

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN**

**DISTRICT COURT  
4th JUDICIAL DISTRICT  
CASE TYPE: Criminal  
COURT FILE NO. 27-CR-18-18391**

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State of Minnesota

Plaintiff,

**ORDER FOR RULE 20.01  
COMPETENCY EVALUATION**

vs.

**Aesha Ibrahim Osman**

Defendant

Defendant's Date of Birth: 9/13/1998

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This matter came on for review by the Honorable **Danielle Mercurio**, District Court Referee.

**Based upon the files and records, the Court makes the following:**

**FINDINGS OF FACT**

1. The Court previously found the Defendant incompetent on June 6, 2023.
2. The Court finds that good cause exists for authorizing the disclosure of the records ordered disclosed below, because other ways of obtaining the information are not available, or would not be effective, and the public interest and need for disclosure outweighs the potential injury to the patient, the physician/patient relationship and any chemical dependency treatment facility or organization holding records pertaining to Defendant.

**Based upon the foregoing Findings of Fact, the Court makes the following:**

**ORDER**

1. Pursuant to Minn. R. Crim. P. 20.01, subd. 3, the criminal proceedings in this matter shall remain suspended pending a medical examination of Defendant under Minn. R. Crim. P. 20.01. This Court's orders regarding bail and conditions of release remain in full force and effect.
2. The court-appointed examiner is ordered to conduct an examination to determine Defendant's competency to proceed and complete a written report to the Court on the mental condition of Defendant as directed in this Order. The examination shall be conducted using a video conferencing technology, unless it is determined by the court-appointed examiner that it would be detrimental to the defendant's health, would interfere with the interview process, or use of remote technology is unnecessary.
3. If either party retains an independent qualified examiner, the examiner is allowed to observe the examination of Defendant and to examine Defendant. The party's independent examiner or his/her designee shall coordinate with the court-appointed examiner to determine a mutually agreeable date and time for the examination of Defendant.

4. **Examination of Defendant**

**A. Stephanie Bruss** is ordered to conduct an outpatient examination in person or by videoconference at a facility deemed suitable by the court-appointed examiner.

1. Defendant is ordered to cooperate with the examiner, appear for all appointments, and comply with all other conditions of release. Failure to do so shall result in the revocation of Defendant's pre-trial release and arrest of Defendant.

**B.** If the court-appointed examiner determines that the examination cannot be completed on an outpatient basis and that there is a need to confine the defendant in an inpatient hospital setting for the examination, the examiner shall notify the court in writing that an outpatient examination cannot be completed. Upon receipt of the notice, court administration shall transmit a copy of the notice and

this Order to Department of Human Services (DHS) Forensic Services. The provisions of this paragraph do not apply if the court-appointed examiner in paragraph A is DHS Forensic Services.

**C.** If the DHS Forensic Coordinator determines that an inpatient examination is not appropriate or necessary, Forensic Services shall notify the court in writing. Upon receipt of the notice, court administration shall set the matter for a review hearing.

**D.** If the DHS Forensic Coordinator agrees that the examination must be done inpatient, Forensic Services shall notify the court in writing, and upon filing of that notice Forensic Services is deemed the court-appointed examiner. The examination shall then be conducted by Forensic Services at a DHS Facility determined by the Commissioner of Human Services or designee as soon as admission can be arranged. The defendant may be confined for up to 60 days from the date of this order to complete an inpatient examination. DHS shall notify the court in writing if the Defendant cannot be timely admitted and an extension of time is required.

5. If the court-appointed examiner concludes the defendant presents an imminent risk of serious danger to another, is imminently suicidal, or otherwise needs emergency intervention, the examiner must promptly notify the prosecutor, defense counsel, and the court.
6. By presentation of a copy of this Order by the court-appointed examiner named in paragraph 4.A, or Forensic Services if conducting the examination under paragraph 4.D, whether mailed, sent electronically, discussed verbally, or personally delivered, any agency or department shall release within 96 hours all information and/or records of the defendant including medical, psychological, behavioral, chemical dependency, social service, probation/correctional/jail records (including behavioral notes, medical notes, psychiatric notes, jail reports or logs, and any records or information maintained by a jail from any third party medical provider/contractor/public health staff), developmental disability, military, Social Security, employment, and educational records to

the court-appointed examiner or his/her designee by the custodian of the records for the purpose of the examination, notwithstanding the Minnesota Health Records Act, the Minnesota Government Data Practices Act, the Health Insurance Portability and Accountability Act, or any other federal or state law. The court-appointed examiner or his/her designee shall provide copies of any such records to the defense's/state's independent qualified examiner. These records will not be included in the court file. Any further use or disclosure of these records shall only be by court order.

7. The Prosecuting Attorney's Office shall promptly provide the court-appointed examiner or his/her designee with all discovery materials available to Defendant under Minn. R. Crim. P. 9.01 to assist in the examination process and completion of the report, which shall include the criminal complaint and the police reports. Either party may submit to the examiner such additional data as they so desire, provided that a copy of any data submitted to the examiner shall also be provided to opposing counsel at the same time.
8. A written examination report, using the State Court Administrator *Examiner's Report – Rule 20.01* template, available on the Minnesota Judicial Branch website, [mncourts.gov](http://mncourts.gov) on the Psychological/Psychiatric Examiner Services webpage, shall be prepared and delivered to this Court no later than 60 days from the date of this order or on [DATE], whichever is earlier. The court administrator shall promptly provide copies of the report to the prosecuting attorney and defense counsel.
9. **Competency to Participate in the Proceedings.**  
Pursuant to Minn. R. Crim. P. 20.01, subd. 4(b), the written report must contain:
  - (1) A diagnosis of the defendant's mental condition.
  - (2) If the defendant is mentally ill or cognitively impaired, an opinion as to:

- (a) the defendant's ability to rationally consult with counsel, and capacity to understand the proceedings or participate in the defense;
- (b) whether the defendant presents an imminent risk of serious danger to another, is imminently suicidal, or otherwise needs emergency intervention;
- (c) any treatment required for the defendant to attain or maintain competence and an explanation of appropriate treatment alternatives by order of preference, including the extent to which the defendant can be treated without commitment to an institution and the reasons for rejecting such treatment if institutionalization is recommended;
- (d) whether a substantial probability exists that the defendant will ever attain competency to proceed;
- (e) the estimated time required to attain competency to proceed; and
- (f) the availability of acceptable treatment programs in the geographic area including the provider and type of treatment.

(3) The factual basis for the diagnosis and opinions.

(4) If the examination could not be conducted because of the defendant's unwillingness to participate, an opinion, if possible, as to whether the unwillingness resulted from mental illness or cognitive impairment.

10. Any statement made by Defendant for the purpose of the examination and any evidence derived from the examination is admissible at the competency proceeding.

11. The admissibility at trial of any statements the Defendant made for the purpose of the examination and any evidence derived from the statements must be determined pursuant to Minn. R. Crim. P.

20.02, subd. 6.

12. Pursuant to Minn. Stat. § 480.182, the district court shall pay for the costs associated with the examination performed by the court-appointed examiner. Court-appointed examiners shall submit their bills through the Minnesota Judicial Branch Examiner Resource Application (ERA).
13. The parties are responsible for costs associated with any qualified examiner they retain that is not court-appointed.
14. Defendant's competency is also at issue in the following cases **27-CR-19-1916; 27-CR-19-3539; 27-CR-19-17539; 27-CR-21-22058**, and a copy of this order and the court-appointed examiner's report shall be filed in the above captioned case as well as the other cases listed in this paragraph.

**DATE: June 8, 2023**

**BY THE COURT:**

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**JUDGE OF DISTRICT COURT**

MINNESOTA  
JUDICIAL  
BRANCH