IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 20-0155

IN THE MATTER OF:

C.L.,

A Youth.

BRIEF OF APPELLEE

On Appeal from the Montana Eighth Judicial District Court,
Cascade County, The Honorable Elizabeth Best, Presiding

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STATEMENT OF THE ISSUE

Whether the youth court erred by denying C.L.'s motion to dismiss requiring reversal of his commitment to Pine Hills.

STATEMENT OF THE CASE

On August 1, 2018, Cascade County filed a Youth Court Petition (Petition) alleging then-13-year-old C.L. had committed felony criminal mischief in violation of Mont. Code Ann. § 45-6-101(1)(a). (Doc. 2.) The State alleged that C.L. had broken several "picture" windows at a residence. (Doc. 1 at 2.) On December 6, 2018, C.L. accepted a Consent Decree with Petition (Consent Decree) with the State and entered a plea of "true" to the allegations alleged in the Petition. (Doc. 21; 12/6/18 Tr. at 12.) The Youth Court for the Eighth Judicial District Court (youth court) accepted C.L.'s change of plea, adopted the Consent Decree, and suspended the proceedings (*See* 12/6/18 Tr. at 12; Doc. 22 at 1, 5.) C.L. was placed on probation for one year and ordered to comply with all terms and conditions of the Consent Decree. (Docs. 21 at 1, 22 at 3.)

On July 2, 2019, the State filed a Petition to Revoke Probation (Petition to Revoke), alleging that C.L. had violated several conditions of his Consent Decree, including consumption of drugs and alcohol, entering an establishment where intoxicants were the chief item of sale, and misdemeanor theft of alcohol. (Doc.

37.) C.L.'s juvenile probation officer recommended that the youth court impose a suspended sentence committing C.L. to the Department of Corrections (DOC), specifically the Pine Hills Youth Correctional Facility (Pine Hills), until the age of 18, as well as an extension of C.L.'s probation. (*Id*.) C.L. denied the allegations and filed a motion to dismiss the Petition to Revoke, arguing the State lacked the authority to file a petition to revoke his probation. (Docs. 40, 50.) The youth court denied the motion to dismiss. (Doc. 58.)

Following an evidentiary hearing on the Petition to Revoke, the youth court found that C.L. had violated the conditions of his probation and "revoked" his sentence. (1/9/20 Tr. at 41; Docs. 59, 60.) The youth court committed C.L. to the DOC for "a Pine Hills sentence," but suspended the sentence. (1/9/20 Tr. at 41; Docs. 59, 60.) C.L. appealed the youth court's Judgment. (Doc. 74; *In re C.L.*, DA 20-0155 (Mar. 13, 2021).)

On February 27, 2020, the State filed a second Petition to Revoke Probation (second Petition to Revoke), alleging that C.L. had violated the terms of his probation by committing numerous violations. (Docs. 63, 64, 89.) On July 30, 2020, the youth court held an evidentiary and dispositional hearing, revoked C.L.'s suspended sentence, and committed him to Pine Hills until age 18, or sooner if released. (Doc. 98; 7/30/20 Tr. at 34.)

STATEMENT OF THE FACTS

Offense and Consent Decree

On July 25, 2018, law enforcement was dispatched to a report of vandalism at a residence in Great Falls. (Doc. 1 at 2.) At the residence, law enforcement found a trail of broken mailboxes and picture windows. (*Id*.) Law enforcement contacted C.L. and he confessed to breaking the windows by stabbing them with a knife. (*Id*.) A blunted knife was recovered, which corroborated C.L.'s admissions. (*Id*.) C.L. reported that he had broken the windows in retaliation for an earlier event where he had thrown ice cream at a truck belonging to the owner of the residence, and the owner had held C.L. down until law enforcement arrived. (*Id*.)

On July 27, 2018, C.L. appeared for a detention hearing and stipulated to probable cause. (Doc. 1 at 2.) On August 1, 2018, the State filed the Petition and on August 9, 2018, C.L. appeared before the youth court for an answer hearing. (Docs. 2, 4.) The youth court informed C.L. of his constitutional and statutory rights, the nature of the allegations pending against him, and the maximum potential penalties. (Docs. 3, 4, 5.) C.L. answered "not true" to the allegations in the Petition. (Docs. 3, 4.)

Following several status hearings and an order setting a "jury trial," the parties appeared at the omnibus hearing and notified the court that they had signed a consent decree. (Docs. 10, 13, 16, 18, 19; 12/6/18 Tr. at 3.) The omnibus was

converted to an answer hearing. (*See* Doc. 20 (minutes of hearing describing the matter as a "HRG RE: Answer"), 12/6/18 Tr. at 1, 3 (describing the matter as an "ANSWER HEARING").) The State presented the signed Consent Decree and C.L. was "sworn in." (12/6/18 Tr. at 3-4.)

The youth court verified that C.L. could read, write, and understand English, and that C.L. was not under the influence of alcohol or drugs and had no condition that would make it hard for him to understand the court. (12/6/18 Tr. at 4.) The youth court asked C.L.: "Okay. So, you understand that you and your lawyer have agreed with [the prosecutors] to a consent decree which is the juvenile equivalent of a plea agreement under which you are going to be under a probationary period for a period of time?" (*Id*.) C.L. stated, "Yes." (*Id*.) The parties discussed the conditions of the Consent Decree, and C.L. agreed to follow the conditions and any recommendations made during his mental health and chemical dependency evaluations. (*See id*. at 4-8.)

The youth court told C.L. that its orders were for his benefit, emphasized the importance of the mental health and chemical evaluations, the importance of school, and that C.L. needed to be in contact with his probation officer. (*See* 12/6/18 Tr. at 8-10.) The youth court confirmed that C.L. had read and understood the Consent Decree, that he had spoken with his attorney about it, and that no one had intimidated or bribed C.L. into entering into the agreement. (*Id*. at 10.)

Following C.L.'s promise to not give his parents or his school any trouble, the youth court stated,

> THE COURT: Okay. So, in order to close this arrangement, I have to take your plea. There is—there is nothing new on the charges since he was first charged in August; is that right?
>
> [Prosecutor]: No, Your Honor, just the Count I, Felony Criminal Mischief.
>
> THE COURT: All right.
>
> So, you understand that you have to change your plea to true in order to finish up the—close the loop with this consent decree?
>
> THE YOUTH: Yes.
>
> THE COURT: Okay. So, you're ready to do that?
>
> THE YOUTH: Yes.
>
> THE COURT: All right. So, I'm going to ask you to stand. And, I'm going to be asking you for your plea. It's either going to be true or not true. And, do you need to talk to [defense counsel] about that?
>
> THE YOUTH: Yes, it's true.
>
> THE COURT: Okay. So, to—[C.L.], to Count I, Criminal Mischief, which is a felony, how do you plead; true or not true?
>
> THE YOUTH: True.
>
> THE COURT: All right. Thank you. You may have a seat.
>
> I am going to accept this consent decree and find that it's in the best interest of [C.L.], his family, and the community to approve it. He is in need of intervention, and the Court agrees that everyone has exerted all reasonable efforts to resolve these problems.

(12/6/18 Tr. at 11-12.)

The youth court approved the Consent Decree, and issued a written order placing C.L. on "formal probation" for one year. (*See* Docs. 21-22; 12/6/18 Tr. at 12.) The youth court's order found that C.L. had provided a factual basis to enter a true plea by stipulating that the "State's Affidavit" filed with the youth court provided an appropriate basis to find C.L. "guilty" of the charged offense. (Doc. 22 at 1; *see also* Doc. 1 (State's Affidavit in support of Petition).) The youth court suspended the proceedings and ordered that if C.L. violated any conditions or directions contained within the "Consent Decree, the County Attorney may, in his discretion, reinstate the petition suspended by this Decree and proceed against the youth as if this Consent Decree had never been entered." (Docs. 21 at 5; 22 at 5.)

Post-Consent Decree proceedings

After his answer hearing, on March 1, 2019, C.L.'s juvenile probation officer filed a motion requesting that C.L. be placed in a youth group home due to marijuana and "Spice" use. (Doc. 26.) The youth court granted the motion and C.L. was placed at the Missouri River Group Home. (*Id*.)

On March 4, 2019, the juvenile probation officer filed a report listing several violations of C.L.'s probation under the Consent Decree. (Doc. 28.) In the report, the juvenile probation officer stated that C.L. had recently been arrested for theft after stealing $87 worth of alcoholic beverages from Walmart. (Doc. 27 at 1.) The

report also stated that C.L.'s urine screens had tested positive for the presence of THC and alcohol, and that C.L. was attending school for less than two hours a day because his other "classes were cut due to noncompliance" and because "[h]e made it almost impossible for some teachers to teach or some students to learn." (*Id*.) C.L.'s juvenile probation officer stated that he met with C.L. weekly "due to [C.L.'s] extreme impulse control issues which correlate to his decision making." (*Id*.) The probation officer noted that he saw C.L. more than any other youth on his caseload. (*Id*.)

On March 7, 2019, the youth court held a status hearing regarding the Consent Decree. (Doc. 28.) The State relayed its concerns that C.L. might need inpatient treatment based on his non-compliance with the conditions of his probation. (*Id*.) The youth court advised that inpatient treatment would be ordered if C.L. continued on the same path. (*Id*.)

On March 26, 2019, C.L.'s juvenile probation officer filed a motion to modify C.L.'s placement and return him to his father's residence. (Doc. 30.) The court granted the motion. (*Id*.) On May 3, 2019, C.L.'s juvenile probation officer filed another motion to modify C.L.'s placement, requesting that C.L. be placed at Rimrock in Billings. (Doc. 31.) The court granted this motion. (*Id*.)

On May 20, 2019, the juvenile probation officer filed a report stating that that C.L. was continuing to use drugs and alcohol, and had to be removed from the

youth group home due to disruptions. (Doc. 32.) Additionally, images posted on Snapchat showed C.L. playing pool at a bar and in a vehicle smoking a substance that appeared to be marijuana with another juvenile that was subject to a "Pick up and Hold Order." (*Id*.)

On July 1, 2019, the State filed a Petition to Revoke C.L.'s probation, alleging that he had violated several conditions of his probation, including continued alcohol and drug use, his citation for theft of alcoholic beverages from Walmart, and his contact with prohibited persons. (*See* Doc. 37.1 at 2-3.) The report and affidavit also noted that C.L. had been charged with felony theft and burglary on June 16, 2019. (Doc. 37.1 at 2; *see also* Doc. 36 (7/1/2019 Probable Cause/Detention Order).) C.L. had been discharged from Rimrock on June 10, 2019. (Docs. 33, 37.) The probation officer recommended that C.L.'s probation be extended until age 18, and that C.L. receive a suspended commitment to Pine Hills. (Doc. 37.1 at 4.)

In the Petition to Revoke, the State requested that the youth court set an "Answer Hearing," and if C.L. answered "True" to the allegations, the State asked the youth court to proceed with disposition under Mont. Code Ann. §§ 41-5-1512, -1513. (Doc. 37 at 1-2.) However, if C.L. answered "Not True" to the allegations, the State requested that the youth court set an evidentiary hearing. (*Id*. at 2.)

On July 25, 2019, C.L. appeared before the youth court and entered a plea of "not true," to the allegations in the Petition to Revoke. (Doc. 40; 7/25/19 Tr. at 6.) The youth court ordered an "Evidentiary/Dispositional Hearing" to address the violations. (Doc. 41.) Prior to the hearing, C.L. filed a motion to dismiss the Petition to Revoke. (Doc. 50.) C.L. argued that his revocation proceedings were procedurally improper because, although the youth court accepted his "admissions of guilty," the court never adjudicated C.L. as a '"delinquent youth' or 'youth in need of intervention."' (*Id*. at 3.) Consequently, C.L. argued that the State was not statutorily authorized to revoke his probation under Mont. Code Ann. § 41-5-1431. (*Id*.) Instead, C.L. asserted that the State could "either continue the consent decree as is or reinstate the previous Youth Court petition continuing the proceedings as if the consent decree was never entered." (*Id*. (citing Mont. Code Ann. § 41-5-1501(4)).)

The youth court denied the motion. (Doc. 58.) The youth court recounted the facts of the case and noted that before approving the Consent Decree, the court accepted C.L.'s change of plea. (*Id.* at 2.) Thus, the youth court found it had already adjudicated C.L.'s "guilt" and suspended the proceedings pending a determination that C.L. had successfully completed the period of probation detailed in the Consent Decree. (*See id*.) The youth court likened the process to a change of plea hearing following an agreement for a deferred imposition of

sentence. (*Id*. ("In other words, [the court] adjudicated guilt in the same way that it does in adult proceedings before it imposes a deferred imposition of sentence.").) Because C.L. had failed to complete the terms of the Consent Decree, the youth court found that it was statutorily authorized to move to disposition and denied the motion to dismiss. (*See id*. at 2-3 (citing *In re Appeal of Cascade Cnty. Dist. Ct.* (hereinafter *Cascade*), 2009 MT 355, ¶¶ 16-17, 353 Mont. 194, 219 P.3d 1255).)

On January 9, 2020, the youth court proceeded to an evidentiary hearing and C.L.'s juvenile probation officer testified concerning the violations reported in the Petition to Revoke. (1/9/20 Tr. at 4-26.) Following this testimony, the youth court found that the State had met its burden of proof and revoked C.L.'s "sentence." (*Id*. at 34; *see also* Doc. 60.) The court ordered that C.L. be committed to the Department of Corrections for placement in a secure state youth correctional facility, specifically Pine Hills, until age 18, or sooner if released. (1/9/20 Tr. at 41, 43; Docs. 59, 60.) The court suspended the commitment and placed C.L. on probation until age 18. (1/9/20 Tr. at 41, 43; Docs. 59, 60 at 4.) The youth court's order stated, "The Youth is a delinquent Youth as defined in 41-5-103(11) [2017], MCA," and imposed commitment "pursuant to §§ 41-5-1512(1)(c) and 41-5-1513(1)(b), MCA." (Doc. 60 at 2, 4.)

On February 27, 2020, the State filed a second Petition to Revoke C.L.'s probation. (Doc. 63.) The State attached a report and affidavit from C.L.'s juvenile

probation officer alleging several violations, including that C.L. had been charged with felony assault with a weapon and criminal distribution of dangerous drugs.[1] (Doc. 64 at 3.) These charges stemmed from an alleged incident on February 22, 2020, where C.L. had given a Glock Model 43 pistol to another youth, who subsequently pointed the gun at another juvenile and fired it. (*Id*. at 7-8.) When law enforcement searched C.L.'s residence and room, pursuant to a search warrant, they located $350 in cash, marijuana, a scale, and the pistol. (*Id*. at 8.) After waiving his *Miranda* rights, C.L. admitted to selling marijuana. (*Id*.) The juvenile probation officer reported that C.L. had also admitted to using marijuana and tested positive for its presence. (*Id*. at 3.) Additionally, another individual on probation was found to be "staying" at the residence, which violated a condition that prohibited C.L. from having contact with any individuals convicted of a criminal offense. (*Id*. at 4.)

On July 30, 2020, the youth court held an evidentiary hearing and C.L.'s juvenile probation officer testified concerning the alleged violations. (7/30/20 Tr. at 10-34.) Following the presentation of evidence, the youth court found that C.L. had violated the conditions of his probation and ordered that C.L. be placed at Pine Hills until age 18, or sooner if released. (*Id*. at 34, 51; Doc. 98 at 3.)

[1] These criminal charges were ultimately dismissed. (7/30/20 Tr. at 12.)

SUMMARY OF THE ARGUMENT

In denying the motion to dismiss, the youth court correctly rejected C.L.'s interpretation of the Youth Court Act. Contrary to C.L.'s argument, due to his previous admission of guilt to felony criminal mischief at the Consent Decree answer hearing, the youth court was statutorily authorized to proceed to final disposition—without a contested adjudicatory hearing before a jury—upon violation of the Consent Decree. Although the State could have simply petitioned the youth court to revoke C.L.'s probation and modify his conditions of probation without revoking the Consent Decree, the State was lawfully authorized to move to reinstate the Petition and request a Pine Hills commitment.

C.L's arguments to the contrary ignore the plain meaning of the Youth Court Act. Specifically, the Youth Court Act requires that a youth "admits guilt for a charge of an offense set forth in the petition and accepts responsibility for the youth's actions" before a consent decree may be utilized. Mont. Code Ann. § 41-5-1501(2). The requirement for an admission of guilt plainly undercuts C.L.'s argument that a youth is entitled to a contested adjudicatory hearing upon violation of a consent decree. If a youth enters an admission of guilt to an offense, why would the Youth Court Act then require a contested adjudicatory trial? C.L.'s argument is not logical.

Additionally, although the State's Petition to Revoke did not expressly request reinstatement of the Petition pursuant to Mont. Code Ann. § 41-5-1501(4), the relief requested by the State was for the youth court to move to disposition under Mont. Code Ann. §§ 41-5-1512, -1513; i.e., dispositions that could only be imposed if the Petition was reinstated. Accordingly, despite the lack of express citation to Mont. Code Ann. § 41-5-1501(4) in the Petition to Revoke, the State was clearly requesting reinstatement of the Petition.

The State also acknowledges that the youth court did not expressly state that C.L. was a delinquent youth during the Consent Decree hearing or in its order adopting the Consent Decree. However, C.L. cannot show that he was prejudiced by this procedural oversight because the youth court subsequently made this express finding in its order revoking the Consent Decree. C.L. does not show that this designation was erroneous, or that the youth court abused its discretion in revoking the Consent Decree. Because C.L.'s final disposition was statutorily authorized, this Court should affirm the youth court.

ARGUMENT

I. Standard of review

A youth court's interpretation and application of the Youth Court Act is reviewed for correctness. *In re B.I.*, 2009 MT 350, ¶ 11, 353 Mont. 183, 218 P.3d

1235. A youth court's modification of a prior order, such as a revocation of consent decree, is reviewed for abuse of discretion. *See In re K.J.R.*, 2017 MT 45, ¶ 12, 386 Mont. 381, 391 P.3d 71. "The test for an abuse of discretion is whether the trial court acted arbitrarily, without employment of conscientious judgment, or exceeded the bounds of reason resulting in substantial injustice." *In re K.J.R.*, ¶ 12 (citations and internal quotation marks omitted).

II. This Court should affirm C.L.'s commitment to Pine Hills.

A. Youth Court Act

"The Youth Court Act expressly confers jurisdiction on the youth court over all matters involving offenses committed by youth, whether disposed of through formal or informal proceedings." *Cascade*, ¶ 20; *see also* Mont. Code Ann. § 41-5-203(1) (providing a youth court with "exclusive original jurisdiction of all proceedings under the Montana Youth Court Act in which a youth is alleged to be a delinquent youth or a youth in need of intervention"). "In contrast to a criminal proceeding, youth court proceedings are special, remedial, civil proceedings that affect the development and fundamental liberty interests of youth." *In re K.J.R.*, ¶ 33 (citing Mont. Code Ann. §§ 41-5-102, -103(11)(a), -106 (describing the nature of youth court proceedings)).

Under the Youth Court Act, upon receiving information, "based upon reasonable grounds, that a youth is or appears to be a delinquent youth or a youth in need of intervention or that the youth is subject to a court order or consent order and has violated the terms of an order, a juvenile probation officer or an assessment officer shall make a preliminary inquiry into the matter." Mont. Code Ann. § 41-5-1201(1). If the juvenile probation officer determines that further action is necessary after conducting a preliminary inquiry, the officer retains the discretion to:

> (1) arrange informal disposition as provided in 41-5-1301; or
>
> (2) refer the matter to the county attorney for filing a petition in youth court charging the youth to be a delinquent youth or a youth in need of intervention or for filing an information in the district court as provided in 41-5-206.

Mont. Code Ann. § 41-5-1205(1)-(2).

Under informal disposition, the juvenile probation officer may pursue a number of actions, including: counseling, referral of the youth or youth's family to another agency providing appropriate services, or "any other action or . . . informal adjustment that does not involve probation or detention." Mont. Code Ann. § 41-5-1301(1). Furthermore, pursuant to Mont, Code Ann. § 41-5-1301(2), the juvenile probation officer may also "provide for treatment or adjustment involving probation or other disposition authorized under 41-5-1302 through 41-5-1304,"

specifically the procedures for a consent adjustment without petition. Mont. Code Ann. § 41-5-1301(2).

"A consent adjustment without petition is an informal tool used by a probation officer when a youth is alleged to have violated the law but the probation officer does not believe it would be in the best interests of the youth, the family, and the public to file a formal petition." *Cascade*, ¶ 12. "Consent adjustments are voluntary and must be signed by the youth and the youth's parents or the person having legal custody of the youth." *In re B.I.*, ¶ 13 (citing Mont Code Ann. § 41-5-1302(1)(a)). "Various dispositions may be imposed by consent adjustment, including probation, placement in a youth home, restitution, and counseling services." *In re B.I.*, ¶ 13 (*citing* Mont, Code Ann. § 41-5-1304). "When a youth is found to have violated a consent adjustment, a youth court is authorized to enter judgment and make a variety of dispositions pursuant to § 41-5-1512, MCA." *In re B.I.*, ¶ 13.

In contrast to informal proceedings, if the matter is referred to the county attorney and a petition is filed pursuant to Mont. Code Ann. §§ 41-5-1401(1), -1402, charging that the youth is a delinquent youth or a youth in need of intervention, the youth court proceeds to formal petition proceedings. Under formal proceedings, a summons is issued requiring the youth to appear personally before the court and answer the allegations of the petition prior to any adjudicatory

hearing. Mont. Code Ann. §§ 41-5-1403(1)-(2), -1502(1). "If the youth denies all offenses alleged in the petition, the youth or the youth's parent, guardian, or attorney may demand a jury trial on the contested offenses." Mont. Code Ann. § 41-5-1502(1).

In the case of a contested adjudicatory hearing where a jury is requested, the youth court holds an omnibus hearing prior to the trial in accordance with Mont. Code Ann. § 46-13-110, and conducts the trial pursuant to Title 46, chapter 16 of the Montana Code Annotated, as well as other provisions of Montana law. Mont. Code Ann. § 41-5-1502(3)-(4); *see also* Mont. Code Ann. § 41-5-1502(9). During an adjudicatory hearing before a jury, the jury's function is to determine whether the youth committed the contested offense by proof beyond a reasonable doubt. Mont. Code Ann. § 41-5-1502(2). "If the hearing is before the youth court judge without a jury, the judge shall make and record findings on all issues." Mont. Code Ann. § 41-5-1502(2). In the event that the State fails to prove the allegations in the petition beyond a reasonable doubt, "the youth court shall dismiss the petition and discharge the youth from custody." Mont. Code Ann. § 41-5-1502(2).

Upon a finding that a youth is a delinquent youth or a youth in need of intervention—either on the basis of a valid admission by the youth to the allegations contained within the petition or after a contested adjudicatory hearing—the youth court schedules a dispositional hearing. Mont. Code Ann.

§ 41-5-1502(8). At the disposition hearing, the youth court enters judgment and implements "final disposition." Mont. Code Ann. § 41-5-103(19) (providing that '"Final disposition' means the implementation of a court order for the disposition or placement of a youth as provided in 41-5-1422, 41-5-1503, 41-5-1504, 41-5-1512, 41-5-1513, and 41-5-1522 through 41-5-1525."). At final disposition, the youth court has the discretion to impose multiple dispositions. Mont. Code Ann. § 41-5-1513(1)(a)-(f) (listing dispositions available to the youth court); *In re K.J.R.*, ¶ 18. If the youth has been adjudicated a delinquent youth, the court may commit the youth to the Department of Corrections for placement in a state youth correctional facility, if statutorily eligible. Mont. Code Ann. § 41-5-1513(1)(b). The court may also impose any disposition permitted under a consent adjustment without petition, including probation. Mont. Code Ann. §§ 41-5-1512(1)(a), -1513(1)(a).

If the youth violates a term of probation "incident to an adjudication that the that the youth is delinquent youth or a youth in need of intervention," the State may pursue probation revocation proceedings "by filing in the original proceeding a petition styled 'petition to revoke probation."' Mont. Code Ann. § 41-5-1431(1); *see also In re K.J.R.*, ¶¶ 18-23 (discussing formal probation revocation procedures under the Youth Court Act). Aside from the standard of proof, which is the same standard used in adult revocation proceedings, "proceedings to revoke probation

are governed by the procedures, rights, and duties applicable to proceedings on petitions alleging that the youth is delinquent or a youth in need of intervention." Mont. Code Ann. § 41-5-1431(3). Upon a finding that the youth has violated a term of probation, "the youth court may make any judgment of disposition that could have been made in the original case." Mont. Code Ann. § 41-5-1431(3).

Importantly, aside from a contested adjudicatory hearing, there is a secondary path to revocation proceedings—a consent decree with petition.

In lieu of proceeding to a contested adjudicatory hearing, the parties may instead enter into a consent decree with petition, or simply a consent decree. Mont. Code Ann. § 41-5-1501(1); *see In re K.E.G.*, 2013 MT 82, ¶ 39 n.4, 369 Mont. 375, 298 P.3d 1151 (McKinnon, J., concurring in part and dissenting in part) (describing Mont. Code Ann. § 41-5-1501 as "permitting a consent decree in lieu of an adjudication"). Under a consent decree, "the court may, on motion of counsel for the youth or on the court's own motion, suspend the proceedings and continue the youth under supervision under terms and conditions negotiated with probation services and agreed to by all necessary parties." Mont. Code Ann. § 41-5-1501(1)(a). Critically, "[a] consent decree under this section may not be used by the court unless the youth admits guilt for a charge of an offense set forth in the petition and accepts responsibility for the youth's actions." Mont. Code Ann. § 41-5-1501(2). "If the youth or the youth's counsel objects to a consent decree, the

court shall proceed to findings, adjudication, and disposition of the case." Mont. Code Ann. § 41-5-1501(3).

However, if the youth does not object to the consent decree and "admits guilt" to the allegations of the petition, the youth court may enter findings and adjudicate the youth as a delinquent youth or youth in need of intervention, and suspend the proceedings. *See* Mont. Code Ann. §§ 41-5-1501(1)-(2), -1502(8). The youth then continues under the supervision of probation services until the youth is discharged or completes the period of supervision identified in the consent decree. Mont. Code Ann. § 41-5-1501(1), (5). The procedures used and dispositions permitted under a consent decree "must conform to the procedures and dispositions specified in 41-5-1302 through 41-5-1304 relating to consent adjustments without petition," except a consent decree additionally authorizes a youth court to place the youth in detention for up to 10 days. Mont. Code Ann. § 41-5-1501(1)(a)-(b).

If the youth is discharged by probation services or completes the period of supervision, the original petition must be dismissed with prejudice. Mont. Code Ann. § 41-5-1501(5). However,

> [i]f, either prior to discharge by probation services or expiration of the consent decree, a new petition alleging that the youth is a delinquent youth or a youth in need of intervention is filed against the youth or if the youth fails to fulfill the expressed terms and conditions of the consent decree, the petition under which the youth was continued under supervision may be reinstated in the discretion of the county attorney in consultation with probation services. In the event of

> reinstatement, the proceeding on the petition must be continued to conclusion as if the consent decree had never been entered.

Mont. Code Ann. § 41-5-1501(4).

Thus, upon reinstatement of the petition by the county attorney, and based on the youth's previous "valid admission" to the allegations alleged in the petition during the consent decree hearing, the matter proceeds to its "conclusion," i.e., final disposition. *See* Mont. Code Ann. §§ 41-5-1501(4), -1502(8) ("If, on the basis of a valid admission by a youth of the allegations of the petition . . ., a youth is found to be a delinquent youth or a youth in need of intervention, the court shall schedule a dispositional hearing under this chapter."). At the dispositional hearing, and if the youth court has adjudicated the youth a delinquent youth, the court may impose any disposition available under Mont. Code Ann. §§ 41-5-1512 or -1513, including a commitment to Pine Hills. Mont. Code Ann. § 41-5-1513(1)(a)-(b); *In re K.J.R.*, ¶ 18.

B. In denying the motion to dismiss, the youth court correctly determined that because C.L. failed to complete the terms of the Consent Decree, it could move to final disposition and impose a commitment to Pine Hills.

On appeal, C.L. contends that it was procedurally improper for the State to move to revocation proceedings after he violated the terms of his Consent Decree. (Appellant's Br. at 11, 17.) C.L. argues that the appropriate procedure is for the State to reinstate the Petition and proceed to another answer hearing where he

again admits or denies the offense. (*Id*. at 18, 20.) C.L. contends that if he withdraws his previous admission of guilt and denies the offense, he can proceed to a contested adjudicatory hearing in front of a jury. (*See id*. at 18, 20.) Again, despite his previous entry of "true" to the offense alleged in the Petition, C.L. argues that the State had the burden to prove the charge beyond a reasonable doubt during a contested adjudicatory hearing. (*Id*. at 20.) C.L.'s argument misinterprets the Youth Court Act.

1. The youth court correctly determined that a contested adjudicatory hearing was not available because C.L. had already entered an admission of guilt.

Under a consent decree, if the youth violates the terms of the agreement, including a condition of probation, the youth court, juvenile probation, and the State have several different options available to address the violation. First, as discussed, the State may move to reinstate the petition and request that the youth court proceed to disposition. Mont. Code Ann. §§ 41-5-1501(4), -1502(8). If the youth does not object to reinstatement, the youth court may proceed to "final disposition" and impose any disposition statutorily available, including a commitment to a state youth correctional facility. *See* Mont. Code Ann. §§ 41-5-103(19), -1513(1)(a)-(b).

Of course, due to the unique nature of youth court proceedings, and the discretion given to the youth court under the Youth Court Act, including to its

juvenile probation officers, the violation may also be resolved without reinstating the petition and proceeding to final disposition where the youth forfeits the opportunity to have his petition dismissed with prejudice pursuant to Mont. Code Ann. § 41-5-1501(5). Instead, under a consent decree, juvenile probation may "arrange for informal disposition," and move the youth court to modify any disposition or condition it had previously imposed in the order adopting the consent decree. Mont. Code Ann. §§ 41-5-1201(1) (requiring a juvenile probation officer to make "a preliminary inquiry" upon receiving information that a youth has violated "a court order or consent order"), -1205(1) (providing that a juvenile probation officer may arrange for "informal disposition as provided in 41-5-1301" after determining that further action is needed following "a preliminary inquiry under 41-5-1201"). The youth court may then utilize its discretion and order any disposition available under "informal disposition," including any disposition that could be imposed for violating a consent adjustment without petition. *See* Mont. Code Ann. § 41-5-1301(1)-(2) (stating that subject to acceptance by the youth and the youth's parent or guardian, and if the matter is referred to the county attorney, the juvenile probation officer may provide for any "disposition authorized under 41-5-1302 through 41-5-1304").

Indeed, prior to the revocation of C.L.'s Consent Decree, that is exactly what occurred in this case. On at least three different occasions, C.L.'s juvenile

probation officer moved the youth court, without objection, to modify the terms of supervision and conditions of probation imposed under the Consent Decree based on probation violations by C.L. (Docs. 26, 30, 31.) The youth court granted these motions and modified placement of C.L. from his father's home to the Missouri River Group Home, back to his father's home again, and then to Rimrock. (*Id*.) These modifications and dispositions were permitted under informal disposition. Mont. Code Ann. § 41-5-1304(1)(b)-(c) (stating that disposition may include placement of a youth into a "youth care facility" or "a private agency responsible for the care and rehabilitation of the youth"); Mont. Code Ann. § 41-5-1304(2) (stating the juvenile probation may "provide for treatment" under informal disposition).

Furthermore, in addition to the discretion afforded to juvenile probation under the Youth Court Act, if a youth violates a term or condition of a consent decree, the State may move the youth court under Mont. Code Ann. § 41-5-1431 by filing a "petition to revoke probation" requesting that the youth court modify its order adopting the consent decree. Mont. Code Ann. § 41-5-1431(1). Importantly, because of the youth's previous admission of guilt during the consent decree hearing, and the youth court's corresponding findings and adjudication that the youth is a delinquent youth or youth in need of intervention, revocation proceedings pursuant to a violation of a consent decree are permitted under the

probation revocation statute. Mont. Code Ann. § 41-5-1431(1) (stating that revocation proceedings may be commenced against a youth that has violated a term of probation and is on "probation incident to an adjudication that the youth is a delinquent youth or a youth in need of intervention").

If the youth objects to the petition to revoke, the matter goes before the youth court for an evidentiary hearing pursuant to Mont. Code Ann. § 41-5-1431(3). If the youth court finds that that youth "violated a term of probation, the youth court may make any judgment of disposition that could have been made in the original case." Mont. Code Ann. § 41-5-1431(3). Under this probation revocation route, the State has multiple options.

For example, the State could choose not to request a reinstatement of the petition pursuant to Mont. Code Ann. § 41-5-1501(4) and, instead, request a modification of the consent decree. This modification would be limited to the dispositions permitted for consent decrees. *See* Mont. Code Ann. § 41-5-1501(1) (limiting dispositions permitted under consent decrees to the "dispositions specified in 41-5-1302 through 41-5-1304"). This flexibility to modify a consent decree's conditions or disposition, with reinstating the petition, highlights the discretion available to the youth court under the Youth Court Act. *See* Mont. Code Ann. § 41-5-1422(1) (stating that an order under the Youth Court Act "may be

modified at any time"); *In re K.J.R.*, ¶ 25 (discussing the "broad discretion" afforded to the youth court under Mont. Code Ann. § 41-5-1422(1)).

This procedural avenue could be utilized by the State in a situation where the youth or youth's parent will not agree to a probation officer's request for informal disposition under Mont. Code Ann. § 41-5-1301(2), but a change in disposition or condition of probation under the consent decree would be beneficial for the youth's development and rehabilitation. If the prosecutor did not believe it was necessary to reinstate the petition, the prosecutor could simply file a petition to revoke and request that the youth court modify its order adopting the consent decree. This type of situation is not hard to imagine given that there are several dispositional options available under a consent decree that a youth or his family might be resistant to or that might not have been imposed during the underlying consent decree dispositional hearing, but that could later benefit the youth following a probation violation, e.g., short term detention, a change of placement, treatment or counseling, community service, confiscation of the youth's driver's license, or a requirement that the youth participate in victim-offender mediation. *See* Mont. Code Ann. §§ 41-5-1304(1)(a)-(n), -1501(1)(a)-(b).

Of course, if the State found that reinstatement of the petition was in the best interests of the youth, it could forgo modification of the consent decree and simply move the youth court to revoke the consent decree, reinstate the petition, and

proceed to final disposition under Mont. Code Ann. §§ 41-5-1512, -1513. Because reinstating the petition arguably has the practical effect of revoking a youth's probation under a consent decree, the youth may object to reinstatement and assert the right to a revocation proceeding under Mont. Code Ann. § 41-5-1431. That is what occurred here.

The State's Petition to Revoke alleged that C.L. had violated the conditions of his probation, and the attached affidavit from C.L.'s juvenile probation officer detailed the Consent Decree probation conditions that were violated and the facts supporting the allegations. (Doc. 37.) The State requested that a hearing be set, and if the C.L. answered true to the allegations, the State asked the youth court to "proceed with disposition under M.C.A. §[§] 41-5-1512 and 1513." (*Id*. at 1-2.) If C.L. answered not true, the State requested an evidentiary hearing; i.e., a probation revocation hearing under Mont. Code Ann. 41-5-1431. (*See* Doc. 37 at 2.) Thus, although the State's Petition to Revoke only made reference to revoking C.L.'s probation and did not explicitly request that his Consent Decree be revoked, the relief requested by the State if C.L. admitted to the violations of the decree—that the youth court proceed with disposition under Mont. Code Ann. §§ 41-5-1512, -1513—shows that the State was actually asking the youth court to reinstate the Petition under Mont. Code Ann. § 41-5-1501(4) and to proceed to final disposition. Although the State recognizes it could have been more specific in the procedural

posture of the case, for example by expressly citing to Mont. Code Ann. § 41-5-1501(4) in the Petition to Revoke, C.L. fails to show that he was prejudiced by this omission, which would warrant a reversal of his commitment to Pine Hills.

Importantly, in denying the motion to dismiss, the youth court disagreed with C.L.'s argument that revocation proceedings were inappropriate under a consent decree because the youth court never "adjudicated" him a delinquent youth. (Doc. 58 at 1-2.) In rejecting this claim, the youth court correctly determined that because it had previously "adjudicated guilt" and suspended the proceeding following C.L.'s admission to the offense charged in the petition, it could proceed to final disposition without a contested adjudicatory hearing if C.L. was found to have violated the Consent Decree. (Doc. 58 at 2 ("Had [C.L.] successfully completed the period of suspension defined in the consent decree, no disposition follows. If he doesn't, the Court has statutory authority to enforce the decree.").) The youth court then cited to *Cascade* for the proposition that, like a youth who violates a consent adjustment without petition, a youth who violates a consent decree may face disposition:

> without going through the formal proceedings as the dispositions provided for under the act are designed to promote the welfare of the youth and uphold the purposes of the Montana Youth Court Act and they are not punitive, but are consistent, enforceable, and avoidable consequences of the youth's failure to comply with the terms of his agreement with the State.

(*Id*. at 2-3 (citing *Cascade*, ¶¶ 16-17).) Accordingly, because of C.L.'s admission of guilt during the Consent Decree hearing, the youth court appropriately reasoned that it could proceed to final disposition without a contested adjudicatory hearing and correctly denied the motion to dismiss.

However, as discussed, C.L. maintains that it is legally improper, following a youth's violation of the terms or conditions of consent decree, for a youth court to proceed to final disposition under part 15 of the Youth Court Act. Instead, upon the refiling of a petition under Mont. Code Ann. § 41-5-1501(4), C.L. maintains that a youth is entitled to a contested adjudicatory hearing and jury trial where the State is required to prove the allegations of the petition beyond a reasonable doubt. (Appellant's Br. at 24.) C.L. misconstrues the Youth Court Act and Mont. Code Ann. § 41-5-1501.

When interpreting a statute under the Youth Court Act, this Court will "seek to implement the intention of the legislature." *In re K.M.G.*, 2010 MT 81, ¶ 26, 356 Mont. 91, 229 P.3d 1227 (citing Mont. Code Ann. § 1-2-102 ("In the construction of a statute, the intention of the legislature is to be pursued if possible.")). Consequently, the Court will first look to the plain meaning of the statute to determine legislative intent. *In re K.M.G.*, ¶ 26. The Court will "neither insert that which has been omitted, nor omit that which has been inserted." *In re K.M.G.*, ¶ 26 (citing Mont. Code Ann. § 1-2-101). "Statutory construction should not lead to an

absurd result if a reasonable interpretation can avoid it." *In re K.M.G.*, ¶ 26 (citations omitted). The Court "construe[s] a statute by reading and interpreting the statute as a whole, 'without isolating specific terms from the context in which they are used by the Legislature.'" *Mont. Sports Shooting Ass'n v. State*, 2008 MT 190, ¶ 11, 344 Mont. 1, 185 P.3d 1003 (quoting *City of Great Falls v. Morris*, 2006 MT 93, ¶ 19, 332 Mont. 85, 134 P.3d 692).

Here, a plain reading of Mont. Code Ann. § 41-5-1501 shows that the Legislature did not intend for a youth who violates a condition of his consent decree to proceed to a contested jury trial. Importantly, the phrase "admits guilt for a charge of an offense set forth in the petition and accepts responsibility for the youth's actions" in subsection 1501(2) must be interpreted according to its plain meaning. *Black's Law Dictionary* defines "guilt" as: "The fact, state, or condition of having committed a wrong, esp. a crime; esp., a judicial finding to this effect <the state's burden was to prove guilt beyond a reasonable doubt>." *Black's Law Dictionary* 824 (Bryan A. Garner ed., 10th ed., West 2014). Furthermore, although "admits" is not defined in the preeminent legal dictionary, *Black's* defines "admission" as: "A statement in which someone admits that something is true or that he or she has done something wrong; . . . an acknowledgement that facts are true." *Id*. at 56. Also, *Black's* defines "true admission" by referencing "judicial admission," which means, "A formal waiver of proof that relieves an opposing

party from having to prove the admitted fact and bars the party who made the admission from disputing it." *Id*. at 56-57. Under the plain meaning of these terms, and when read in conjunction with Mont. Code Ann. § 41-5-1502(8), the Legislature plainly intended that a youth who admits guilt to the charge contained within a petition, in order to obtain the benefit of consent decree, has admitted culpability to the offense and has absolved the State of its burden to prove the offense beyond a reasonable doubt.

Nevertheless, C.L. argues that a youth's admission of guilt and acceptance of responsibility under Mont. Code Ann. § 41-5-1501(2) are legally distinguishable from "a valid admission by a youth of the allegations of the petition" described under Mont. Code Ann. § 41-5-1502(8). (Appellant's Br. at 21-22.) Instead, C.L. contends that consent decrees are more akin to "an adult deferred prosecution agreement, where the adult admits responsibility (at least to probable cause) and must comply with terms of probation, otherwise the prosecution is reinstated." (Appellant's Br. at 8-9.) C.L.'s analogy falls flat as it ignores the plain meaning of the terms "guilt" and "admission."[2]

[2] C.L. also misinterprets the requirements for a deferred prosecution agreement, which do not require any admission of responsibility by the defendant. *See* Mont. Code Ann. § 46-16-130(1)(a)-(d) (describing the requirements for "deferral of a prosecution").

Additionally, the plain language of Mont. Code Ann. § 41-5-1501(4) supports the State's interpretation of the Youth Court Act. This subsection provides that, "[i]n the event of reinstatement, the proceeding on the petition must be continued to conclusion as if the consent decree had never been entered." Mont. Code Ann. § 41-5-1501(4). Thus, under a plain reading of subsection (4), the matter must be continued to "conclusion." C.L.'s argument posits that reinstatement entitles him to a contested adjudicatory jury trial, which, in this case, would require an omnibus hearing and any other pretrial hearings. Mont. Code Ann. § 41-5-1502(3). This is not continuing the matter until conclusion. Rather, this would return the matter to the near beginning of formal proceedings. C.L.'s argument is not logical given the plain meaning of the word conclusion, which means "[t]o bring to an end." *The American Heritage Dictionary* 305 (2d ed., Houghton Mifflin Co. 1985).

Further, C.L.'s citation to *State v. Hill*, 2009 MT 134, ¶ 37, 350 Mont. 296, 207 P.3d 307, is unpersuasive. C.L. argues that *Hill* stands for the proposition that a violation of "a consent decree places a youth back into the same position the youth was in before accepting the consent decree." (Appellant's Br. at 19 (citing *Hill*, ¶ 37).) C.L. misreads the holding in *Hill*.

There, an adult offender argued that his Fifth Amendment right against self-incrimination was violated when the district court relied on admissions of

sexual contact with children made during a youth sexual offender treatment program. *Hill*, ¶¶ 34-35. At the time the statements were made, the defendant was under a youth consent decree and argued that he was compelled to make the admissions as he was "forced to choose between incriminating himself and being discharged from treatment, which would be a violation of the terms of the consent decree and result in a substantial penalty." *Hill*, ¶ 35. That defendant argued he was in a "classic penalty situation," which precluded the State from using his statements. *Hill*, ¶¶ 35-36 (Court describing a "classic penalty situation" as "circumstances where an accused cannot elect to exercise his right to remain silent because he faces substantial penalties if he chooses not to speak").

In rejecting this argument, the Court found that the defendant had not been "placed in a classic penalty situation," but rather "a classic plea bargain situation." *Hill*, ¶ 37. The Court discussed that the defendant had been offered treatment pursuant to a consent decree in exchange for his admission to assault and his agreement to undergo the treatment. *Hill*, ¶ 37. Thus, if the defendant declined to enter into the consent agreement, he would have been in the same position he was in previously, i.e., facing adjudication that would require the State to prove its case. *See Hill*, ¶ 37 (citing *In re R.L.H.*, 2005 MT 177, ¶ 38, 327 Mont. 520, 116 P.3d 791 ("[Youth] would have not suffered any penalty if she remained silent. The result of her silence would have been that the State was put to its proof.").

Likewise, in this case, if C.L. declined to enter into the Consent Decree, he would have been in the same situation described in *Hill*; namely he would have been facing a contested adjudicatory hearing where the State would be required to make its case. Accordingly, C.L.'s reliance on *Hill* is unpersuasive.[3]

C.L. also fails to explain why the State would pursue a consent decree—instead of informal disposition under Mont. Code Ann. § 41-5-1301(2)—if the youth's admission of guilt had no binding legal effect and the State would be required to proceed to a contested adjudicatory hearing if the youth violated the consent decree. Pursuant to informal disposition, which does not mandate an admission of guilt and only requires the youth's voluntary acceptance, the juvenile probation officer, in consultation with the prosecution, would be authorized to pursue any "treatment or adjustment involving probation or other disposition authorized under 41-5-1302 through 41-5-1304;" i.e., essentially the same dispositions permitted under consent decrees. Mont. Code Ann. § 41-5-1301(2).

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[3] Although not discussed by C.L., the opinion in *Hill* could be interpreted to imply that the most severe "penalty" that could be imposed when a youth violates a consent decree is ten days in juvenile detention. *See Hill*, ¶ 38 ("True, the remote possibility existed that a juvenile probation officer would place him in juvenile detention for ten days."). However, disregarding that this statement is dicta, as the Court had already determined that Hill was not in "a classic penalty situation," which would have invoked his Fifth Amendment right against self-incrimination, the Court did not discuss this statement in the context of reinstatement of the petition pursuant to Mont. Code Ann. § 41-5-1501(4). Accordingly, *Hill*'s reference to "ten days" of juvenile detention does not bind the Court in this case.

Indeed, if probation was ordered under informal disposition, and the youth violated the conditions of his probation, the State could simply file a petition alleging that the youth is a delinquent youth, and proceed to a contested adjudicatory hearing under Mont. Code Ann. § 41-5-1502(2). C.L.'s interpretation of Mont. Code Ann. § 41-5-1501(4) renders consent decrees, and the dispositions permitted therein, largely superfluous when compared to informal disposition. This Court should reject C.L.'s interpretation. *State v. Steen*, 2004 MT 343, ¶ 15, 324 Mont. 272, 102 P.3d 1251 ("We are required to avoid any statutory interpretation that renders any sections of the statute superfluous and does not give effect to all the words used.").

2. Although the youth court did not expressly state that C.L. was a delinquent youth during the Consent Decree hearing, he cannot show that he was prejudiced by this oversight because the youth court subsequently made this finding when it revoked the Consent Decree.

"This Court will affirm the lower court when it reaches a legally correct result even if it reached the right result for the wrong reason." *In re K.J.R.*, ¶¶ 26-27 (affirming youth court even though it proceeded under a "mistaken procedural characterization" when imposing judgment because the lower court acted within its lawful authority without abuse of discretion or factual or legal error); *State v. Ellison*, 2012 MT 50, ¶ 8, 364 Mont. 276, 272 P.3d 646. Furthermore, at least in the context of adult criminal proceedings, this Court has

long "held that a judgment of conviction will not be reversed unless the error prejudiced or tended to prejudice the substantial rights of the defendant." *State v. Huerta*, 285 Mont. 245, 251-52, 947 P.2d 483, 487 (1997) (citing *State v. Vanella*, 40 Mont. 326, 345, 106 P. 364, 371 (1910); *State v. Rhys*, 40 Mont. 131, 134, 105 P. 494, 495 (1909)).

As discussed above, although the State may have muddied the procedural waters of this case by not expressly citing to Mont. Code Ann. § 41-5-1501(4) in its Petition to Revoke, the State's petition was clearly requesting that the youth court proceed to final disposition due to C.L.'s Consent Decree violations. Pursuant to C.L.'s admission of guilt to the allegations of the Petition and his acceptance of responsibility, his later violations of the Consent Decree statutorily authorized the youth court to reinstate the Petition under Mont. Code Ann. § 41-5-1501(4) and to proceed to final disposition under Mont. Code Ann. §§ 41-5-1512, -1513.

The State acknowledges that the record reflects that the youth court did not expressly state that C.L. was a "delinquent youth" at the Consent Decree answer hearing and its order adopting the Consent Decree also lacked specific language designating C.L. a delinquent youth. Nevertheless, C.L. fails to show that he has been prejudiced by this procedural oversight. This is because the youth court later made this express finding in its judgment revoking the Consent Decree, stating that

C.L. "is a delinquent Youth as defined in 41-5-103(11) [2017], MCA." (Doc. 60 at 4.) Thus, based on this express, albeit belated, finding of delinquency, the youth court was statutorily authorized under the Youth Court Act to revoke C.L.'s Consent Decree and proceed to final disposition. Aside from pointing out the youth court's procedural omission, C.L. cannot show that he was prejudiced by the court's subsequent finding of delinquency. *See In re K.J.R.*, ¶ 26 (aside from correctly pointing out the youth court's mistaken procedural characterization, youth failed to make a particularized showing that any of the lower court's substantive findings of fact or factual considerations were clearly erroneous).

Critically, C.L. cannot show that the youth court's finding of delinquency was erroneous. The Youth Court Act defines "delinquent youth" as:

> a youth who is adjudicated under formal proceedings under the Montana Youth Court Act as a youth:
>
> (a) who has committed an offense that, if committed by an adult, would constitute a criminal offense;
>
> (b) who has been placed on probation as a delinquent youth and who has violated any condition of probation; or
>
> (c) who has violated the terms and conditions of the youth's conditional release agreement.

Mont. Code Ann. § 41-5-103(12) (2019). Applying these definitions, the youth court correctly determined that C.L. was a delinquent youth. Importantly, notwithstanding the multiple violations of the conditions of C.L.'s probation and his conditions of release, C.L. entered admissions of guilt to the offense of felony criminal mischief and stipulated to the State's Affidavit in support of the Petition.

(Doc. 22 at 1.) These underlying facts support the youth court's finding of delinquency because C.L. admitted to "committ[ing] an offense that, if committed by an adult, would constitute a criminal offense." Mont. Code Ann. § 41-5-103(12)(a). The youth court's finding that C.L. was a delinquent youth was not erroneous.

Also, most persuasively, C.L. cannot show that the youth court abused its discretion when it revoked the Consent Decree, reinstated the Petition, and ordered a suspended commitment to Pine Hills. Indeed, it is important to note that C.L. does not dispute that the youth court correctly determined that he violated the conditions of his probation, nor claim that the youth court abused its discretion when it revoked the Consent Decree. Rather, although the parties disagree on the correct interpretation of certain provisions of the Youth Court Act, C.L. concedes, and the State agrees, that revocation of the Consent Decree and reinstatement of the Petition were appropriate under the facts of this case.

Furthermore, upon review of the record, the parties attempted several interventions and dispositions in their efforts to break C.L.'s cycle of delinquent and dangerous behavior. During the hearing on the Petition to Revoke, C.L.'s juvenile probation officer testified that the parties tried several different interventions, including probation, a consent decree, substance abuse treatment at Rimrock, drug testing, and regular probation meetings. (1/9/20 Tr. at 5-6, 12.) The

youth court even gave C.L. one last opportunity to modify his behavior and avoid placement at Pine Hills by extending his probation and suspending his commitment to the facility. However, C.L.'s pattern of escalating behavior gave the youth court few options, particularly given that C.L. was ordered to complete chemical dependency treatment and had been unable to do so. (1/9/20 Tr. at 14 (C.L.'s juvenile probation officer recommending a Pine Hill's commitment due to C.L.'s level of noncompliance and his need to complete chemical dependency treatment).)

Following reinstatement of the Petition and the youth court's express finding that C.L. was a delinquent youth, the youth court was legally authorized to commit C.L. to a youth correctional facility. Mont. Code Ann. § 41-5-1513(1)(b). Under the facts of this case, C.L's commitment to Pine Hills was appropriate and within the youth court's discretion. Accordingly, because C.L. cannot show prejudice due to the youth court's actions, this Court should affirm his commitment to the DOC and his placement at Pine Hills. *See In re K.J.R.*, ¶¶ 26-27 (youth made no showing of prejudice resulting from the mere fact that the court mistakenly characterized the proceeding as a probation revocation proceeding rather than an exercise of its ongoing discretion to modify youth court orders at any time).

Lastly, C.L. offhandedly argues that during his change of plea at the Consent Decree answer hearing, the youth court did not advise him that a change of plea would forfeit his right to a jury trial, to confront and cross-examine witnesses, and

to introduce evidence on his own behalf. (Appellant's Br. at 22.) Despite his failure to cite to any specific procedural provision under the Youth Court Act, C.L.'s argument seems to imply that the youth court violated his procedural due process rights when it accepted his admission of guilt. However, C.L. does not brief this issue on appeal and fails to cite any authority in support. Consequently, this Court should decline to develop his argument for him. *State v. Torgerson*, 2008 MT 303, ¶ 44, 345 Mont. 532, 541, 192 P.3d 695 (Court will not address an argument that is unsupported by analysis or citation to legal authority because it is not obligated to conduct legal research on an appellant's behalf or to develop legal analysis to support the appellant's position); Mont. R. App. P. 12(1)(g).

Additionally, C.L. failed to raise this argument before the youth court. This Court should thus find that he waived the issue. *In re B.I.*, ¶ 16 (Court declining to address youth's constitutional argument that was not raised before the youth court because the Court "will not fault a district court where it was not given an opportunity to correct itself").

Finally, the State notes that C.L. does not argue that this Court should exercise plain error review of this issue. This Court may invoke plain error review "where failing to review the claimed error may result in a manifest miscarriage of justice, may leave unsettled the question of the fundamental fairness of the trial or proceedings, or may compromise the integrity of the judicial process." *In re*

M.K.S., 2015 MT 146, ¶ 13, 379 Mont. 293, 350 P.3d 27. However, this Court should not invoke plain error review in this case because not only does C.L. fail to request this review, he also fails to cite to a specific provision of the Youth Court Act that requires the youth court to inform him of his rights before accepting his admission of guilt. Under the Youth Court Act, "[a] person afforded rights under this chapter must be advised of those rights and any other rights existing under law at the time of the person's first appearance in a proceeding on a petition under the Montana Youth Court Act and at any other time specified in that act or other law." Mont. Code. Ann. § 41-5-1412(1).

As the record reflects, during the August 9, 2018 answer hearing, the youth court apprised C.L. of his constitutional and statutory rights. (Doc. 4.) Because C.L. was advised of his rights during this hearing, as required by Mont. Code. Ann. § 41-5-1412(1), C.L. fails to meet his burden to show that a fundamental right has been implicated warranting plain error review. *See In re M.K.S.*, ¶ 14 (burden is on the party alleging error).

/ / /

CONCLUSION

This Court should affirm the youth court's denial of the motion to dismiss and find that it did not abuse its discretion when it revoked C.L.'s Consent Decree.

Respectfully submitted this 22nd day of July, 2021.

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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11 of the Montana Rules of Appellate Procedure, I certify that this principal brief is printed with a proportionately spaced Times New Roman text typeface of 14 points; is double-spaced except for footnotes and for quoted and indented material; and the word count calculated by Microsoft Word for Windows is 9,994 words, excluding cover page, table of contents, table of authorities, signature blocks, certificate of service, certificate of compliance, and any appendices.

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CERTIFICATE OF SERVICE

I, Michael Patrick Dougherty, hereby certify that I have served true and accurate copies of the foregoing Brief - Appellee's Response to the following on 07-22-2021:

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