

*This opinion is nonprecedential except as provided by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
A25-0379**

State of Minnesota,
Respondent,

vs.

James Edward Helgeson,
Appellant.

**Filed August 25, 2025
Affirmed
Ross, Judge**

Sherburne County District Court
File No. 71-CR-18-1053

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

Dawn Nyhus, Sherburne County Attorney, George R. Kennedy, Assistant County Attorney, Elk River, Minnesota (for respondent)

Barry S. Edwards, Max A. Keller, Keller Law Offices, Minneapolis, Minnesota (for appellant)

Considered and decided by Larkin, Presiding Judge; Ross, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

ROSS, Judge

James Helgeson had sexual contact with a vulnerable woman and received a stayed imposition of sentence with probationary conditions that included completing a sex-offender treatment program, abstaining from pornographic material, and avoiding social media and networking websites. The district court revoked Helgeson's probation after the

sex-offender treatment program terminated him from participating because he repeatedly accessed pornographic material and inappropriately used Craigslist. Helgeson argues unconvincingly on appeal that the district court abused its discretion by concluding that the need for his confinement outweighed the policies favoring probation. We therefore affirm.

FACTS

James Helgeson worked as a driver, transporting a vulnerable adult to and from her care appointments. One day in 2018, Helgeson encouraged his wheelchair-bound client to touch his erect penis over his pants while he was inside her apartment and gave her pornographic material while transporting her the next day.

Helgeson pleaded guilty to fourth-degree criminal sexual conduct, and the district court sentenced him to a stayed imposition of sentence conditioned for up to ten years on probationary terms. Those conditions required Helgeson to complete sex-offender treatment, refrain from possessing or using any pornographic or sexually explicit material, and refrain from using internet dating services, chat lines, social media, or social-networking sites without permission from his probation agent, among other terms.

About two years into his probationary period, Helgeson began repeatedly accessing pornography and later accessed Craigslist without authorization and continued doing so for lengthy periods. Core Professional Services, which had been providing sex-offender treatment to Helgeson, terminated him from the program for his dishonesty and lack of accountability about his pornography access and Craigslist use. Helgeson's probation agent reported the violations to the district court, alleging that he had failed to complete sex-specific treatment, failed to refrain from accessing pornography, and failed to refrain from

using social media or social-networking sites without permission. The report summarized Helgeson's violations:

[Helgeson] has been in sex specific treatment for four years and is continuing to act impulsively and revert to unhealthy coping mechanisms surrounding sex. [He] acknowledge[s] he has been taught the tools and skills to identify his triggers and urges and has been provided with numerous alternatives as healthy coping skills. [He] was allowed to continue in programming, even after multiple incidents of pornography use in the last two years. He has continued to be dishonest and act in unhealthy ways. . . . [He] . . . recently began chatting online with others sexually, which is extremely concerning and raises questions about his risk. [He] appears to fail to recognize the impact of his actions, rather justifying his behaviors, which is also concerning considering the length of time he has spent in a treatment program.

The district court held a probation-revocation hearing in October 2024. Helgeson admitted to all three violations, and the district court continued the disposition to another date. Before the disposition hearing in December 2024, the district court received an updated probation report that Helgeson continued to access pornography and had been terminated from Obsessions, "a sex specific treatment curriculum specifically addressing compulsory pornography use at Core Professional Services."

Helgeson urged the district court to allow him to remain on probation. The state asked the court to execute Helgeson's prison sentence. The district court revoked his probation, specifically designating the violations he admitted to, finding that these violations were intentional and inexcusable and that he "just [was] not amenable to [sex-specific] treatment in the community." It concluded that not revoking Helgeson's probation would unduly depreciate the seriousness of his violations.

Helgeson appeals.

DECISION

Helgeson contests the district court's probation-revocation order. We review a district court's decision to revoke probation for an abuse of discretion. *State v. Austin*, 295 N.W.2d 246, 249–50 (Minn. 1980). Helgeson argues specifically that the district court erroneously found that the need for his incarceration outweighs the policies favoring probation. This is a required finding before the district court may revoke probation. *Id.* at 250. The district court satisfies this requirement by making a revocation-supporting finding on at least one of three subfactors:

- (i) confinement is necessary to protect the public from further criminal activity by the offender; or
- (ii) the offender is in need of correctional treatment which can most effectively be provided if he is confined; or
- (iii) it would unduly depreciate the seriousness of the violation if probation were not revoked.

State v. Modtland, 695 N.W.2d 602, 606–07 (Minn. 2005). Helgeson maintains that the district court erred because it “did not make factual findings supported by the record to support its revocation decision” and because it revoked probation without considering the *Modtland* subfactors. The argument fails because the district court adequately supported its determinations regarding the second *Modtland* subfactor with specific facts in the record, and the district court did not abuse its discretion by consequently concluding that the need for his confinement outweighed the policies favoring probation.

We first conclude that the district court's oral findings are sufficient for our review. In a contested revocation hearing, the district court must “make written findings of fact”

that include “a summary of evidence relied on . . . and the basis for the court’s decision.” Minn. R. Crim. P. 27.04, subd. 3(3). When the district court states its findings and reasons on the record, and its statements are reduced to a transcript sufficient to permit review, the “written findings” requirement is satisfied. *Modtland*, 695 N.W.2d at 608 n.4. The district court here stated its findings and reasons, and those have been transcribed and included in the record. Although the better practice involves an order that clarifies the district court’s justification for revoking probation, the record here is sufficient for our review.

We next consider whether the stated findings are supported by the record and justify the decision to revoke Helgeson’s probation. Whether the district court made the findings required for revocation of probation is a question of law, which we review *de novo*. *Id.* at 605. The district court’s finding that Helgeson needs sex-offender treatment that can most effectively be provided in confinement complied with the *Austin* and *Modtland* requirements. The district court determined that “[sex-specific] treatment in a correctional facility . . . is going to be the best result for” Helgeson. It reasoned that Helgeson “just [is] not amenable to [sex-specific] treatment in the community.” And it supported its reason by referring to the probation-violation report, specifically, that Helgeson “[has] essentially been continuously in violation of probation” despite the fact that “[his] probation officer continued to try to work with [him] over a long period of time.” The fact that Helgeson had been violating his probation for years, as opposed to the entire time, is immaterial. And although the district court did not expressly refer to evidence about the efficacy of treatment in prison, the record evidence showing that Helgeson had been terminated from treatment programs supports the court’s determination. It is difficult to conceive of what more the

district court might have added to explain its determination on this subfactor. Because the district court's finding with respect to the second *Modtland* subfactor was adequate, and because "[o]nly one *Modtland* subfactor is necessary to support revocation," *State v. Smith*, 994 N.W.2d 317, 320 (Minn. App. 2023), *rev. denied* (Minn. Sept. 27, 2023), we affirm the decision based on the second *Modtland* subfactor alone. We therefore hold that the district court acted within its discretion by deciding that the public's need for Helgeson's confinement outweighs the policies favoring probation and imposing and executing Helgeson's prison sentence. We need not consider Helgeson's argument that the district court did not adequately support its finding on the first or third subfactors.

Affirmed.