

*This opinion is nonprecedential except as provided by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
A25-1980**

In the Matter of the Civil Commitment of: Alex Mathew Lafontaine.

**Filed May 18, 2026
Affirmed
Reyes, Judge**

Dakota County District Court
File No. 19HA-PR-24-116

Peter H. Dahlquist, Edina, Minnesota (for appellant Alex Mathew Lafontaine)

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

Kathryn M. Keena, Dakota County Attorney, Elizabeth Swank, Daniel Ryan, Assistant
County Attorneys, Hastings, Minnesota (for respondent Dakota County Social Services)

Considered and decided by Reyes, Presiding Judge; Connolly, Judge; and Jesson,
Judge.*

NONPRECEDENTIAL OPINION

REYES, Judge

Appellant challenges his indeterminate civil commitment to the Minnesota Sex Offender Program (MSOP) as a sexually dangerous person (SDP), arguing that the district court erred by determining that (1) he meets the criteria for commitment as an SDP and (2) a less-restrictive treatment program is not available or appropriate. We affirm.

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

FACTS

Respondent Dakota County Social Services petitioned for the civil commitment of appellant Alex Mathew Lafontaine as an SDP in May 2024. The district court held a two-day trial on the county's petition. Several individuals testified, including appellant and two forensic psychologists. Those psychologists had interviewed appellant and prepared reports for the commitment hearing, which were later entered into evidence at trial. Each psychologist opined that appellant satisfies the statutory criteria for commitment as an SDP and that a less-restrictive alternative to the MSOP would not be appropriate for him.

The district court found the testimony of the psychologists "to be foundationally solid and credible" and explicitly found appellant not credible. It determined that (1) the county showed by clear and convincing evidence that appellant is an SDP and (2) appellant failed to show by clear and convincing evidence that an appropriate, available, and less-restrictive alternative to commitment to the MSOP existed for him. The district court indeterminately committed appellant to the MSOP as an SDP.

This appeal follows.

DECISION

I. The district court did not err by determining that appellant meets the statutory criteria for commitment as an SDP.

Appellant contends that the district court erred by determining that clear and convincing evidence supported his commitment as an SDP. We are not persuaded.

"On appeal from an order committing a person as an SDP, this court is limited to an examination of the district court's compliance with the statute, and the commitment must

be justified by findings based upon evidence at the hearing.” *In re Civ. Commitment of Navratil*, 799 N.W.2d 643, 647 (Minn. App. 2011) (quotation omitted), *rev. denied* (Minn. Aug. 24, 2011). We apply a clear-error standard of review to the district court’s findings of fact. *Id.* “[Appellate courts] view the evidence in a light favorable to the findings” to determine if those findings are “reasonably supported by the evidence as a whole.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021) (quotation omitted). We do not weigh evidence, reconcile conflicting evidence, or engage in fact-finding. *Id.* at 221-23. We defer to the district court’s credibility determinations, *In re Civ. Commitment of Stone*, 711 N.W.2d 831, 839 (Minn. App. 2006), *rev. denied* (Minn. June 20, 2006), and “need not go into an extended discussion of the evidence to prove or demonstrate the correctness of the [factual] findings,” *Kenney*, 963 N.W.2d at 222 (quotation omitted). “We apply a de novo standard of review to the question whether the facts found by the district court satisfy the statutory criteria for commitment, which is a question of law.” *In re Civ. Commitment of Spicer*, 853 N.W.2d 803, 807 (Minn. App. 2014).

To commit an individual as an SDP, the district court must find by clear and convincing evidence that the individual:

- (1) has engaged in a course of harmful sexual conduct as defined in [Minnesota Statutes section 253D.02,] subdivision 8;
- (2) has manifested a sexual, personality, or other mental disorder or dysfunction; and
- (3) as a result, is likely to engage in acts of harmful sexual conduct.

Minn. Stat. § 253D.02, subd. 16(a), 253D.07, subd. 3 (2024). Clear and convincing evidence is “more than a preponderance of the evidence but less than proof beyond a

reasonable doubt.” *In re Civ. Commitment of Kropp*, 895 N.W.2d 647, 654 (Minn. App. 2017) (quotation omitted), *rev. denied* (Minn. June 20, 2017). The “standard is met when the truth of the facts asserted is highly probable.” *Id.*

A. The district court did not clearly err by finding that appellant engaged in a course of harmful sexual conduct.

Appellant argues that the district court clearly erred by finding that he “engaged in a course of harmful sexual conduct” because his conduct involved fewer victims and criminal offenses than the conduct of civilly committed individuals in several nonprecedential opinions of this court.

“Harmful sexual conduct” is “sexual conduct that creates a substantial likelihood of serious physical or emotional harm to another.” Minn. Stat. § 253D.02, subd. 8 (2024). Between 2016 and 2019, appellant pleaded guilty to, and was sentenced on, one count of third-degree criminal sexual conduct and two counts of fourth-degree criminal sexual conduct.¹ The conduct underlying convictions for first- through fourth-degree criminal sexual conduct is rebuttably presumed to satisfy the definition of “harmful sexual conduct.” *Id.*, subd. 8(b).

The district court determined that, under section 253D.02, subdivision 8(b), appellant’s three criminal-sexual-conduct convictions presumptively satisfy the definition of “harmful sexual conduct.” Appellant does not dispute this determination. He instead

¹ The district court also considered evidence regarding a fourth instance of criminal-sexual-conduct. Appellant faced no criminal charges associated with that incident, but he admitted to the offense during a psychosexual evaluation. “[C]onduct that did not result in a conviction” may be considered when determining whether an individual is an SDP. *Stone*, 711 N.W.2d at 837.

appears to contend that this court, through nonprecedential opinions, established a threshold of conduct sufficient to constitute “a course of harmful sexual conduct,” without regard to the statutory presumption. Minn. Stat. § 253D.02, subd. 16(a)(1). But this court does not create law through nonprecedential opinions. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c) (stating that nonprecedential opinions “are not binding authority”).

B. The district court did not clearly err by finding that appellant manifested disorders.

Appellant argues that the district court clearly erred by finding that he “manifested a sexual, personality, or other mental disorder or dysfunction,” Minn. Stat. § 253D.02, subd. 16(a)(2), because his testimony presented conflicting evidence. Appellant’s argument fails because (1) we defer to the district court’s finding that appellant’s testimony was not credible, *see Stone*, 711 N.W.2d at 839; (2) we defer to the district court’s weighing of evidence, *see Kenney*, 963 N.W.2d at 221, and (3) we do not reconcile conflicting evidence, *see id.* at 222.

C. The district court did not clearly err by finding that appellant is highly likely to engage in acts of harmful sexual conduct.

Appellant argues that the district court clearly erred by finding that he “is [highly] likely to engage in acts of harmful sexual conduct,” Minn. Stat. § 253D.02, subd. 16(a)(3), because (1) two of the statistical tools used by the psychologists are of limited predictive value in his circumstances and (2) despite not completing sex-offender treatment, he has made “progress.”

The district court considers several factors when analyzing whether a person is highly likely to engage in acts of harmful sexual conduct, including “the base rate statistics

for violent behavior among individuals of this person's background" and "the person's record with respect to sex therapy programs." *In re Linehan*, 518 N.W.2d 609, 614 (Minn. 1994). "No single factor is determinative," *Navratil*, 799 N.W.2d at 649, and the analysis "must include any other type of relevant and reliable evidence, including evidence derived from actuarial risk assessments and structured clinical assessments," *Spicer*, 853 N.W.2d at 808 (quotation omitted).

Appellant's reliance on the limitations of two statistical tools is unavailing because the district court did not rely solely on those tools to support its finding that appellant is highly likely to engage in acts of harmful sexual conduct. Similarly, it did not rely solely on appellant's failure to "successfully participate in and complete a sex offender treatment program." It also relied on other evidence, including two other statistical tools and appellant's own testimony that the district court found "suggests he does not appreciate or much care about the impact his sexually assaultive behavior has had on his [v]ictims." The district court's findings on the remaining factors are also "reasonably supported by the evidence as a whole." *Kenney*, 963 N.W.2d at 221 (quotation omitted).

Appellant's argument is also inconsistent with clear-error review. He asks this court to reweigh evidence and reconcile conflicting evidence, which we cannot do. *See id.* at 221-22.

II. The district court did not err by determining that no appropriate, available, and less-restrictive alternative to civil commitment exists for appellant.

Appellant asks this court to “reverse the district court’s finding” that, for him, no appropriate, available, and less-restrictive alternative to civil commitment exists. We are not convinced.

If a district court determines that an individual meets the SDP criteria, it “shall commit the person to a secure treatment facility unless the person establishes by clear and convincing evidence that a less-restrictive treatment program is available, is willing to accept the [person] under commitment, and is consistent with the person’s treatment needs and the requirements of public safety.” Minn. Stat. § 253D.07, subd. 3. “[T]he burden of proving that a less restrictive alternative exists rests on [appellant].” *In re Civ. Commitment of Ince*, 847 N.W.2d 13, 25 (Minn. 2014).

Appellant does not argue that he met this burden. He identifies no clearly erroneous finding on the matter. He merely asks this court to give him another opportunity to meet his burden. He identifies no legal authority permitting this court to reverse for that purpose. We therefore decline to grant his requested relief.

Affirmed.