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**STATE OF MINNESOTA
IN COURT OF APPEALS
A13-0166**

In the Matter of the Welfare of:
A. J. B., Child

**Filed September 9, 2013
Affirmed
Johnson, Chief Judge**

Scott County District Court
File No. 70-JV-12-13167

David W. Merchant, Chief Appellate Public Defender, Susan Andrews, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Lori Swanson, Attorney General, St. Paul, Minnesota; and

Patrick J. Ciliberto, Scott County Attorney, Todd P. Zettler, Assistant County Attorney, Shakopee, Minnesota (for respondent)

Considered and decided by Johnson, Chief Judge; Ross, Judge; and Bjorkman, Judge.

UNPUBLISHED OPINION

JOHNSON, Chief Judge

A.J.B. pleaded guilty to fourth-degree criminal sexual conduct. The district court adjudicated him delinquent. On appeal, he argues that the district court erred by denying his request for a stay of adjudication. We affirm.

FACTS

This appeal arises from an incident that occurred on April 18, 2012, after school, while A.J.B. and two other children were walking home from a bus stop in Prior Lake. A.A.W., a teenage girl, was carrying a backpack. A.J.B. grabbed the backpack and told A.A.W. that he would give it back only if she flashed other boys. A.J.B. then put her in a headlock and dragged her to the townhouse where he lives. When A.A.W. attempted to retrieve her backpack, A.J.B. told her that she could get it back only if she kissed P.W.D., a teenage boy. She refused and wanted to leave, but A.J.B. still had her backpack. A.J.B. backed A.A.W. against the wall and reached down the front of her shirt. A.A.W. tried to stop him, but he forced her to her knees. A.A.W. fell on her back. P.W.D. sat on her stomach, holding her down, as A.J.B. pulled down her bra and touched her breast. The boys allowed her to stand but continued to keep her backpack. A.J.B. asked A.A.W. to kiss him and asked P.W.D. if he was going to “bang her.” As A.A.W. began to leave, A.J.B. reached inside her shirt again and grabbed her breast.

In June 2012, the state charged A.J.B. with fourth-degree criminal sexual conduct, a violation of Minn. Stat. § 609.345, subd. 1(c) (2010). In November 2012, A.J.B. pleaded guilty. During a disposition hearing in January 2013, A.J.B. requested a stay of adjudication. The district court denied the request and adjudicated A.J.B. delinquent. The district court ordered A.J.B. to complete treatment and therapy as recommended in a psychosexual evaluation and also ordered him to register as a predatory offender. A.J.B. appeals.

DECISION

A.J.B. argues that the district court erred by denying his request for a stay of adjudication.

The issue raised by A.J.B.'s appeal is governed by both a statute and a rule of juvenile delinquency procedure. The legislature has provided that, if a district court finds a child to be delinquent, the district court ordinarily should make a disposition that is "deemed necessary to the rehabilitation of the child." Minn. Stat. § 260B.198, subd. 1 (2010). But a district court has the alternative of continuing the case for a limited period of time, which is effectively a stay of adjudication. A district court may do so "when it is in the best interests of the child and when the child has admitted the allegations contained in the petition." Minn. Stat. § 260B.198, subd. 7 (2010). In that situation, "the court may continue the case for a period not to exceed 90 days," and the continuance "may be extended for one additional successive period not to exceed 90 days and only after the court has reviewed the case and entered its order for an additional continuance without a finding of delinquency." *Id.*

The applicable rule of court provides that, if charges have been proved or admitted, a district court "shall either . . . adjudicate the child delinquent [or] continue the case without adjudicating the child delinquent." Minn. R. Juv. Delinq. P. 15.05, subd. 1. "The adjudication or continuance without adjudication shall occur at the same time and in the same court order as the disposition." *Id.* The district court "may continue the case without adjudicating the child" if "it is in the best interests of the child and the protection of the public to do so." Minn. R. Juv. Delinq. P. 15.05, subd. 4(A).

This court has held that a district court “has broad discretion in determining whether to continue an adjudication in a delinquency proceeding.” *In re Welfare of J.R.Z.*, 648 N.W.2d 241, 244 (Minn. App. 2002) (quotation omitted), *review denied* (Minn. Aug. 20, 2002). A district court is not required to make “particularized findings on the court’s decision to impose or withhold adjudication of delinquency.” *Id.* at 246 (quotation omitted); *In re Welfare of J.L.Y.*, 596 N.W.2d 692, 695 (Minn. App. 1999), *review denied* (Minn. Sept. 28, 1999). Such findings “are required in determining a disposition, but not when deciding whether to adjudicate or stay adjudication.” *Id.*

In this case, the district court expressed reasons for adjudicating A.J.B. delinquent rather than continuing his case without adjudication. The district court stated that adjudicating A.J.B. delinquent served the interests of public safety because his offense is serious and because adjudication is “necessary to ensure and restore law abiding conduct.” The district court specifically noted its concern that A.J.B. complete treatment given the “egregious nature of the incident, and the significant impact on the victim.” The district court expressly stated that adjudication is in A.J.B.’s best interests. The district court also stated that it would be inappropriate to stay adjudication because A.J.B. may need more than six months to complete the recommended treatment and therapy programs. If the district court were to stay adjudication, and if the treatment and therapy programs were not completed within six months, the district court no longer would have the authority to compel A.J.B. to complete the programs because a juvenile court does not have authority to extend a continuance beyond 180 days. *See* Minn. Stat.

§ 260B.198, subd. 7; Minn. R. Juv. Delinq. P. 15.05, subd. 4(B); *J.R.Z.*, 648 N.W.2d at 245.

A.J.B. contends that the district court erred by not staying adjudication because the factors identified by the district court do not outweigh the factors supporting a stay. Specifically, A.J.B. contends that the offense was merely a “low-level criminal sexual assault,” that he is a low risk for reoffending, that he has no prior delinquency record or programming history, that he was cooperative in the pre-disposition evaluation process, that he has support from his family, that he does not use drugs or alcohol, and that he has no behavioral problems at school. A.J.B. further contends that a disposition, which includes a mandatory registration requirement, is not in his best interests and that it will “undermine[] the goal of rehabilitation.” In response, the state does not dispute that some factors support a stay of adjudication but notes that the district court “simply found other countervailing factors more significant, including the egregious nature of the offense, the significant impact on the victim, and the likelihood that treatment will take longer than a six-month stay of adjudication would allow.”

In light of the applicable law,¹ A.J.B.’s argument for reversal must overcome significant obstacles. To reiterate, the district court is given broad discretion in choosing

¹We are applying the caselaw cited above, *J.R.Z.* and *J.L.Y.*, because those two cases interpret the applicable statute and rule of court. We are not applying *In re Welfare of J.B.A.*, 581 N.W.2d 37 (Minn. App. 1998), *review denied* (Minn. Aug. 31, 1998), which A.J.B. cites, because that case concerns a denial of a request for a continuance for dismissal, which is governed by rule 14 of the rules of juvenile delinquency procedure. *Id.* at 38-39. We are not applying *In re Welfare of J.A.J.*, 545 N.W.2d 412 (Minn. App. 1996), which the state cites, because that case concerns a challenge to the terms of a disposition after an adjudication of delinquency. *Id.* at 414-15.

whether to adjudicate a child delinquent or to continue the case without adjudication, and the district court is not required to articulate any reasons for its decision. In this case, however, the district court did provide reasons. The record indicates that the district court articulated its reasons after carefully reviewing the file, including the petition, the psychosexual evaluation report, and the pre-dispositional investigation report. The district court demonstrated that it was fully engaged in and familiar with the relevant facts when it described the case as “a troubling case.” The district court’s reasons for not staying adjudication are based on the record before the district court, and the reasons logically support the decision to adjudicate A.J.B. delinquent rather than to stay adjudication. Thus, we conclude that the district court did not abuse its broad discretion by deciding to adjudicate A.J.B. delinquent.

In sum, the district court did not err by denying A.J.B.’s request for a stay of adjudication.

Affirmed.