

*This opinion is nonprecedential except as provided by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
A24-2011**

In the Matter of the Welfare of: S. A. A., Child.

**Filed September 2, 2025
Affirmed
Reyes, Judge**

Hennepin County District Court
File No. 27-JV-24-277

Cathryn Middlebrook, Chief Appellate Public Defender, Laura Geyer Heinrich, Assistant Public Defender, St. Paul, Minnesota (for appellant S.A.A.)

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

Mary F. Moriarty, Hennepin County Attorney, N. Nate Summers, Assistant County Attorney, Minneapolis, Minnesota (for respondent State of Minnesota)

Considered and decided by Schmidt, Presiding Judge; Reyes, Judge; and Cochran, Judge.

NONPRECEDENTIAL OPINION

REYES, Judge

In this appeal from an order modifying a disposition, appellant argues that (1) the district court's award of restitution for physical-therapy sessions lacks adequate support in the record; (2) the district court erred by using the monthly payment plan for the victim's soccer activities as the appropriate measure of the victim's services lost; and (3) his counsel provided ineffective assistance by failing to oppose a second 180-day period of supervision. We affirm.

FACTS

On March 27, 2024, appellant-juvenile S.A.A. pleaded guilty to third-degree assault in violation of Minn. Stat. § 609.223, subd. 1 (2022). The underlying assault stems from an altercation in November 2023 in which appellant pushed the victim, resulting in a broken collar bone. The victim is a soccer player and missed soccer activities in November 2023, January 2024, and February 2024 because of the injury. At the plea hearing, the district court reserved the issue of restitution and ordered a restitution study. The district court continued the case without adjudicating delinquency for 180 days and required that appellant pay any restitution owed to the victim.

In July and August 2024, the district court granted 30-day extensions to complete the restitution study. The district court subsequently extended appellant's continuance without adjudication 180 days to allow restitution to be completed, which was the only remaining probation requirement.

On September 13, 2024, probation filed a restitution report requesting \$2,389.62 in restitution, and the district court ordered restitution in that amount. Appellant timely challenged the restitution award. Probation subsequently reduced the requested restitution to \$1,020.06.¹ The report included restitution requests for \$728.45 for missed soccer activities, \$280.00 for extra physical-rehabilitation sessions, and \$11.61 for a medical sling. Appellant timely filed an affidavit contesting restitution.

¹ We note that a different portion of the restitution report indicated that the restitution obligation would be \$1,202.06. Because the sum of the items for which the victim sought restitution is \$1,020.06 and the district court ordered restitution in that amount, we use \$1,020.06 as the restitution amount.

On November 13, the district court held a restitution hearing at which it heard testimony from the probation employee who completed the restitution investigation and the victim's mother. Following the hearing, the district court ordered that appellant pay \$1,020.06 in restitution. This appeal follows.

DECISION

I. The district court acted within its discretion by awarding restitution for the victim's additional physical therapy.

Appellant argues that the restitution award lacks adequate support because the state failed to present relevant physical-therapy records addressing the need for and cost of physical therapy, adding that the victim's mother provided unsubstantiated testimony regarding physical therapy. We disagree.

Victims of crimes, including crimes committed by a juvenile, have a statutory right to restitution as part of the disposition of the relevant criminal charge. Minn. Stat. § 611A.04, subd. 1(a) (2024); *see also* Minn. Stat. 260B.198, subd. 1(a)(5) (2024) (allowing courts to require juveniles to pay restitution). Pertinent here, “[a] request for restitution may include . . . any out-of-pocket losses resulting from the crime, including medical and therapy costs, [and] replacement of wages and services.” Minn. Stat. § 611A.04, subd. 1(a). If the offender complies with the statutory requirements for challenging the restitution request, the state must prove, by a preponderance of the evidence, “the amount of loss sustained by a victim as a result of the offense and the appropriateness of a particular type of restitution.” Minn. Stat. § 611A.045, subd. 3(a)

(2024). The record must provide a factual basis for a district court’s restitution award. *State v. Latimer*, 604 N.W.2d 103, 105 (Minn. 1999).

Appellate courts review a district court’s restitution order for an abuse of discretion and the underlying factual findings for clear error. *State v. Andersen*, 871 N.W.2d 910, 913 (Minn. 2015). A district court abuses its discretion when its decision regarding restitution is based on an erroneous interpretation or application of the law. *State v. Boettcher*, 931 N.W.2d 376, 380 (Minn. 2019).

Here, the district court awarded \$280 in restitution for “additional rehabilitation.” This “additional rehabilitation” involved sessions the victim, who was a goalkeeper on a “select” soccer team, completed after his initial course of physical therapy. The district court, relying on testimony from the victim’s mother and the probation employee, explained that the victim “did these sessions on the recommendation of his physical therapist in order to strengthen his shoulder and surrounding muscles to play soccer.” The district court found both witnesses credible and gave their testimony “great weight.”

We conclude that the record adequately supports the district court’s restitution award. Additional documentation, such as invoices outlining expenses, is helpful but not required to support a restitution award. *See State v. Alexander*, 855 N.W.2d 340, 343-44 (Minn. App. 2014) (explaining that testimony from car-dealership employee regarding damages to car provided sufficient support for district court’s restitution award). The district court appropriately relied on testimony from the victim’s mother and the probation employee, which established the need for additional rehabilitation and probation’s process in preparing the report. *See Landmark Cmty. Bank, N.A. v. Klingelhutz*, 927 N.W.2d 748,

755 (Minn. App. 2019) (explaining that appellate courts defer to district courts' credibility determinations).

Additionally, the restitution report supports the \$280 expense. In *State v. Thole*, we noted that restitution reports are part of the record on appeal. 614 N.W.2d. 231, 236 (Minn. App. 2000). In that case, we explained that, because the restitution award for damage to a car fell within the range listed in the restitution report, the record provided a sufficient evidentiary basis for the district court's award. *Id.* Similarly, here, the restitution report included the \$280 cost for the additional rehabilitation, thereby providing adequate support for restitution related to these services. We conclude that the district court acted within its discretion by ordering \$280 in restitution for additional rehabilitation.

II. The district court did not err by requiring appellant to pay for the soccer activities that the victim missed based on the victim's monthly payment plan.

In challenging the district court's restitution award of \$728.45 for missed soccer-club activities, appellant argues that the monthly payment plan was an improper measure of the services lost because the "use" of this service was not evenly distributed throughout the year, noting that the bulk of the soccer season occurred in the summer and that the victim did not miss any summer soccer activities.² We are not persuaded.

Appellate courts review de novo whether the district court used the proper measure of loss in awarding restitution. *State v. Johnson*, 851 N.W.2d 60, 64 (Minn. 2014).³ The

² Appellant does not challenge whether the soccer activities qualify as a service for which restitution can be awarded.

³ Although appellant also appears to challenge the support for the services lost, he seems to make this argument in support of the broader argument that the district court applied an improper measure of damages. We therefore focus on the measure of damages. In any

main “purpose of restitution is to restore crime victims to the same financial position they were in before the crime.” *Id.* at 65 (quotation omitted). In determining the amount of restitution, a district court must consider “the amount of economic loss sustained by the victim as a result of the offense.” Minn. Stat. § 611A.045, subd. 1(a)(1) (2024).

The victim’s soccer club charged the victim an annual fee of \$2,555 for participating on the team, excluding expenses associated with travel to out-of-state summer tournaments. The victim’s mother opted to pay this fee in monthly installments. She could not secure a refund for the soccer activities in November 2023, January 2024, and February 2024 that the victim missed while injured.

By charging a flat annual fee that the victim’s mother could pay in monthly installments, the soccer club did not distinguish between the value of the various soccer activities throughout the year. Put differently, the value of the “services lost” is not broken down by each separate soccer activity; rather, the value is broken down as a portion of the annual fee. We conclude that the district court did not apply an improper measure of the services lost.

III. Appellant did not receive ineffective assistance of counsel.

Appellant argues that his counsel provided ineffective assistance by failing to oppose an additional 180-day period of supervision. We are not convinced.

The right to effective assistance of counsel applies to children in juvenile-delinquency proceedings. Minn. Stat. § 260B.163, subd. 4(a) (2024); *In re Gault*, 387 U.S.

event, the record, which includes the payment receipts and the restitution report’s listing of soccer expenses, provides adequate support for the cost of the services.

1, 41 (1967). To succeed on an ineffective-assistance-of-counsel claim, a party must show “that (1) his trial counsel’s representation fell below an objective standard of reasonableness and (2) there is a reasonable probability that, but for the counsel’s unprofessional errors, the result of the proceeding would have been different.” *Crow v. State*, 923 N.W.2d 2, 14 (Minn. 2019). Appellate courts may dispose of an ineffective-assistance-of-counsel claim “on one prong without considering the other.” *Peltier v. State*, 946 N.W.2d 369, 372 (Minn. 2020) (quotation omitted).

On the first prong, the objective standard of reasonableness refers to “representation by an attorney exercising the customary skills and diligence that a reasonably competent attorney would perform under the circumstances.” *Crow*, 923 N.W.2d at 14 (quotation omitted). There is a strong presumption that counsel provided reasonable representation. *Andersen v. State*, 830 N.W.2d 1, 10 (Minn. 2013).

Here, the district court needed only the prosecutor’s consent to extend supervision beyond the initial 180-day period. Minn. Stat. § 260B.198, subd. 7(a) (2024). Because the district court did not need appellant’s approval to extend supervision, it does not follow that appellant’s counsel provided ineffective assistance by failing to oppose the 180-day extension. In addition, the extension allowed probation to complete the restitution report, which was one of appellant’s probation requirements. Further, although not in the context of a trial, appellant’s counsel’s decision not to oppose the 180-day extension of the continuance for dismissal is analogous to a trial-strategy decision, which appellate courts do not review in considering an ineffective-assistance-of-counsel claim. *See Andersen*, 830 N.W.2d at 10, 13 (explaining that trial strategy includes extent of investigation,

selection of evidence, and arguably failure to call exculpatory witnesses or impeach adverse witnesses); *see also Allwine v. State*, 994 N.W.2d 528, 538, 540 (Minn. 2023) (explaining that trial strategy includes choosing which witnesses to call and what information to present to jury). We conclude that appellant did not receive ineffective assistance of counsel.

Affirmed.