

*This opinion is nonprecedential except as provided by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
A22-1363**

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

**Filed May 22, 2023
Affirmed
Smith, Tracy M., Judge**

Clay County District Court
File No. 14-JV-21-3781

Cathryn Middlebrook, Chief Appellate Public Defender, Chang Y. Lau, Assistant Public Defender, St. Paul, Minnesota (for appellant J.C.)

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

Brian J. Melton, Clay County Attorney, Pamela Foss, Chief Assistant County Attorney, Moorhead, Minnesota (for respondent State of Minnesota)

Considered and decided by Cochran, Presiding Judge; Worke, Judge; and Smith, Tracy M., Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

Appellant J.C. challenges the district court's order adjudicating her delinquent for fifth-degree assault, arguing that the adjudication must be reversed and remanded because the district court failed to consider her best interests and public safety when deciding to adjudicate her delinquent rather than withhold adjudication. We affirm.

FACTS

On October 5, 2021, during a fire drill at her high school, 14-year-old J.C. approached Z.M., grabbed her hair, pulled her to the ground, and punched her while yelling profanities. A teacher eventually broke up the fight.

The state charged J.C. by juvenile-delinquency petition with fifth-degree criminal assault pursuant to Minnesota Statutes section 609.224, subdivision 1(2) (2020), and disorderly conduct pursuant to Minnesota Statutes section 609.72, subdivision 1(1) (2020).

J.C. represented herself at the court trial.¹ Z.M. and the teacher testified about the fight, and J.C.'s mother testified that J.C. had been bullied by other students, including Z.M. In a written order that followed, the district court found J.C. guilty of both counts in the petition. The district court then held a disposition hearing and thereafter filed a disposition order. In the disposition order, the district court adjudicated J.C. delinquent for the fifth-degree-assault count, placed her on supervised probation for an indefinite term, and imposed conditions, including that J.C. complete an online class on conflict resolution within 90 days. The district court stated that, "after considering alternative dispositions," it found that the disposition was "the most appropriate disposition" and was "in the best interest of the child, based on all of the information gathered at [the disposition] hearing." Approximately three weeks later, after J.C. had certified completion of the class, the district court discharged J.C. from probation, finding that all probation conditions were satisfied.

¹ The child was previously represented by a series of public defenders. After J.C. objected to continued representation by the public defender's office, the district court—after ensuring that J.C.'s waiver of counsel was knowing, intelligent, and voluntary—discharged the public defender's office and J.C. proceeded pro se.

J.C. appeals.

DECISION

J.C. argues that the adjudication must be reversed and the case remanded to the district court because the district court failed to consider the proper factors when deciding whether to adjudicate her delinquent. J.C. asserts that the Minnesota Rules of Juvenile Delinquency Procedure and Minnesota statutory law require district courts to consider whether a stay of adjudication would be in the child's best interests or inimical to public safety before adjudicating a child delinquent. J.C. asserts that, because the district court did not consider those two factors when adjudicating her delinquent, the district court failed to exercise its discretion and therefore abused its discretion.

Appellate courts review a juvenile-delinquency disposition, including the decision to stay adjudication, for an abuse of discretion. *In re Welfare of J.B.A.*, 581 N.W.2d 37, 38 (Minn. App. 1998), *rev. denied* (Minn. Aug. 31, 1998). But the interpretation of statutes and procedural rules are questions of law, which are reviewed de novo. *In re Welfare of J.J.P.*, 831 N.W.2d 260, 264 (Minn. 2013); *In re Welfare of C.J.H.*, 878 N.W.2d 15, 19 (Minn. 2016). When interpreting statutes and rules, appellate courts must apply their plain meaning when the language is unambiguous. *J.J.P.*, 831 N.W.2d at 264; *C.J.H.*, 878 N.W.2d at 21.

J.C.'s argument is founded on Minnesota Rule of Juvenile Delinquency Procedure 15.05, subdivision 4(A), and Minnesota Statutes section 260B.198, subdivision 7(a) (2022). Minnesota Rule of Juvenile Delinquency Procedure 15.05, subdivision 1, sets forth the district court's options after charges have been proved in a delinquency proceeding.

Subdivision 1 provides that “the [district] court shall either: (A) adjudicate the child delinquent pursuant to Minnesota Statutes, section 260B.198, subdivision 1; or (B) continue the case without adjudicating the child delinquent pursuant to Minnesota Statutes, section 260B.198, subdivision [7].” In turn, section 260B.198, subdivision 7(a), provides, “When it is in the best interests of the child to do so and not inimical to public safety . . . the court may continue the case for a period not to exceed 180 days on any one order.” Minn. Stat. § 260B.198, subd. 7(a); *see also* Minn. R. Juv. Delinq. P. 15.05, subd. 4(A) (“When it is in the best interests of the child and not inimical to public safety to do so, the court may continue the case without adjudicating the child.”).

J.C. recognizes that neither the supreme court nor this court has ever held that a district court abuses its discretion by failing to consider a child’s best interests and public safety when deciding whether to adjudicate the child or stay adjudication. We are unpersuaded that we should so rule in this case.

Under the unambiguous language of the rule and the statute, a district court may continue a case without adjudication if it finds that a stay of adjudication is in the best interests of the child and not inimical to public safety. J.C. asserts the inverse—that district courts must consider whether a stay of adjudication would be in the best interests of the child and not inimical to public safety before deciding *not* to continue a case. Although a district court may consider those factors in denying a motion to continue a case, *see, e.g., In re the Welfare of J.R.Z.*, 648 N.W.2d 241, 245-46 (Minn. 2002), the plain language of the rule and the statute does not compel the reading advanced by J.C. *See C.J.H.*, 878 N.W.2d at 21.

J.C. contends, though, that caselaw regarding sentencing departures in the adult criminal context provides support for her position by analogy. She argues that, just as a district court's "failure to properly exercise discretion by applying the relevant law" before denying a sentencing departure is an abuse of discretion, so, too, is a district court's failure to evaluate the factors for a stay of adjudication before adjudicating a child delinquent. J.C. relies on *State v. Curtiss*, 353 N.W.2d 262 (Minn. App. 1984), and *State v. Mendoza*, 638 N.W.2d 480 (Minn. App. 2002), *rev. denied* (Minn. Apr. 16, 2002), in which this court reversed and remanded a denial of a sentencing departure when the district court either failed to consider any reasons for departure (*Curtiss*) or considered improper reasons (*Mendoza*).

In *Curtiss* and *Mendoza*, though, the defendants requested downward departures. J.C. has cited no authority for the proposition that a district court abuses its discretion by failing to consider whether to depart in sentencing when no departure request has been made. Here, J.C. did not request a continuance or argue for any alternative disposition. In these circumstances, we discern no abuse of discretion in the district court's decision to adjudicate J.C. delinquent rather than continue the case after finding her guilty of the charged offenses.

Affirmed.