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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A26-0045**

In the Matter of the Welfare of: T. L. L., Child.

**Filed August 3, 2026
Affirmed
Johnson, Judge**

Morrison County District Court
File No. 49-JV-25-1281

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

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

Brian Middendorf, Morrison County Attorney, Natalie Schiferl, Assistant County Attorney, Little Falls, Minnesota (for respondent State of Minnesota)

Considered and decided by Rasmusson, Presiding Judge; Johnson, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

JOHNSON, Judge

Approximately one month before his seventeenth birthday, T.L.L. was arrested for possessing 61 grams of methamphetamine. The state filed a juvenile-delinquency petition, charging T.L.L. with a first-degree controlled substance crime. The state also moved to certify T.L.L. for prosecution as an adult. The juvenile court granted the motion. We conclude that the juvenile court did not abuse its discretion by certifying T.L.L. for

prosecution as an adult. We also conclude that T.L.L.'s court-appointed attorney did not provide him with constitutionally ineffective assistance of counsel. Therefore, we affirm.

FACTS

The delinquency petition alleges the following facts, which we assume to be true for purposes of the state's certification motion.

In September 2025, a state trooper saw a vehicle brake suddenly and turn without properly signaling near Motley in Morrison County. After the vehicle was stopped, the trooper noticed that the front-seat passenger, later identified as T.L.L., was slumped over in his seat with white powder residue on his clothing, which caused the trooper to become concerned for his welfare. While the trooper was standing next to the vehicle, he saw T.L.L. reach toward his left side, which caused the trooper to believe that he might be armed. T.L.L. initially refused the trooper's multiple commands to exit the vehicle. When T.L.L. did exit the vehicle, he resisted the trooper's attempt to conduct a protective search. After T.L.L. was subdued, the trooper conducted a search of T.L.L.'s person, which revealed a bag containing 61 grams of methamphetamine.

The following day, the state filed a delinquency petition charging T.L.L. with first-degree controlled substance crime, in violation of Minn. Stat. § 152.021, subd. 2(a)(1) (Supp. 2025), and obstruction of legal process, in violation of Minn. Stat. § 609.50, subd. 1(2) (2024). One week later, the state moved to certify T.L.L. for prosecution as an adult on count 1, the drug charge. After a pre-trial hearing in early October 2025, the juvenile court ordered a certification study and a psychological evaluation, which were completed in early November 2025.

The certification-study report, which was prepared by a county corrections agent, summarized T.L.L.'s prior record, placement history, family history, education, employment, and other personal attributes. The certification-study report analyzed the statutory public-safety factors and recommended an extended juvenile jurisdiction (EJJ) designation. The psychological-examination report, which was prepared by a licensed psychologist who had done a clinical interview of T.L.L., also summarized T.L.L.'s background, evaluated the statutory public-safety factors, and recommended that the juvenile court order EJJ.

In late November 2025, the juvenile court conducted a hearing on the state's certification motion. The certification-study report and the psychological-evaluation report were admitted into evidence. The parties did not present any additional evidence. T.L.L.'s attorney argued that EJJ was appropriate because T.L.L. had not been charged with a violent offense, his prior record included only relatively minor offenses, he had not demonstrated a history of failing programming, and the programming available in EJJ would address his chemical-dependency and trauma-therapy needs. The state argued that certification was appropriate because T.L.L.'s offense had a serious impact on the community, had elements of sophistication, and lacked mitigating factors. The state also argued that T.L.L.'s criminal record demonstrates an escalation in offense severity and that he has shown an unwillingness to participate in programming. In December 2025, the juvenile court filed a 15-page order in which it granted the state's certification motion. T.L.L. appeals.

DECISION

T.L.L. raises two arguments on appeal. First, he argues that the juvenile court erred by granting the state's motion to certify him for prosecution as an adult. Second, he argues that he received ineffective assistance of counsel.

I. Certification Motion

T.L.L. argues that, for two reasons, the juvenile court erred by certifying him for prosecution as an adult.

Juvenile defendants accused of criminal conduct are tried in the juvenile division of the district court. Minn. Stat. § 260B.101, subd. 1 (2024). If a juvenile is found to be delinquent, the juvenile court may order any of a variety of dispositions, along with “written findings of fact to support the disposition ordered” and to explain “why the best interests of the child are served by the disposition ordered” and “what alternative dispositions were considered.” Minn. Stat. § 260B.198, subd. 1(a), 1(b) (2024).

If a juvenile is charged with a felony offense, the case may be designated an EJJ proceeding. Minn. Stat. § 260B.130, subd. 1 (2024). “In an EJJ prosecution, upon a finding of guilt or entry of a guilty plea the juvenile is given both an adult criminal sentence and a juvenile disposition.” *In re Welfare of D.M.D., Jr.*, 607 N.W.2d 432, 434 (Minn. 2000). “The adult sentence is stayed on the condition that the juvenile does not violate the terms of the disposition or commit a new offense.” *Id.* “EJJ designation extends the juvenile court’s jurisdiction until the juvenile reaches 21 years of age, as opposed to the usual limit of 19 years.” *Id.*

A juvenile defendant who is 14 years old or older and is charged with a felony offense also may be certified for prosecution as an adult in district court. Minn. Stat. § 260B.125, subd. 1 (2024). If the alleged offense would result in a presumptive commitment to prison for an adult, and if the juvenile defendant was 16 or 17 years of age at the time of the alleged offense, adult certification is presumed. *Id.*, subd. 3.

“In presumptive-certification proceedings, the state bears the burden of showing that (1) the juvenile was 16 or 17 years old, and (2) the alleged offense carries a presumptive prison sentence or that it is a felony offense involving a firearm.” *In re Welfare of P.C.T.*, 823 N.W.2d 676, 681 (Minn. App. 2012), *rev. denied* (Minn. Feb. 19, 2013). If the state satisfies its initial burden, and if there is probable cause to support the allegations, the burden shifts to the juvenile defendant to prove “by clear and convincing evidence that retaining the proceeding in the juvenile court serves public safety.” Minn. Stat. § 260B.125, subd. 3; *see also* Minn. R. Juv. Delinq. P. 18.06, subd. 1. If the juvenile defendant satisfies that burden of proof, the juvenile court retains jurisdiction over the case as an EJJ case until the juvenile defendant’s 21st birthday. Minn. Stat. §§ 260B.125, subd. 8(b), 260B.130, subd. 1(1) (2024); Minn. R. Juv. Delinq. P. 19.01, subd. 2; *In re Welfare of J.H.*, 844 N.W.2d 28, 35 (Minn. 2014). But if the juvenile defendant does not satisfy his burden of proof, “the court shall certify the proceeding.” Minn. Stat. § 260B.125, subd. 3.

In determining whether public safety is served by certification, a juvenile court must consider the following six public-safety factors:

(1) the seriousness of the alleged offense in terms of community protection, including the existence of any aggravating factors recognized by the Sentencing Guidelines, the use of a firearm, and the impact on any victim;

(2) the culpability of the child in committing the alleged offense, including the level of the child's participation in planning and carrying out the offense and the existence of any mitigating factors recognized by the Sentencing Guidelines;

(3) the child's prior record of delinquency;

(4) the child's programming history, including the child's past willingness to participate meaningfully in available programming;

(5) the adequacy of the punishment or programming available in the juvenile justice system; and

(6) the dispositional options available for the child.

Id., subd. 4. A juvenile court must give greater weight to the first and third factors. *Id.* If “a juvenile court orders certification, it is not required to specifically address each of the six statutory factors in its written order” but must demonstrate that it “carefully considered its decision.” *J.H.*, 844 N.W.2d at 37 (quotation omitted).

A juvenile court “has considerable latitude in deciding whether to certify a case for adult prosecution.” *P.C.T.*, 823 N.W.2d at 681 (quotation omitted). This court applies a clear-error standard of review to a juvenile court's findings of fact concerning the six public-safety factors. *J.H.*, 844 N.W.2d at 34-35. We apply an abuse-of-discretion standard of review to a juvenile court's balancing of the factors and its ultimate decision on a certification motion. *In re Welfare of N.J.S.*, 753 N.W.2d 704, 710-11 (Minn. 2008); *In re Welfare of U.S.*, 612 N.W.2d 192, 195 (Minn. App. 2000).

A.

T.L.L. argues that the juvenile court erred by disregarding the certification study and the psychological evaluation.

A juvenile court “may order social, psychiatric, or psychological studies concerning the child who is the subject of the extended jurisdiction juvenile proceeding.” Minn. R. Juv. Delinq. P. 19.03, subd. 1. “If study reports include a recommendation on the court’s actions, the report shall address each of the public safety considerations” specified in the statute. *Id.*, subd. 2. A juvenile court is not required to follow the recommendations of such social, psychiatric, or psychological studies. *See In re Welfare of K.A.P.*, 550 N.W.2d 9 (Minn. App. 1996), *rev. denied* (Minn. Aug. 20, 1996) (affirming certification even though psychological evaluation recommended against certification).

T.L.L.’s argument is based on the juvenile court’s comment during the hearing that the certification-study report inappropriately compared juvenile and EJJ dispositions rather than EJJ and adult dispositions. As T.L.L. acknowledges, the certification-study report compared juvenile and EJJ dispositions when discussing the sixth statutory factor, dispositional options. At the hearing, the juvenile court asked counsel to confirm that the outcome of the certification motion would determine whether T.L.L., if found guilty, would have an EJJ disposition or an adult disposition, and both attorneys agreed. The record of the hearing indicates that the juvenile court engaged with both the certification-study report and the psychological-evaluation report, even though the juvenile court ultimately disagreed with the recommendations. In making findings of fact, the juvenile court drew heavily from the certification-study report and the psychological-evaluation report when

describing T.L.L.’s background. The juvenile court also relied on the certification-study report and the psychological-evaluation report when analyzing the six public-safety factors.

Thus, the juvenile court did not disregard the certification study or the psychological evaluation.

B.

The juvenile court found that each of the six statutory public-safety factors supports certification. T.L.L. contends that the juvenile court erred with respect to each factor. We consider each factor in turn.

1. Seriousness of Offense

The juvenile court found that this factor favors certification because T.L.L.’s drug charge is, by statutory definition, a violent crime. *See* Minn. Stat. § 609.1095, subd. 1(d) (2024) (defining “violent crime”). The juvenile court also noted that the charge is classified as a level 8 offense for purposes of the sentencing guidelines. *See* Minn. Sent’g Guidelines 4.C. (Supp. 2025). In addition, the juvenile court reasoned, consistent with the certification study and the psychological evaluation, that “in practical, real-world terms, the harm caused by the juvenile’s conduct extends far beyond the single identifiable victim typical in a person crime such as aggravated robbery or first-degree assault” and that “the societal impact of such conduct is profound, far-reaching, and undeniably serious.” The juvenile court further found that T.L.L.’s “decision to cross state lines and travel a significant distance to the largest city in Minnesota to purchase methamphetamine for resale in a much smaller and rural community in North Dakota is especially troubling and demonstrates a

heightened level of sophistication, as well as a disregard for the safety and well-being of others.”

T.L.L. contends that the juvenile court erred on the ground that the alleged offense, possessing a controlled substance, is “less serious” than the typical case for which juvenile defendants are certified as adults. He asserts that a review of caselaw shows that only a small percentage of certification cases involve drug-related charges. He does not cite any caselaw for the proposition that a drug-related crime is, as a matter of law, not serious enough to satisfy the first statutory factor. One of the opinions he cites recognizes that “certification is not limited to violent crimes” and “applies to any felony-level offense.” *See In re Welfare of R.D.M., III*, 825 N.W.2d 394, 400 (Minn. App. 2013), *rev. denied* (Minn. Apr. 16, 2013). The juvenile court’s finding is supported by the certification-study report and the psychological-evaluation report, which noted the sophistication and planning necessary to procure and distribute controlled substances as well as the impact of drug sales on a community. The juvenile court did not clearly err by finding that the seriousness of the offense favors certification.

2. Culpability

The juvenile court found that this factor favors certification because T.L.L. “acted of his own free will in obtaining the methamphetamine with the intent to distribute it” and arranged for another person to drive him from North Dakota to Minneapolis.

T.L.L. contends that the juvenile court erred by not recognizing certain mitigating factors, namely, the fact that his parents used drugs and his own frequent use of drugs. The juvenile court considered T.L.L.’s argument but recognized that “the existence of any

mitigating factors when determining the culpability of a child . . . for purposes of certification, is limited to the level of the child’s participation in planning and carrying out the offense and the mitigating factors recognized by the Sentencing Guidelines, which are set forth in Minn. Sent. Guidelines 2.D.3.a.” *See In re Welfare of H.B.*, 986 N.W.2d 158, 160 (Minn. 2022). The juvenile court reviewed the mitigating factors in the sentencing guidelines and found that none apply. On appeal, T.L.L. identifies a mitigating factor in the sentencing guidelines that may apply to a person who is particularly amenable to probation because he is chemically dependent and “has been accepted by, and can respond to, a treatment program.” *See* Minn. Sent’g. Guidelines 2.D.3.a.(8) (Supp. 2025). But T.L.L. does not contend that he has been accepted into such a program; he contends merely that he would be eligible for a treatment program in the future. The juvenile court did not clearly err by not finding a mitigating factor but instead finding that T.L.L.’s culpability favors certification.

3. Prior Record of Delinquency

The juvenile court found that this factor favors certification because T.L.L. recently had been adjudicated delinquent for driving under the influence of a controlled substance and possession of methamphetamine and was on probation when he engaged in the alleged conduct. The juvenile court recognized that T.L.L.’s record “is relatively limited and generally lower-level compared to that of some other seventeen-year-old children in the juvenile justice system.” But the juvenile court also noted that T.L.L. had been charged with shoplifting bullets, which gave the juvenile court concerns that he may have “access to a firearm” and may be seeking a drug-dealer lifestyle.

T.L.L. contends that the juvenile court erred by “extrapolating” a fact that is not in the record, namely, that T.L.L. has access to a firearm. But the juvenile court did not find that T.L.L. actually possessed a firearm; the juvenile court merely noted its concern that the allegation of shoplifting bullets “rais[es] questions” about whether he has access to a firearm. A prior record of delinquency may support adult certification if it demonstrates “escalating criminal behavior that presents a threat to public safety.” *R.D.M., III*, 825 N.W.2d at 400. In several ways, T.L.L.’s record tends to demonstrate such behavior. Between 2021 and 2023, he had only two juvenile charges: criminal mischief and refusal to halt. In 2025, he accrued six additional charges (not including the charge in this case): driving under the influence, driving after suspension, possession of methamphetamine, possession of marijuana, and two shoplifting charges. The juvenile court did not clearly err by finding that T.L.L.’s prior record favors certification.

4. Programming History

The juvenile court found that this factor favors certification based on evidence that T.L.L. had “refused to participate in counseling in the past” and was unwilling to participate in services. Specifically, the juvenile court noted that T.L.L. “had the chance to address his chemical dependency issues by attending inpatient treatment that was set up for him” but “instead chose to continue engaging in criminal behavior and absconded from the services that were made available to him to improve his life.”

T.L.L. contends that the juvenile court improperly considered his failure to attend school, maintain employment, and obtain a driver’s license on the ground that such conduct has “nothing to do with programming history.” But this court has relied on similar facts in

concluding that the fourth factor supports certification. *See P.C.T.*, 823 N.W.2d at 683 (reasoning that juvenile had “hardly darkened the doorstep of a school or participated in online schooling in more than a year”). More importantly, the fourth factor considers “a juvenile’s programing history *and whether the juvenile demonstrated a willingness to participate.*” *H.B.*, 986 N.W.2d at 175 (emphasis added). “Rejection of prior treatment efforts indicates a juvenile’s unwillingness to submit to programming in a meaningful way.” *U.S.*, 612 N.W.2d at 296. T.L.L. emphasizes that he has “not participated in any programming,” but he also acknowledges that he failed to start a chemical-dependency program. The juvenile court reasonably relied on T.L.L.’s demonstrated unwillingness to participate in programming as a negative aspect of his programming history. *See H.B.*, 986 N.W.2d at 175-176 (reasoning that juvenile’s programming history includes unwillingness to engage in treatment, running from treatment facilities, and accruing new felony offenses). The juvenile court did not clearly err by finding that T.L.L.’s programming history favors certification.

5. Adequacy of Punishment or Programming in Juvenile System

The juvenile court found that this factor favors certification because it “was not provided with any specific information on what programming the juvenile would receive with EJJ” and, thus, was not “convinced that there is something better for the juvenile related to chemical dependency treatment if he remains in juvenile court.”

T.L.L. contends that the juvenile court discounted the conclusions of the certification-study report and the psychological-evaluation report that programming available through EJJ would be appropriate for T.L.L. But T.L.L. does not specifically

describe the treatment that would be available with an EJJ disposition. Both the certification-study report and the psychological-evaluation report appear to compare a regular juvenile disposition with an EJJ disposition and reason that EJJ would be preferable to a regular juvenile disposition because it would give T.L.L. more time for programming. The juvenile court raised this issue at the hearing, but neither party provided clarification. Accordingly, the juvenile court concluded that T.L.L. had not met his burden of showing that EJJ would be better than certification. The juvenile court did not clearly err by finding that uncertainty concerning programming in the juvenile system favors certification.

6. Dispositional Options Available

The juvenile court acknowledged that this factor presented a close call. But the juvenile court found that T.L.L. either would receive an EJJ disposition and be placed on probation until age 21 or would be certified as an adult with a presumptive commitment of 65 months, which would allow him to complete supervised release at age 22. The juvenile court reasoned that, with an EJJ disposition, there is no certainty that public safety would be addressed while T.L.L. is on probation. T.L.L. contends that the juvenile court did not fully consider the possibility of revoking EJJ and executing his adult sentence. There is no reason to believe that the juvenile court was not fully aware of that possibility or the time until the expiration of T.L.L.'s sentence under either option. The juvenile court did not clearly err by finding that the dispositional options available favor certification.

If a juvenile does not rebut the presumption of certification, the juvenile court “shall certify the proceeding.” Minn. Stat. § 260B.125, subd. 3. In this case, the juvenile court

concluded that T.L.L. did not rebut the presumption that adult certification would serve public safety. In summing up and balancing the factors, the juvenile court stated:

The juvenile committed a serious offense, bore a high degree of culpability in doing so, and previously had an opportunity to participate in programming from which he absconded. Public safety cannot be adequately addressed through juvenile programming in this case, and the dispositional options available under adult certification most appropriately protect public safety.

Because the juvenile court's reasoning is consistent with the law and is supported by the record, the juvenile court did not abuse its discretion by granting the state's motion to certify T.L.L. for prosecution as an adult.

II. Assistance of Counsel

T.L.L. also argues that his court-appointed attorney provided him with ineffective assistance of counsel.

The Due Process Clause of the Fourteenth Amendment to the United States Constitution "entitles a juvenile to the effective assistance of counsel at the certification hearing." *In re Welfare of J.C.P., Jr.*, 716 N.W.2d 664, 668 (Minn. App. 2006), *rev. denied* (Minn. Oct. 17, 2006); *see also, In re Gault*, 387 U.S. 1, 41 (1967); *Kent v. United States*, 383 U.S. 541, 561 (1966). This right also is reflected in a statute and the rules of delinquency procedure. *See* Minn. Stat. § 260B.163, subd. 4 (2024); Minn. R. Juv. Delinq. P. 3.01.

This court analyzes ineffective-assistance-of-counsel claims in juvenile-delinquency cases under the standard that applies in criminal cases, as set forth in *Strickland v. Washington*, 466 U.S. 668 (1984). *See In re Welfare of L.B.*, 404 N.W.2d

341, 345 (Minn. App. 1987). To prevail under *Strickland*, a defendant “must show that counsel’s representation fell below an objective standard of reasonableness” and that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” 466 U.S. at 687-88, 694; *see also State v. Rhodes*, 657 N.W.2d 823, 842 (Minn. 2003). Appellate courts apply “a strong presumption that a counsel’s performance falls within the wide range of reasonable professional assistance.” *State v. Jones*, 392 N.W.2d 224, 236 (Minn. 1986) (quotation omitted). “General assertions of error without evidentiary support are inadequate to establish ineffective assistance of counsel.” *In re Commitment of Johnson*, 931 N.W.2d 649, 657 (Minn. App. 2019), *rev. denied* (Minn. Sept. 17, 2019); *see also State v. Miller*, 666 N.W.2d 703, 717-18 (Minn. 2003). Moreover, a reviewing court generally “will not review attacks on counsel’s trial strategy.” *Opsahl v. State*, 677 N.W.2d 414, 421 (Minn. 2004).

T.L.L. contends that his attorney’s representation fell below an objective standard of reasonableness because he did not point out that certain parts of the certification-study report and the psychological-evaluation report compared EJJ to adult certification, did not call the corrections agent as a witness, and did not ask for a continuance of the hearing for the purpose of subpoenaing the author of the psychological-examination report. He argues that, if his attorney had done those things, the juvenile court would have denied the state’s motion for adult certification.

All three of T.L.L.’s contentions concern matters of trial strategy. Furthermore, T.L.L.’s attorney’s representation did not fall below an objective standard of reasonableness. At the hearing, he presented arguments to the juvenile court (many of

which are reiterated on appeal), and he responded to the juvenile court's questions. The attorney did not fail to respond to a question concerning the certification-study report and the psychological-evaluation report and their comparisons of EJJ to adult certification. The attorney had little need to call the corrections agent as a witness because the juvenile court asked several questions of the corrections agent on the record. Whether to call the licensed psychologist who had interviewed T.L.L., like other questions about "which witnesses to call at trial and what information to present," are decisions that "lie within the discretion of trial counsel and will not be second-guessed by appellate courts." *Leake v. State*, 737 N.W.2d 531, 536, 539 (Minn. 2007). T.L.L. generally asserts that the outcome would have been different if his attorney had been more vigorous in presenting evidence and arguments concerning EJJ, but he does not make any proffer of what the psychologist might have said on the witness stand. The rules provide for written reports of the certification study and the psychological evaluation, the admission of which made it unnecessary to call the author of the psychological-evaluation report. *See* Minn. R. Juv. Delinq. P. 19.03. T.L.L. does not identify any other evidence that the attorney could have offered, either at the November 2025 hearing or after a continuance, that might have changed the juvenile court's analysis of the statutory factors. Based on the record before this court, T.L.L. cannot satisfy either prong of the *Strickland* test.

Thus, T.L.L. has not shown that his attorney provided him with constitutionally ineffective assistance of counsel.

Affirmed.