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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0840**

In the Matter of the Welfare of: C. P. M., Child.

**Filed January 27, 2025
Affirmed
Cochran, Judge**

Fillmore County District Court
23-JV-23-537
Mower County District Court
File No. 50-JV-23-536

Cathryn Middlebrook, Chief Appellate Public Defender, Laura G. Heinrich, Assistant Public Defender, St. Paul, Minnesota (for appellant C.P.M.)

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Considered and decided by Ross, Presiding Judge; Cochran, Judge; and Harris, Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

In this appeal of a juvenile-delinquency adjudication, appellant C.P.M. argues (1) the district court improperly applied the law when adjudicating him delinquent; (2) his adjudication should be reversed pursuant to the amelioration doctrine; and (3) he received

ineffective assistance of counsel. We conclude that the district court did not abuse its discretion when it adjudicated appellant delinquent, the amelioration doctrine does not apply, and C.P.M. has not shown that he received ineffective assistance of counsel. We therefore affirm.

FACTS

In March 2023, respondent State of Minnesota charged appellant C.P.M. with fourth-degree criminal sexual conduct under Minnesota Statutes section 609.345, subdivision 1a(a) (2022). The petition alleged C.P.M. had engaged in sexual contact with a victim who was less than 14 years old. At the time of the alleged crime, C.P.M. had recently turned 14 years old and the victim was 13 years old. The petition stated the victim's mother had discovered C.P.M. in the victim's bedroom. When police interviewed C.P.M. about the incident, he admitted that he had engaged in sexual contact with the victim.

In October 2023, C.P.M. pleaded guilty to fourth-degree criminal sexual conduct in Mower County District Court pursuant to a plea agreement with the state. At the hearing, the district court asked C.P.M. if he understood that if "there is a plea of guilty, [you are] likely going to have to register as a predatory offender" and C.P.M. answered "yes." C.P.M. also indicated that he understood that the registration could continue beyond his eighteenth birthday. After going over the plea petition and reviewing his rights, the district court accepted C.P.M.'s guilty plea. The district court transferred the case to Fillmore County District Court, the county in which C.P.M. resided, for a dispositional hearing. The

district court also ordered C.P.M. to undergo a psychosexual evaluation and predisposition investigation.

C.P.M. completed a psychosexual evaluation and cooperated with the predisposition investigation as required by the district court. The psychosexual evaluation recommended that C.P.M. complete adolescent outpatient sex-offender treatment and participate in weekly therapy sessions. The predisposition report incorporated the recommendations of the psychosexual evaluation and noted that outpatient adolescent sex-offender treatment generally takes a total of three years to complete. The predisposition report concluded by recommending that C.P.M. be adjudicated delinquent and be placed on probation subject to conditions, including that he complete outpatient adolescent sex-offender treatment. As part of his participation in the predisposition report, C.P.M. wrote a letter to the court expressing his remorse about the incident.

In April 2024, C.P.M. and the state appeared for the disposition hearing. The parties offered different resolutions for consideration by the district court. The state asked the district court to adjudicate C.P.M. delinquent and to place C.P.M. on indefinite probation not to exceed his 19th birthday, under the conditions recommended by the predisposition report. The state noted that it was requesting adjudication rather than a continuance without adjudication because the time required to complete the recommended outpatient treatment (three years) was longer than the permissible time period for a continuance without adjudication under Minnesota Statutes section 260B.198, subdivision 7 (2022). The state argued that treatment was needed to ensure that C.P.M. did not engage in similar conduct and therefore a continuance without adjudication was inappropriate.

C.P.M. asked the district court to continue the case without adjudication rather than adjudicating him delinquent. C.P.M. emphasized that, as a young teenager, his cognitive development was incomplete, he had complied with the juvenile process, he had taken accountability, and adjudication would have a significant impact on his life. C.P.M. argued that the mismatch between the amount of time treatment requires and the statutory limit on how long a juvenile case can be continued without adjudication under section 260B.198, subdivision 7, could be remedied by the district court continuing the case for six months without adjudication and then deciding how to proceed after evaluating C.P.M.'s treatment progress.

During the hearing, the district court also heard from the victim's mother. The victim's mother gave a victim-impact statement, in which she alleged that C.P.M. engaged in manipulative behavior, "drugged and sexually assaulted [her] daughter," and attempted to contact the victim in violation of an order for protection. The district court found the victim's mother to be credible.

At the conclusion of the hearing, the district court adjudicated C.P.M. delinquent of fourth-degree criminal sexual conduct. The district court expressed concerns about the lasting impacts of predatory-offender registration on C.P.M. that would result from the adjudication but stated that a continuance without adjudication was not appropriate "for this particular case." The district court then noted that rule 14 of the Minnesota Rules of Juvenile Delinquency Procedure sets forth a procedure for a continuance "that exists for this type of case" but that has to be done by agreement of the prosecutor. The district court reminded the parties that "[i]t didn't occur here." The district court then expressed its

concern regarding C.P.M.'s conduct, including "the level of manipulation . . . to get what he wanted," and concern about the length of time that treatment would take. The district court concluded that "the only appropriate disposition in the Court's view is adjudication of delinquency."

In a written order that followed, the district court provided the following explanation for its decision to adjudicate C.P.M. delinquent instead of imposing a continuance:

The Court considered a continuance without adjudication as a delinquent, as requested by [C.P.M.], but finds adjudication is appropriate because the conditions [C.P.M.] is ordered to comply with cannot realistically be completed in six months, or even twelve months, which is the maximum amount of time a juvenile can be on a stay of adjudication. The conduct does not warrant a continuance without adjudication. The conduct involved manipulative behavior, home invasion, persistent and obsessive behavior, and unhealthy sexual boundaries by [C.P.M.]. The programming needed to address this conduct is more extensive than what can be accomplished in the time limits set by rule for a continuance without adjudication.

[C.P.M.] essentially requested that the Court ignore the recommendations of the psychosexual evaluation by limiting the supervised probation period to six months, with the option as specified by rule, to extend another six months if approved by the prosecutor. The Court did not find this to be a reasonable alternative to indefinite probation until the juvenile's nineteenth birthday. A continuance without adjudication may be appropriate in some circumstances where two young people engaged in consensual sexual activity, and it was reported by a parent. It is the Court's determination that this is not such a case for the reasons stated on the record, in the written findings, in the predisposition report, as stated by the victim's mother, who the Court found to be credible, and the recommendations of the probation agent that conducted the predisposition report.

For these reasons, the district court adjudicated C.P.M. delinquent and placed him on supervised probation, subject to a number of conditions including successfully completing outpatient adolescent sex-offender treatment.

C.P.M. appeals.

DECISION

C.P.M. challenges the district court's adjudication of delinquency arguing that (1) the district court abused its discretion in adjudicating C.P.M. delinquent because it misunderstood its authority under rule 14 of the Rules of Juvenile Delinquency Procedure; (2) his adjudication should be reversed pursuant to the amelioration doctrine; and (3) he received ineffective assistance of counsel. We address each issue in turn and conclude that C.P.M.'s arguments are unavailing.

I. The district court did not abuse its discretion when it adjudicated C.P.M. delinquent.

C.P.M. first argues that the district court abused its discretion when it adjudicated C.P.M. delinquent because the district court's decision was based on an erroneous understanding of rule 14 of the Rules of Juvenile Delinquency Procedure. The state responds that the district court did not abuse its discretion because it adjudicated C.P.M. delinquent within the limits prescribed by the legislature in Minnesota Statutes section 260B.198 (2022). We agree with the state.

We review the district court's decision to adjudicate a child delinquent for an abuse of discretion. *In re Welfare of C.A.R.*, 941 N.W.2d 420, 422 (Minn. App. 2020), *rev. denied* (Minn. May 19, 2020). "A district court abuses its discretion when its decision is based on

an erroneous view of the law or is against logic and the facts in the record.” *State v. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019) (quotation omitted). The district court has broad discretion when deciding whether to adjudicate a child delinquent. *In re Welfare of J.R.Z.*, 648 N.W.2d 241, 244 (Minn. App. 2002) (quotation omitted), *rev. denied* (Minn. Aug. 20, 2002). “Imposing an adjudication within the limits prescribed by the legislature is not an abuse of discretion.” *In re Welfare of J.L.Y.*, 596 N.W.2d 692, 695 (Minn. App. 1999), *rev. granted* (Minn. Sept. 28, 1999) *and ord. granting rev. vacated* (Minn. Feb. 15, 2000).

The Minnesota Rules of Juvenile Delinquency Procedure include two rules that are relevant to our review of the district court’s decision: rule 14 and rule 15. Rule 14 governs a procedure known as a “continuance for dismissal,” whereas rule 15 governs delinquency dispositions, and includes the process for “continu[ing] a case without adjudicating the child delinquent,” among other matters. Minn. R. Juv. Delinq. P. 14-15, 15.05, subd. 1(B). Under rule 14.01, a case can be continued “without a finding that the allegations of the charging document have been proved” upon agreement between the child’s counsel and the prosecutor “after which [the case] will be dismissed” if the child does not commit another offense during the period of continuance and meets any additional conditions specified by the district court. Minn. R. Juv. Delinq. P. 14.01 subds. 1-2. This continuance cannot be “longer than the [district] court has jurisdiction over the child.” *Id.*, subd. 3. The district court, however, has the inherent authority to continue a case for dismissal in the absence of an agreement between the prosecutor and child’s counsel, subject to the same durational limitations in rule 14.01. Minn. R. Juv. Delinq. P. 14.10. But a continuance for

dismissal under rule 14 is not legally permissible after a juvenile has pleaded guilty to the charges. *In re Welfare of M.J.M.*, 766 N.W.2d 360, 363-64 n.2 (Minn. App. 2009), *rev. denied* (Minn. Aug. 26, 2009).

Instead, rule 15 applies once guilt is found by the district court, including when the district court accepts a guilty plea. *Id.* at 364.; Minn. R. Juv. Delinq. P. 15.01. After guilt is found by the district court, rule 15 provides that “the court *shall* either:” (1) adjudicate the child delinquent; or (2) “continue the case without adjudicating the child delinquent pursuant to Minnesota Statutes, section 260B.198, subdivision 7.” Minn. R. Juv. Delinq. P. 15.05, subd. 1 (emphasis added). When deciding whether to adjudicate a child delinquent or to continue a case without adjudication, the district court is not required to make particularized findings regarding its decision to “impose or withhold adjudication.” *J.L.Y.*, 596 N.W.2d at 695; *compare* Minn. R. Juv. Delinq. P. 15.05, subs. 1, 4, *and* Minn. Stat. § 260B.198 subd. 7 (providing no requirement for written findings when adjudicating or continuing without adjudication), *with* Minn. R. Juv. Delinq. P. 15.05, subd. 2(A), *and* Minn. Stat. § 260B.198, subd. 1(b) (2022) (requiring written findings for disposition).

In arguing that the district court erred as a matter of law in adjudicating C.P.M. delinquent, C.P.M. points to the district court’s statement that “the procedure that exists for this type of case is Rule 14[,] . . . but it has to be done by agreement with the prosecutor” C.P.M. argues that this statement was based on a misunderstanding of the law. C.P.M. emphasizes that rule 14.10 grants the district court the authority to continue the case for dismissal without prosecutorial consent and argues that the district

court therefore erred as a matter of law when it failed to consider its authority under rule 14.10 when making its decision to adjudicate C.P.M. as delinquent.

C.P.M. cites to this court's decision in *In re Welfare of J.B.A.* to support his argument. In *J.B.A.* this court affirmed the district court's decision to continue a case for dismissal under rule 14.10, without the consent of the prosecutor, after the child pleaded guilty. 581 N.W.2d 37, 37-38 (Minn. App. 1998), *rev. denied* (Minn. Aug. 31, 1998). However, as discussed above, this court's subsequent decision in *M.J.M.* concluded that rule 14 does not apply once a juvenile pleads guilty and instead rule 15 controls the disposition. 766 N.W.2d at 363-64 n.2. Thus, while the district court may have misstated its authority under rule 14.10, it nevertheless was correct that it did not have authority to continue the case for dismissal under rule 14. *See id.*

We further conclude that the district court did not abuse its discretion by adjudicating C.P.M. delinquent under rule 15. Once C.P.M. pleaded guilty to the allegations, the district court could either (1) adjudicate C.P.M. or (2) continue the case without adjudication pursuant to section 260B.198, subdivision 7. Minn. R. Juv. Delinq. P. 15.05, subd. 1. Under section 260B.198, subdivision 7, the district court may continue a case without adjudication but only if it determines that "it is in the best interest of the child to do so and not inimical to public safety." Minn. Stat. § 260B.198 subd. 7. Here, the district court considered whether to continue the case without adjudication but decided instead to adjudicate C.P.M. delinquent. In reaching this decision, the district court emphasized that C.P.M.'s conduct made a continuance without adjudication inappropriate, noting that his "conduct involved manipulative behavior, home invasion, persistent and

obsessive behavior, and unhealthy sexual boundaries.” The district court’s explanation reflects that it effectively decided that the standard for a continuance without adjudication was not met. *See id.* As a result, the district court’s decision to adjudicate C.P.M., rather than continue the case without adjudication, was not an abuse of discretion. *See* Minn. Stat. § 260B.198, subd. 7; Minn. R. Juv. Delinq. P. 15.05, subd. 1.

II. Reversal of C.P.M.’s adjudication pursuant to the amelioration doctrine is not warranted.

C.P.M. argues in the alternative that his adjudication should be reversed and remanded pursuant to the amelioration doctrine due to a change in Minnesota Statutes section 260B.198 enacted shortly after the district court adjudicated him delinquent. At the time of C.P.M.’s disposition hearing in April 2024, the district court had the discretion under section 260B.198, subdivision 7(a), to continue a juvenile case for a period of up to 180 days. Minn. Stat. § 260B.198, subd. 7(a); *see also* Minn. R. Juv. Delinq. P. 15.05, subd. 1(B). The continuance could be extended for up to another 180 days but only with the prosecutor’s consent. Minn. Stat. § 260B.198, subd. 7(a). As discussed above, the district court decided against granting a continuance under section 260B.198 and instead adjudicated C.P.M. delinquent.

On May 24, 2024, about one month after the district court adjudicated C.P.M., the governor signed a law that amended section 260B.198, subdivision 7. 2024 Minn. Laws ch. 123, art. 7, § 8, at 2304 (codified at Minn. Stat. § 260B.198, subd. 7(c) (2024)). The amendment gives district courts the authority to extend, for up to an additional 24 months, the period during which a juvenile sex-offense case may be continued under section

260B.198, subdivision 7, “so the offender can receive sex offender treatment.” *Id.* But an extension under this new provision also requires the agreement of the prosecutor. *Id.* The amendment became effective on July 1, 2024. *See* 2024 Minn. Laws ch. 123, art. 1, at 2216-35 (containing appropriation items), art. 7, § 8, at 2304 (containing the amendment to section 260B.198, subdivision 7, and providing no effective date); Minn. Stat. § 645.02 (2022) (stating that the effective date of an appropriation bill is the first day of July after enactment, unless otherwise specified).

C.P.M. argues that the amelioration doctrine requires this court to reverse and remand to allow the district court to consider his case in light of the amendment because the amendment could have resulted in the district court continuing the case without adjudication rather than adjudicating C.P.M. delinquent. The state contends that the amelioration doctrine is not applicable to the amendment because it does not meet the requirements of the amelioration doctrine. We agree with the state.

The amelioration doctrine “establishes a presumption in Minnesota that an amendment mitigating punishment applies to non-final cases.” *State v. Kirby*, 899 N.W.2d 485, 490 (Minn. 2017). The amelioration doctrine applies only when “(1) there is no statement by the Legislature that clearly establishes the Legislature’s intent to abrogate the amelioration doctrine; (2) the amendment mitigates punishment; and (3) final judgment has not been entered as of the date the amendment takes effect.” *Id.* “[A] statutory amendment mitigates punishment . . . when a change in the law either reduces the penalty for criminal conduct or redefines criminal conduct in a manner benefitting the defendant” *State v. Loveless*, 987 N.W.2d 224, 241 (Minn. 2023). A

collateral consequence—a consequence that does “not flow definitely, immediately, and automatically”—is “not punishment.” *State v. Crump*, 826 N.W.2d 838, 842 (Minn. App. 2013) (quoting *Kaiser v. State*, 641 N.W.2d 900, 905 (Minn. 2002)), *rev. denied* (Minn. May 21, 2013).

The parties only dispute whether the second *Kirby* factor is met. C.P.M. argues that the amendment mitigates punishment because, by allowing a district court to extend a continuance without adjudication under section 260B.198 for up to an additional 48 months, the amendment provides additional time for a juvenile to complete sex-offender treatment without adjudication. C.P.M. further argues that, if the district court had been presented with this option, it may have granted C.P.M. a continuance instead of adjudicating C.P.M. delinquent, thereby mitigating two consequences of the adjudication: (1) the impact on C.P.M.’s criminal-history score and (2) the requirement that C.P.M. register as a predatory offender. The state counters that the amendment does not mitigate punishment because the consequences identified by C.P.M. do not constitute punishments but rather are collateral consequences and therefore the second factor is not met. The state is correct.

This court has previously determined that both an impact to a criminal-history score and predatory-offender registration are collateral consequences. In *Crump*, we explained that an increase to the sentence of a subsequent charged offense due to an increased criminal-history score from a previous guilty plea does “not flow definitely, immediately, and automatically” from the guilty plea to the prior offense because the future sentence “depend[s] almost entirely on factors unrelated to the plea itself.” 826 N.W.2d at 841-43.

These factors include the commission of a future crime, the discretion of the prosecutor to charge the crime, and a successful prosecution. *Id.* at 842-43. As a result, we concluded that an increase to a future criminal sentence resulting from an increased criminal-history score is a collateral consequence, not punishment. *See id.* at 842-43. We further held in *In re Welfare of C.D.N.* that a predatory-offender-registration requirement for juveniles is “nonpunitive.” 559 N.W.2d 431, 433 (Minn. App. 1997), *rev. denied* (Minn. May 20, 1997). In *C.D.N.*, we concluded that many of the factors that make predatory-offender registration nonpunitive for adults also apply to juveniles. *Id.* at 433 (citing *State v. Manning*, 532 N.W.2d 244, 248-49 (Minn. App. 1995), *rev. denied* (Minn. July 20, 1995)). And we concluded that “[t]he application of the registration requirement to juveniles . . . does not alter the statute’s nonpunitive purpose.” *Id.* As *Crump* and *C.D.N.* demonstrate, the consequences identified by C.P.M. are not punitive.

Accordingly, because the consequences that C.P.M. identifies as being mitigated by the amendment to 260B.198, subdivision 7, are not punishments, we conclude that C.P.M. has not shown that the amelioration doctrine applies to his delinquency adjudication.

III. C.P.M. has not demonstrated that he received ineffective assistance of counsel.

Finally, C.P.M. argues that the district court’s delinquency adjudication should be reversed because he received ineffective assistance of counsel. Specifically, C.P.M. argues that his trial counsel’s performance was ineffective because (1) counsel failed to inform the district court of its authority under rule 14 to continue a case for dismissal without the consent of the prosecutor; and (2) counsel failed to notify the district court of the proposed

amendment to section 260B.198, subdivision 7, that was pending at the time of the disposition hearing.

Children have the right to effective assistance of counsel in juvenile-delinquency proceedings. Minn. Stat. § 260B.163, subd. 4(a) (2022); *see also In re Gault*, 387 U.S. 1, 41 (1967) (recognizing a child’s right to counsel in juvenile proceedings under the Fourteenth Amendment Due Process Clause when the proceedings may result in an out-of-home placement in an institution). When reviewing an ineffective-assistance-of-counsel claim on direct appeal, “we examine the claim under the two-prong test set forth” in *Strickland v. Washington*, 466 U.S. 668, 687 (1984). *State v. Ellis-Strong*, 899 N.W.2d 531, 535 (Minn. App. 2017). Under the *Strickland* test, the party alleging ineffective assistance must demonstrate that their counsel’s performance (1) “fell below an objective standard of reasonableness, and (2) that a reasonable probability exists that the outcome would have been different but for counsel’s errors.” *State v. Sardina-Padilla*, 7 N.W.3d 585, 603 (Minn. 2024).

“The objective standard of reasonableness is defined as representation by an attorney exercising the customary skills and diligence that a reasonably competent attorney would perform under similar circumstances.” *State v. Vang*, 847 N.W.2d 248, 266-67 (Minn. 2014) (quotation omitted). “[T]here is a strong presumption that counsel’s performance was reasonable.” *Andersen v. State*, 830 N.W.2d 1, 10 (Minn. 2013).

C.P.M. first argues that his trial counsel’s performance fell below an objective standard of reasonableness because his counsel did not alert the district court at the disposition hearing of its inherent authority pursuant to rule 14.10 to continue a case for

dismissal. We disagree. Here, as discussed above, the district court lacked the authority to continue the case for dismissal at the disposition hearing under rule 14.10 because C.P.M. had already pleaded guilty prior to the disposition hearing. *See M.J.M.*, 766 N.W.2d at 363-64 n.2. Instead, at the time of the disposition hearing, the district court was required to proceed under rule 15. *See id.* (requiring the district court to proceed under rule 15 once the allegation of the petition is proved). Trial counsel was not ineffective for failing to inform the district court of authority under rule 14 that was not available to the court at the time of the disposition hearing. The time for counsel to raise the court's authority under rule 14.10 was prior to the guilty plea, and C.P.M. does not contend that his counsel was ineffective in relation to the plea.

We are likewise unpersuaded by C.P.M.'s argument that trial counsel fell below an objective standard of reasonableness by failing to notify the district court of the proposed amendment to section 260B.198, subdivision 7. At the time of the disposition hearing, the amendment was pending before the legislature. The legislation did not become law until approximately one month after the disposition hearing. 2024 Minn. Laws ch. 123, art. 7, § 8, at 2304. While counsel "should keep abreast of changes in the law and its practice," Minn. R. Prof. Conduct 1.1 cmt. 8, C.P.M. provides no authority that requires a lawyer to make arguments about pending legislation in order to meet the objective standard of reasonableness. Without any such authority, we are unconvinced that an objective standard of reasonableness would require a lawyer to make arguments in district court regarding pending legislation that may or may not become law.

For these reasons, we conclude that C.P.M. has not made the showing required under the first prong of the *Strickland* test—that trial counsel’s performance fell below an objective standard of reasonableness. And because C.P.M. did not carry his burden regarding the first prong of the *Strickland* test, we need not reach the second prong. *Tichich v. State*, 4 N.W.3d 114, 122 (Minn. 2024) (noting that an appellate court may dispose of a *Strickland* claim “on one prong without considering the other”).

Accordingly, we affirm the district court’s adjudication of delinquency of C.P.M. for fourth-degree criminal sexual conduct.

Affirmed.