



DIRECT CARE & TREATMENT – FORENSIC SERVICES

October 27, 2022

The Honorable Lisa K. Janzen
Judge of the Fourth Judicial District Court – Hennepin County
Hennepin County District Court
Hennepin County Government Center
300 S. 6th St.
Minneapolis, MN 55487

RE: *State v. Marvel Barnes*, Rule 20.01, subd. 7 competency evaluation
Court Files: 27-CR-21-11758; 27-CR-21-11460; 27-CR-21-8613; 27-CR-21-8643; 27-CR-21-6229;
27-CR-21-8856

Dear Judge Janzen,

I am the Court Liaison for DHS Direct Care and Treatment- Forensic Services, and I write regarding continuing competency evaluations for the Defendant in the above-referenced case(s). The Defendant was found incompetent to participate in their defense under Minnesota Rule of Criminal Procedure 20.01 on 4/13/2021, and they were subsequently civilly committed.

Please be advised that the DHS Forensic Evaluation Department is able to conduct future competency evaluation(s) under Rule 20.01, subd. 7 in this matter. Costs for future continuing competency evaluations completed by the DHS Forensic Evaluation Department under Rule 20.01 would be charged to the Court pursuant to Minn. Stat. § 480.182 (4).

If the Court would like the DHS Forensic Evaluation Department to conduct continuing competency evaluations in this matter, please appoint the DHS Forensic Evaluation Department to do so in the accompanying proposed order within 10 days from the date of this letter.¹ The prompt issuance of an order appointing the DHS Forensic Evaluation Department will allow the agency to allocate resources appropriately for future evaluations. Please note that the DHS Forensic Evaluation Department will not conduct continuing competency evaluations in this matter absent an order appointing it to do so, even if the Defendant remains under civil commitment.

Please also note that if the Court appoints the DHS Forensic Evaluation Department to conduct continuing competency evaluations in this matter, the assigned Forensic Examiner will need to review records relating to treatment and services the Defendant has received and/or is receiving. The Defendant's treatment and service records are relevant to the Forensic Examiner's review and evaluation and will assist them in providing a more comprehensive opinion regarding the Defendant's current mental condition and competency status. State and federal data privacy laws do not allow DHS Forensic Examiners access to treatment and service records absent a court order or a signed release from the Defendant.

¹ Although DHS is not a party to the Defendant's criminal proceedings and has not consented to be a party, DHS is offering to provide examination services to the Court in the Defendant's criminal proceedings.

Accompanying this letter is an order wherein the Court can appoint the DHS Forensic Evaluation Department to conduct the next continuing competency evaluation (meaning, a single competency evaluation under Rule 20.01, subd. 7), or ongoing continuing competency evaluations (meaning, until the Defendant is found competent, the Defendant is no longer under civil commitment, or upon further action by DHS or the Court). The accompanying order also contains language that will authorize the release of the Defendant's relevant records to Forensic Services for the assigned Forensic Examiner's review.

Thank you for your attention to this correspondence. Please feel free to reach out to me with any questions you may have.

Sincerely,



Amanda Burg, Court Liaison
Direct Care & Treatment - Forensic Services
100 Freeman Drive
St. Peter, MN 56082
Phone: 507-985-2659
amanda.r.burg@state.mn.us

Copies: Hennepin County Court Administration
Prosecuting Attorney
Criminal Defense Attorney

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