

*This opinion is nonprecedential except as provided by  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  
A24-0595**

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

**Filed December 30, 2024  
Affirmed  
Slieter, Judge**

Hennepin County District Court  
File No. 27-JV-23-3032

Washington County District Court  
File No. 82-JV-24-66

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

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

Mary F. Moriarty, Hennepin County Attorney, Nicole Cornale, Assistant County Attorney, Minneapolis, Minnesota; and

Kevin Magnuson, Washington County Attorney, Stillwater, Minnesota (for respondent)

Considered and decided by Worke, Presiding Judge; Slieter, Judge; and Bentley, Judge.

**NONPRECEDENTIAL OPINION**

**SLIETER, Judge**

In this direct appeal from an adjudication of delinquency for unlawful possession of a firearm, appellant argues that, despite his failure to bring a timely posttrial motion to the district court, he is entitled to an evidentiary hearing in district court to further develop the

record for his ineffective-assistance-of-counsel claim. Because, pursuant to the rules of juvenile procedure, a posttrial motion is the only method available for appellant to obtain a hearing before the district court to pursue his claim, and appellant failed to bring such a motion, we affirm.

## **FACTS**

In November 2023, respondent State of Minnesota charged appellant D.C.D. with possession of a firearm in violation of Minn. Stat. § 624.713, subd. 1(1) (2022), a felony offense. The following facts derive from D.C.D.’s trial.

On October 30, 2023, law enforcement received a report of a stolen vehicle. The vehicle was tracked by a state-patrol helicopter and seen traveling at a high rate of speed between counties. The vehicle eventually stopped. Two of the occupants—later identified as D.C.D. and T.C.—got into a second vehicle and continued traveling at a high rate of speed into another city. The second vehicle eventually stopped at an apartment complex and D.C.D. and T.C. exited.

Officers then observed D.C.D. and T.C. exit the apartment complex and enter the back seat of a Nissan Ultima driven by a rideshare driver. Officers observed D.C.D. wearing a black hoodie under a black jacket and carrying a black backpack on his left side while T.C. wore a tan hoodie and carried a phone in his hand. D.C.D. sat directly behind the driver; T.C. sat directly behind the passenger seat. As he was entering the Nissan, officers observed D.C.D. place the backpack on the floor between the driver’s seat and his seat. An officer blocked the Nissan from leaving, approached the passenger side of the car,

and confirmed it was T.C. in the rear passenger seat, and D.C.D., who informed the officer of his identity, was seated behind the driver. D.C.D. and T.C. were arrested.

Officers searched the Nissan and found that the floormat where D.C.D. had been sitting was “noticeably up in the air and [it] appeared that there was something under it.” Underneath the floormat, the officers seized the black backpack. A search of the backpack resulted in the seizure of a firearm. Officers testified that D.C.D. was under 18 years old and had not completed a marksmanship class that would have allowed him to legally possess a gun.

The Hennepin County District Court concluded that the state had proved beyond a reasonable doubt that D.C.D. constructively possessed a firearm while ineligible to do so. The district court withheld adjudication and transferred the matter for disposition to Washington County, where D.C.D. resides. *See* Minn. Stat. § 260B.105 (2022). The Washington County District Court adjudicated D.C.D. as delinquent and placed him on probation. D.C.D. appeals.

### **DECISION**

D.C.D. asks this court for the first time on direct appeal, to remand this matter to the district court for an evidentiary hearing to determine whether his trial counsel was ineffective for failing to obtain and present relevant evidence in support of his defense at trial. However, D.C.D. concedes that he did not bring a timely posttrial motion pursuant to Minn. R. Juv. Delinq. P. 16.01, subd. 1(H), which explicitly provides for a new trial based, among other reasons, upon ineffective assistance of counsel. D.C.D. asks this court to remand for a hearing “in the interests of justice.” This, we cannot do.

“[A]n undecided question is not usually amenable to appellate review.” *Hoyt Inv. Co. v. Bloomington Com. & Trade Ctr. Assocs.*, 418 N.W.2d 173, 175 (Minn. 1988). Because D.C.D. did not first raise this issue in district court, it is not properly before this court. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (stating that appellate courts generally address only those questions previously presented to and considered by the district court).

But to be thorough, we consider D.C.D.’s claim on its merits. In juvenile proceedings, posttrial motions are governed by Minn. R. Juv. Delinq. P. 16.01. We interpret procedural rules *de novo*. *In re Welfare of C.J.H.*, 878 N.W.2d 15, 19 (Minn. 2016). “When construing procedural rules, we look to the plain language of the rule and its purpose.” *Id.* (quotation omitted). Rule 16.01, subd. 1(H), provides that “[t]he court, on written motion of the child’s counsel, may grant a new trial” based upon “ineffective assistance of [the] child’s counsel.” The motion “shall be served within fifteen (15) days after the court’s specific findings are made.” *Id.*, subd. 3. D.C.D. did not bring such a motion. D.C.D. cites no authority, and we are not aware of any that would allow this court to “order Appellant’s case be remanded to the juvenile court for an evidentiary hearing,” when the time for a posttrial motion has expired. Moreover, other than a posttrial motion, there is no legal authority authorizing a district court to grant the remedy that D.C.D. seeks if we granted the remand.

D.C.D. instead argues that this time constraint (15 days following the district court’s findings) of rule 16.01 “does not meaningfully provide juvenile defendants with a vehicle by which to raise a colorable” ineffective-assistance-of-counsel claim. D.C.D. further

notes that, as a practical matter, a juvenile’s trial counsel is unlikely to be inclined to bring a motion before the district court for ineffective assistance of that counsel. Finally, D.C.D. argues that, unlike adults who have the statutory option of bringing a postconviction petition pursuant to Minn. Stat. § 590.01, subd. 1 (2022), there is no such option for juveniles.

Though D.C.D.’s claims are not without merit in terms of the practical limitations the posttrial-motion rule provides to a juvenile who wishes to bring such a claim before the district court, the remedy he seeks is beyond the authority of this court.<sup>1</sup> “The function of the court of appeals is limited to identifying errors and then correcting them.” *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988) (citations omitted). We are limited to “correcting errors” and do not create public policy. *LaChapelle v. Mitten*, 607 N.W.2d 151, 159 (Minn. App. 2000), *rev. denied* (Minn. May 16, 2000).

Because D.C.D. did not bring a timely posttrial motion for a new trial based upon ineffective assistance of counsel, he is not entitled to have the matter remanded for an evidentiary hearing. Therefore, we affirm.

**Affirmed.**

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<sup>1</sup> We note that the supreme court has ordered the Supreme Court Advisory Committee on the Minnesota Rules of Juvenile Delinquency Procedure to consider whether the rules “should be amended to create a procedural mechanism for a post-adjudication or post-certification evidentiary proceeding to develop a record for a claim of ineffective assistance of counsel, or any other appropriate claim.” *In re Proposed Amendments to Minnesota Rules of Juvenile Delinquency Procedure*, No. ADM10-8003 (Minn. July 28, 2022). The supreme court recently held a public hearing to consider the proposed amendment. *See Order Regarding Public Hearing on Proposed Amendments to the Minnesota Rules of Juvenile Delinquency Procedure*, No. ADM10-8003 (Minn. Oct. 10, 2024).