

*This opinion is nonprecedential except as provided by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
A25-1499**

In the Matter of the Welfare of: K. A. L. T. D., Child.

**Filed May 26, 2026
Affirmed
Bentley, Judge**

Stearns County District Court
File No. 73-JV-23-9493

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

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

Janelle P. Kendall, Stearns County Attorney, Dana D. Erickson, Assistant County Attorney, St. Cloud, Minnesota (for respondent State of Minnesota)

Considered and decided by Bentley, Presiding Judge; Beane, Judge; and Florey, Judge.*

NONPRECEDENTIAL OPINION

BENTLEY, Judge

In this direct appeal from a delinquency adjudication for third-degree criminal sexual conduct, juvenile appellant argues that (1) the district court abused its discretion by sustaining a hearsay objection at trial, (2) he received ineffective assistance of counsel, and

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

(3) his right to a speedy trial was violated. Appellant seeks a new trial or a reversal of his adjudication. We affirm.

FACTS

The following summarizes the trial testimony and procedural history.¹ On November 28, 2023, appellant K.A.L.T.D. engaged in sexual intercourse with victim E.L. in a high school locker room. E.L. was a 14-year-old freshman who knew K.A.L.T.D. because he previously dated her older sister. K.A.L.T.D. was 17 years old.

That afternoon, the school resource officer was informed of the incident and spoke with K.A.L.T.D., who denied that he had sex with E.L. K.A.L.T.D. also stated he had just learned that E.L. was 14 years old, and he previously thought she was 15 or 16. The next day, the officer spoke with E.L., who disclosed that she and K.A.L.T.D. had sex in the locker room. The officer then spoke with K.A.L.T.D. again, who admitted to the conduct but still maintained that he did not know E.L. was 14.

Respondent State of Minnesota charged K.A.L.T.D. with third-degree criminal sexual conduct involving penetration with a victim aged 14 to 15 and an actor greater than 24 months older than the victim, in violation of Minnesota Statutes section 609.344, subdivision 1a(b) (2022). This statute includes an affirmative defense for mistake of age,

¹ Some documents in the record are not accessible to the public. *See* Minn. R. Pub. Access to Recs. of Jud. Branch 4, subd. 4. But “we are not precluded ‘from mentioning the contents’ of confidential or sealed documents when the information is ‘relevant to the particular issues or legal argument being addressed in the proceeding.’” *Life Time, Inc. v. Zurich Am. Ins. Co.*, 25 N.W.3d 901, 904 n.1 (Minn. App. 2025), (quoting Minn. R. Pub. Access to Recs. of Jud. Branch 4, subd. 4), *rev. denied* (Minn. Oct. 29, 2025). Any reference to confidential documents herein is based on public records or is relevant to our determination of the issues on appeal.

which applies if the defendant proves by a preponderance of the evidence that they “reasonably believe[d] the complainant to be 16 years of age or older.” Minn. Stat. § 609.344, subd. 1a(b).

At K.A.L.T.D.’s arraignment on February 5, 2024, he pleaded not guilty to the charges alleged in the petition and “waive[d] time.” K.A.L.T.D. failed to appear at a pretrial hearing held on April 3. At the rescheduled hearing on April 24, the case was scheduled for trial in June.

The trial was rescheduled three times. The state requested a continuance because of the unavailability of a witness and K.A.L.T.D. did not object. Trial was rescheduled to September 2024. Trial was then reset to December 2024, and then again to February 2025. Although the record does not identify a reason for the last two continuances, the parties agree that they are attributable to the district court’s schedule.

A court trial was held on February 4, 2025. The trial included testimony by E.L. and the school resource officer. The facts underlying the charge were uncontested by the parties at trial; the only issue was K.A.L.T.D.’s mistake-of-age defense.

E.L. testified that she told K.A.L.T.D. her age and her date of birth before they had sex because she wanted him to know that she was younger, and K.A.L.T.D. responded, “Okay. That doesn’t matter.” On cross-examination, E.L. conceded that she did not tell the school resource officer that she had told K.A.L.T.D. her age. Rather, she told the officer that K.A.L.T.D. knew her age because he had previously dated her older sister.

The school resource officer testified that K.A.L.T.D. said he knew E.L. was a freshman but that he assumed E.L. was 15 or 16 years old because that is how old

K.A.L.T.D. was when he was a freshman. The officer believed K.A.L.T.D. was actually 14 or 15 years old as a freshman. On cross-examination, K.A.L.T.D.'s counsel questioned the officer further about K.A.L.T.D.'s knowledge of E.L.'s age. The following exchange occurred:

Q: [K.A.L.T.D.] said that basically [E.L.] told you that she was older or that—he told you that she said she was older?

A: He didn't tell me that she said anything about her age.

Q: He told you, though . . . that she told him that she was 18 with a 23-year-old boyfriend. Do you remember him telling you that?

A: Yeah, I do recall that now that they had a conversation at some point that she had told this 23-year-old boyfriend that she was 18.

Q: And in your second statement he actually discussed body size, didn't he?

A: Correct.

The state then objected to the questioning as hearsay. The district court sustained the objection, and K.A.L.T.D.'s counsel asked no further questions.

The district court issued its findings of fact, conclusions of law, and order on March 3, 2025. The court credited E.L.'s testimony that she told K.A.L.T.D. her age and found K.A.L.T.D.'s statement about believing E.L. was 15 or 16 not credible. The court concluded that the state proved beyond a reasonable doubt that K.A.L.T.D. committed third-degree criminal sexual conduct, and K.A.L.T.D. failed to prove by a preponderance of the evidence that he reasonably believed E.L. was 16 years old.

A disposition hearing was originally scheduled for April 2025 but was later continued until June and then again to August. At the disposition hearing, the court

adjudicated K.A.L.T.D. delinquent. The district court acknowledged that there was little time left for K.A.L.T.D. to complete treatment or other programming in lieu of adjudication because K.A.L.T.D. would turn 19 and age out of juvenile jurisdiction within just three months. *See* Minn. Stat. § 260B.193, subd. 5(a) (2024) (“[T]he jurisdiction of the court shall continue until the individual becomes 19 years of age[.]”). The court stated:

Unfortunately there is not time for this Court to exercise more flexibility in giving him an opportunity. Normally I would do that, but, again, I can’t given the seriousness of this offense, given the lack of accountability that’s been demonstrated up until now, I find that it is necessary for this Court to adjudicate, and this is the only option that has a chance of restoring law-abiding conduct[.]

The court placed K.A.L.T.D. on probation until he turned 19 and ordered him to register as a predatory offender, among other conditions. The court also stated that it remained open to considering an expungement motion in the future “given the fact that [K.A.L.T.D.] was not afforded more time to be on probation.”

K.A.L.T.D. appeals.

DECISION

On appeal, K.A.L.T.D. argues that the district court erred in sustaining the state’s hearsay objection at trial, that he received ineffective assistance of counsel, and that the trial delays amounted to a violation of his right to a speedy trial. We consider each argument in turn.

I

K.A.L.T.D. argues that the district court abused its discretion in sustaining the state’s hearsay objection because the challenged statement meets the state-of-mind hearsay

exception. Specifically, he argues the statement was elicited to support that K.A.L.T.D. reasonably believed E.L. was 16 years old.

Minnesota Rule of Evidence 801(c) defines hearsay as “a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” Statements about the declarant’s “then existing mental, emotional, or physical condition” or “state of mind”—such as statements relevant to the declarant’s intent, plan, or motive—are an exception to hearsay. Minn. R. Evid. 803(3). To be admissible under this exception: “The statement must be contemporaneous with the mental state sought to be proven. There must be no suspicious circumstances suggesting a motive for the declarant to fabricate or misrepresent his or her thoughts[.]” *State v. DeRosier*, 695 N.W.2d 97, 104 (Minn. 2005) (quotation omitted). We review district court evidentiary rulings on hearsay statements for an abuse of discretion. *State v. Burrell*, 772 N.W.2d 459, 469 (Minn. 2009). “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. Vangrevenhof*, 941 N.W.2d 730, 736 (Minn. 2020) (quotation omitted).

We discern no abuse of discretion in the district court’s ruling sustaining the objection. The school resource officer stated, “Yeah, I do recall . . . that [E.L. and K.A.L.T.D.] had a conversation at some point that she had told this 23-year-old boyfriend that she was 18.” This statement was elicited to show the truth of the matter asserted—that E.L. did, in fact, tell K.A.L.T.D. that she told her boyfriend she was 18. *See* Minn. R. Evid. 801(c).

We disagree that the state-of-mind exception applies for two reasons. First, K.A.L.T.D.’s statement to the officer was not made contemporaneously to his asserted belief, at the time of the sexual conduct, that E.L. was older than 14 years old. *See DeRosier*, 695 N.W.2d at 104. K.A.L.T.D. was informed that E.L. was 14 by the time he spoke with the officer, and so he no longer reasonably believed that she was older. Second, the circumstances under which K.A.L.T.D. made the statement suggest he had motivation to misrepresent his thoughts. *See id.* (“There must be no suspicious circumstances suggesting a motive for the declarant to fabricate or misrepresent his or her thoughts.”). Here, the statement was made while he was being questioned by a school resource officer for a potential crime, which may have provided motivation for K.A.L.T.D. to omit or misrepresent his beliefs about E.L.’s age.

Because K.A.L.T.D.’s statement was hearsay, and the state-of-mind exception does not apply, we conclude that the district court did not abuse its discretion by sustaining the state’s hearsay objection.

II

K.A.L.T.D. next argues that he received ineffective assistance of counsel because his counsel failed to contest the hearsay objection and failed to investigate and present evidence supporting his mistake-of-age defense. K.A.L.T.D. asserts that he was prejudiced by those deficiencies.

We review ineffective-assistance-of-counsel claims under the two-prong test from *Strickland v. Washington*, 466 U.S. 668 (1984). *State v. Rhodes*, 657 N.W.2d 823, 842 (Minn. 2003) (applying *Strickland* test). The first prong requires the appellant to prove that

the “counsel’s performance fell below an objective standard of reasonableness.” *Id.* at 842 (quotation omitted). An attorney meets an objective standard of reasonableness “if the attorney exercises the customary skills and diligence that a reasonably competent attorney would exercise under the circumstances.” *Swaney v. State*, 882 N.W.2d 207, 217 (Minn. 2016). The second prong requires the appellant to show prejudice, meaning that “a reasonable probability exists that the outcome would have been different but for counsel’s errors.” *Rhodes*, 657 N.W.2d at 842 (quotation omitted). We review ineffective-assistance-of-counsel claims de novo, *id.*, considering the totality of the evidence that was before the district court, *see Swaney*, 882 N.W.2d at 217-18.

K.A.L.T.D. first argues that his counsel performed below an objective standard of reasonableness by failing to argue against the state’s hearsay objection at trial. Because we have concluded that the state’s hearsay objection was proper, we further conclude that K.A.L.T.D. has not shown that his counsel’s failure to contest that objection was objectively unreasonable.

K.A.L.T.D. also asserts that his counsel failed to perform a thorough investigation to support his mistake-of-age defense. Specifically, he argues that his counsel easily could have uncovered facts showing that K.A.L.T.D. was 15 or 16 years old as a freshman in high school, which would have impeached the school resource officer’s testimony that K.A.L.T.D. was 14 or 15 as a freshman.

Assuming without deciding that counsel’s investigation was objectively unreasonable, K.A.L.T.D. has not established prejudice under the second *Strickland* prong. *See Rhodes*, 657 N.W.2d at 842 (defining prejudice); *see also Swaney*, 882 N.W.2d at 217

(“If a claim fails to satisfy one of the *Strickland* prongs, we need not consider both prongs in determining that the claim fails.”). Even if the officer’s testimony about K.A.L.T.D.’s age as a freshman was contradicted, the officer also testified that K.A.L.T.D. said he thought E.L. was 15 or 16 years old. The mistake-of-age defense requires that he reasonably believed E.L. was at least 16 years old—not 15 or 16. Minn. Stat. § 609.344, subd. 1a(b). Therefore, impeachment of the statement about K.A.L.T.D.’s age as a freshman likely would not have changed the outcome of his case.

Additionally, K.A.L.T.D. has not argued that additional investigation would have uncovered evidence that would have impugned E.L.’s credibility. The district court credited E.L.’s testimony that she told K.A.L.T.D. she was 14. Because the court found that testimony credible, K.A.L.T.D.’s mistake-of-age defense would still have been disproved even if counsel had impeached the officer. Therefore, there is not a reasonable probability that the outcome of the trial would have been different but for counsel’s performance.

We conclude that any objectively unreasonable performance by K.A.L.T.D.’s counsel did not result in prejudice to his case. K.A.L.T.D. has thus not established an ineffective-assistance-of-counsel claim.

III

K.A.L.T.D. last argues that his right to a speedy trial was violated. We review whether the right to a speedy trial was violated de novo. *State v. Osorio*, 891 N.W.2d 620, 627 (Minn. 2017).

Minnesota Rule of Juvenile Delinquency Procedure 13.02 establishes trial deadlines that are applicable when a juvenile asserts a speedy trial demand. Rule 13.02 states that, for juveniles not held in detention, “[a] trial shall be commenced within sixty (60) days from the date of a demand for a speedy trial unless good cause is shown.” Minn. R. Juv. Delinq. P. 13.02, subd. 2. If trial is delayed beyond that deadline without good cause, then “the charging document shall be dismissed without prejudice.” Minn. R. Juv. Delinq. P. 13.02, subd. 4. Here, K.A.L.T.D. did not enter a demand for a speedy trial, so the deadlines in rule 13.02 are not applicable. But despite the lack of demand, we still consider whether a speedy trial was constitutionally required under these facts. *See State v. Chute*, 887 N.W.2d 834, 844-46 (Minn. App. 2016) (considering whether an adult defendant’s speedy trial right under the Minnesota and United States Constitutions was violated when no speedy trial demand was asserted), *aff’d*, 908 N.W.2d 578 (Minn. 2018).

When evaluating speedy-trial claims, Minnesota appellate courts apply the four-factor balancing test from *Barker v. Wingo*, 407 U.S. 514 (1972). *Osorio*, 891 N.W.2d at 627; *In re Welfare of G.D.*, 473 N.W.2d 878, 881 (Minn. App. 1991) (applying the *Barker* factors in a juvenile case). The *Barker* factors are “(1) the length of the delay; (2) the reason for the delay; (3) whether the defendant asserted his or her right to a speedy trial; and (4) whether the delay prejudiced the defendant.” *Osorio*, 891 N.W.2d at 627 (quotation omitted). No single factor is determinative. *Id.* at 628. If the length of delay under the first factor is not presumptively prejudicial, the other three factors need not be analyzed. *In re Welfare of J.D.P.*, 410 N.W.2d 1, 3 (Minn. App. 1987), *rev. granted* (Minn. Sept. 23, 1987) *and appeal dismissed* (Minn. Nov. 18, 1987).

The Length of the Delay

K.A.L.T.D. asserts that the twelve-month delay between when he pleaded not guilty in February 2024 and his trial in February 2025 was presumptively prejudicial. We agree. In adult prosecutions, Minnesota courts have held that a six-month delay is presumptively prejudicial. *Osorio*, 891 N.W.2d at 628. Given that the delay here was double that length, we conclude that the delay was presumptively prejudicial, and we apply the next three *Barker* factors.

The Reason for the Delay

Multiple delays occurred between K.A.L.T.D.’s not-guilty plea and his trial. The first short delay is attributable to K.A.L.T.D. for his failure to appear at a pretrial hearing, which was then rescheduled and held three weeks later. The next delay from June to September resulted from the state’s request for a continuance because of a witness’s unavailability. That was good cause for delay. *See State v. Windish*, 590 N.W.2d 311, 317 (Minn. 1999) (“Normally, the unavailability of a witness constitutes good cause for delay.”). Also, K.A.L.T.D. did not object to the continuance.

Both parties agree in their briefs that the last two delays—causing five additional months of delay—were because of the court’s calendar. This court has stated that “delays caused by overburdened court systems and administrative difficulties should weigh against the government,” because the state “must assume responsibility for bringing cases to trial.” *J.D.P.*, 410 N.W.2d at 3. But the Minnesota Supreme Court has clarified that, when “calendar congestion is the reason for delay, it weighs less heavily against the state than would deliberate attempts to delay trial.” *State v. Friberg*, 435 N.W.2d 509, 513 (Minn.

1989). The delays in this case are attributable primarily to the court’s calendar, and there is no allegation that the state deliberately delayed trial. Accordingly, we conclude that the delays weigh slightly against the state and in favor of a speedy-trial violation.

The Assertion of a Speedy-Trial Demand

K.A.L.T.D. did not make a speedy-trial demand and does not analyze this factor in his brief. Rather, he invokes *In re Welfare of J.G.B.* for the premise that the juvenile rules do not require assertion of a speedy-trial right. 443 N.W.2d 867, 871 (Minn. App. 1989).

J.G.B. is not persuasive here. *J.G.B.* interpreted a prior version of the juvenile rules that did not tie the trial deadline to a speedy-trial demand. *Id.* at 869; *see also J.D.P.*, 410 N.W.2d at 2 (quoting Minnesota Rule of Juvenile Court Procedure 27.02, subdivision 1, as stating that a trial for a juvenile not in detention must be held “within sixty (60) days from the date of the denial of the allegations of the petition, unless good cause is shown”). In contrast, the current rule affirmatively ties the 60-day deadline to a speedy-trial demand and does not provide deadlines for when a demand is not made. Minn. R. Juv. Delinq. P. 13.02, subd. 2. Because *J.G.B.* relied on materially different language in a prior version of the juvenile rules, we decline to apply it here.

K.A.L.T.D. did not assert his right, despite the language in rule 13.02. K.A.L.T.D. also did not object to any of the delays leading to trial. We conclude that this factor weighs against K.A.L.T.D. *See Chute*, 887 N.W.2d at 846 (concluding the third *Barker* factor weighed against a defendant who did not make a speedy-trial demand).

Whether the Delay Prejudiced the Defendant

K.A.L.T.D. argues that he was prejudiced by the delay because the lack of time between his disposition hearing and his 19th birthday led the district court to adjudicate him, rather than stay the adjudication. He also argues that the delay was prejudicial because it limited his ability to access the rehabilitation services available in the juvenile delinquency system.

Under this factor, we evaluate prejudice to the defendant in the context of three interests protected by the speedy-trial right: “(1) preventing oppressive pretrial incarceration; (2) minimizing the anxiety and concern of the accused; and (3) preventing the possibility that the defense will be impaired.” *Windish*, 590 N.W.2d at 318. The third interest is the “most serious.” *Id.*

We conclude that K.A.L.T.D. has not proved prejudice here for two reasons.

First, K.A.L.T.D.’s prejudice arguments do not relate to any of the three recognized interests protected by the speedy-trial right. His arguments focus on the timing of the dispositional hearing, which took place six months after his trial. But the right to a speedy trial relates to the time between the moment the Sixth Amendment right attached and the moment the trial is held. *State v. Jones*, 392 N.W.2d 224, 235 (Minn. 1986). The recognized interests protected by a speedy trial do not contemplate prejudice with respect to posttrial dispositional hearings. *See State v. Paige*, 977 N.W.2d 829, 842 (Minn. 2022) (declining to analyze a defendant’s prejudice arguments that “were not hardships suffered due to the trial delay” because those arguments fell “outside the scope of the fourth *Barker* factor”). K.A.L.T.D. also argues that extensive delays in this case undermine the rehabilitative

policy that underlies the juvenile delinquency system. But this argument also fails to invoke one of the recognized, protected interests, and we decline to recognize a new protected interest here.

Second, even if we considered posttrial prejudice in our analysis, the record supports that the district court considered reasons other than timing in making its decision to adjudicate K.A.L.T.D., including the seriousness of the offense, K.A.L.T.D.'s failure to take accountability, and his adjudications for prior offenses. Although timing was a factor in the court's decision, we are convinced on this record that the district court would have reached the same decision to adjudicate K.A.L.T.D. regardless of the delays in trial and posttrial proceedings.

Considering all four *Barker* factors, the length of delay was presumptively prejudicial, the reason for delay weighs only slightly toward a violation, and both the lack of a demand and absence of prejudice weigh against a violation. On balance, we conclude that K.A.L.T.D.'s right to a speedy trial was not violated.

Affirmed.