

STATE OF MINNESOTA  
IN COURT OF APPEALS  
A24-1526

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**ORDER OPINION**

In the Matter of the Welfare of:  
J. M. D.-S., Child.

St. Louis County District Court  
File No. 69DU-JV-22-60

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Considered and decided by Bentley, Presiding Judge; Ede, Judge; and Harris, Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:**

1. In December 2021, police received a report that appellant J.M.D.-S., who was 12 years old at the time, sexually assaulted an 8-year-old girl. Respondent State of Minnesota filed a juvenile delinquency petition in connection with that alleged conduct. On August 4, 2023, following a one-day court trial, J.M.D.-S. was found guilty of second-degree criminal sexual conduct, in violation of Minn. Stat. § 609.343, subd. 1a(e) (Supp. 2021).

2. Probation recommended that J.M.D.-S. be granted a continuance without adjudication and be placed on probation for six months.<sup>1</sup>

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<sup>1</sup> The parties, the district court, and some of the caselaw refer to the continuance without adjudication as a “stay of adjudication.” However, the rules and statutes governing juvenile delinquency use the term “continuance without adjudication.” *See, e.g.*, Minn. R. Juv. Delinq. P. 15.05, subd. 1; Minn. Stat. § 260B.198, subd. 7(a) (2024). We use the terms interchangeably.

3. At the disposition hearing on October 6, 2023, the state did not object to the continuance and found probation's recommendation "appropriate." The state noted that the continuance would enable J.M.D.-S. to "avoid any predatory offender registration if he successfully completes . . . his probation." The district court granted J.M.D.-S. a continuance without adjudication and placed him on probation for six months.

4. On November 2, 2023, probation filed the first of three probation-violation reports. Each time, J.M.D.-S. waived his right to a contested violation hearing and admitted to the alleged violations. After the first probation-violation hearing, the district court adopted the state's recommendation that J.M.D.-S. "be continued on probation as previously ordered," with additional conditions.

5. On March 14, 2024, after the second probation-violation hearing, the district court again adopted probation's recommendation to "continue the stay of adjudication, but . . . extend probation for six months from" the date of the hearing.

6. On August 23, 2024, probation filed the third probation-violation report. This time, probation recommended revoking J.M.D.-S.'s continuance, extending his probation by six months, and requiring him to complete a 120-day sex-offender treatment program. By this point, J.M.D.-S.'s case had been continued without adjudication for 322 days. And, because a court generally may continue a case without adjudication for no more than 360 days, *see* Minn. Stat. § 260B.198, subd. 7(a) (2024), the state and the district court were concerned that if the court were to extend J.M.D.-S.'s continuance again, the continuance would reach the 360-day limit and expire during the 120-day treatment program.

7. At the probation-violation hearing, the state brought to the court's attention a statutory amendment providing that, in certain cases, "[a] continuance . . . may be

extended for additional successive periods not to exceed a total of 24 months,” as opposed to 360 days, “so the offender can receive sex offender treatment.” *See* Minn. Stat. § 260B.198, subd. 7(c). The state did not recommend extending J.M.D.-S.’s continuance because it “[didn’t] think it’s been deserved” and it was unsure if the amended statute would apply to J.M.D.-S.’s case because J.M.D.-S.’s disposition hearing occurred “prior to passage of [the amendment].”<sup>2</sup> Defense counsel proposed that the district court reschedule the matter to determine how the statute might affect J.M.D.-S.’s case or, alternatively, to “let [the parties] argue to the Court whether [it] applies or not.”

8. The district court adopted probation’s recommendation to revoke J.M.D.-S.’s continuance because the court “[was] not of the view that that law applies to this situation.” The district court explained that, while it is “unfortunate that a stay of adjudication revocation is the only way” to ensure that J.M.D.-S. completes his sex-offender treatment, “[the] community needs [J.M.D.-S.] to get the treatment that is needed to allow him to be a productive member of our community.” On August 30, 2024, the district court revoked J.M.D.-S.’s continuance. J.M.D.-S. appeals.

9. “The application of statutes . . . to undisputed facts is a legal conclusion and is reviewed de novo.” *City of Morris v. Sax Invs., Inc.*, 749 N.W.2d 1, 5 (Minn. 2008). District courts have “broad discretion in determining whether to continue an adjudication in a delinquency proceeding.” *In re Welfare of J.R.Z.*, 648 N.W.2d 241, 244 (Minn. App.

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<sup>2</sup> The amendment became effective on July 1, 2024. *See* 2024 Minn. Laws ch. 123, art. 1, at 2216-35 (containing appropriation items), art. 7, § 8, at 2304 (containing the amendment to section 260B.198, subdivision 7, and providing no effective date); Minn. Stat. § 645.02 (2022) (stating that the effective date of an appropriation bill is the first day of July after enactment, unless otherwise specified).

2002), *rev. denied* (Minn. Aug. 20, 2002). Appellate courts will affirm revocation orders and dispositions “absent a clear abuse of discretion.” *In re Welfare of R.V.*, 702 N.W.2d 294, 298 (Minn. App. 2005). “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. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019) (quotation omitted).

10. Minnesota Statutes section 260B.198, subdivision 7(a), provides that a court may grant a continuance without adjudication in a juvenile delinquency case when, among other requirements, “it is in the best interests of the child to do so and not inimical to public safety.” As amended, the statute also provides:

A continuance granted under paragraph (a) for a violation of section . . . 609.343 . . . may be extended for additional successive periods not to exceed a total of 24 months so the offender can receive sex offender treatment, but only with the consent of the prosecutor and only after the court has reviewed the case and entered its order for the additional continuance without a finding of delinquency.

Minn. Stat. § 260B.198, subd. 7(c).

11. On appeal, the parties do not dispute the relevant facts. They also do not dispute that the amendment was in effect when the district court revoked J.M.D.-S.’s continuance at his third probation-violation hearing and that the amendment could have applied to J.M.D.-S.’s case even though his disposition hearing preceded the law’s effective date. J.M.D.-S. was found guilty of section 609.343, subdivision 1a(e), which is enumerated in the amendment. *Id.* And, as of August 29, 2024, the date of J.M.D.-S.’s third probation-violation hearing, the amendment had taken effect, and J.M.D.-S.’s case had been continued for less than 360 days.

12. Therefore, the amendment could have applied to J.M.D.-S.’s case had the district court considered all the relevant factors and determined that a continuance was appropriate. That means, revoking J.M.D.-S.’s continuance was not necessarily “the only way” to ensure that he completes sex-offender treatment, because the amendment might have allowed the district court to retain jurisdiction over J.M.D.-S. throughout the course of his treatment. Based on the record before us, it appears that the district court may have made its decision on an erroneous view of the law—that section 260B.198, subdivision 7(c), does not “appl[y] to this situation.” We therefore reverse and remand for the district court to reconsider its decision in light of this order.

13. Because we conclude that the amended statute was in effect at the time of J.M.D.-S.’s third probation-violation hearing and reverse on that basis, we do not address J.M.D.-S.’s argument that the amendment applies under the amelioration doctrine or his alternative argument that the district court abused its discretion by basing the revocation on “an accumulation of technical violations.”

**IT IS HEREBY ORDERED:**

1. The district court’s order is reversed and remanded.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: 5/30/2025

**BY THE COURT**

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Judge Elizabeth G. Bentley