effect on the defendant's constitutional rights outweighs the state's compelling interest in preserving the privileges. *Id.* To reach that holding, we relied on *Hope Coalition*, in which the supreme court held that sexual-assault counselors cannot be compelled to disclose for in camera review records that are privileged under another paragraph of the statute—Minnesota Statutes section 595.02, subdivision 1(k) (2024)—absent consent or an exception, unless the defendant's constitutional rights outweigh the state's compelling interest. *Id.* (discussing *Hope Coal.*, 977 N.W.2d at 653, 657-62).

Here, I.P. did not consent to the disclosure of her medical or mental-health records and Rios did not establish that some other statutory exception applies. As a result, those records are protected from disclosure, even for in camera review, and the disclosure of such records would be appropriate only if Rios's constitutional rights outweighed the state's

compelling interest. *See id.* at 586-87. The state's compelling interest, as we explained in *Ramirez*, is protecting the individual's privacy because "preserving confidentiality is essential to ensuring a patient's (and victim's) willingness to seek help and proper treatment." *Id.* at 586. As for Rios's constitutional rights, Rios asserts that his request relates to his due-process right to present a complete defense because the records might reveal "information that bears on [I.P.'s] credibility or is otherwise beneficial to the defense." He also suggests that his constitutional right to confrontation is affected.

We are not persuaded that, here, either constitutional right outweighed the state's compelling interest. In *Ramirez*, the defendant was facing a criminal-sexual-conduct charge and sought the child-victim's medical and mental-health records related to care that the child received from a psychiatrist to whom the child disclosed a report of the abuse. *Id.* at 584. Ramirez argued that disclosure was warranted to preserve his constitutional rights to confrontation and to due process. *Id.* at 586. We concluded that maintaining the confidentiality of the protected records did not violate Ramirez's constitutional rights because, like in *Hope Coalition*, the lack of access to the records sought did not preclude Ramirez from confronting or cross-examining witnesses, the records were in the possession of a nongovernmental third party, and the records were "protected by a strict statutory privilege." *Id.* at 586-87. The same reasoning applies here. Rios's lack of access to I.P.'s medical and mental-health records did not prevent Rios from confronting and cross-examining I.P. or other witnesses against him, the records he had requested were in the possession of a nongovernmental third party and protected by a strict statutory privilege, and the state's compelling interest in preserving the privilege outweighed Rios's due-

process right to present a complete defense. *See id.* Accordingly, the district court did not abuse its discretion by denying Rios's motion as to those records.

Moreover, even if in camera review of I.P.'s medical and mental-health records were permissible under the analysis in *Ramirez*, the district court did not abuse its discretion in denying review because it also determined that Rios's request was "not reasonably specific." In his memorandum in support of his motion for in camera review, Rios suggested that he was unsure whether the information he requested even existed. Rios moved for disclosure of I.P.'s medical-treatment records based on his personal knowledge that I.P. had used alcohol, and he moved for her mental-health records based on disclosures that he claims I.P. made to S.R. about having mental-health diagnoses and attending therapy. But Rios did not specify what records he was looking for, instead requesting "any records of [I.P.'s] mental health or treatment." Rios's request was akin to a "fishing expedition," and the district court did not abuse its discretion by denying his motion for in camera review on that basis. *See Hope Coal.*, 977 N.W.2d at 659 n.6.

B. Juvenile Records

We turn to the district court's denial of Rios's request for in camera review of protected child-protection or juvenile-delinquency records. Rios presented no basis for his belief that such records existed; he merely stated in his motion that, "if such juvenile records exist," the district court should examine them in camera "to determine whether they may be used to impeach [I.P.'s] credibility." He also provided no timeframe for the possibly existing records. The district court determined that Rios's request was not "reasonably specific" and that Rios had "failed to make a plausible showing that the

requested juvenile records would provide relevant, exculpatory or impeachment evidence." *See Lynch*, 443 N.W.2d at 852 (requiring specificity); *Hummel*, 483 N.W.2d at 72 (requiring plausible showing). We discern no abuse of discretion in these determinations or in the district court's consequent denial of Rios's motion for protected juvenile records.

III. The district court did not abuse its discretion by denying Rios's motion for a dispositional departure.

Rios argues that the district court abused its discretion by denying his request for a downward dispositional departure in sentencing.

A district court's denial of a motion for a dispositional departure is reviewed for an abuse of discretion. *State v. Soto*, 855 N.W.2d 303, 307-08 (Minn. 2014). The Minnesota Sentencing Guidelines prescribe sentences and sentence ranges that are "presumed to be appropriate." *Id.* at 308 (quotation omitted). A district court must impose a presumptive sentence unless it finds a "substantial and compelling" reason to depart. *State v. Misquadace*, 644 N.W.2d 65, 69 (Minn. 2002). "[E]ven if there are grounds that would justify departure," an appellate court "will not ordinarily interfere" with the imposition of a presumptive sentence. *State v. Bertsch*, 707 N.W.2d 660, 668 (Minn. 2006) (quotation omitted). A district court's refusal to depart is reversed only in a "rare case." *State v. Kindem*, 313 N.W.2d 6, 7 (Minn. 1981).

A district court need not give an explanation "when the court considers reasons for departure but elects to impose the presumptive sentence." *State v. Van Ruler*, 378 N.W.2d 77, 80 (Minn. App. 1985). As long as the record shows that the district court evaluated the

testimony and information presented to it before determining not to depart, an appellate court will not interfere with the district court's exercise of discretion. *Id.* at 80-81.

Rios argues that the district court abused its discretion by denying his motion for a dispositional departure because he demonstrated that he is particularly amenable to probation. Particular amenability to probation may constitute a substantial and compelling reason to dispositionally depart. Minn. Sent'g Guidelines 2.D.3.a(7) (Supp. 2021). To determine whether a defendant is particularly amenable to probation, a district court may consider the *Trog* factors, including an individual's "age, prior record, remorse, cooperation, attitude while in court, and the support of friends or family." *State v. Gebeck*, 635 N.W.2d 385, 389 (Minn. App. 2001) (quoting *State v. Trog*, 323 N.W.2d 28, 31 (Minn. 1982)). Rios argues that many of the *Trog* factors support a determination that he is particularly amenable to probation. He highlights his cooperation with the investigation and legal proceedings, the support of his family, his minimal criminal history, and the determination in the presentence investigation report and his psychosexual-evaluation report that he is at a low risk to reoffend.

At the sentencing hearing, the district court listed the documents that it had reviewed, which included letters from I.P.'s family members, Rios's medical records, defense counsel's motion for and memorandum in support of a downward departure, the presentence investigation report, and the psychosexual-evaluation report. The district court also received and considered arguments from the state and defense counsel, a statement from Rios, and victim-impact statements from five individuals, including I.P. and her parents.

The district court then made its decision. It acknowledged the presence of several *Trog* factors that could weigh in favor of a downward departure. It recognized that Rios had mental-health conditions that he was actively addressing, that he had engaged in veterans' services to address substance use, and that he had a supportive family. But it pointed out that there were minors drinking at Rios's house, that there were factors that increased Rios's risk for recidivism, that Rios had not completed a substance-use or sex-offender program, and that successful treatment would be difficult since Rios denied committing any sexual assault of I.P. The district court concluded that there were no substantial and compelling reasons for a downward departure.

On this record, it is plain that the district court "carefully evaluated all the testimony and information presented" before deciding against departing from the presumptive sentence. *Van Ruler*, 378 N.W.2d at 80-81. We discern no abuse of discretion in its sentencing decision.

Affirmed.