

STATE OF MINNESOTA
IN COURT OF APPEALS

A25-1495

Pharaoh El-Forever Left-i Amen El,
petitioner,

Appellant,

vs.

State of Minnesota,

Respondent.

ORDER OPINION

Ramsey County District Court
File No. 62-CR-14-7891

Considered and decided by Schmidt, Presiding Judge; Johnson, Judge; and Bond, Judge.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. Appellant Pharaoh El-Forever Left-i Amen El was convicted of attempted second-degree murder, drive-by shooting, and unlawful possession of a firearm. The district court sentenced appellant to concurrent prison terms totaling 451 months. Appellant appealed from the judgment of conviction, and we affirmed. *State v. Thomas*, No. A15-1542, 2017 WL 1375278 (Minn. App. Apr. 17, 2017), *rev. denied* (Minn. June 28, 2017).¹ Appellant has since petitioned for postconviction relief multiple times, which the district court has denied, and we have affirmed. *See State v. Thomas*, No. A20-0271 (Minn.

¹ Our prior decisions reflect appellant's previous name, which he legally changed.

App. Nov. 19, 2020) (order op.), *rev. denied* (Minn. Jan. 27, 2021); *State v. Thomas*, No. A21-1408 (Minn. App. Sept. 19, 2022) (order op.), *rev. denied* (Minn. Jan. 17, 2023).

2. Here, appellant moved the district court to correct or modify his sentence. Appellant argued that his sentence was unlawful under Minnesota Rule of Criminal Procedure 27.03, subdivision 9, because he did not receive or have an opportunity to object to the presentencing investigation (PSI) report as was required under Minnesota Statutes section 244.10, subdivision 1 (2014).

3. The district court interpreted appellant's motion as a petition for postconviction relief. In its denial, the district court concluded that appellant's claim was procedurally barred because appellant knew or should have known about the PSI issue at the time of direct appeal and at the time of the prior postconviction proceedings. The district court also reasoned that appellant's claim was not the type of challenge that would entitle him to relief under rule 27.03, subdivision 9.

4. On appeal, appellant argues that the district court abused its discretion by interpreting his rule 27.03 motion to correct his sentence as a petition for postconviction relief. Appellant also argues that his sentence is unlawful because he was not served a copy of the PSI. Appellant further contends that his sentence is disparate as compared to his codefendants.

5. We review denials of motions to correct or modify a sentence and denials of petitions for postconviction relief under the same abuse-of-discretion standard. *Hannon v. State*, 957 N.W.2d 425, 432 (Minn. 2021) (applying the abuse-of-discretion standard to petitions for postconviction relief); *State v. Amundson*, 828 N.W.2d 747, 752

(Minn. App. 2013) (“[we] will not reverse [a] district court’s denial of a motion brought under rule 27.03, subdivision 9, to correct a sentence, unless the district court abused its discretion or the original sentence was unauthorized by law”). “A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record.” *State v. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019) (quotation omitted).

6. The record does not support appellant’s argument about the PSI report. Appellant’s defense counsel had a copy of the PSI when they filed their sentencing memorandum. Minn. Stat. § 244.10, subd. 1 (requiring district court to transmit copies of PSI to “the defendant or the defendant’s attorney” before a sentencing hearing). Although appellant moved to proceed pro se, the district court did not rule on appellant’s motion to proceed pro se until after defense counsel had received the PSI report and filed a memorandum in support of appellant’s sentencing argument. Because the district court distributed the PSI report to appellant’s defense counsel before appellant elected to proceed pro se, the district court satisfied the requirements under section 244.10, subdivision 1. Appellant’s argument that the district court failed to distribute the PSI report in violation of section 244.10, subd. 1, fails on its merits.

7. Appellant also fails to identify any way in which his guideline sentence is unlawful. *See* Minn. R. Crim. P. 27.09, subd. 3 (permitting a criminal defendant to challenge an unlawful sentence at any time). District courts have broad discretion in sentencing and we “generally will not interfere with a [district] court’s decision to impose a term within the presumptive sentence range.” *State v. Kangbateh*, 868 N.W.2d 10, 14

(Minn. 2015). Appellant’s original sentence was within the presumptive range. Nothing in the record reflects that the imposed sentence was unauthorized by law.² Thus, the district court did not abuse its discretion by denying appellant’s motion to correct or modify his original sentence.


8. Because the record does not support appellant’s argument about the PSI report and appellant’s sentence was authorized, we need not decide whether the district court erred in construing appellant’s rule 27.03 motion as a postconviction petition because, even if the district court erred, appellant would not be entitled to relief.

IT IS HEREBY ORDERED:

1. The district court’s order is affirmed.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: April 29, 2026

BY THE COURT



Judge Jon Schmidt

² Because the original sentence was authorized by law, we need not consider Appellant’s alternative arguments about his sentencing being disparate from his codefendants.