

*This opinion is nonprecedential except as provided by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
A25-0771**

In the Matter of the Welfare of: E.W.H., Child.

**Filed February 2, 2026
Affirmed
Jesson, Judge***

Olmsted County District Court
File No. 55-JV-24-8217

Cathryn Middlebrook, Chief Appellate Public Defender, Laura G. Heinrich, Assistant Public Defender, St. Paul, Minnesota (for appellant E.W.H.)

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

Michael T. Walters, Olmsted County Attorney, Carrie J. Osowski, Senior Assistant County Attorney, Rochester, Minnesota (for respondent State of Minnesota)

Considered and decided by Johnson, Presiding Judge; Ede, Judge; and Jesson, Judge.

NONPRECEDENTIAL OPINION

JESSON, Judge

E.W.H. was adjudicated delinquent after he pleaded guilty to spray-painting and vandalizing several public and private spaces in Rochester, Minnesota. The district court denied his motion to continue adjudication and E.W.H. appeals, advancing two arguments. E.W.H. argues first that the district court exceeded its authority by considering factors

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

beyond the plain language of the continuance statute. Second, E.W.H. contends that the court failed to meaningfully consider evidence of public safety and his best interests. Because the district court properly exercised its discretion and its decision was supported by the record, we affirm.

FACTS

In October 2024, E.W.H. and two codefendants spray-painted and vandalized two businesses, a food truck, and a wall at a public park. E.W.H. stole the spray paint from a local store and, while under the influence of a cannabis product with his codefendants, wrote disparaging messages that cost nearly \$13,000 to remove. Police responded to the vandalism and apprehended E.W.H. Because E.W.H. was then 15 years old, the state charged E.W.H. with felony property damage and petitioned for the district court to adjudicate him delinquent. E.W.H. then entered a guilty plea to an amended count of gross misdemeanor property damage. The district court accepted E.W.H.’s plea and ordered a predisposition report.

The predisposition report reflected a pattern of behavioral issues that began after the death of E.W.H.’s mother.¹ His mother passed away two years before the incident, leaving E.W.H. and his sister in the care of different guardians. His sister remained in Owatonna, Minnesota with their stepfather, but E.W.H. relocated to Rochester to live with his

¹ Materials filed as confidential in the district court remain nonpublic on appeal. Minn. R. Civ. App. P. 112.02, subd. 1. But we are not precluded from mentioning the contents of confidential information when it is “relevant to the particular issues or legal argument being addressed in the proceeding.” Minn. R. Pub. Access to Recs. of Jud. Branch 4, subd. 4. We limit our recitation of the facts set forth in the predisposition report to information that is relevant to the issues and arguments present in this appeal.

biological father. E.W.H. struggled in his new environment and transitioned to online learning to mitigate his behavioral issues at school. The predisposition report concluded that E.W.H. manifested a moderate risk of reoffending and recommended that the district court stay adjudication, order probation, and impose conditions for restitution.

During his dispositional hearing in April 2025, E.W.H. moved the district court to continue the matter without adjudication on the grounds that he lacked a prior criminal history, expressed remorse, and took up boxing as a positive hobby. He also contended that he proactively sold some of his possessions and that he applied to jobs to satisfy restitution. E.W.H. personally addressed the district court to express remorse and acknowledge his mistake. The state moved to adjudicate E.W.H. delinquent, advancing three arguments. First, the amount of restitution was “significant,” and second, it was unlikely to be paid within the statutory period for a continuance without adjudication. Moreover, the state pointed to the “nature of the offense” and that E.W.H. had needs that “go beyond just this one incident[.]”²

The district court adjudicated E.W.H. delinquent, placed him on probation, and ordered him to pay restitution. The court acknowledged E.W.H.’s remorse and sympathized with his emotional difficulties, indicating that it would favorably consider a petition to expunge or to seal his records. E.W.H. made a “dumb kid decision” and “child-like mistake,” the court observed. But the court concluded that the amount of restitution,

² The state, in making these arguments for adjudication, also contended that, given the non-violent nature of E.W.H.’s offense, adjudication would not collaterally affect his best interests.

the impact upon the victims, and the adjudication of one of his codefendants weighed against a continuance.

E.W.H.’s counsel challenged the ruling, arguing that the primary consideration was E.W.H.’s best interests, not his ability to pay restitution or the uniformity of his adjudication with a codefendant. The district court stated that it had fully considered E.W.H.’s best interests and the relevance of a proportional disposition.

E.W.H. appeals.

DECISION

I. The district court did not exceed its statutory authority by considering factors other than public safety and E.W.H.’s best interests.

We first address E.W.H.’s contention that the district court abused its discretion by considering factors—restitution and proportional adjudication—beyond public safety and E.W.H.’s best interests, which are listed in the statutory language, when adjudicating E.W.H. delinquent. *See* Minn. Stat. § 260B.198, subd. 7(a) (2024); *see also* Minn. R. Juv. Delinq. P. 15.05, subd. 4. Given that this issue involves interpretation of statutes and procedural rules, we review it de novo. *In re Welfare of C.J.H.*, 878 N.W.2d 15, 19 (Minn. 2016); *Roberts v. State*, 945 N.W.2d 850, 853 (Minn. 2020).

Our de novo review begins with the statute and underlying rules. After a child enters a plea of guilty, the district court has two options: it may adjudicate the juvenile delinquent or continue the case without adjudication. The first avenue is governed by Minnesota Statute section 260B.198, subdivision 1(b) (2024), which provides that the district court must support its adjudication with an order that contains specific findings enumerated in

Minnesota Rule of Juvenile Delinquency Procedure 15.05, subdivision 2. Alternatively, the district court may continue the case without adjudication. This avenue is governed by Minnesota Statute section 260B.198, subdivision 7(a), which provides that the district court may continue adjudication if it is in the child's best interests and not inimical to public safety.

Caselaw has addressed several issues involving the statutory choice between adjudication and a continuance. When selecting between the two options, the district court is not required to take the least drastic step necessary regarding the child. *In re Welfare of C.A.R.*, 941 N.W.2d 420, 422 (Minn. App. 2020), *rev. denied* (Minn. May 19, 2020). Nor must the court, if it chooses to adjudicate the child delinquent, explain why adjudication is the least restrictive alternative. *In re Welfare of J.R.Z.*, 648 N.W.2d 241, 245 (Minn. App. 2002). And while a district court making an adjudication order must include certain written findings to support that decision, these findings are not required to support the decision to continue adjudication. *In re Welfare of J.L.Y.*, 596 N.W.2d 692, 695 (Minn. App. 1999), *rev. granted* (Minn. Sept. 28, 1999), *and appeal dismissed* (Minn. Feb. 15, 2000).

No legal authority—neither the statute, rule nor caselaw—requires the district court to consider *only* two factors and to exclude others in considering a motion to continue adjudication. Nor is the district court required to support its decision with written findings. Our careful consideration of these rules and the present case lead us to conclude that the district court did not exceed its statutory authority by considering restitution and proportional adjudication in its decision-making.

II. The district court did not abuse its discretion by failing to continue the case without adjudication.

E.W.H. challenges the district court's denial of his motion to continue adjudication on two grounds. First, he argues that the district court improperly balanced the amount of restitution as a public safety factor and ignored evidence that otherwise favored his motion. E.W.H. further contends that the collateral consequences of his adjudication, coupled with the district court's arbitrary focus on proportionality, undermined his best interests. In evaluating these arguments, we review the record for a clear abuse of discretion to determine whether the district court's decision was consistent with the facts and the law. *See C.A.R.*, 941 N.W.2d at 422.

We begin by examining the scope of public safety and a child's best interests. The district court maintains broad discretion to assess the record and to determine whether a child poses a risk to public safety. *Id.* at 423. These considerations may include the child's likelihood of recidivism, his social support system, and the severity of his offense. *In re Welfare of T.J.R.*, No. A23-1785, 2024 WL 3565634, at *3 (Minn. App. July 29, 2024), *rev. denied* (Minn. Nov. 19, 2024).³ The child's expression of remorse can also serve as a predictive measure of rehabilitation. *In re Welfare of Z.A.W.*, No. A23-0073, 2023 WL 7122599, at *3 (Minn. App. Oct. 30, 2023), *rev. denied* (Minn. Jan. 16, 2024).

³ We cite these nonprecedential cases for their persuasive value only. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c).

When considering whether adjudication may disproportionately affect the child's best interests, the district court may observe the stability of his housing and relationship with his parent. *In re Welfare of J.B.A.*, 581 N.W.2d 37, 39 (Minn. App. 1998), *rev. denied* (Minn. Aug. 31, 1998). But the child's best interests cannot outweigh those of public safety. *See C.A.R.*, 941 N.W.2d at 423. To prevail, E.W.H. must show that the district court's findings are unsupported by the record. *See T.J.R.*, 2024 WL 3565634 at *3.

Here, the district court first addressed E.W.H.'s risk to public safety, where it construed the amount of restitution as probative of victim impact and offense severity. E.W.H.'s expression of remorse and the court's recognition that the offense was a "dumb kid decision" and "child-like mistake" served as counterbalancing factors. But the court's consideration of victim impact and offense severity prevailed, warranting E.W.H.'s adjudication to protect public safety. We observe that the district court assessed restitution in these limited manners—victim impact and offense severity—without contemplating E.W.H.'s capacity to pay it. *See T.J.R.*, 2024 WL 3565634 at *3. We also note that the district court expressly considered E.W.H.'s remorse and the nature of the offense relative to his age and personal circumstances. *See Z.A.W.*, 2023 WL 7122599 at *3. The conclusion from weighing these factors that E.W.H. posed a risk to public safety finds support in the record and our caselaw. We therefore discern no abuse of discretion.

The district court next considered E.W.H.'s best interests, where it expressly reasoned that adjudication would not hinder E.W.H.'s ability to find employment, complete probation, and pay restitution. Furthermore, the severity of the offense necessitated probation to restore E.W.H. to law-abiding conduct. The court concluded that adjudication

was the appropriate remedy, but it also expressed a willingness to “favorably consider” E.W.H.’s petition to expunge or seal his records. We note that the district court considered the collateral effects of adjudication, balancing E.W.H.’s interests in completing probation and finding employment with rehabilitation. While the district court did not address the impact of adjudication on E.W.H.’s housing or relationship with his father, the record does not reflect any interference with these interests. *See J.B.A.*, 581 N.W.2d at 39. Finally, we observe that the court properly weighed its concern for public safety against E.W.H.’s best interests in continuing adjudication. Because the district court’s findings are supported by the record, it acted within its broad discretion here.

Still, E.W.H. argues that the district court’s consideration of his ability to pay restitution suggests a troubling and arbitrary emphasis on socioeconomic factors for adjudication. We appreciate this general concern, but here the district court did not assess E.W.H.’s socioeconomic background. Nor are we persuaded by E.W.H.’s contention that the district court’s focus on proportional dispositions among each codefendant harmed his *individual* best interests. The district court’s focus here, as addressed above, was grounded in the relationship between E.W.H.’s risk to public safety and his restoration to law-abiding conduct. We discern no abuse of discretion.

We are not unsympathetic to the challenges of E.W.H.’s circumstances, and we acknowledge that the evidence, weighed differently, could have supported a continuance of adjudication. But this court does not exercise its own discretion in substitute for that of the district court. *See id.* at 38. Nor can we ignore the district court’s concerns about the severity of E.W.H.’s offense and its impact on the affected parties. *See C.A.R.*, 941 N.W.2d

at 423. We therefore do not disturb the district court's denial of E.W.H.'s motion to continue the case without adjudication.

Affirmed.