

*This opinion is nonprecedential except as provided by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
A24-0095**

In the Matter of the Civil Comment of: Terry Lee Bryant.

**Filed July 8, 2024
Affirmed
Wheelock, Judge**

Morrison County District Court
File No. 49-PR-23-464

Jennifer Thon, Jonathon M. Comuzzi, Jones Law Office, Mankato, Minnesota (for appellant Terry Lee Bryant)

Keith Ellison, Attorney General, Angela Helseth Kiese, Assistant Attorney General, St. Paul, Minnesota; and

Brian Middendorf, Morrison County Attorney, Little Falls, Minnesota (for respondent Morrison County Attorney's Office)

Considered and decided by Wheelock, Presiding Judge; Ede, Judge; and Jesson, Judge.*

NONPRECEDENTIAL OPINION

WHEELOCK, Judge

Appellant challenges the district court's order indeterminately committing him as a sexually dangerous person (SDP) and sexual psychopathic personality (SPP). Because the district court demonstrated that it conducted a meaningful and independent review of the

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

evidence and its determination that appellant is likely to reoffend and is dangerous to others is supported by the record, we affirm.

FACTS

In May 2023, respondent Morrison County Attorney's Office (Morrison County or the county) petitioned the district court for civil commitment¹ of appellant Terry Lee Bryant as an SDP and SPP. Following trial, the district court found that clear and convincing evidence supported its conclusion that Bryant should be indeterminately committed as an SDP and SPP to the Minnesota Sex Offender Program (MSOP).

Bryant has a lengthy criminal history, including but not limited to multiple sexual assaults between 2000 and 2013 in which he engaged in sexual acts with minors in at least three different states (Florida, Georgia, and Minnesota). The record indicates that seven victims, all of whom were between the ages of 14 and 17 while Bryant was over the age of 18, reported his crimes to the police. The details of the crimes are omitted from these facts, but Bryant was convicted of crimes against four of the victims. One of Bryant's victims testified at Bryant's civil-commitment trial to the details of the offense against her and to threats that Bryant made to her while he was incarcerated. The district court found that she exhibited many symptoms of someone who experienced trauma, as she detailed having regular nightmares, not enjoying sex with her husband, and seeing a therapist and a psychiatrist regularly.

¹ The caption in this matter is taken from the district court record. Minn. R. Civ. App. P. 143.01 ("The title of the action shall not be changed in consequence of the appeal."). The caption here contains a typographical error that reads "Comment" instead of "Commitment," which we do not change.

Over the course of Bryant's time in prison or under supervised release and prior to his commitment to MSOP, he participated in various forms of sex-offender treatment at least six times and was terminated from treatment at least four times for failure to make progress or participate.

While incarcerated in Georgia from 2004 to the end of 2011, Bryant began using dating sites to meet people, and through these, he met J.N., a woman from Minnesota with whom he had a long-term relationship. In February 2012, roughly two months after being released from prison in Georgia, Bryant assaulted a man at a bar with a glass bottle. The State of Georgia charged Bryant with aggravated assault as well as failure to register as a sex offender. Immediately after learning of the charges, Bryant fled to Minnesota and eluded law enforcement until June 2013.

After being brought into custody on his Georgia assault charge, Bryant chose to be incarcerated in Minnesota and remained in a relationship with J.N.; however, Bryant continued to use online dating sites, phone calls, and emails to encounter new people. Bryant reported receiving roughly 100 nude pictures from women he met on these sites and sending at least as many nude pictures of himself. At his civil-commitment trial, Bryant admitted that he flattered these people and told them he wanted to be in a relationship with them when he left prison so that they would send him money. After his release, he continued to access these sites and met with people to engage in sexual acts. The phone calls and emails demonstrate that he told people J.N. was his "ex." At his civil-commitment trial, Bryant stated that he had roughly 50 sexual partners while still in a committed relationship with J.N.

Bryant arranged many of these connections through a woman, K.L., whom he befriended through mutual acquaintances. K.L.'s mother identified K.L. as a vulnerable adult and obtained a no-contact order on behalf of K.L. against Bryant; though K.L. requested that the order be lifted, Bryant's supervising agents requested that it be reinstated. K.L. testified at Bryant's civil-commitment trial that she made dating profiles for Bryant and communicated with people for him until she could get their contact information and pass it along to him. K.L. testified that she believed Bryant only wanted friendship from the people he met. She also testified that she gave Bryant at least \$1,000 and that Bryant was "a little bit" manipulative. Despite Bryant's supervising agents ordering that Bryant have no contact with her, K.L. testified that they met up at least once per week when he was out on supervised release and spoke on the phone regularly. K.L. also testified that she had a sexual relationship with Bryant. Bryant testified that K.L. was like a sister who helped him by setting up dating profiles for sex and money, but he denied ever having a sexual relationship with her.

While Bryant was on supervised release, his supervising agents received many reports from community members about his behavior. The reports included Bryant continuing to have contact with individuals despite no-contact orders, harassing women, and attempting to engage minor-aged girls in sexual relationships. Bryant's supervising agents restructured his release seven times between March 2019 and November 2021.

In November 2021, the supervising agents requested that Bryant's release be revoked due to his repeated violations, including termination from sex-offender treatment, failure to comply with requirements of supervision, and failure to refrain from assaultive,

abusive, violent, harassing, stalking, threatening, and other behavior that posed a risk to the public. He was released again in January 2022.

In November 2022, Bryant's supervising agents requested that his release be revoked again, this time after a woman reported that Bryant harassed and stalked her after she refused to engage in a sexual relationship with him. In the case notes associated with this revocation, Bryant's supervising agents observed that "[w]e have had few clients that are as high risk as [Bryant] is and he continues to violate his conditions of release."

In May 2023, Morrison County petitioned the district court to issue a hold order during the pendency of Bryant's civil-commitment proceedings. While in custody on the hold order, Bryant exposed his genitals to two female inmates. One of these women testified at Bryant's civil-commitment trial. Bryant denied these allegations in his testimony.

Pursuant to the petition for civil commitment, the district court appointed Dr. Lisa Keller to serve as a court-appointed examiner, and the parties agreed that Dr. Tyler Dority would serve as a second examiner. Each expert examiner prepared a report of their findings and testified at trial. Both experts recommended that Bryant be indeterminately committed as an SDP and SPP.

The district court held a trial in September 2023 and issued its order in November 2023. The district court determined that the county proved by clear and convincing evidence that Bryant is an SDP and SPP and that he should be indeterminately committed to MSOP.

Bryant appeals.

DECISION

Bryant argues that the district court erred by (1) adopting the county's proposed order nearly verbatim and failing to independently examine the evidence, including making findings not supported by the record and believing an expert's testimony despite conflicts between the testimony and the record, and (2) not providing sufficient findings to support its conclusion that Bryant would be likely to reoffend and is dangerous to others, specifically challenging the district court's analysis of the *Linehan* factors. *In re Civ. Commitment of Linehan*, 518 N.W.2d 609, 614 (Minn. 1994).

A person may be civilly committed as an SDP or SPP, or both, if the county proves that the statutory commitment criteria are met by clear and convincing evidence. Minn. Stat. § 253D.07, subd. 3 (2022). An SDP is a person who (1) “has engaged in a course of harmful sexual conduct”; (2) “has manifested a sexual, personality, or other mental disorder or dysfunction”; and (3) “as a result, is likely to engage in acts of harmful sexual conduct.” Minn. Stat. § 253D.02, subd. 16 (2022). SPP exists in a person who has

such conditions of emotional instability, or impulsiveness of behavior, or lack of customary standards of good judgment, or failure to appreciate the consequences of personal acts, or a combination of any of these conditions, which render the person irresponsible for personal conduct with respect to sexual matters, if the person has evidenced, by a habitual course of misconduct in sexual matters, an utter lack of power to control the person's sexual impulses and, as a result, is dangerous to other persons.

Minn. Stat. § 253D.02, subd. 15 (2022).

If a district court determines that clear and convincing evidence supports commitment as an SDP or SPP,

the court shall commit the person to a secure treatment facility unless the person establishes by clear and convincing evidence that a less restrictive treatment program is available, is willing to accept the [person] under commitment, and is consistent with the person's treatment needs and the requirements of public safety.

Minn. Stat. § 253D.07, subd. 3.

We review a district court's factual findings for clear error. *In re Civ. Commitment of Stone*, 711 N.W.2d 831, 836 (Minn. App. 2006), *rev. denied* (Minn. June 20, 2006). We view the evidence in the light most favorable to the findings, do not find facts, do not reweigh the evidence, do not resolve conflicting evidence, and “need not go into an extended discussion of the evidence to prove or demonstrate the correctness of the findings of the [district] court.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-22 (Minn. 2021) (quotation omitted). We do not set findings of fact aside as clearly erroneous unless we have a “definite and firm conviction that a mistake has been committed.” *Id.* at 221 (quotation omitted). Whether the evidence meets the statutory requirements for commitment is a question of law that we review de novo. *In re Civ. Commitment of Crosby*, 824 N.W.2d 351, 356 (Minn. App. 2013), *rev. denied* (Minn. Mar. 27, 2013).

I. The district court did not err by adopting the county's proposed order because the changes that the district court made in its order demonstrate thoughtful and independent analysis.

Bryant first challenges the district court's decision to adopt the county's proposed order nearly verbatim and, in doing so, failing to independently develop its own findings

and conclusions. Bryant argues that the district court did not independently consider this matter because the order includes findings that are not supported by the record and does not acknowledge errors in the experts' risk assessments and recommendations. To support his arguments, Bryant asserts that the district court wrote only 20 sentences of its order and highlights the limited number of differences between the proposed and final orders—emphasizing the district court's failure to correct typos in the proposed order before adopting the final order.

Although a district court may adopt a party's proposed findings and conclusions, *see Bersie v. Zycad Corp.*, 417 N.W.2d 288, 292 (Minn. App. 1987), *rev. denied* (Minn. May 5, 1988), this practice is not preferred, *In re Child. of T.A.A.*, 702 N.W.2d 703, 707 n.2 (Minn. 2005) ("The district court adopted the county's proposed findings verbatim. While we have declined to adopt a blanket prohibition on the practice, we take this opportunity to repeat that our preference is for a court to independently develop its own findings." (quotation omitted)). "Therefore, when we review a court's verbatim adoption of one party's proposed findings, we . . . conduct a careful and searching review of the record." *Dukes v. State*, 621 N.W.2d 246, 258 (Minn. 2001). We will review the order "to determine whether a court exercised its 'own careful consideration of the evidence, of the witnesses, and of the entire case.'" *Id.* (quoting *Bradley v. Md. Cas. Co.*, 382 F.2d 415, 423 (8th Cir. 1967)); *see In re Civ. Commitment of Spicer*, 853 N.W.2d 803, 811 (Minn. App. 2014) (explaining that the length of an order is not determinative; rather, the order must "identify the facts that the district court has determined to be true and the facts on which the district court's decision is based" to permit meaningful appellate review). But

we do not make credibility determinations, including the credibility of expert witnesses, as this is best left to the district court. *In re Alleged Psychopathic Personality of Joelson*, 385 N.W.2d 810, 811 (Minn. 1986) (“Where the findings of fact rest almost entirely on expert opinion testimony, the . . . judge’s evaluation of credibility is of particular significance.”); *see Kenney*, 963 N.W.2d at 224 (“But a factfinder is not bound by witness testimony, even if uncontradicted, when there is reason to doubt the testimony. A factfinder is not required to accept even uncontradicted testimony if improbable or if surrounding facts and circumstances afford reasonable grounds for doubting its credibility.” (quotation omitted)).

The decision to commit someone, especially indeterminately, is a difficult task that requires consideration of a sizeable record and extensive facts. *In re Civ. Commitment of Ince*, 847 N.W.2d 13, 23 (Minn. 2014). Civil commitment of any kind represents “serious constraints on an individual’s liberty interests.” *In re Civ. Commitment of Lindquist*, No. A17-0676, 2017 WL 3687808, at *3 (Minn. App. Aug. 28, 2017).² We recognize that once a district court determines that a person is an SDP or SPP and is committed to MSOP, it is very challenging ever to be released. *See* Minn. Dep’t of Hum. Servs., *Minnesota Sex Offender Program Statistics* (Mar. 28, 2024), <https://mn.gov/dhs/people-we-serve/adults/services/sex-offender-treatment/statistics.jsp> [<https://perma.cc/P3C3-H3WP>] (stating that, in March 2024, MSOP had 734 civilly committed clients and only 24 clients

² Minn. R. Civ. App. P. 136.01, subd. 1(c) (“[N]onprecedential opinions may be cited as persuasive authority.”).

had ever been fully discharged from commitment). Therefore, this is not a decision that courts should take lightly.

Here, the district court ordered that Bryant be indeterminately committed as an SDP and SPP. Although Bryant is correct that much of the district court's order is adopted verbatim from the county's proposed order, we conclude that the record and the district court's changes to the order reflect that the district court meaningfully reviewed his case. When comparing the proposed order with the district court's order, it is clear that the district court made credibility determinations and engaged in legal analysis and thus did more than merely adopt the county's proposed findings and conclusions verbatim.

First, the district court made credibility determinations. For example, Bryant argues that, because Dr. Keller made mistakes while testifying, the district court erred when it found her credible. But the district court made its own credibility determination and did not simply adopt the county's proposed language as to her credibility. The district court included the following analysis in its order, which had not been included in the county's proposed order: "Being a relatively new examiner, Dr. Keller clearly struggled with the legal verbiage in various documents utilized in her examination of Bryant. However, the Court found those struggles to be negligible as applied to her entire examination of Bryant." The district court explained and supported its decision to credit Dr. Keller's testimony. Because we defer to the district court's credibility determination, including its determination that any errors in Dr. Keller's report or testimony were negligible, we discern no error on this basis.

Second, the district court included independent legal analysis in its final order. For example, when considering the second element of the SPP determination—whether Bryant demonstrates emotional instability, impulsiveness, a lack of good judgment standards, or a failure to appreciate consequences of his actions—the district court added that “[Bryant’s] compulsions clearly overrode evident, severe and imminent consequences for his actions, such as revocation of his supervised release status.” A few paragraphs later, the district court also added that “[Bryant] lacked good judgment in associating with juveniles well past his own juvenile status. He had no regard for restraining orders or instructions to stay away from various individuals.” As to the determination that Bryant would be highly likely to engage in harmful sexual conduct in the future and is dangerous to others, the district court stated, “This was demonstrated in his identification of various triggers while still intentionally engaging in those triggering behaviors. By his history of non-compliance, he appears completely unable to consistently and reliably maintain law abiding behavior.” Additionally, the district court added its analysis of the experts’ findings and conclusions regarding these requirements:

These assessments are supported by Bryant’s own demonstrated behaviors. He has continued to use dating applications while in prison. He has sought out an individual despite a restraining order in effect. He returned to a victim’s house after being told by the parents to stay away. Clearly, his impulses have overridden, and continue to override, compliance with legal parameters, rules and regulations of sex offender treatment, and societal norms.

In sum, we determine that the district court did not commit reversible error when it adopted the county’s proposed order nearly verbatim because the changes that it made

demonstrate a meaningful and independent review of the case. The district court explained why it found the testimony of Dr. Keller to be credible, provided additional analysis to support its determination that Bryant met the requirements for indeterminate civil commitment as an SDP and SPP, and although the district court's order included slight errors such as typos, these are insignificant in light of the 110 pages of findings and analysis that support the district court's independent legal conclusion. We conclude that the district court's order enables effective appellate review; therefore, we discern no reversible error.

II. The district court did not err when it determined that Bryant would be highly likely to engage in harmful sexual conduct in the future and is dangerous to others, as required by the SDP and SPP statutes.

Bryant challenges the district court's determination that the SDP statute's third element, which requires that he be "likely to engage in acts of harmful sexual conduct," was satisfied. Minn. Stat. § 253D.02, subd. 16. The SDP statute defines "harmful sexual conduct" as "sexual conduct that creates a substantial likelihood of serious physical or emotional harm to another." *Id.*, subd. 8(a) (Supp. 2023). It then states that any conviction for criminal sexual conduct creates a rebuttable presumption that the act was "harmful sexual conduct." *Id.*, subd. 8(b) (Supp. 2023). This element also requires that the district court determine whether Bryant is "highly likely" to reoffend, which means it must be "difficult, if not impossible, for the person to control his dangerous behavior." *Ince*, 847 N.W.2d at 20.

Bryant also challenges the district court's determination that he is "dangerous to other persons" as required by the SPP statute. Minn. Stat. § 253D.02, subd. 15. Because

this requirement and the third element of the SDP statute are so similar, the district court analyzed them together.

Bryant argues that the county failed to prove by clear and convincing evidence that he is highly likely to reoffend and is dangerous to others. He specifically argues that (1) the district court erred by relying on the experts' findings and opinions, (2) the district court artificially inflated the risk that he would reoffend, and (3) the record does not support the district court's conclusions on each *Linehan* factor. We address each of Bryant's arguments in turn.

A. Expert Witnesses

A civil-commitment order cannot adopt an expert opinion completely without incorporating its own determinations. *Spicer*, 853 N.W.2d at 810 (explaining that a district court cannot merely recite or summarize portions of an expert witness's testimony without commenting independently on the witness's credibility, opinions, or foundation for their opinions). The district court must address the credibility of the expert before an expert's assertions may be identified as a finding of fact. *Id.* A district court's commitment order must also meaningfully tie the findings of fact to the conclusions of law. *Id.* at 811. Commitment cases "rely . . . heavily on the opinions of experts," *Ince*, 847 N.W.2d at 24, and determinations related to civil commitment often rest "almost entirely on expert opinion testimony," *Joelson*, 385 N.W.2d at 811. As stated previously, we defer to the district court's credibility determinations, which include the credibility of expert witnesses. *Id.* After examining the district court's order, we discern no error in the district court's reliance on the experts' opinions.

The district court began its analysis of these elements with overarching findings and incorporation of the experts' reports. Dr. Dority reported, and the district court found, that Bryant continues to alter history or minimize the impacts of his past crimes, has not demonstrated an ability to manage his sexual impulsivity, and refuses to learn or adapt his behavior despite being incarcerated frequently and attending sex-offender treatment numerous times. Dr. Keller reported, and the district court found, that Bryant struggles with impulsivity, repeatedly violates known rules, and demonstrates that he is not amenable to outpatient sex-offender treatment. The district court added its own observations that Bryant intentionally engages in triggering behaviors that lead to harmful sexual conduct. As stated above, the district court made credibility determinations about the experts in addition to incorporating the experts' findings, and therefore, we discern no error in the district court's reliance on the experts' opinions and findings.

B. Assessment Tools

Appellate courts “rely on the ability of district courts to weigh the evidence in each case, drawing the appropriate conclusions based on consideration of all the evidence.” *Ince*, 847 N.W.2d at 24.

The district court acknowledged the importance of using assessment tools in addition to a factor-based analysis to determine the likelihood that a person will reoffend. Throughout its analysis, the district court expressly addressed the potential for “double counting” when employing multiple actuarial tools and the *Linehan* factors. The district court's opinion states that, “[t]o the extent that actuarial tools or dynamic risk assessments consider those factors, the court does not give them additional weight to that already

revealed through the actuarial instruments and dynamic risk assessments in this case.” The district court also explained that it is necessary to use both assessment tools and factor tests because each method is imperfect and, often, these tools underestimate recidivism because of their limited research samples.

Doctors Keller and Dority used several assessment tools to determine whether Bryant was likely to reoffend. Dr. Keller used the Stable-2007 assessment tool, which helps predict recidivism in individuals who have sexually offended, and determined that Bryant scored in the “high” range, with 18 out of 24 possible points. Both experts used the Static-99R, which predicts recidivism in offenders with sexual and violent criminal histories. Bryant scored a seven for sexual recidivism in both experts’ reports, which places him in the “well above average risk” category. Dr. Keller noted that the risk of reoffending for an individual in this category is three to four times higher than “the average rate of reoffending for the overall population of individuals convicted of sexually motivated offenses” and that Bryant’s Static-99R score placed him in the 97.2 percentile for likelihood of reoffending.

Dr. Keller used the Structured Assessment of Protective Factors, which is a violence-risk assessment tool, and identified only 5 out of a possible 14 protective factors. Dr. Dority used the Violence Risk Scale-Sex Offense Version, a tool that uses 17 factors to determine sexual recidivism, and he determined that Bryant scored in the 99.7 percentile for likelihood to reoffend. Dr. Dority also used the Hare Psychopathy Checklist (PCL-R), which measures psychopathy based on personality traits and behaviors, and determined that Bryant scored in the range indicative of moderate psychopathy.

The district court incorporated the assessment tools' conclusions into its own findings and determined that they supported a conclusion that Bryant has a high risk of sexual recidivism. Bryant argues that the experts erred in their calculations and that they did not incorporate factors and tools that would have mitigated the determination that Bryant was at a high risk of reoffending. However, the district court heard and considered these arguments during cross-examination of the experts and still found the experts and their conclusions to be credible. Because we do not reweigh evidence and defer to the district court's credibility determinations, we discern no error in the district court's reliance on the experts' opinions and testimony. The record supports these findings. The district court demonstrated that it was aware of the risk of double counting and did not artificially inflate the risk of reoffending, and thus, we discern no error in the district court's assessment of the evidence on this issue.

C. Linehan Factors

Finally, Bryant argues that the record does not support the district court's conclusions on the *Linehan* factors when determining whether Bryant was likely to reoffend. The supreme court identified the following factors, known as the *Linehan* factors, as relevant when determining the danger an offender poses to the public:

(a) the person's relevant demographic characteristics (*e.g.*, age, education, etc.); (b) the person's history of violent behavior (paying particular attention to recency, severity, and frequency of violent acts); (c) the base rate statistics for violent behavior among individuals of this person's background (*e.g.*, data showing the rate at which rapists recidivate, the correlation between age and criminal sexual activity, etc.); (d) the sources of stress in the environment (cognitive and affective factors which indicate that the person may be predisposed to cope with

stress in a violent or nonviolent manner); (e) the similarity of the present or future context to those contexts in which the person has used violence in the past; and (f) the person's record with respect to sex therapy programs.

Linehan, 518 N.W.2d at 614. These factors apply in both SDP and SPP cases. *In re Linehan*, 557 N.W.2d 171, 189 (Minn. 1996), *vacated on other grounds*, 522 U.S. 1011 (1997).

The district court determined that none of the factors mitigated the likelihood that Bryant would reoffend; rather, the district court determined that all the factors are either neutral or aggravating based on the facts presented. Contrary to Bryant's argument to this court, the district court explained how each factor applied to Bryant's circumstances and clearly stated that none mitigated his likelihood of reoffending: "None of the *Linehan* factors strongly mitigate Bryant's risk to reoffend. They are either neutral or aggravating factors to his self-control vulnerabilities."

The first factor required the district court to consider Bryant's relevant demographic characteristics. The district court adopted Dr. Dority's determination that Bryant likely falls into a median category of concern related to this factor. Relevant considerations include the person's age and education, *Linehan*, 518 N.W.2d at 614, as well as gender, socioeconomic status, and work history, *see, e.g., In re Civ. Commitment of Bedford*, No. A12-0973, 2012 WL 5381916, at *2 (Minn. App. Nov. 5, 2012) (acknowledging relevant factors included "age, gender, education level, and socioeconomic status"); *In re Civ. Commitment of Whitley*, No. A09-1898, 2010 WL 1192307, at *4 (Minn. App. Mar. 30, 2010) (acknowledging relevant factors included gender, education, work history,

marital status, “intellectual level,” juvenile history, and alcohol abuse), *rev. denied* (Minn. May 26, 2010); *In re Civ. Commitment of Hatton*, No. A08-0648, 2008 WL 4301816, at *6 (Minn. App. Sept. 23, 2008) (acknowledging relevant factors included work history, social adjustment, relationships), *rev. denied* (Minn. Dec. 16, 2008); *In re Civ. Commitment of Razmyslowski*, No. A05-0993, 2005 WL 2850749, at *3 (Minn. App. Nov. 1, 2005) (acknowledging that factors including younger age, male gender identity, lower socioeconomic status, and limited work history are all associated with a higher risk of recidivism), *rev. denied* (Minn. Jan. 17, 2006). Bryant argues that the district court did not explain how the facts it identified place Bryant into the median category for this factor. The district court concluded that Bryant fell into the median category because, although he is older and has engaged in a long-term relationship with J.N., he was raised in an abusive home and his relationship with J.N. is unstable and unhealthy. The record supports a finding that, growing up, Bryant was sexually abused by his older brother and physically abused by his stepmother. The record supports that Bryant repeatedly engaged in sexual relationships with other people while in a relationship with J.N. and that J.N. has been his only significant, long-term relationship. Although the district court did not address the other considerations that Bryant mentions in his brief to this court, the district court’s findings of fact, which are supported by the record, also demonstrate that the other indicia support the district court’s determination on this factor: Bryant’s gender identity is male; Bryant testified that he has had about 20 jobs since 2019 and has been fired from many of them; and Bryant is in a lower socioeconomic group because he is economically dependent on others. These facts all support the district court’s determination that the demographics

factor is, at best, neutral, and thus, the district court did not err in its determination on this factor.

The second factor required the district court to consider Bryant's history of violent behavior, and the district court determined that this factor is aggravating because Bryant has a history of violent behavior. The record demonstrates that Bryant has engaged in sexual assault and child molestation and used threats, force, and coercion against his victims to commit these crimes. Bryant has convictions for lewd or lascivious battery of a 14-year-old, statutory rape of a 14-year-old, statutory rape of a 15-year-old, and fourth-degree criminal sexual conduct involving a 15-year-old. At least one victim testified that Bryant coerced her. These convictions all carry a rebuttable presumption that the behavior was harmful sexual conduct. Minn. Stat. § 253D.02, subd. 8(b). Thus, the record here supports the district court's determination that this factor aggravates Bryant's likelihood of reoffending, and the district court did not err in its determination on this factor.

The third factor required the district court to consider base-rate statistics demonstrating the likelihood that Bryant would engage in violent behavior given his background, and the district court determined that this factor is aggravating because the experts' reports identified Bryant as being at a high risk of reoffending. Because the district court found these reports to be credible, the district court did not err in its determination on this factor.

The fourth factor required the district court to consider the sources of stress in Bryant's environment that would indicate whether he would cope with stress using

violence. The district court determined that this factor is aggravating because Bryant's history demonstrates that he "may be predisposed to cope with stress in a sexually harmful manner," has minimal social supports as J.N. has not proved to be a good support system, has a poor work history, and is emotionally immature. Bryant argues that this factor does not indicate that he would be highly likely to reoffend because he had housing and employment while living in the community after his release from prison and participated in sex-offender treatment, and thus, the community environment would not promote stress. However, the record and the district court's findings contradict Bryant's assertions. Bryant repeatedly violated the terms of his supervised release, and his supervising agents received reports from community members that Bryant threatened and harassed women and attempted to engage girls younger than 18 years old in sexual relationships. The supervising agents removed J.N. from Bryant's list of support people because of his success in manipulating her so that she did not report his violations. Although Bryant participated in sex-offender treatment while on supervised release, he was repeatedly discharged for lack of progress. Because multiple employers terminated him for harassing his female coworkers, Bryant did not demonstrate consistent employment. During his most recent release into the community, Bryant attempted to start a relationship with a woman, but when she ended the relationship, he began stalking and threatening her, and she obtained an order for protection against him. Because the record contains ample support for the district court's determination that this environmental-stress factor aggravates Bryant's likelihood of reoffending, the district court did not err in its determination on this factor.

The fifth factor required the district court to compare the environment into which Bryant would be released with the environment in which he offended. The district court determined that this factor is aggravating because Bryant would return to the same situation in which he offended. Bryant argues that he never committed another sex offense while on supervised release, so this factor should not count against him. However, Bryant does not point to any authority that dictates that this is, or should be, the only detail that the district court can consider. Notably, the record demonstrates that, while on supervised release, Bryant returned to predatory behavior that multiple professionals, including his supervising agents and sex-offender treatment staff, identified as highly concerning. Bryant's supervising agents stated, "We have had few clients that are as high risk as [Bryant] is and he continues to violate his conditions of release." When he was discharged from sex-offender treatment, professionals stated that Bryant continued to demonstrate impulsive, high-risk behaviors and refused to address these problematic behaviors. Thus, the district court did not err in its determination on this factor.

The final factor required the district court to consider Bryant's record with respect to sex-offender treatment programs. The district court determined that this factor was aggravating because Bryant has never completed sex-offender treatment, has been discharged from sex-offender treatment at least four times, has not demonstrated a commitment to prosocial change, and has not appeared to utilize any of the skills or concepts he should have learned in treatment. This determination is also supported by the record. The record demonstrates that Bryant was discharged from sex-offender treatment multiple times, including (1) in January 2011, due to lack of attendance (the record

indicates this was a psychoeducational program, but Bryant described it as a sex-offender treatment program); (2) in November 2017, due to Bryant's repeated engagement "in problematic behaviors which have been disruptive to the treatment community, including becoming verbally abusive towards peers"; (3) in October 2021, for lack of progress; and (4) in November 2022, for failure to make adequate progress, demonstrating high-risk and impulsive behaviors, disregarding treatment requirements, and refusing to address his behaviors honestly. Because the record supports that this factor shows a likelihood of reoffending, the district court did not err in its determination on this factor.

In sum, the record supports the district court's determinations on each of the *Linehan* factors, its credibility determinations as to the experts and their reports, and its reliance on the assessment tools and the experts' conclusions. We therefore discern no error in the district court's conclusion that Bryant is likely to engage in acts of harmful sexual conduct and is dangerous to others and that he satisfies the requirements for commitment as an SDP and SPP.

Affirmed.