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**STATE OF MINNESOTA
IN COURT OF APPEALS
A17-1064**

In the Matter of the Welfare of: C. C. S., Child.

**Filed June 11, 2018
Affirmed
Florey, Judge**

Hennepin County District Court
File No. 27-JV-15-6575

Mary F. Moriarty, Fourth District Public Defender, Peter W. Gorman, Assistant Public Defender, Minneapolis, Minnesota (for appellant)

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

Michael O. Freeman, Hennepin County Attorney, Linda K. Jenny, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Considered and decided by Florey, Presiding Judge; Reilly, Judge; and Bratvold, Judge.

UNPUBLISHED OPINION

FLOREY, Judge

Appellant challenges a district court order, issued after the period for revoking a stay of adjudication in a juvenile-delinquency proceeding, specifying that the victim is entitled to seek docketing of restitution as a civil judgment. Appellant argues that the district court lacked subject-matter jurisdiction to issue the order because the district court lacked jurisdiction over the charges at that time. We affirm.

FACTS

The state charged 17-year-old appellant C.C.S. with receiving stolen property after officers discovered him driving a stolen van. On April 20, 2016, appellant admitted to the elements of the offense. The district court stayed adjudication of delinquency for 180 days and ordered a restitution study. In its written order following the hearing, the district court ordered, “All amounts of restitution owed must be paid in full by the child’s 19th birthday or the amount of the unpaid restitution shall be reduced to a judgment against the child.”

The Hennepin County juvenile probation division completed a restitution report in June 2016 recommending restitution in the amount of \$2,475.84. Appellant’s attorney was sent a copy of the report, but appellant did not timely challenge the restitution amount. In October 2016, the district court extended the stay of adjudication for an additional 180 days. On November 7, 2016, the state informed the court that restitution had not been paid and that the state “wanted that addressed . . . to confirm that he does in fact owe that and needs to start paying.” The district court ordered appellant “to pay Restitution in the amount of \$2,475.84.”

In April 2017, the stay of adjudication expired. At a hearing in May 2017, the state acknowledged that the period to revoke the stay of adjudication ended in April, but argued that restitution should be docketed as a civil judgment under Minn. Stat. § 611A.04, subd. 3 (2016). Appellant argued that docketing the restitution order amounted to an impermissible modification of the restitution order after jurisdiction expired. On June 12, 2017, the district court filed an order indicating that the victim “is entitled to a judgment against [C.C.S.] . . . in the amount of \$2,475.84” and the victim “is entitled to have this

Restitution Order docketed upon the filing of an Affidavit of Identification as set forth in Minnesota Statute [section] 548.09, Subd. 2, with the District Court Administrator, County of Hennepin.”

This appeal followed.

DECISION

Appellant argues that the district court lacked subject-matter jurisdiction after the stay of adjudication ended to issue the order notifying the parties and the victim that the victim is entitled to seek docketing of the restitution order as a civil judgement.

“Subject matter jurisdiction is a court’s statutory or constitutional *power* to adjudicate the case.” *In re Leslie v. Emerson*, 889 N.W.2d 13, 15 (Minn. 2017) (quotation omitted). A court lacks subject-matter jurisdiction when it “does not have the authority to hear and determine a particular class of actions and the particular questions that the court assumes to decide.” *Vang v. State*, 788 N.W.2d 111, 117 (Minn. 2010). Subject-matter jurisdiction is a question of law that we review de novo. *Nelson v. Schlener*, 859 N.W.2d 288, 291 (Minn. 2015); *see also In re Welfare of Children of A.I.*, 779 N.W.2d 886, 894 (Minn. App. 2010) (“Jurisdiction in juvenile court matters is a question of law, reviewed de novo.”), *review dismissed* (Minn. Apr. 20, 2010). “Because subject-matter jurisdiction is a fundamental question that determines the right of a court to adjudicate a particular matter, it may not be conferred on the court by agreement of the parties nor by their waiver of the right to object.” *In re Welfare of M.J.M.*, 766 N.W.2d 360, 364 (Minn. App. 2009) (quotation omitted), *review denied* (Minn. Aug. 26, 2009).

A juvenile court “may dismiss the [delinquency] petition or otherwise terminate its jurisdiction . . . at any time.” Minn. Stat. § 260B.193, subd. 5(a) (2016). Unless jurisdiction is terminated by the court, jurisdiction continues until an individual becomes 19 years old. *Id.* When a juvenile admits allegations contained in a delinquency petition, the district court may continue the case for 180 days without adjudication. Minn. Stat. § 260B.198, subd. 7 (2016). The stay of adjudication may be extended for an additional 180-day period if the prosecutor consents and the court reviews the case. *Id.* A stay of adjudication “does not extend the court’s jurisdiction under section 260B.193.” *Id.* “A probation revocation proceeding to adjudicate the child on any allegation initially continued without adjudication must be commenced within the [two successive 180-day] period[s] . . . , or juvenile court jurisdiction over the charges terminates.” Minn. R. Juv. Delinq. P. 15.05, subd. 4(F).

It is undisputed that the district court’s subject-matter jurisdiction over the charge terminated in April 2017 without an adjudication of delinquency. After April 2017, the district court had no authority to adjudicate appellant delinquent or issue an order modifying the conditions of probation. *See State v. Pflepsen*, 590 N.W.2d 759, 765 (Minn. 1999) (noting that a district court has no authority to modify a sentence or the conditions of probation once probation has expired); *see also In re Welfare of H.A.D.*, 764 N.W.2d 64, 67 (Minn. 2009) (concluding that a district court lacked statutory authority to order restitution after a period of probation expired). At issue in this case is whether the district court had authority to issue its order in June 2017, advising that the victim is entitled to have the restitution order docketed as a civil judgment.

In juvenile-delinquency matters, restitution is governed by both the restitution provision of the delinquency statutes, Minn. Stat. § 260B.198, subd. 1(5) (2016), and the general restitution statute, Minn. Stat. § 611A.04 (2016). *H.A.D.*, 764 N.W.2d at 66. The delinquency statutes permit a district court to enter a restitution order during a stay of adjudication. Minn. Stat. § 260B.198, subds. 1(5), 7(a); Minn. R. Juv. Delinq. P. 15.05, subd. 4(D); *In re Welfare of I.N.A.*, 902 N.W.2d 635, 642 (Minn. App. 2017), *review denied* (Minn. Nov. 28, 2017). In November 2016, during the stay of adjudication and with proper jurisdiction, the district court explicitly ordered appellant to pay restitution in the amount of \$2,475.84.

The general restitution statute provides that the court administrator “shall keep records of the amount of restitution ordered in each case, any change made to the restitution order, and the amount of restitution actually paid by the offender.” Minn. Stat. § 611A.04, subd. 2. The restitution order “may be enforced by any person named in the order to receive the restitution . . . in the same manner as a judgment in a civil action.” *Id.*, subd. 3. The restitution order “shall be docketed as a civil judgment, in the name of any person named in the order . . . , by the court administrator of the district court in the county in which the order of restitution was entered.” *Id.*

Generally, in civil actions, a judgment in an amount of money “shall be entered by the court administrator when ordered by the court.” See Minn. Stat § 548.09, subd. 1 (2016). The civil judgment will then be docketed by the court administrator when the person to whom the money is owed files an affidavit with the court administrator. See Minn. Stat. § 548.09, subds. 1-2 (2016).

Based on the November 2016 restitution order, the court administrator was required to keep a record of the amount of restitution ordered and to monitor the status of appellant's restitution payments. Minn. Stat. § 611A.04, subd. 2. The November 2016 restitution order had not yet been docketed as a civil judgment by court administration at the time that jurisdiction over the charges ended. The court administrator is required to docket the restitution, and the victim may ensure that it is docketed by filing an affidavit. *Id.*, subd. 3; Minn. Stat. § 548.09, subds. 1-2. None of these actions required the district court to issue an order as it did in this case. But the district court did not order anything more than what had already been ordered; the court only informed the victim how to ensure docketing of the restitution order as a civil judgment by filing an affidavit.

We discern no support for appellant's argument that the district court lacked subject-matter jurisdiction to issue the order. It was not, as appellant argues, a modification of the disposition. The amount of restitution ordered in November 2016 is a debt owed to the victim, whether docketed by the court administrator or not. *See* Minn. Stat. § 611A.04, subd. 3. The June 2017 order did not change the substantive order of restitution issued in November 2016. Nor did it adjudicate the charges. The victim had a statutory right to seek docketing of the restitution owed by appellant without the district court's additional order.¹ We discern no reversible error in the district court's act.

¹ If anything, the order was akin to a correction of a clerical error, as the previously written restitution order did not explicitly name the victim entitled to the restitution, which is presumably a requirement for enforcement under the restitution statute. *See* Minn. Stat. § 611A.04, subd. 3 ("An order of restitution may be enforced by any person *named* in the order to receive the restitution . . .").

Appellant also argues that a district court may not order restitution during a stay of adjudication, and asks us to overturn our recent decision in *I.N.A.* In *I.N.A.*, this court held that restitution may be ordered during a stay of adjudication. 902 N.W.2d at 635. “[T]his court[] is bound by supreme court precedent and the published opinions of the court of appeals.” *State v. M.L.A.*, 785 N.W.2d 763, 767 (Minn. App. 2010), *review denied* (Minn. Sept. 21, 2010). We will overrule our own precedent only if there is a compelling reason to do so. *Ariola v. City of Stillwater*, 889 N.W.2d 340, 356 (Minn. App. 2017), *review denied* (Minn. Apr. 18, 2017). Our holding in *I.N.A.* is sound; we decline appellant’s request to abandon it.

Affirmed.