

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
CRIMINAL DIVISION

State of Minnesota,

Plaintiff,

vs.

Angelica Denise Schaeffer, aka Angelica
Denise Nunn

Defendant.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER REGARDING
COMPETENCY**

MNCIS No: 27-CR-22-20311; 27-CR-21-6862; 27-CR-22-15357; 27-CR-21-18888; 27-CR-22-682; 27-CR-22-5177; 27-CR-21-22606; 27-CR-21-19939; 27-CR-21-2501; 27-CR-21-764; 27-CR-20-20192; 27-CR-20-11079; 27-CR-20-3597; 27-CR-20-2738; 27-CR-19-27920; 27-CR-19-19979; 27-CR-19-4444; 27-CR-20-3244; 27-CR-21-1978; 27-CR-21-1977; 27-CR-19-19167; 27-CR-22-20033; 27-CR-22-17934.

This matter came before the undersigned Judge on October 26, 2022. Mehek Mahsood, Esq., Assistant Hennepin County Attorney, represented the plaintiff on the felony matters. Defendant appeared out of custody and was represented by Holly Frame, Esq., Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

FINDINGS OF FACT

1. Defendant was charged in MNCIS file 27-CR-20-3244 with Theft – Take/Use/Transfer Movable Prop – No Consent (Felony) arising from an incident alleged to have occurred on December 19, 2019; MNCIS file 27-CR-21-1977 with Theft – Take/Use/Transfer Movable Prop – No Consent (Felony) arising from an incident alleged to have occurred on December 5, 2020; MNCIS file 27-CR-21-1978 with Theft – Take/Use/Transfer Movable Prop – No Consent (Felony) arising from an incident alleged to have occurred

on December 9, 2020; MNCIS file 27-CR-22-20033 with Theft – Take/Use/Transfer Movable Prop – No Consent (Felony) arising from an incident alleged to have occurred on October 25, 2021; and MNCIS file 27-CR-22-20311 with Theft – Take/Use/Transfer Movable Prop – No Consent (Gross Misdemeanor) and Drugs – 5th Degree – Possess Schedule 1, 2, 3, 4 – Not Small Amount Marijuana (Gross Misdemeanor) arising from an incident alleged to have occurred on October 9, 2022.

2. On December 26, 2022, for Rule 20.01 competency purposes, Judge Anna Andow found probable cause to believe that the above-enumerated felony and gross misdemeanor offenses were committed and that Defendant committed them.
3. Defendant was born on January 28, 1978.
4. On August 15, 2022, Judge Jennifer L. Standfield ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in Court File Number 02-CR-21-1254, pursuant to Minn.R.Crim.P. 20.01.
5. Dr. Paul Reitman, Ph.D., L.P., F.A.C.D.E., reviewed Defendant's records in Court File Number 02-CR-21-1254 reviewed Defendant's records, interviewed Defendant, and filed a written report on August 29, 2022 with the Anoka County District Court in Court File Number 02-CR-21-1254. Through his written report, Dr. Reitman opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party
6. A review hearing was held on September 19, 2022 and Anoka County District Court Judge Kevin Mueller determined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense.

7. The above-enumerated parties to the above-captioned matters appeared in Hennepin County District Court on October 26, 2022. Counsel for the State requested that the Court adopt the conclusions of law of the Anoka County District Court in Court File Number 02-CR-21-1254 that pursuant to Minn. R. Crim. P. 20.01, Defendant is presently incompetent to stand trial. Counsel for the Defendant agreed to proceeding in this manner.
8. The Court entered findings on the record adopting the findings and conclusions of the Anoka County District Court in Court File Number 02-CR-21-1254 that pursuant to Minn. R. Crim. P. 20.01, Defendant is presently incompetent to stand trial.

CONCLUSIONS OF LAW

Defendant is presently incompetent to stand trial. The misdemeanor charges in Court File Numbers 27-CR-19-4444; 27-CR-19-19167; 27-CR-19-19979; 27-CR-19-27920; 27-CR-20-2738; 27-CR-20-3597; 27-CR-20-11079; 27-CR-20-20192; 27-CR-21-764; 27-CR-21-2501; 27-CR-21-6862; 27-CR-21-18888; 27-CR-21-19939; 27-CR-21-22606; 27-CR-22-682; 27-CR-22-5177; 27-CR-22-15357; and 27-CR-22-17934 must be dismissed pursuant to Rule 20.01.

ORDER

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case, including but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten days of the date of service.

Mehek Mahsood, Esq., Assistant Hennepin County Attorney – Criminal Division;

Holly Frame, Esq., Assistant Hennepin County Public Defender.

3. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaints, and the underlying police reports along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
4. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
5. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care treatment or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; resident and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
6. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
7. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

8. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is January 24, 2022 at 1:30 p.m.. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
 - b. Holly Frame, Esq., Assistant Hennepin County Public Defender;
 - c. Mehek Mahsood, Esq., Assistant Hennepin County Attorney;
9. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaints, and the underlying police reports shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

BY THE COURT:



DATED: October 27, 2022

Anna Andow
Judge of District Court
Fourth Judicial District