

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A21-1593**

State of Minnesota,
Respondent,

vs.

Lawren John Barse, Sr.,
Appellant.

**Filed June 13, 2022
Affirmed
Ross, Judge**

Itasca County District Court
File No. 31-CR-16-626

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

Matti R. Adam, Itasca County Attorney, David S. Schmit, Assistant County Attorney,
Grand Rapids, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Rebecca Ireland, Assistant Public
Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Ross, Presiding Judge; Johnson, Judge; and Slieter,
Judge.

NONPRECEDENTIAL OPINION

ROSS, Judge

Lawren Barse Sr. was on probation in South Dakota in 2018 for a 2016 Minnesota
drug-possession and first-degree drunk-driving conviction when his South Dakota
probation officer reported four probation violations. Despite a nationwide Minnesota

warrant for Barse's return to Minnesota for the alleged violations, Barse was arrested, charged, and sentenced in South Dakota for felony assault but not returned to Minnesota until 2021, when he was arrested for crimes in North Dakota. Because the district court acted within its discretion when it revoked Barse's probation for failing to remain law abiding and failing to maintain contact with his probation officer, we affirm the probation revocation.

FACTS

The district court convicted Lawren Barse Sr. and sentenced him to serve concurrent prison terms of 46 and 19 months, respectively, after he pleaded guilty in 2016 to first-degree impaired driving and fifth-degree controlled-substance possession. The district court stayed execution of Barse's imprisonment on conditional probationary terms. Among other terms, the district court conditioned the stay on Barse's remaining law abiding and maintaining contact with his probation officer. Minnesota transferred Barse's probation to South Dakota.

In September 2018, the district court in Minnesota issued a nationwide warrant for Barse's arrest for probation violations reported originally by Barse's South Dakota probation officer. Barse had broken contact with the probation officer, who learned also that a South Dakota court had issued a warrant for Barse's arrest for felony assault. For reasons unclear from the record, despite the then two-year-old Minnesota warrant, after Barse served 117 days in jail awaiting trial on that felony-assault charge and was convicted and sentenced to time served, he was released from custody in September 2020 without being returned to Minnesota. He surfaced about a year later in North Dakota, where he was

arrested on new charges and finally delivered to Minnesota on the three-year-old probation-violation warrant.

The district court heard evidence from Barse's Minnesota and South Dakota probation officers, who detailed Barse's criminal conduct and his absconding from contact with his assigned probation officers. The district court found that clear and convincing evidence proved that Barse violated the probation terms by failing to remain law abiding and to maintain contact with probation officers. It also found that the violations were intentional and inexcusable and that the need for Barse's confinement outweighs the policies favoring probation. It revoked Barse's probation.

Barse appeals.

DECISION

Barse challenges the district court's probation-revocation order. We review orders revoking probation for a clear abuse of discretion, but whether the district court made all the necessary findings is a question of law that we review de novo. *State v. Modtland*, 695 N.W.2d 602, 605 (Minn. 2005). We have no difficulty affirming the district court's probation-revocation decision here.

We reject Barse's contention that the district court failed to find the necessary probation-revocation factors. The district court may revoke probation only after it identifies the probation conditions violated, finds that the violation was intentional or inexcusable, and finds that the need for confinement outweighs the policies favoring probation. *State v. Austin*, 295 N.W.2d 246, 250 (Minn. 1980). The third factor, which is the basis of Barse's appeal, requires the district court to balance "the probationer's interest in freedom and the

state's interest in [e]nsuring his rehabilitation and the public safety.” *Id.* It is true that the district court could have elaborated further in its balancing, but it did enough. It observed that Barse had been afforded probation rather than presumptive execution of his prison term, meaning that he is entitled to “less judicial forbearance” after a probation violation. *State v. Osborne*, 732 N.W.2d 249, 254 (Minn. 2007); *see also* Minn. Sent. Guidelines 3.B (2015). The district court also found that, because of Barse’s “continued violation of the law” while on probation, confinement is necessary to protect the public and to avoid unduly depreciating the seriousness of his violations. These barebones considerations echo those identified in *Austin*, 295 N.W.2d at 251. The district court sufficiently, though sparingly, weighed Barse’s interest in his freedom against the state’s interest in confining him.

And the record abundantly supports the findings. Barse asserts, quite euphemistically we think, that his three years of avoiding the probation officers shows that he became “lackadaisical” about maintaining his required, frequent contact. His lengthy absconding alone supports the district court’s finding that the need to confine him outweighs the policies favoring probation. *State v. Rotello*, 798 N.W.2d 92, 94–95 (Minn. App. 2011) (affirming probation-revocation order based on probationer’s failing to maintain contact), *rev. denied* (Minn. July 19, 2011). And Barse does not challenge the premise that he aided and abetted an aggravated assault despite his probationary duty to remain law abiding. The record adequately indicates that the need to protect the public from Barse substantially outweighs any policy-based consideration for continuing in his probation.

Affirmed.