STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0610

In the Matter of the Civil Commitment of: Joseph Harvey Bellanger.

Filed September 3, 2024
Affirmed
Larkin, Judge

Cass County District Court
File No. 11-PR-23-44

MacKenzie Guptil, Pine City, Minnesota (for appellant Joseph Harvey Bellanger)

Keith Ellison, Attorney General, Angela Helseth Kiese, Assistant Attorney General, St. Paul, Minnesota; and

Ben Lindstrom, Cass County Attorney, Walker, Minnesota (for respondent Cass County)

Considered and decided by Larkin, Presiding Judge; Smith, Tracy M., Judge; and Harris, Judge.

NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellant challenges the district court's order indeterminately committing him as a sexually dangerous person. Because the record clearly and convincingly supports the district court's determination that appellant met the statutory criteria for commitment and appellant has not shown reversible error, we affirm.

FACTS

In January 2023, Cass County (the county) petitioned to commit appellant Joseph Harvey Bellanger as a sexually dangerous person (SDP). Bellanger was 40 years old at the time of the petition and serving a prison sentence for two counts of kidnapping.[1] At the ensuing commitment hearing, the district court heard testimony from Bellanger, victim MJ, victim CD, victim PAN, Dr. Tyler Dority, Dr. George Komaridis, and Dr. Amber Lindeman. The court also received numerous exhibits.

The district court received a prepetition screening report and subsequent update from Dr. Lindeman, who opined that Bellanger met the statutory criteria for commitment as an SDP. Likewise, court-appointed examiners Dr. Dority and Dr. Komaridis believed that Bellanger met the statutory criteria for commitment as an SDP. The court found Drs. Lindeman, Dority, and Komaridis to be credible and gave their opinions "significant weight."

The district court found that Bellanger had an extensive history of harmful sexual conduct, based on the following circumstances. In 2000, Bellanger's 11-year-old nephew reported that Bellanger, who was 18 years old at the time, had sexually assaulted him on five occasions over an extended period. He reported that Bellanger anally penetrated him and would not stop, even though he cried during the attack and told Bellanger to stop. Bellanger was charged with two counts of first-degree criminal sexual conduct based on

[1] Bellanger and others kidnapped two individuals, threatened them, beat them, duct taped them, and "possibly sexually assaulted the female victim."

his nephew's allegations, but the charges were ultimately dismissed as part of a "global resolution" of seven pending court files.

Although Bellanger's nephew did not testify at the commitment hearing, the district court found his "statements to law enforcement relevant and reliable" and that it was "more likely than not" that Bellanger committed first-degree criminal sexual conduct against his nephew on more than one occasion, causing his nephew to experience "substantial physical or emotional harm."

In 2009, Bellanger sexually assaulted an adult female victim, MJ, for several hours, threatened to kill her and her children, and forced her to falsely report that her ex-husband had sexually assaulted her. Bellanger vaginally and anally penetrated MJ despite her demand that he stop. Bellanger also put out a cigarette on MJ's neck and burned her abdomen with a lighter. Bellanger was charged with eight counts of first-degree criminal sexual conduct for his assault of MJ. But he ultimately pleaded guilty to one count of terroristic threats and one count of third-degree assault, and the remaining charges were dismissed.

MJ testified at the commitment hearing and the district court found her testimony credible. The district court found it "more likely than not" that Bellanger committed first- and third-degree criminal sexual conduct against MJ. The court also found that MJ suffered "substantial harm" from Bellanger's offenses.

In 2012, Bellanger sexually assaulted an adult female victim, CD, while the two were in a brief relationship. Bellanger forced CD to have anal sex, during which she "screamed for him to stop." Bellanger continued to sexually assault CD during the course

of their relationship. At the commitment hearing, CD testified that Bellanger preferred nonconsensual sex. CD sought an order for protection against Bellanger, but she did not allege sexual abuse in her petition because she did not want her parents to know what she had gone through. CD also testified that she had suffered two traumatic brain injuries. When asked if her injuries affected her memory, she responded that they sometimes affected her "short[-term] memory" and the "timeframes" of her long-term memory.

The district court found CD's testimony credible and concluded that Bellanger's offenses against CD constituted first- and third-degree criminal sexual conduct. And the court found that CD suffered substantial harm from Bellanger's offenses.

In 2012, Bellanger sexually assaulted a then 17-year-old female victim, PAN. PAN underwent a sexual-assault examination, which revealed vaginal abrasions and anal fissures. The state charged Bellanger with two counts each of first-, second-, third-, and fourth-degree criminal sexual conduct, and one count of "possession of a legend drug," but later amended the charges to one count each of first-, second-, third-, and fourth-degree criminal sexual conduct, misdemeanor assault, and second-degree controlled-substance crime. Bellanger ultimately pleaded guilty to drug possession, and the other counts were dismissed.

PAN testified at Bellanger's commitment hearing. The district court found her testimony credible and concluded that Bellanger's offenses against PAN constituted first- and third-degree criminal sexual conduct. The court also found that PAN suffered substantial harm from Bellanger's offenses.

On this record, the district court determined that the county proved, by clear and convincing evidence, that Bellanger met the statutory criteria for commitment as an SDP, and the court committed Bellanger to the Minnesota Sex Offender Program for an indeterminate period. The court recognized that Bellanger had "never been convicted of a sexual offense," but it determined that "[t]he evidence in the record, including the testimony at [the hearing], establishe[d] by clear and convincing evidence that [Bellanger] committed the sexual offenses with which he was charged."

Bellanger appeals.

DECISION

An SDP is defined as a person "who: (1) has engaged in a course of harmful sexual conduct as defined in subdivision 8; (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 as defined in subdivision 8." Minn. Stat. § 253D.02, subd. 16(a) (2022). To commit a person as an SDP, the petitioner must prove by clear and convincing evidence that the proposed patient meets the SDP statutory criteria. Minn. Stat. § 253D.07, subd. 3 (2022); *In re Civ. Commitment of Navratil*, 799 N.W.2d 643, 647 (Minn. App. 2011), *rev. denied* (Minn. Aug. 24, 2011). We review de novo whether the record contains clear and convincing evidence to support the commitment. *In re Civ. Commitment of Crosby*, 824 N.W.2d 351, 356 (Minn. App. 2013), *rev. denied* (Minn. Mar. 27, 2013). And we review the district court's factual findings for clear error. *In re Civ. Commitment of Stone*, 711 N.W.2d 831, 836 (Minn. App. 2006), *rev. denied* (Minn. June 20, 2006).

When applying the clear-error standard of review, an appellate court (1) views the evidence in the light most favorable to the district court's findings, (2) does not reweigh the evidence, (3) does not engage in fact-finding, (4) does not reconcile conflicting evidence, and (5) "need not go into an extended discussion of the evidence to prove or demonstrate the correctness of the findings of the [district] court." *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-22 (Minn. 2021) (quotation omitted). We do not set findings of fact aside as clearly erroneous unless we have a "definite and firm conviction that a mistake has been committed." *Id.* at 221 (quotation omitted).

Finally, due regard is given to the opportunity of the district court to judge the credibility of witnesses. Minn. R. Civ. P. 52.01. We defer to a district court's credibility determinations because the district court is in a "superior position to assess the credibility of witnesses." *In re Welfare of Child of H.G.D.*, 962 N.W.2d 861, 873 (Minn. 2021) (quotation omitted). If findings of fact "rest almost entirely on expert testimony, the [district] court's evaluation of credibility is of particular significance." *In re Knops*, 536 N.W.2d 616, 620 (Minn. 1995).

I.

Bellanger contends that the district court erred in finding that he engaged in a course of harmful sexual conduct.

The term "harmful sexual conduct" is defined as "sexual conduct that creates a substantial likelihood of serious physical or emotional harm to another." Minn. Stat. § 253D.02, subd. 8(a) (Supp. 2023). The incidents that establish a course of harmful sexual conduct can occur "over a period of time and need not be recent." *Stone*, 711 N.W.2d at

837. A "course of harmful sexual conduct takes into account both conduct for which the offender was convicted and conduct that did not result in a conviction." *Id.*

A.

Bellanger first argues that the district court erroneously applied a preponderance-of-the-evidence standard, instead of the clear-and-convincing standard, when determining that he engaged in a course of harmful sexual conduct. As support, he cites the district court's findings that it was "more likely than not" that he sexually assaulted his nephew and MJ. More likely than not is a level of proof associated with the preponderance standard. *See City of Lake Elmo v. Metro. Council*, 685 N.W.2d 1, 4 (Minn. 2004) ("The preponderance of the evidence standard requires that to establish a fact, it must be more probable that the fact exists than that the contrary exists."). Although the district court may have referenced an incorrect standard in its findings, for the reasons that follow, we are not persuaded that the district court committed reversible error in doing so.

On appeal, we do not presume that the district court erred. *See Custom Farm Servs., Inc. v. Collins*, 238 N.W.2d 608, 609 (Minn. 1976) (stating that appellate courts cannot presume error). An appealing party must show error and prejudice to obtain relief. *See Midway Ctr. Assocs. v. Midway Ctr., Inc.*, 237 N.W.2d 76, 78 (Minn. 1975) (noting that the party seeking relief must show both error and prejudice resulting from the error); *see also* Minn. R. Civ. P. 61 (requiring courts to disregard harmless error). Although Bellanger's nephew did not testify, he reported to law enforcement that Bellanger sexually assaulted him, and the district court expressly found those allegations "reliable." MJ testified at the commitment hearing that Bellanger sexually assaulted her, and the district

court expressly found MJ's testimony credible. Bellanger was charged with two counts of first-degree criminal sexual conduct against his nephew and eight counts of first-degree criminal sexual conduct against MJ.

Although the district court referenced the preponderance standard in two of its findings regarding Bellanger's sexual assaults of his nephew and MJ, the district court ultimately found that "[t]he evidence in the record, including the testimony at [the commitment hearing], establishe[d] by *clear and convincing evidence* that [Bellanger] committed the sexual offenses with which he was charged." (Emphasis added.) The district court also found that the county proved "by clear and convincing evidence" that Bellanger met the statutory criteria for commitment.

Again, we do not assume district court error. *See Collins*, 238 N.W.2d at 609. And with the exception of the two references to the preponderance standard, nothing in the district court's order leads us to conclude that the district court did not understand or ultimately apply the correct clear-and-convincing standard in determining that Bellanger engaged in a course of harmful sexual conduct. Instead, even if we were to conclude that that the district court's use of the phrase "more likely than not" in two of its 331 findings was an erroneous reference to the preponderance-of-the-evidence standard—and not merely loose language—any such error was harmless. *See* Minn. R. Civ. P. 61 (stating that harmless error must be ignored); *Ensor v. Duluth-Superior Transit Co.*, 275 N.W. 618, 619 (Minn. 1937) ("Upon the whole record, we cannot see the slightest possibility of prejudice."); *see also Jack Frost, Inc. v. Engineered Building Components Co., Inc.*, 304

N.W.2d 346, 352 (Minn. 1981) (analyzing the record "as a whole" in determining whether a new trial was warranted).

B.

Bellanger next argues that the district court erred in finding that the sexual assaults constituting the course of harmful sexual conduct actually occurred. As to his nephew, Bellanger argues that the district court erred by finding that his nephew's statements to law enforcement were reliable. Although Bellanger objected to admission of his nephew's out-of-court accusations at the commitment hearing, he does not argue on appeal that the district court erred in admitting those statements. Instead, his challenge is limited to whether or not those out-of-court statements could provide clear-and-convincing evidence without corroboration.

In *In re Civil Commitment of Williams*, this court concluded that the district court did not err by admitting and deeming reliable summaries of victim statements regarding offenses allegedly committed 20 to 25 years earlier. 735 N.W.2d 727, 731-32 (Minn. App. 2007), *rev. denied* (Minn. Sept. 26, 2007). We explained that the record supported the district court's determination that the summaries were reliable, noting that the documents contained statements that were "generated closely in time to the events they describe, and they include the accounts of first-hand witnesses, the victims." *Id.* at 132. And we noted that there is no requirement that victims must testify in person at a civil commitment hearing and that the Confrontation Clause does not apply to commitment proceedings. *Id.*

The documents on which the district court relied to find that Bellanger sexually assaulted his nephew bear similar indicia of reliability. Bellanger's nephew reported the

abuse in 2000, when he was 11 years old. He told the police that Bellanger assaulted him approximately five times over an extended period. He also told the police that he had disclosed the abuse to one of his friends. The police spoke to that friend, and he corroborated that Bellanger's nephew had disclosed his sexual abuse by Bellanger. The district court found the nephew's allegations credible, reasoning:

> Although [he] was not subject to cross examination at the commitment hearing, this [c]ourt finds [his] statements to law enforcement relevant and reliable. [He] had no identifiable reason to falsify his reports and being "sick of" [Bellanger] victimizing him was sufficient reason to come forward. The statement was provided under the formal circumstance of a law enforcement officer interview, and it was recorded. [He] was familiar with [Bellanger's] violent nature and the possibility of vengeance. The statement provided details of [the] location, frequency, and nature of the sexual assaults. The police, state, and court found the statements sufficient to establish probable cause and to proceed with prosecution. [Bellanger's nephew's] formal investigation statement is consistent with informal reports by [the nephew] to others.

The record supports the district court's determination that the documents establishing Bellanger's abuse of his nephew were reliable. *See id.* ("[T]he district court served well its role to receive relevant evidence, weigh it, and make findings supported by the record.").

As to MJ, Bellanger argues that the evidence was insufficient to support the district court's finding that he assaulted her. Bellanger notes that the resulting criminal charges were dismissed. MJ testified that Bellanger sexually assaulted her, and the district court expressly found her testimony credible. We defer to that credibility determination. *See H.G.D.*, 962 N.W.2d at 873. And it is immaterial that the charges were dismissed and did

not result in a conviction. *See In re Civ. Commitment of Ramey*, 648 N.W.2d 260, 268 (Minn. App. 2002) ("[T]he course of conduct need not consist solely of convictions, but may also include conduct amounting to harmful sexual conduct, of which the offender was not convicted."), *rev. denied* (Minn. Sept. 17, 2002); *Williams*, 735 N.W.2d at 731 ("Incidents establishing a course of harmful sexual conduct need not be recent and are not limited to those that resulted in a criminal conviction.").

As to CD, Bellanger argues that her testimony was not credible because she did not allege sexual abuse when she sought an order for protection against Bellanger around 2012 and because she acknowledged during her testimony that she had suffered traumatic brain injuries. Bellanger points to Dr. Komaridis's testimony, in which he questioned CD's memory. But CD explained that she did not allege sexual abuse when seeking an order for protection because she did not want her parents to know everything that she had been through, and the district court expressly found that testimony credible. And although CD acknowledged that her long-term "timeframes" were affected by her traumatic brain injury, she denied that her perception had been altered.

Bellanger also argues, without citation to authority, that the allegations concerning CD are "not the type" that can be considered for purposes of determining whether a course of harmful sexual conduct has occurred. But CD claimed nonconsensual, forceful anal penetration. Such conduct may clearly be considered. *See* Minn. Stat. § 253D.02, subd. 8(b) (Supp. 2023) (noting, in defining harmful sexual conduct, that there is a rebuttable presumption that third-degree criminal sexual conduct "creates a substantial likelihood that a victim will suffer serious physical or emotional harm"); Minn. Stat. § 609.344 (2022)

(defining third-degree criminal sexual conduct to include sexual penetration accomplished with force).

As to PAN, Bellanger argues that her sexual-assault allegations were not credible because she did not request help from law enforcement officers who approached her while she was with Bellanger. But during her testimony, PAN explained that she did not ask the officers for help when the opportunity presented itself because she was a runaway and did not want to interact with the police. Bellanger also argues that PAN was under the influence of alcohol and methamphetamine during the time of the sexual abuse. But PAN testified that she knew what was happening at the time of the sexual assaults, and the district court expressly found PAN's testimony credible. We defer to that determination.

Bellanger further argues that the evidence supporting PAN's claims was not strong, and the charges were ultimately dismissed. But "in a prosecution for criminal sexual conduct the complainant's testimony need not be corroborated." *State v. Myers*, 359 N.W.2d 604, 608 (Minn. 1984); *see also* Minn. Stat. § 609.347, subd. 1 (2022) (stating that in a prosecution for criminal sexual conduct, the testimony of a victim need not be corroborated). PAN provided detailed testimony about the sexual assaults at the commitment hearing, and the district court found her testimony credible. We defer to that credibility determination, and corroborating evidence supporting her testimony was not required. Once again, the fact that the resulting sexual-assault charges were dismissed is immaterial. *See Ramey*, 648 N.W.2d at 268 (stating that a course of conduct need not consist solely of convictions).

In sum, the record provides clear and convincing support for the district court's finding that Bellanger engaged in a course of harmful sexual conduct, and the district court did not prejudicially err in making that finding.

II.

Bellanger contends that the district court erred in finding that he had difficulty controlling his sexual impulses. He argues that "[t]here is insufficient evidence to show that [he] . . . is so sexually dangerous and deviant that he must be subject to civil commitment." He further argues that the district court "did not specifically adopt or find that [he] suffers from specific sexual deviancy."

To establish the statutory criteria for commitment as an SDP, "it is not necessary to prove that the person has an inability to control the person's sexual impulses." Minn. Stat. § 253D.02, subd. 16(b) (2022). However, this statutory limitation on the necessary proof "should be read very narrowly." *In re Linehan*, 594 N.W.2d 867, 875 (Minn. 1999). Essentially, the petitioner need not prove that the proposed patient has an *utter lack of control* over his sexual impulses, but the petitioner must prove that the proposed patient has a "present disorder or dysfunction" that "does not allow [him] to *adequately* control [his] sexual impulses." *Id.* at 876 (emphasis added).

Here, all three experts opined that Bellanger met the statutory requirements for commitment as an SDP. All three experts diagnosed Bellanger with antisocial personality disorder, and Drs. Lindeman and Dority diagnosed Bellanger with other specified

paraphilic disorder.[2] And all three experts testified that Bellanger was likely to reoffend. Dr. Lindeman specifically testified that Bellanger's disorders caused him to lack adequate control over his sexually harmful behavior.

The district court found all three experts credible, and the court's credibility determination is entitled to significant deference. *See Knops*, 536 N.W.2d at 620. Moreover, the expert opinions provided clear and convincing support for the district court's determination that Bellanger "has manifested a sexual, personality, or other mental disorder or dysfunction" and therefore cannot adequately control his sexual impulses. Minn. Stat. § 253D.02, subd. 16(a); *Linehan*, 594 N.W.2d at 876. In sum, there was sufficient evidence to show that Bellanger is sexually dangerous and properly subject to civil commitment.

III.

Finally, Bellanger contends that the district court erred in finding that he was highly likely to sexually reoffend. The county was required to prove that Bellanger "is likely to engage in acts of harmful sexual conduct." Minn. Stat. § 253D.02, subd. 16(a); *Navratil*, 799 N.W.2d at 647. That statutory requirement is met if it is proven that a person is "highly likely" to engage in acts of harmful sexual conduct in the future. *In re Civ. Commitment of Ince*, 847 N.W.2d 13, 20-22 (Minn. 2014).

The following factors are used to evaluate the likelihood of future harmful sexual conduct:

[2] Paraphilia is "[a] psychosexual disorder in which sexual gratification is obtained through practices or fantasies involving a bizarre, deviant, or highly unusual source of sexual arousal such as an animal or an object." *The American Heritage Dictionary of the English Language* 1279 (5th ed. 2018).

> (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. at 22. The district court made findings regarding each of the relevant factors.

As to relevant demographic characteristics, the district court found as follows:

> [Bellanger's] age does not mitigate his dangerousness or likely recidivism. Dr. Lindeman credibly opined that [Bellanger's] "age and physical status do not reduce the risk of re-offense. He has spent a large portion of his life incarcerated. [Bellanger] does not suffer from any medical conditions that would hinder his ability to reoffend sexually." Dr. Dority recognized that older offenders are at lower risk to offend than younger offenders, but that [Bellanger's] "pervasive history of criminality, sex offending, and failure to complete [sex offender treatment] as well as a very high psychopathy score likely neutralizes this as a mitigating factor."

Bellanger argues that his age mitigated his risk of reoffending. But in doing so, he asks this court to reweigh the evidence and reconcile conflicting evidence, which we are not permitted to do. *See Kenney*, 963 N.W.2d at 221-22.

As to Bellanger's history of violent behavior, the district court found that Bellanger "has an extensive history of particularly violent conduct both in and out of prison." The court found that his "behaviors involved the use of force, threats, [and] physical violence (i.e., grabbing [a] victim's throat, burning [a] victim's neck with a cigarette, [and]

kidnapping victims)" and that he "continued to engage in violent behavior while on supervised release and in prison." The court noted Dr. Dority's observation that Bellanger '"has demonstrated a significant inability to mitigate or decrease deviant sexual abuses, compulsivity, or violence'" and '"a pervasive pattern of instability and antisocial conduct throughout much of his life.'"

Bellanger complains that the experts intertwined his "criminal [history] that resulted in convictions and punishments with sexual abuse allegations" and notes that the sexual-abuse allegations against him were resolved with "minimal criminal repercussions." He argues that commitment decisions must distinguish between the "dangerous sexual offender" and the "typical recidivist offender." The record belies any suggestion that the district court erroneously based its order for indeterminate commitment on violent behavior that did not involve sexual misconduct. Instead, the district court relied on reliable and credible evidence that Bellanger violently sexually assaulted his pre-teen nephew, adult MJ, adult CD, and 17-year-old PAN.

As to base-rate statistics, the district court made extensive findings of fact regarding the tools used by the experts to assess Bellanger's likelihood to reoffend. Those tools included the Static 99-R, the "Violence Risk Scale-Sex Offense version," and the Psychopathy Checklist-Revised (PCL-R), alternatively known as the Hare Psychopathy checklist. The district court found:

> The experts agree that [Bellanger] is at a well above average risk for recidivism because psychopathic traits correlate with criminal acts and recidivism and that this is true of criminal sexual behavior as well. Dr. Dority and Dr. Lindeman specifically noted that persons like [Bellanger], who

> have high PCL-R scores, are significantly more likely to reoffend than typical sex offenders.

Bellanger argues that the district court "relied on the reports without digging deeper into the data." He asserts that the Static 99-R test has only moderate accuracy, and he argues that the district court "did not reconcile concerns about whether data is accurately validated relative to [Bellanger's] race (Native American)." But Dr. Lindeman testified that the Static 99-R is "the most widely researched and used actuarial tool to look at sexual reoffense in the world."

Bellanger also argues that the district court should not have relied on Dr. Dority's risk-of-recidivism assessment because Dr. Dority, when compiling information on Bellanger, erred on the side of inclusivity. And Bellanger challenges the expert's use of a psychopathy checklist because "there is disagreement about whether [Bellanger] truly suffers from a sexual deviancy." Bellanger's arguments invite this court to reweigh the evidence and reconcile conflicting evidence, which we are not permitted to do. *See Kenney*, 963 N.W.2d at 221-22.

As to sources of stress in the environment, the district court found as follows:

> Dr. Komaridis accurately noted that there are a number of stressors, including: the high risk for violence, crime and drug abuse in the community to which [Bellanger] would be returning; that [Bellanger] does not have, and really hasn't had an occupation or employment; that [Bellanger's] plan to live with his mother is not realistic; that [Bellanger] has not had chemical dependency treatment, aggression treatment, or sex offender treatment; and that there is no evidence of an adequate support system that would be helpful to [Bellanger] in readjusting to his environment.
>
> Dr. Dority opined "the stigma of [designation as a level three predatory offender] as well as the hinderances this could

> cause with social, financial, or vocational endeavors, could be a significant stressor."
>
> Dr. Lindeman pointed out: the added stress of being a sex offender adds complexity; [Bellanger] has incurred release violations while under supervision; and [Bellanger's] second sex offense occurred despite legal intervention. "[T]here appear to be anti-system attributes which complicate his reintegration into the community to include the belief expressed in the SDP/SPP report that he did not feel he was treated fairly by the system."

Bellanger challenges those findings, arguing:

> [T]here is no correlative data that identifies that level [three] sex offenders have higher recidivism. [Bellanger] will be released on a supervised release plan including but not limited to monitoring for a time. He will have supervision which is [an] external control. Additionally, the evaluators fail to identify that [Bellanger] has a residence. Homelessness and lack of safety and security would result in a high stress environment. There is no correlative data that shows that [Bellanger's] environment was a triggering effect to his offending history.

Once again, Bellanger invites this court to reweigh the evidence and reconcile conflicting evidence, which we will not do. *See Kenney*, 963 N.W.2d at 221-22.

As to the similarity of present or future contexts to those in which Bellanger used violence in the past, the district court found:

> All three experts note that [Bellanger], if released, is likely to return to circumstances similar to those when he was first incarcerated. This is the same environment where all of his previous criminal behaviors occurred. [Bellanger] does not have an approved residence or re-offense prevention plan. He has not abided by the parameters of supervision in the past.

Bellanger argues that he had an approved supervised release plan. As support for that argument, he points to a Department of Corrections (DOC) reentry review report,

which seems to indicate that there were potential placement options for Bellanger, such as a Moose Lake residential program and DOC-funded housing in Cass Lake. The DOC report also lists release conditions. But the report does not identify a specific placement, and there is no evidence in the record indicating that the report constitutes an approved reoffense prevention plan. Moreover, the district court credited the experts' unanimous opinion that if Bellanger were released, he would likely return to circumstances similar to those that he experienced when he was first incarcerated.

Finally, as to Bellanger's record with respect to therapy programs, the district court found that Bellanger had "not had any treatment for any of his behaviors/conditions that caused his violent lawlessness." The district court also found:

> When in prison, [Bellanger] had directives to complete both chemical dependency treatment and sex offender treatment. [Bellanger] did neither.
>
> Dr. Lindeman reported [Bellanger] was initially denied treatment in prison because he did not have enough time remaining on his sentence. [Bellanger] did not enter or complete sex offender treatment during his subsequent incarceration likely because of his disciplinary history.
>
> [Bellanger] agrees that his disciplinary history in prison was so significant that it prevented him from entering treatment while incarcerated. [Bellanger] does not, however, accept responsibility for his conduct while in prison, stating that fighting all the time was the only option he had while in prison.
>
> . . . .
>
> Dr. Lindeman credibly opined that the [two] years of supervision [Bellanger] would have if released would not be enough time for [him] to get treatment and be successful.

Bellanger challenges the district court's reliance on Dr. Lindeman's opinion that two years of supervision would be insufficient to complete sex-offender treatment. Once again Bellanger inappropriately invites us to reweigh the evidence in his favor. *See id.*

In sum, Bellanger has not established prejudicial error related to the district court's finding that he is highly likely to sexually reoffend, and the record provides clear and convincing support for that finding. And because the record clearly and convincingly supports the district court's determination that Bellanger meets the criteria for commitment as an SDP, we do not disturb the district court's order committing Bellanger to the Minnesota Sex Offender Program for an indeterminate period.

Affirmed.