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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A26-0228**

In the Matter of the Civil Commitment of Matthew Steven Zarbinski.

**Filed August 17, 2026
Affirmed
Ede, Judge**

Anoka County District Court
File No. 02-PR-24-462

Samuel V. Johnson, Johnson Brothers Law, PLLP, Chisago City, Minnesota (for appellant Matthew Steven Zarbinski)

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Considered and decided by Ede, Presiding Judge; Smith, Tracy M., Judge; and Beane, Judge.

NONPRECEDENTIAL OPINION

EDE, Judge

Appellant challenges an order indeterminately committing him as a sexually dangerous person (SDP) and sexually psychopathic personality (SPP), arguing that the district court (1) erred in determining that he is highly likely to reoffend and is dangerous to others and (2) improperly relied on hearsay and uncharged conduct without adequately assessing the reliability of that evidence. We affirm.

FACTS

Respondent Anoka County¹ petitioned for civil commitment of appellant Matthew Steven Zarbinski as an SDP and SPP. In the petition, the county alleged that Zarbinski had engaged in several incidents of sexual misconduct spanning about 18 years and that, although he had attempted sex-offender treatment, he had violated the terms of his probation several times.

The matter proceeded to a hearing in August 2025. The district court heard testimony from multiple witnesses, including: four victims of harmful sexual conduct; Zarbinski; a Ramsey County probation officer; a forensic case manager with Anoka County Adult Mental Health; the assistant director of community corrections for Anoka County; and two court-appointed experts. In addition, the district court received several exhibits in evidence.

As mentioned above, the record includes evidence of four incidents of harmful sexual conduct by Zarbinski: a 2003 sexual assault of 15-year-old E.R.K. that resulted in a conviction of third-degree criminal sexual conduct; an uncharged 2013 incident of sexual conduct with a vulnerable adult, A.M.B.; an uncharged 2014 sexual assault of 17-year-old H.M.S.; and a 2017 sexual assault of 14-year-old S.L.J. that resulted in a conviction of third-degree criminal sexual conduct. Below, we summarize the evidence of the four incidents of harmful sexual conduct, as well as other facts the district court discussed in its order indeterminately committing Zarbinski as an SDP and SPP.

¹ Respondent identifies itself as “Anoka County” in its appellate brief. *See* Minn. R. Civ. App. P. 143.01.

2003 Third-Degree Criminal Sexual Conduct Involving E.R.K.

In 2003, Zarbinski was 27 years old and E.R.K. was 15. Zarbinski admittedly knew E.R.K. was 15 and misinformed her that he was 20 because he did not want her to “reject their friendship.” After engaging in “grooming behaviors,” Zarbinski assaulted E.R.K. and was ultimately convicted of third-degree criminal sexual conduct.

Because of his conviction, a district court placed Zarbinski on supervised probation for five years, with conditions that he serve 90 days of local confinement, begin outpatient sex offender treatment, and register as a sex offender for ten years. Zarbinski also signed a statement of understanding that he was prohibited from contacting E.R.K. by an order for protection. He nonetheless later attempted contact with E.R.K. after seeing her at a bus stop. In 2004, Zarbinski was convicted of a felony for violating the order for protection.

Between July 2003 and December 2004, while Zarbinski was on probation for the 2003 third-degree-criminal-sexual-conduct conviction involving E.R.K., he was in a relationship with a 17-year-old female, M.E. This relationship violated the terms of his probation. Zarbinski was readmitted to sex offender treatment, attended the program for about three years followed by a year of aftercare, and completed treatment in August 2007.

2013 Uncharged Sexual Conduct with A.M.B.

In September 2013, Zarbinski was 38 years old and engaged in sexual conduct with A.M.B., a vulnerable adult female. The Ramsey County Attorney’s Office cited insufficient evidence in declining to bring criminal charges against Zarbinski based on the incident.

A.M.B. testified during the underlying commitment hearing. The district court found that “it was immediately apparent that she was vulnerable” and that her account of the sexual conduct was “credible,” “persuasive,” and “consistent” with other evidence. This included a guardianship order concerning A.M.B., which states that she was diagnosed with cerebral palsy and had a full-scale intelligence quotient (IQ) of 47. The district court also heard testimony from A.M.B.’s friend, B.E.M., who was in a relationship with Zarbinski at the time he engaged in sexual conduct with A.M.B. According to B.E.M., her relationship with Zarbinski had been sexual, she had an intellectual disability, and Zarbinski knew that she was disabled because she had told him. Based on B.E.M.’s testimony, the district court found that “it was immediately apparent that she was vulnerable.”

In addition, the district court also heard testimony from Zarbinski about the 2013 incident involving A.M.B. but did not credit his version of the events. Zarbinski claimed that he did not know that A.M.B. and B.E.M. were vulnerable. The district court found his failure to recognize A.M.B. and B.E.M.’s “vulnerability is concerning and indicates a lack of judgment regarding [with] who[m] he engages in sexual relations.” In short, the district court determined that there is clear and convincing evidence that Zarbinski engaged in sexual conduct with A.M.B. in 2013.

2014 Uncharged Sexual Assault of H.M.S.

In March 2014, Zarbinski sexually assaulted a 17-year-old girl, H.M.S. Similar to its handling of the 2013 sexual conduct involving A.M.B., the Ramsey County Attorney’s

Office cited insufficient evidence in declining to bring criminal charges against Zarbinski based on the 2014 incident concerning H.M.S.

During the underlying commitment hearing, H.M.S. testified that Zarbinski took her to a hotel, held her down, and sexually penetrated her without her consent, despite her request that he stop. The district court found H.M.S.'s account "credible and persuasive." And the district court determined that there is clear and convincing evidence that this assault occurred.²

2017 Third-Degree Criminal Sexual Conduct Involving S.L.J.

In 2017, when Zarbinski was between 41 and 42 years old, he engaged in sexual contact with 14-year-old S.L.J.

Text messages between Zarbinski and S.L.J. show that Zarbinski knew that S.L.J. was a minor and was emotionally vulnerable, that he told her he would marry her if the law allowed, and that he knew that she had been harming herself and had been sexually assaulted twice in the year before. As a result of his actions, Zarbinski was convicted of third-degree criminal sexual conduct in May 2022 and sentenced to 70 months' imprisonment, with lifetime conditional release.

² The district court also found that, when Zarbinski sexually assaulted H.M.S. in 2014, he had been in a sexual relationship with H.M.S.'s 16-year-old friend, K.A., who also testified at the commitment hearing. Notwithstanding Zarbinski's testimony denying that he and K.A. had been in a sexual relationship, the district court found K.A. credible. Although the district court did not expressly consider Zarbinski's sexual relationship with K.A. to be an incident of harmful sexual conduct, the court addressed this behavior in discussing Zarbinski's "inappropriate sexual relationships with minors."

Other Conduct

Zarbinski was convicted of “felony prostitution—engage 16- to 17-year-old” in 2019 and “misdemeanor prostitution—engage with person over 18” in 2021.

The terms of Zarbinski’s probation for the felony prostitution offense required that he complete a second sex offender treatment program, that he have no contact with minor females, and that his probation officer supervise and authorize his internet access.³ Still, Zarbinski violated the terms of his probation by having contact with minor females several times, including an occasion in which he took a 15-year-old girl and her friends to a sex shop. After being referred to a third sex-offender-treatment program in 2021, Zarbinski was discharged in 2022 after he again violated his probationary terms.

Alternatives to Commitment and Expert Opinions

During the underlying commitment hearing, the forensic case manager with Anoka County Adult Mental Health testified that Zarbinski had already received treatment in “robust outpatient programs.” She explained that some of the available programs would not accept a person who had been dismissed from sex offender treatment and that others would be similar to the programs he had previously participated in before violating the terms of his probation. And she stated that none of the programs would provide security or monitoring.

³ During the underlying commitment hearing, the district court heard testimony from the Ramsey County probation officer who was assigned to supervise Zarbinski from 2019 to 2022. The probation officer testified about her regular contact with Zarbinski and her extensive efforts to monitor his internet-capable devices.

The assistant director of community corrections for Anoka County testified about how Zarbinski would be supervised if he were not committed. The assistant director explained that, based on his review of records from Ramsey County probation, authorities had used most of the tools available but had been unable to keep Zarbinski from contacting minors.

The district court received reports and heard testimony from two court-appointed examiners, Dr. C. and Dr. D. Both examiners opined that Zarbinski met the criteria for commitment as an SDP and SPP.

After the hearing, the district court issued an order civilly committing Zarbinski on both grounds. This appeal follows.

DECISION

Zarbinski challenges the order indeterminately committing him as an SDP and SPP, contending that the district court (1) erred in determining that he is highly likely to reoffend and is dangerous to others and (2) improperly relied on hearsay and uncharged conduct without adequately assessing the reliability of that evidence. We address each argument below.

I. The district court did not err in determining that Zarbinski is highly likely to reoffend and is dangerous to others.

Zarbinski maintains (A) that “[t]he record is devoid of clear and convincing evidence that . . . Zarbinski is highly likely to reoffend or is dangerous to others” and (B) that the district court conflated the *Linehan* factors.⁴ These arguments are unavailing.

A. There is clear and convincing evidence in the record supporting the district court’s determination that Zarbinski meets the criteria for commitment as an SDP and SPP.

A person may be civilly committed as an SDP or SPP, or both, if the county proves that the statutory commitment criteria are met by clear and convincing evidence. Minn. Stat. § 253D.07, subd. 3 (2024). An SDP is a person who “(1) has engaged in a course of harmful sexual conduct . . . ; (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) (2024). And an SPP is a person who has

such conditions of emotional instability, or impulsiveness of behavior, or lack of customary standards of good judgment, or failure to appreciate the consequences of personal acts, or a combination of any of these conditions, which render the person irresponsible for personal conduct with respect to sexual matters, if the person has evidenced, by a habitual

⁴ See *In re Linehan*, 518 N.W.2d 609, 614 (Minn. 1994) (directing the district court to consider these factors: “(a) the person’s relevant demographic characteristics (*e.g.*, age, education, etc.); (b) the person’s history of violent behavior (paying particular attention to recency, severity, and frequency of violent acts); (c) the base rate statistics for violent behavior among individuals of this person’s background (*e.g.*, data showing the rate at which rapists recidivate, the correlation between age and criminal sexual activity, etc.); (d) the sources of stress in the environment (cognitive and affective factors which indicate that the person may be predisposed to cope with stress in a violent or nonviolent manner); (e) the similarity of the present or future context to those contexts in which the person has used violence in the past; and (f) the person’s record with respect to sex therapy programs”).

course of misconduct in sexual matters, an utter lack of power to control the person's sexual impulses and, as a result, is dangerous to other persons.

Id., subd. 15 (2024).

If a district court determines that clear and convincing evidence supports commitment as an SDP, SPP, or both,

the court 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.

“We review the district court’s factual findings for clear error, considering the record in the light most favorable to the findings of fact.” *In re Civ. Commitment of Breault*, 942 N.W.2d 368, 378 (Minn. App. 2020) (quotation omitted). An appellate court “will not conclude that a factfinder clearly erred unless, on the entire evidence, [the court is] . . . left with a definite and firm conviction that a mistake has been committed.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021) (quotations omitted). A district court’s “findings are clearly erroneous when they are manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole.” *Id.* (quotation omitted). Appellate courts do not “reconcile conflicting evidence” or “reweigh the evidence as if trying the matter de novo.” *Id.* at 222, 223 n.4 (quotation omitted). “When the record reasonably supports the findings at issue on appeal, it is immaterial that the record might also provide a reasonable basis for inferences and findings to the contrary.”

Id. at 223 (quotation omitted). And when a factual finding is clearly erroneous but does not detract from the district court’s ultimate determination, appellate courts apply a harmless-error analysis under Minnesota Rule of Civil Procedure 61, which requires courts to “disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.” See *In re Civ. Commitment of Poole*, 921 N.W.2d 62, 67 (Minn. App. 2018) (applying a harmless-error analysis to the Commitment Appeal Panel’s decision to consider certain evidence), *rev. denied* (Minn. Jan. 15, 2019). Whether the evidence meets the statutory requirements for commitment is a question of law that we review de novo. *In re Civ. Commitment of Crosby*, 824 N.W.2d 351, 356 (Minn. App. 2013), *rev. denied* (Minn. Mar. 27, 2013).

The district court found that Zarbinski is “highly likely to engage in harmful sexual conduct in the future” and “meets the criteria” for commitment as an SDP. In making those findings, the district court relied “particularly on Dr. C[.] and Dr. D[.]’s reports,” their testimony at trial, and the court’s finding about “the greater weight of the six *Linehan* factors.” The district court determined that Zarbinski’s “present disorder or dysfunction does not allow him to adequately control his sexual impulses.” More specifically, the district court credited Dr. C.’s opinion that Zarbinski’s “disorders have impeded his ability to control his sexual impulses.” In deciding that Zarbinski is “highly likely to sexually reoffend,” the district court favorably referenced Dr. D.’s opinion and Zarbinski’s scores on the Static-99R and VRS-SO risk assessments, as well as Zarbinski’s “disorders and dysfunctions.” And the district court thoroughly discussed the statutory elements for commitment as an SDP and the record supporting its determinations as to each element.

Based on our careful review of the evidence, we are not left with a definite and firm conviction that the district court has committed a mistake. *See Kenney*, 963 N.W.2d at 221. The record supports the district court's determination that Zarbinski meets the criteria for commitment an SDP.

The district court also found by clear and convincing evidence that Zarbinski meets the criteria for commitment as an SPP, as defined by Minnesota Statutes section 253D.02, subdivision 15. In making that determination, the district court relied on the opinions of both examiners that Zarbinski met the four statutory requirements: (1) emotional instability; (2) impulsiveness of behavior; (3) lack of customary standards of good judgment; and (4) failure to appreciate the consequences of personal acts. *See Minn. Stat. § 253D.02, subd. 15*. The district court properly analyzed these statutory requirements and detailed the factual support for its determination that Zarbinski satisfies the criteria for commitment as an SPP. On this record, we discern no error in the district court's decision.

We conclude that the district court did not err in determining that appellant is highly likely to reoffend and dangerous to others because there is clear and convincing evidence in the record supporting the court's determination that he meets the criteria for commitment as an SDP and SPP. The district court correctly identified the statutory criteria for its decision. It also made detailed findings of fact identifying clear and convincing evidence that each criterion is met. Those findings of fact are not clearly erroneous. Accordingly, we conclude that the district court's factual findings support its order indeterminately committing Zarbinski as an SDP and SPP.

B. The district court’s findings on the *Linehan* factors are sufficient.

The Minnesota Supreme Court has instructed district courts to consider the *Linehan* factors in evaluating the likelihood of future harmful sexual conduct. *Linehan*, 518 N.W.2d at 614. As noted above, those factors include:

(a) the person’s relevant demographic characteristics (*e.g.*, age, education, etc.); (b) the person’s history of violent behavior (paying particular attention to recency, severity, and frequency of violent acts); (c) the base rate statistics for violent behavior among individuals of this person’s background (*e.g.*, data showing the rate at which rapists recidivate, the correlation between age and criminal sexual activity, etc.); (d) the sources of stress in the environment (cognitive and affective factors which indicate that the person may be predisposed to cope with stress in a violent or nonviolent manner); (e) the similarity of the present or future context to those contexts in which the person has used violence in the past; and (f) the person’s record with respect to sex therapy programs.

Id.

The word “likely” requires “clear and convincing evidence that the person is ‘highly likely’ to engage in acts of harmful sexual conduct.” *In re Civ. Commitment of Ince*, 847 N.W.2d 13, 22 (Minn. 2014). And “‘highly likely’ cannot be defined by a numeric value.” *Id.* at 21. Appellate courts defer to the district court’s weighing of evidence relevant to whether an individual is highly likely to engage in harmful sexual conduct. *See id.* at 23–24 (acknowledging that, in making a commitment decision, district courts undertake a “difficult task often requiring consideration of a voluminous and complex record followed by a careful balancing of all the relevant facts” and concluding that district courts are in “the best position to determine the weight to be attributed to each factor” (quotation omitted)).

In *In re Civ. Commitment of Spicer*, we concluded that a “district court’s order d[id] not make sufficiently particular findings of fact on the key issues,” because the order merely stated that the court considered the *Linehan* factors without explaining the evidence it “found to be most persuasive or least persuasive.” 853 N.W.2d 803, 811 (Minn. App. 2014). And the Minnesota Supreme Court has instructed district courts to “comprehensively consider all relevant, reliable evidence.” *Ince*, 847 N.W.2d at 25. In *Ince*, the supreme court reversed and remanded an order committing a person as an SDP because the supreme court could not “discern from the [district] court’s findings and conclusions the extent to which the [district] court considered itself constrained by the *Linehan* factors once it addressed the actuarial assessment evidence.” *Id.* at 24. In particular, the district court had “simply reviewed the *Linehan* factors after accepting [an expert’s] opinion on the actuarial evidence, but without indicating the significance of any of those factors.” *Id.*

We are not convinced that the same defects that resulted in reversals in *Spicer* and *Ince* occurred in this case. Here, the district court found “the greater weight of the six *Linehan* factors weigh in favor of [Zarbinski] being highly likely to engage in harmful sexual conduct in the future.” The district court broadly identified the evidence that it relied on in making that finding—i.e., the opinions of the examiners, the trial testimony, and the admitted evidence. While we are mindful that the district court’s ultimate determination about the *Linehan* factors is somewhat summary in nature, the court’s specific and detailed credibility findings about the two experts, as well as its particular identification of the

aspects of the experts' testimony and opinions on which the court relied, distinguish the record before us from that of *Spicer* and *Ince*.

Put differently, despite the district court's summary of the experts' opinions in a manner that could suggest adoption in toto, the court cited the evidence, testimony, and expert opinions about each *Linehan* factor that it considered, and the court meaningfully tied those facts to its conclusions of law. We also observe that there is no dispute between the two experts that Zarbinski meets the criteria for commitment as an SDP and SPP.

The district court appropriately weighed the record relevant to the *Linehan* factors, as well as independently considered the actuarial assessment evidence, without risking factor repetition. We therefore conclude that the district court's findings on the *Linehan* factors are sufficient.

II. The district court properly assessed the reliability of the evidence.

Zarbinski asserts that the district court (A) "improperly relied on present-day observations of vulnerability," (B) "made incorrect statements in the findings of facts," and (C) "improperly relied on uncharged conduct." These arguments do not merit reversal.

A. The district court did not clearly err in finding that A.M.B. and B.E.M. were vulnerable.

Zarbinski contends that the district court erred by finding that A.M.B. and B.E.M. were vulnerable. He contends that the district court inappropriately relied on A.M.B.'s and B.E.M.'s demeanors during their testimony because there is a 12-year temporal gap between the underlying commitment hearing and the relevant incidents of harmful sexual conduct.

We acknowledge the district court’s reasoning that it was able to assess A.M.B. and B.E.M. when they testified at the hearing and found it “immediately apparent” that they were vulnerable. But the evidence, viewed in the light most favorable to the district court’s findings, also establishes that A.M.B. and B.E.M. had intractable disabilities when Zarbinski engaged in harmful sexual conduct with them.

As to A.M.B., the district court considered both her testimony *and* a 2005 guardianship order providing that she “was diagnosed with cerebral palsy” and “ha[d] a full scale IQ of 47.” Moreover, a 2013 police report references A.M.B.’s disability, stating that A.M.B. “ha[d] a ‘mild case’ of cerebral palsy.” And the report notes that A.M.B.’s father “indicated [that A.M.B.] tends to minimize the level of her disability.”

B.E.M. testified that she had disabilities when she was in a relationship with Zarbinski, including “mild retardation,” “general anxiety,” and “depression.” She explained that, based on these disabilities, she receives 20 hours per week of in-home services. B.E.M. stated that Zarbinski knew she was disabled because she told him.

The district court’s findings that A.M.B. and B.E.M. were vulnerable are reasonably supported by the evidence as a whole, including A.M.B.’s testimony, the 2005 guardianship order, the 2013 police reports, and B.E.M.’s testimony.

Because the district court’s findings that A.M.B. and B.E.M. were vulnerable are not manifestly contrary to the weight of the evidence and are reasonably supported by the evidence as a whole, we conclude that the district court did not clearly err in this regard. *See Kenney*, 963 N.W.2d at 221.

B. The statements that Zarbinski challenges on appeal are either harmless or not clearly erroneous.

Zarbinski maintains that the district court made a series of inaccurate statements in its findings of fact, including that Zarbinski did not identify a photo of a 12-year-old girl as G.E.Z., that the court incorrectly stated his age, and that the court inappropriately relied on Dr. C.'s report as evidence of three prostitution cases.

During the underlying commitment hearing, Zarbinski denied recognizing an image of a girl as G.E.Z. In its findings of fact, however, the district court inaccurately stated that Zarbinski "was shown [the] image during his testimony and said that the image was of the 12-year-old girl, G.E.Z." We conclude that this error is harmless because it does not contradict the district court's more salient finding that Zarbinski had an image on his phone of a partially clothed, prepubescent girl. *See* Minn. R. Civ. P. 61; *see also Poole*, 921 N.W.2d at 67.

Although the district court incorrectly stated in its findings of fact that Zarbinski was 49 years old, the court also correctly wrote in a separate part of its order indeterminately committing Zarbinski as an SDP and SPP that he was 50 years old. Zarbinski urges that this is an important distinction because of lower recidivism rates for individuals who are over 50 years old. But Dr. D. observed several times that Zarbinski was 50 years old and based his opinion on Zarbinski's accurate age. Thus, considering the district court's order as a whole, including its adoption of Dr. D.'s opinion, we conclude that the court appropriately analyzed Zarbinski's age and that any error is otherwise harmless. *See* Minn. R. Civ. P. 61; *see also Poole*, 921 N.W.2d at 67.

Zarbinski contends that the district court clearly erred by relying on Dr. C.'s report, asserting that the "report is the only location that states that there are three convictions for prostitution." But the record contains a report of Zarbinski's criminal history, which documents a misdemeanor prostitution charge in 2000 that Zarbinski acknowledged during a psychosexual examination. Because there is evidence reasonably supporting the district court's finding that Zarbinski was charged with a prostitution offense in 2000, we conclude that this finding is not clearly erroneous. *See Kenney*, 963 N.W.2d at 221. Moreover, the district court expressly declined to rely on an aspect of Dr. C.'s report that described a prostitution conviction in 2000. As a result, we conclude that the district court did not clearly err in considering this evidence.

For these reasons, we conclude that the statements that Zarbinski challenges on appeal are either harmless or not clearly erroneous.

C. The district court properly weighed the evidence of Zarbinski's uncharged harmful sexual conduct.

Zarbinski argues that the district court "improperly relied on uncharged conduct without adequate reliability assessment."

"Incidents establishing a course of harmful sexual conduct need not be recent and are not limited to those that resulted in a criminal conviction." *In re Civ. Commitment of Williams*, 735 N.W.2d 727, 731 (Minn. App. 2007) (citing *In re Civ. Commitment of Ramey*, 648 N.W.2d 260, 268 (Minn. App. 2002) (stating that courts may consider conduct not resulting in a criminal conviction), *rev. denied* (Minn. Sept. 17, 2002)), *rev. denied* (Minn. Sept. 26, 2007).

We are not persuaded by Zarbinski's contention that, because the Ramsey County Attorney's Office determined that the evidence could not support criminal charges as to the 2013 incident of sexual conduct with A.M.B. and the 2014 sexual assault of H.M.S., the record before us does not meet the clear and convincing evidence standard. The district court applied the clear and convincing standard in determining that the four incidents of harmful sexual conduct had occurred, including the two uncharged incidents involving A.M.B. and H.M.S.

As for the incident involving A.M.B., the district court received evidence of police reports, a sexual assault examination, and the letter by the Ramsey County Attorney's Office declining to pursue criminal charges. The district court also heard testimony from A.M.B., B.E.M., and Zarbinski. Weighing this record, the district court found A.M.B.'s testimony credible, persuasive, and consistent with documentary evidence.

Regarding the incident involving H.M.S., the district court received evidence of police reports and the letter by the Ramsey County Attorney's Office declining criminal charges. The district court also heard testimony from H.M.S., K.A., and Zarbinski. Given this record, the district court found that H.M.S.'s testimony was credible and persuasive and that it aligned with documentary evidence.

Zarbinski essentially asks us to reconcile conflicting evidence by reweighing the record in favor of the letters by the Ramsey County Attorney's Office declining charges, as though we were trying the matter de novo. We cannot do so. *Kenney*, 963 N.W.2d at 222, 223 n.4. Because the record reasonably supports the findings that Zarbinski challenges

on appeal, “it is immaterial that the [declination letters] might also provide a reasonable basis for inferences and findings to the contrary.” *Id.* at 223 (quotation omitted).

We therefore conclude that the district court did not clearly err because, in considering the entire evidence, we are not left with a definite and firm conviction that a mistake has been made. *Id.* at 221. The district court’s findings are not manifestly contrary to the weight of the evidence, nor do they lack reasonable support in the record as a whole. *Id.* Thus, we conclude that the district court properly weighed the evidence of Zarbinski’s uncharged harmful sexual conduct.

Affirmed.