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**STATE OF MINNESOTA
IN COURT OF APPEALS
A08-0272**

In the Matter of the Welfare of: W. L. M., Child

**Filed January 13, 2009
Affirmed
Worke, Judge**

Rice County District Court
File No. 66-JV-07-2964

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Lori Swanson, Attorney General, 1800 Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101; and

G. Paul Beaumaster, Rice County Attorney, Benjamin Bejar, Assistant County Attorney, 218 Northwest Third Street, Faribault, MN 55021 (for respondent state)

Considered and decided by Worke, Presiding Judge; Lansing, Judge; and Klaphake, Judge.

UNPUBLISHED OPINION

WORKE, Judge

On appeal from a delinquency adjudication of first-degree damage to property, appellant argues that his disposition must be reversed because the district court's findings are insufficient to support its order. We affirm.

DECISION

Appellant W.L.M. argues that the district court's findings are insufficient to support his delinquency adjudication.

The [district] court has broad discretion in choosing the appropriate juvenile delinquency disposition. This court will affirm the disposition as long as it is not arbitrary. Findings of fact in the dispositional order will be accepted unless clearly erroneous. Absent a clear abuse of discretion, a [district] court's disposition will not be disturbed.

In re Welfare of J.A.J., 545 N.W.2d 412, 414 (Minn. App. 1996) (citations omitted).

Appellant was alleged to be delinquent for committing three counts of first-degree damage to property. He admitted one count and the remaining charges were dismissed. Probation recommended that the court adjudicate appellant delinquent and impose a disposition of two years supervised probation, community service hours, and restitution. Appellant argued that the court should stay adjudication because he has a low-risk to reoffend as a first-time offender and the stay of adjudication represented the least-restrictive alternative. The district court found that appellant committed a "very serious felony offense [] that probably could have been treated as a hate crime," and considered the state's recommendation to be "very lenient." The court also stated that the request for a stay of adjudication was "ridiculous" because the crime warranted a substantially greater penalty than recommended. The district court adjudicated appellant delinquent and followed probation's recommendation.

Appellant argues that the district court failed to make the required findings regarding why adjudicating him delinquent was appropriate or the least-restrictive

alternative to rehabilitate him. In a delinquency disposition the district court must take the least drastic step necessary to restore law-abiding conduct in the juvenile. *In re Welfare of L.K.W.*, 372 N.W.2d 392, 398 (Minn. App. 1985). To determine what is necessary, the district court must balance the “severity of the child’s delinquency, and the severity of the proposed remedy.” *Id.* However, this court has held that “particularized findings on the [district] court’s decision to impose or withhold adjudication of delinquency” are not required. *In re Welfare of J.L.Y.*, 596 N.W.2d 692, 695 (Minn. App. 1999), *review granted* (Minn. Sept. 28, 1999) *and order granting review vacated* (Minn. Feb. 15, 2000). “The particularized findings, including the finding on the least restrictive means for restoring a juvenile to law-abiding conduct, are required in determining a disposition, but not when deciding whether to adjudicate or stay adjudication.” *Id.* Because particularized findings are not required when adjudicating delinquency, the district court did not err in failing to make specific findings in support of the delinquency adjudication.

Appellant also argues that the district court’s findings in support of the delinquency disposition are insufficient because they do not indicate which alternative dispositions were considered or why the disposition imposed was the least-restrictive alternative. The district court must provide written findings supporting a delinquency disposition, including why the disposition serves the best interests of the child, and what alternative dispositions were recommended to the court and why the alternative dispositions were not appropriate. Minn. R. Juv. Delinq. P. 15.05, subd. 2. The disposition order states that no alternative dispositions were recommended. Appellant

argues that his request for a stay of adjudication was an alternative disposition to be considered by the court. A stay of adjudication, however, involves the district court's decision to impose or withhold the adjudication of delinquency, not the disposition. There were no alternative dispositions recommended by appellant; in fact, appellant agreed to the restitution and community service portions of the recommended disposition. Further, the district court found that appellant's best interests were served by the disposition because it would integrate him back into the community and would give him an opportunity to provide a positive service to the public. Because the disposition order sets forth the required findings, the district court did not err in adjudicating appellant delinquent and imposing the disposition.

Affirmed.