

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT**

State of Minnesota,

Court File No. : 27-CR-23-1886

Plaintiff,

vs.

**EXHIBT S  
ALL 3 FRAUDULENT  
CASES FROM 2017**

Matthew David Guertin,

Defendant.

Judicial Officer: Sarah Hudelston

TO: THE HONORABLE SARAH HUDLESTON, JUDGE OF DISTRICT COURT;  
MARY F. MORIARTY, HENNEPIN COUNTY ATTORNEY; AND  
MAWERDI HAMID, ASSISTANT HENNEPIN COUNTY ATTORNEY

**SYNTHETIC JUDICIAL SYSTEM EXPOSED  
AI-DRIVEN DOCKET SIMULATIONS AND PSYCHIATRIC  
DISPOSAL WITHIN THE 4TH JUDICIAL DISTRICT COURT**

JUDICIAL  
BRANCH



MINNESOTA  
JUDICIAL BRANCH  
MINNESOTA COURT RECORDS ONLINE (MCRO)

**Case Details (Register of Actions)**

Search executed on 04/30/2024 07:00 AM

**27-CR-17-1555****Upcoming Hearing:**Review Hearing on **07/09/2024** at **1:30 PM****Case Information****Case Number:** 27-CR-17-1555**Case Title:** State of Minnesota vs ADRIAN MICHAEL WESLEY**Case Type:** Crim/Traf Mandatory**Date Filed:** 01/19/2017**Case Location:** Hennepin County, Hennepin Criminal Downtown**Judicial Officer:** Meyer, Kerry**Case Status:** Dormant**Related Cases**

27-MH-PR-17-175

**Party Information****Jurisdiction**

State of Minnesota

**Attorneys Active**

- **BLAGOEV, AMY LOUISE** - Lead Attorney
- LUND, DEBRA JEAN
- SORENSEN, ROBERT J

**Attorneys Inactive**

- HILLEREN, SARAH ELIZABETH

**Defendant****WESLEY, ADRIAN MICHAEL**

DOB: 03/15/1991

Richfield, MN 55423

**Attorneys Active**

- **NOLEN, JULIUS ANTHONY** - Lead Attorney
- Herlofsky, Susan

**Charges****1**

Criminal Sex Conduct-2nd Degree-Fear Great Bodily Harm

**Statute:** 609.343.1(c)

**Additional Statutes:** Minimum Fines-Assault, Crim Sex (609.101.2); Criminal Sexual Conduct-2nd Degree-Penalty-Stat. Max. (609.343.2(a)); Criminal Sexual Conduct-2nd Degree-Penalty-90 Mos. Presumptive Sentence (609.343.2(b)); Dangerous Sex Offenders - Presumptive Executed Sentence for Repeat Sex Offenders (609.3455.10); Dangerous Sex Offenders - Ten Year Conditional Release (609.3455.6)



**Level of Charge:** Felony**Offense Date:** 01/15/2017**Community Of Offense:** Richfield**Law Enforcement Agency:** Richfield Police Department

**Prosecuting Agency:** Hennepin County Attorney

### Interim Conditions

- 01/20/2017**      **Interim conditions for WESLEY, ADRIAN MICHAEL**  
Judicial Officer: Quam, Jay
- No contact with victim(s)
  - Post Bond without conditions  
\$250,000.00
  - Remain law-abiding
  - Make all future court appearances
  - Keep court/attorney informed of current address
- 01/19/2017**      **Interim conditions for WESLEY, ADRIAN MICHAEL**  
Judicial Officer: Regis, M. Jacqueline  
Expiration Date: 01/20/2017
- Post bond with conditions  
\$250,000.00
  - No contact with victim(s)
  - Stay a reasonable distance away from victim's residence

### Case Events

- 04/11/2024**      Order Denying Motion  
Judicial Officer: Dayton Klein, Julia  
Index #91  6 pages
- 03/20/2024**      Taken Under Advisement  
Judicial Officer: Borer, George  
Index #90
- 03/20/2024**      Hearing Held Remote
- 03/19/2024**      Notice of Remote Hearing with Instructions  
Index #89  2 pages
- 03/17/2024**      Request for Interpreter  
Judicial Officer: Borer, George  
Party: Defendant WESLEY, ADRIAN MICHAEL  
Index #88
- 02/13/2024**      Request for Continuance  
Index #87
- 02/13/2024**      Hearing Held Remote
- 02/13/2024**      Returned Mail  
Index #86



1 page

**02/12/2024**Memorandum  
Index #85

4 pages

**01/31/2024**Notice of Motion and Motion  
Index #84

4 pages

**01/09/2024**Notice of Remote Hearing with Instructions  
Index #83

2 pages

**01/09/2024**Request for Interpreter  
Judicial Officer: Browne, Michael K  
Party: Defendant WESLEY, ADRIAN MICHAEL  
Index #82**01/09/2024**Request for Interpreter  
Judicial Officer: Browne, Michael K  
Party: Defendant WESLEY, ADRIAN MICHAEL  
Index #81**01/09/2024**Notice of Remote Hearing with Instructions  
Index #80

2 pages

**01/09/2024**Found Incompetent  
Judicial Officer: Browne, Michael K**01/09/2024**

Fail to Appear at a hearing

**01/09/2024**

Hearing Held Remote

**07/10/2023**Found Incompetent  
Judicial Officer: Mercurio, Danielle**07/10/2023**Waiver of Appearance  
Index #79**07/06/2023**Request for Interpreter  
Party: Defendant WESLEY, ADRIAN MICHAEL  
Index #78**06/29/2023**Rule 20 Progress Report  
Index #77**01/19/2023**





Found Incompetent



**01/19/2023**

Waiver of Appearance



Index #76

<b>01/10/2023</b>	Hearing Held Remote	
<b>01/04/2023</b>	Rule 20 Progress Report Index #75	
<b>12/27/2022</b>	Order-Other Judicial Officer: Browne, Michael K Index #74	 2 pages
<b>12/27/2022</b>	Proposed Order or Document Index #73	 2 pages
<b>12/27/2022</b>	Correspondence for Judicial Approval Index #72	 2 pages
<b>10/13/2022</b>	Request for Continuance Index #71	
<b>05/06/2022</b>	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #70	
<b>05/06/2022</b>	Found Incompetent Judicial Officer: Janzen, Lisa K	
<b>05/06/2022</b>	Waiver of Appearance Index #69	
<b>04/20/2022</b>	Rule 20 Progress Report Index #68	
<b>02/17/2022</b>	Order-Evaluation for Competency to Proceed (Rule 20.01) Judicial Officer: Janzen, Lisa K Index #67	 2 pages
<b>11/09/2021</b>	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #66	
<b>11/09/2021</b>	Found Incompetent Judicial Officer: Janzen, Lisa K	
<b>11/09/2021</b>	Pandemic Event	
<b>11/09/2021</b>	Waiver of Appearance Index #65	

10/22/2021	Rule 20 Progress Report Index #64	
05/11/2021	Order-Other Judicial Officer: Janzen, Lisa K Index #63	 1 page
05/11/2021	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #62	
05/11/2021	Found Incompetent Judicial Officer: Janzen, Lisa K	
05/11/2021	Pandemic Event	
05/11/2021	Waiver of Appearance Index #61	
05/07/2021	Rule 20 Progress Report Index #60	
11/10/2020	Found Incompetent Judicial Officer: Janzen, Lisa K	
11/10/2020	Waiver of Appearance Index #58	
11/10/2020	Request for Interpreter Judicial Officer: Janzen, Lisa K Party: Defendant WESLEY, ADRIAN MICHAEL Index #57	
11/02/2020	Rule 20 Progress Report Index #56	
05/08/2020	Find of Fact-Order, Pet Commitment-Dfd Found Incompetent Judicial Officer: Janzen, Lisa K Index #55	 7 pages
05/08/2020	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #54	
05/08/2020	Found Incompetent Judicial Officer: Janzen, Lisa K	
02/10/2020	Request for Interpreter Judicial Officer: Janzen, Lisa K Party: Defendant WESLEY, ADRIAN MICHAEL Index #53	
01/24/2020	Order to Transport Judicial Officer: Janzen, Lisa K	

Index #52



1 page

01/23/2020

Order-Other  
Index #51

2 pages

01/23/2020

Proposed Order or Document  
Index #50

2 pages

01/23/2020

Notice of Motion and Motion  
Index #49

2 pages

10/22/2019

Request for Interpreter  
Party: Defendant WESLEY, ADRIAN MICHAEL  
Index #48

10/22/2019

Request for Interpreter  
Party: Defendant WESLEY, ADRIAN MICHAEL  
Index #47

10/21/2019

Cancel Interpreter

10/02/2019

Rule 20 Progress Report  
Index #45

10/02/2019

Order to Transport  
Judicial Officer: Lamas, Carolina A.  
Index #43

1 page

10/02/2019

Request for Interpreter  
Party: Defendant WESLEY, ADRIAN MICHAEL  
Index #44

10/02/2019

Request for Interpreter  
Party: Defendant WESLEY, ADRIAN MICHAEL  
Index #46

05/07/2019

Request for Interpreter  
Judicial Officer: Lamas, Carolina A.  
Party: Defendant WESLEY, ADRIAN MICHAEL  
Index #41

05/07/2019


Found Incompetent  
Judicial Officer: Lamas, Carolina A.






04/08/2019


Rule 20 Progress Report  
Index #39

04/08/2019

Rule 20 Report Distributed

03/13/2019	Order to Transport Judicial Officer: Lamas, Carolina A. Index #38	 1 page
11/06/2018	Found Incompetent Judicial Officer: Lamas, Carolina A.	
10/23/2018	Order to Transport Index #37	 1 page
10/15/2018	Rule 20 Progress Report Index #36	
09/06/2018	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #35	
05/01/2018	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #33	
05/01/2018	Found Incompetent Judicial Officer: Lamas, Carolina A.	
04/16/2018	Rule 20 Progress Report Index #31	
04/16/2018	Rule 20 Report Distributed	
03/26/2018	Order to Transport Judicial Officer: Lamas, Carolina A. Index #30	 1 page
01/04/2018	Order to Transport Judicial Officer: Lamas, Carolina A. Index #29	 1 page
11/02/2017	Report-Other Index #28	
10/31/2017	Found Incompetent Judicial Officer: Lamas, Carolina A.	
10/31/2017	Request for Interpreter Judicial Officer: Lamas, Carolina A. Party: Defendant WESLEY, ADRIAN MICHAEL Index #27	
10/26/2017	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #24	

10/19/2017	Rule 20 Progress Report Index #22	
08/23/2017	Order to Transport Judicial Officer: Lamas, Carolina A. Index #21	 1 page
02/23/2017	Notice of Intent to Prosecute Index #20	 1 page
02/21/2017	Bail to stand as previously ordered	
02/21/2017	Find of Fact-Order, Pet Commitment-Dfd Found Incompetent Judicial Officer: Lamas, Carolina A. Index #18	 6 pages
02/21/2017	Request for Interpreter Judicial Officer: Lamas, Carolina A. Party: Defendant WESLEY, ADRIAN MICHAEL Index #19	
02/21/2017	Found Incompetent Judicial Officer: Lamas, Carolina A.	
02/17/2017	Rule 20 Evaluation Report Index #16	
02/07/2017	Other Investigation, Evaluation, or Assessment Report Index #15	
01/24/2017	Request for Interpreter Judicial Officer: Meyer, Kerry Party: Defendant WESLEY, ADRIAN MICHAEL Index #14	
01/20/2017	Demand or Request for Discovery Index #11	 8 pages
01/20/2017	Probable Cause Found	
01/20/2017	Order-Evaluation for Competency to Proceed (Rule 20.01) Judicial Officer: Quam, Jay Index #10	 2 pages
01/20/2017	Order for Conditional Release Judicial Officer: Quam, Jay Index #9	
01/20/2017	Statement of Rights Index #8	

<b>01/20/2017</b>	Order Granting Public Defender Judicial Officer: Quam, Jay Index #7	
<b>01/20/2017</b>	Identity Verified	
<b>01/20/2017</b>	Request for Interpreter Judicial Officer: Quam, Jay Party: Defendant WESLEY, ADRIAN MICHAEL Index #12	
<b>01/19/2017</b>	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #5	
<b>01/19/2017</b>	Application for Public Defender Index #3	
<b>01/19/2017</b>	Bail Study Index #2	
<b>01/19/2017</b>	E-filed Comp-Order for Detention Index #1	 4 pages

## Hearings

### Upcoming Hearings

**07/09/2024 01:30 PM** Review Hearing  
Judicial Officer: Olson, Joel  
Location: GC-C559

### Previous Hearings

**03/20/2024 09:00 AM** Evidentiary Hearing **Result: Held On the Record**  
Judicial Officer: Borer, George  
Location: GC-C456

**02/13/2024 01:30 PM** Hearing **Result: Held On the Record**  
Judicial Officer: Mercurio, Danielle  
Location: GC-C556

**01/09/2024 01:30 PM** Review Hearing **Result: Held On the Record**  
Judicial Officer: Browne, Michael K  
Location: GC-C459

**07/11/2023 01:30 PM** Review Hearing  
Judicial Officer: Mercurio, Danielle  
Location: GC-C556  
Cancelled; Other

**01/31/2023 01:30 PM** Hearing  
Judicial Officer: Dayton Klein, Julia  
Location: GC-C559  
Cancelled; Settled

01/10/2023	01:30 PM	Hearing Judicial Officer: Borer, George Location: GC-C456  Date Updated: 10/13/2022 Continued to 01/10/2023 01:30 PM - Other - WESLEY, ADRIAN MICHAEL; State of Minnesota  Original Hearing Date: 11/08/2022 01:30 PM	Result: Held On the Record
05/10/2022	01:30 PM	Hearing Judicial Officer: Janzen, Lisa K Location: GC-C857 Cancelled; Other	
11/09/2021	01:30 PM	Hearing Judicial Officer: Janzen, Lisa K Location: GC-C857 Cancelled; Other	
05/11/2021	01:30 PM	Hearing Judicial Officer: Janzen, Lisa K Location: GC-C853 Cancelled; Other	
11/10/2020	01:30 PM	Hearing Judicial Officer: Janzen, Lisa K Location: GC-C853	Result: Held Off the Record
05/12/2020	01:30 PM	Hearing Judicial Officer: Janzen, Lisa K Location: GC-C857 Cancelled; Other	
02/10/2020	01:30 PM	Hearing Judicial Officer: Janzen, Lisa K Location: GC-C857	Result: Held On the Record
11/05/2019	01:30 PM	Hearing Judicial Officer: Lamas, Carolina A.; Lamas, Carolina A. Location: GC-C857 Cancelled; Other  Date Updated: 10/21/2019 Reset by Court to 11/05/2019 01:30 PM - Other  Date Updated: 10/02/2019 Reset by Court to 10/22/2019 01:30 PM - Other  Original Hearing Date: 11/05/2019 01:30 PM	
05/07/2019	01:30 PM	Hearing Judicial Officer: Lamas, Carolina A. Location: GC-C857	Result: Held
11/06/2018	01:30 PM	Hearing Judicial Officer: Lamas, Carolina A. Location: GC-C857	Result: Held
05/01/2018	01:30 PM	Hearing Judicial Officer: Lamas, Carolina A. Location: GC-C857	Result: Held
10/31/2017	01:30 PM	Hearing Judicial Officer: Lamas, Carolina A.	Result: Held

Location: GC-C857

Date Updated: 07/31/2017

Reset by Court to 10/31/2017 01:30 PM - Other

Original Hearing Date: 08/22/2017 01:30 PM

**03/09/2017 09:00 AM**

Hearing

Judicial Officer: Meyer, Kerry

Location: GC-C1359

Cancelled; Other

**02/21/2017 01:30 PM**

Hearing

Judicial Officer: Lamas, Carolina A.

Location: GC-C857

**Result: Held**

Date Updated: 01/20/2017

Reset by Court to 02/21/2017 01:30 PM - Other

Original Hearing Date: 02/14/2017 09:00 AM

**01/20/2017 01:30 PM**

First Appearance

Judicial Officer: Quam, Jay

Location: PSF 142

**Result: Held**

Search executed on 04/30/2024 07:00 AM

MINNESOTA  
JUDICIAL  
BRANCH



State of Minnesota  
County of Hennepin

District Court  
4th Judicial District

Prosecutor File No. 17A00708  
Court File No. 27-CR-17-1555

State of Minnesota,

Plaintiff,

vs.

**ADRIAN MICHAEL WESLEY DOB: 03/15/1991**

7720 Upton Ave S  
Richfield, MN 55423

Defendant.

**COMPLAINT**

Order of Detention

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

**COUNT I**

**Charge: Criminal Sex Conduct-2nd Degree-Fear Great Bodily Harm**

Minnesota Statute: 609.343.1(c), with reference to: 609.101.2, 609.343.2(b), 609.343.2(a), 609.3455.10, 609.3455.6

Maximum Sentence: 25 YEARS AND/OR \$10,500-\$35,000

Offense Level: Felony

Offense Date (on or about): 01/15/2017

Control #(ICR#): 17000187

Charge Description: That on or about 1/15/2017, in Richfield, Hennepin County, Minnesota, ADRIAN MICHAEL WESLEY engaged in sexual contact with N.A., and circumstances existing at the time of the act caused the victim to have a reasonable fear of imminent great bodily harm to herself.

## STATEMENT OF PROBABLE CAUSE

Complainant, a licensed peace officer with the Richfield Police Department, has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On January 15, 2017, Richfield Police Officers were dispatched to a known Group Home located in Richfield, Hennepin County, Minnesota, on a sexual assault call. While en route, officers received another call to a home across the street where the Victim, N.A., was waiting. Officers located N.A. who was visibly upset and covered only in a blanket. The homeowner reported that N.A. had come to her door and asked for the police to be called.

Officers communicated with N.A. through writing because N.A. is hearing impaired. N.A. reported that she works at the Group Home and while near the bedroom of ADRIAN MICHAEL WESLEY, the defendant herein, he pushed her into his room and pushed her down on the bed. N.A. reported that when she would try to get away, the defendant, who weighs nearly 300 pounds, would push her down again and pin her down by the neck. N.A. stated that the defendant told her he had a knife and would beat her and kill her. N.A. reported that the defendant pulled down her pants and underwear and touched her anal region with his fingers. N.A. stated that the defendant also touched her breast. According to N.A., she was able to eventually get away and as she was running out the door, the defendant grabbed her shirt which she wriggling out of before running out of the home and across the street for help. N.A. stated that during the attack she was in fear for her life.

Officers who responded to the Group Home located the defendant. The defendant, who is also hearing impaired, wrote notes to the officer. In the notes, the defendant stated that he did rape a staff member because he was "horny too much". The defendant was placed under arrest.

The defendant is currently in custody.

MINNESOTA  
JUDICIAL  
BRANCH

## SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:  
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or  
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

**Complainant**

Andrew Leyrer  
Police Officer  
6700 Portland Avenue S  
Richfield, MN 55423  
Badge: 192

Electronically Signed:  
01/19/2017 10:02 AM  
Hennepin County, Minnesota

Being authorized to prosecute the offenses charged, I approve this complaint.

**Prosecuting Attorney**

Dan Allard  
300 S 6th St  
Minneapolis, MN 55487  
(612) 348-5550

Electronically Signed:  
01/19/2017 09:57 AM

## FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

### ☐ SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ AM/PM before the above-named court at 300 S Sixth Street, Minneapolis, MN 55487 to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

### ☐ WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☐ *Execute in MN Only*

☐ *Execute Nationwide*

☐ *Execute in Border States*

### ☒ ORDER OF DETENTION

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$250,000.00

Conditions of Release: No Contact with Victim; No Contact with Address

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: January 19, 2017.

**Judicial Officer**

M. Jacqueline Regis  
District Court Judge

Electronically Signed: 01/19/2017 10:08 AM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF HENNEPIN  
STATE OF MINNESOTA

**State of Minnesota**

Plaintiff

vs.

**ADRIAN MICHAEL WESLEY**

Defendant

**LAW ENFORCEMENT OFFICER RETURN OF SERVICE**  
I hereby Certify and Return that I have served a copy of this Order of Detention upon the Defendant herein named.

Signature of Authorized Service Agent:

**FILED**State of Minnesota  
Hennepin County

JAN 20 2017

BY: **DEPUTY**  
**HENNEPIN CO. DISTRICT**  
**COURT ADMINISTRATOR**District Court  
Fourth Judicial District

Court File Number(s): 27-CR-17-1555

Case Type: Crim/Traf Mandatory  
SILS Identifier 659590**Order to 4<sup>th</sup> District Psychological Services**

State of Minnesota vs ADRIAN MICHAEL WESLEY

Defendant Location: ☐ Out of Custody ☒ In Custody

ADRIAN MICHAEL WESLEY

Date of Birth: 03/15/1991

7720 Upton Ave S  
Richfield MN 55423

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

It is hereby ordered:

1. The Chief of Psychological Services of the Fourth Judicial District or the Chief's designee shall conduct the following psychological evaluation, assessment and/or consultation:

- ☒ Competency pursuant to Rule 20.01
- ☐ M'Naghten pursuant to Rule 20.02
- ☐ Pre-Plea
- ☐ Pre-Sentence
- ☐ Sex Offender Evaluation (Minn. Stat §609.3457)
- ☐ Consultation (Pre-Plea/Pre-Sentence) \_\_\_\_\_
- ☐ Other (please specify) \_\_\_\_\_

2. **Copies of this evaluation shall be provided to the Court and the following**

Defense Counsel: JULIUS ANTHONY NOLEN 612-388-2507

Prosecuting Attorney: SARAH ELIZABETH HILLEREN 612-348-4526

Probation Officer: \_\_\_\_\_

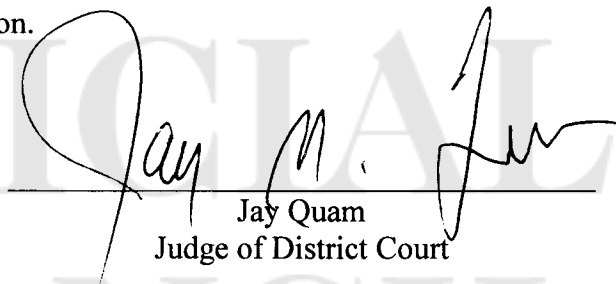
3. The hearing for the return of psychological evaluation will be held on 2/21/2017 at 1:30 p.m. AM.

4. All relevant medical, court records, psychological, behavioral, chemical dependency, social service, probation/correction, employment, developmental disability, and educational records shall be made available to the Examiner by the custodian of the records, upon presentation of a copy of this order, whether mailed or personally delivered. A copy of the records so requested shall be mailed or faxed (612-348-3452) within 96 hours of receipt of this order to the requesting Examiner at Psychological Services, Hennepin County District Court, 300 South Sixth Street, C-509 Government Center, Minneapolis, Minnesota 55487.

All agencies that have the above listed records may also communicate verbally with the requesting Examiner at Psychological Services, Hennepin County District Court.

- **The Court specifically finds** good cause exists for authorizing the disclosure of the identified records, including chemical dependency records, 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.
5. During the preparation of the report, the Examiner and any employee of Court Services may discuss the case and share relevant information in a manner consistent with Minnesota Rules of Criminal Procedure, Minnesota Statutes and Case Law.
  6. If a sex offender evaluation has been ordered and the Defendant is a Repeat Sex Offender as defined in MN Statute 609.3457, Psychological Services is ordered to comply with the requirements of MN Statute 609.3457 and the agreement with Minnesota State Operated Forensic Services. A copy of any Repeat Sex Offender Report produced by Psychological Services shall be forwarded to the Court and the Commissioner of Corrections.
  7. In the case of Rule 20 Evaluations, the Examiner shall offer an opinion and support for the opinion on whether the defendant:
    - a. Is suitable for civil commitment and the basis of the possible commitment.
    - b. Is mentally ill and dangerous; and
    - c. Needs immediate hospitalization.
  8. In the case of Rule 20 Evaluations, the Examiner shall promptly notify the prosecutor, defense counsel and the court if the Examiner concludes that the defendant:
    - a. Presents an imminent risk of serious danger to another,
    - b. Is imminently suicidal, or
    - c. Needs emergency intervention.

Dated: January 20, 2017



Jay Quam  
Judge of District Court



STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT - FELONY DIVISION  
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

**Adrian Michael Wesley,**

Defendant,

) **DEMAND FOR PRESERVATION**  
) **AND DISCLOSURE OF EVIDENCE,**  
) **AND MOTION FOR SUPPRESSION**  
) **AND OTHER RELIEF**

) MNCIS No. 27-CR-17-1555  
) C.A. File No. 17A00708  
)  
)

\* \* \*

Defendant, by and through counsel, hereby demands preservation of, disclosure of, and access to all evidence related to the case; moves the Court for the relief specified below; and demands a hearing on the same.

### **DEMAND FOR PRESERVATION AND DISCLOSURE OF EVIDENCE**

Defendant demands that the State preserve all information and evidence within the reach of the disclosures required under Rule 9.01 of the Minnesota Rules of Criminal Procedure and applicable case law. .

Defendant further demands that the State disclose all such information and evidence, and that it make all disclosures required by Rule 9.01 prior to the probable cause pretrial conference in this case.

Defendant demands access to all items subject to disclosure, and this access shall include, as appropriate, the opportunity to inspect, reproduce, photograph, test, interview, or otherwise document the matters disclosed.

These demands apply to:

1. **Investigative reports** prepared by state agents or employees in the investigation or evaluation of the case, together with the original notes of the arresting officers, if any.
2. **Statements**, as fully described in Rule 9.01, subd. 1(2). This request includes any written or recorded statement made by the Defendant or any alleged accomplice, regardless of when made, and the substance of any non-recorded oral statements by the Defendant or accomplices. This request includes recorded statements by any other person and any written record containing the substance of statements by them, whether

or not they are expected to be called at trial. This request includes statements made to any member of prosecution's staff, victim advocates, and any other person of which the government is aware or should be aware. State v. Adams, 555 N.W.2d 310 (Minn. App. 1996). It also includes disclosure of the fact that an interview with a witness took place, regardless of whether it was transcribed or whether written statements or written summaries were prepared. State v. Kaiser, 486 N.W.2d 384, 386-87 (Minn. 1992) This request also encompasses copies of recorded statements made pursuant to State v. Scales, 518 N.W.2d 587 (Minn. 1994) and any attempted recordings that for whatever alleged reason are inaudible or unavailable.

3. **Audio or video records** produced regarding this case, including squad video, 911 calls, radio runs, police radio communications, scout runs, police transport recordings, and record checks.
4. **Reports related to examinations, tests, or expert testimony**, as fully described in Rule 9.01, subd. 1(4). In addition to disclosure, Defendant also demands the in-person testimony of all analysts who performed tests the results of which the state intends to introduce into evidence at any hearing related to this case. Further, defendant hereby provides notice that he retains his right to cross-examine the analysts under State v. Caulfield, 722 N.W.2d 304, Minn. 2006.
5. **Documents and other tangible objects**, as fully described in Rule 9.01, subd. 1(3)
6. **Search warrants** obtained and executed regarding the case, including inventories and items seized.
7. **Identification procedures** including but not limited to lineups, show-up identifications, photo arrays, or the like, and details on the nature and circumstances of any and all identification procedures that become known to the government in the future.
8. **Witnesses and other persons**, as fully described in Rule 9.01, subd. 1(1).
9. **Conviction records** for all witnesses and other persons, as required to be disclosed under Rule 9.01, subd. 1(1).
10. **Prior convictions** of the Defendant or defense witnesses, to be provided as certified copies. In addition to disclosure, defendant also demands notice if the state intends to use a conviction to impeach any defense witness, including Defendant.
11. **Alleged but uncharged misconduct, prior bad acts, or relationship evidence** which the State intends to introduce at trial in this matter, disclosure to include police reports and any other documentation.



12. **Evidence related to an enhanced or aggravated sentence**, as identified in Rule 9.01, subd. 1(7). In addition to disclosure, defendant also demands notice if the state intends to seek an aggravated or enhanced sentence.

These requests encompass all information or evidence known to the prosecutor on this case personally or if known to any other prosecutor or law enforcement agent, as well as information and evidence about which the prosecutor on this case could acquire actual knowledge through the exercise of due diligence in responding to these inquiries.

Lastly, the defense demands disclosure of all audio or video files on CD ROM or DVD ROM disc, and demands that the state provide any and all software or other files necessary to open, view or play such disc(s).

This demand for preservation and disclosure, in its entirety, continues until final disposition of this case. It therefore encompasses any additional information subject to disclosure that becomes known to the State after the State has begun complying with discovery rules, orders or defense requests. Minn. R. Crim. P. 9.03, subd. 2;

### **DEMAND FOR PRESERVATION AND DISCLOSURE OF EVIDENCE TENDING TO NEGATE OR REDUCE THE DEFENDANT'S GUILT**

Defendant demands that the State preserve and disclose all evidence and information known to the State which tends to negate or reduce the guilt of the Defendant, together with all evidence and information which might tend to mitigate or reduce potential punishment, as required under Minn. R. Crim. P. 9.01 subd. 1(6), under Brady v. Maryland, 373 U.S. 83 (1963), and under subsequent cases. This demand includes but is not limited to the following:

1. Evidence of bias of government witnesses or any consideration given a witness in return for cooperation with the government, including any information regarding pre-existing hard feelings, arguments, grudges, and disputes between the complainant and the Defendant.
2. Information that a government witness and/or informant was under the influence of alcohol, narcotics, or any other drug at the time of the observations about which the witness will testify and/or the informant informed.
3. Information tending to show the unreliability of a government witness, or which would tend to discredit the testimony of a government witness, including a request

for any prior inconsistent, non-corroborative, or other witness statements which the witness' trial testimony will not reflect.

4. Information—including docket numbers, dates and jurisdictions—indicating that
  - a. a government witness has had a pending juvenile or criminal case on or since the offense in this case;
  - b. a government witness was arrested, pleaded guilty, had a trial, or was sentenced on or since the date of the offense in the present case;
  - c. a government witness was on juvenile or criminal parole or probation on or since the date of the offense; and
  - d. a government witness now has or has had any other liberty interest that the witness could believe or could have believed might be favorably affected by government action.
5. Information that any government witness is or has been a police informant either at the time of the offense and/or through the day of trial, including the kind of assistance or benefits provided. "Benefit" refers to any monetary compensation, assistance of the prosecutor or the court concerning pending charges against the informant, or any other sort of consideration of value. Here, the demanded disclosure includes but is not limited to:
  - a. the length and extent of the witness' informant status;
  - b. the amounts that have been paid to the informant in connection with this case;
  - c. non-monetary assistance provided or promised to the informant, including, but not limited to, assistance in avoiding or minimizing harm from charges pending against the informant either at the time of the offense and/or any other time through the day of trial;
  - d. all statements made to the informant that promised benefits would not be provided without cooperation in connection with this case;
  - e. the nature of assistance provided to the informant prior to this case, including the number of occasions and form of help.
6. Information which tends to show a government witness' corruption including anything in police officers' personnel files indicative of corruption.
7. Perjury by any government witness at any time, whether or not adjudicated and whether or not in connection with this case.

8. Information that any government witness has made prior false accusations, including but not limited to prior complaints to the police or law enforcement agencies that did not result in a conviction.
9. Information regarding any prior "bad act" of a government witness which may bear upon the veracity of the witness with respect to the issues involved in the trial, including but not limited to the issues of self-defense or defense of others.
10. Any other information tending to show a government witness' bias in favor of the government or against the defendant or which otherwise impeaches a witness' testimony, including civilian-review-board complaints against police officers involving facts similar to those of this case, whether resolved for or against the officer.
11. Names and addresses of all witnesses who do not fully corroborate the government's case or would serve to contradict or impeach the government's evidence.
12. Any indication of threats or acts of aggression toward the defendant by the complainant or decedent, and any information that the complainant had possession of any weapons at the time of the incident. Also, any other information which would indicate that the complainant was the first aggressor and/or that the Defendant acted in self-defense.
13. Names and address of any person who:
  - a. identified some person other than the Defendant as a perpetrator of the alleged offense;
  - b. failed to identify the Defendant as a perpetrator of the alleged offense when asked to do so in any identification procedure;
  - c. gave any description(s) of the perpetrator(s) of the alleged offense which in any material respect differs from my client.
14. Information known to the government which is favorable to the defense, whether or not technically admissible in court, and which is material to the issues of guilt and/or punishment. This includes all information that the Defendant was not involved in the alleged offenses and/or that the requisite elements required to prove any of the charged offenses cannot be met.

Defendant further demands that all officers and investigative agencies concerned abide by their continuing obligation to discover, preserve, and disclose in writing any information or materials that might be viewed as favorable to the Defendant on the issues of suppression, guilt, or punishment,

either substantively, as impeachment, or as tending to discredit the government's witnesses. Kyles v. Whitley, 115 S.Ct. 1555 (1995) (imposing upon law enforcement and the prosecutor a "duty to learn" favorable information relating to the Defendant).

These requests encompass all information or evidence known to the prosecutor on this case personally or if known to any other prosecutor or law enforcement agent, as well as information and evidence about which the prosecutor on this case could acquire actual knowledge through the exercise of due diligence in responding to these inquiries.

Lastly, the defense demands disclosure of all audio or video files on CD ROM or DVD ROM disc, and demands that the state provide any and all software or other files necessary to open, view or play such disc(s).

This demand for preservation and disclosure, in its entirety, continues until final disposition of this case. It therefore encompasses any additional information subject to disclosure that becomes known to the prosecutor, staff, or anyone investigation investigating this case after the State has begun its compliance with discovery rules, orders or defense requests. Minn. R. Crim. P. 9.03, subd. 2;

### **MOTION TO COMPEL DISCLOSURE AND ACCESS**

Defendant moves the Court for an Order requiring the State

- 1 To preserve all evidence and other matters subject to disclosure as herein demanded and as otherwise required by Minnesota Rule of Criminal Procedure 9.01.
- 2 To permit Defendant to have access to, inspect, reproduce, photograph, or otherwise document all disclosed items, as described in Minn. R. Crim. P 9.01, subd. 1 & subd. 1a(2).
- 3 To allow defendant to conduct reasonable tests or to provide notice and an opportunity for defense experts to observe the state's own tests if those tests preclude further tests or experiments, as described in Minn. R. Crim. P 9.01, subd. 1(4)(b).
- 4 To assist Defendant in seeking access to specified matters relating to the case which are within the possession or control of an official or employee of any governmental agency, but which are not within the control of the prosecuting attorney, as described in Minn. R. Crim. P. 9.01, subd 2(1).
- 5 For an Order directing the prosecuting attorney to identify and produce any informants who supplied or contributed information to the prosecution which led to the issuance of a Complaint against the Defendant on the grounds:

- a. The privilege of non-disclosure of any informants must give way and disclosure of the identity of an informer is required where disclosure is essential or relevant and material, and helpful to the defense of an accused, or lessens the risk of false testimony, or is necessary to secure useful testimony, or is necessary to a fair determination of the cause; or
- b. Disclosure is necessary as a means to afford this Defendant an opportunity to establish that if informants did exist, that the information supplied to the prosecutor by them was inaccurate or misrepresentative.

### **MOTION TO SUPPRESS EVIDENCE**

Defendant moves the Court for an Order suppressing, particularly with respect to those items identified in the state's notice under Rule 7.01:

- 1 Any and all evidence obtained as a result of a stop, search, or seizure, on the ground that such evidence was obtained in violation of Defendant's constitutional and statutory protections against unreasonable searches and seizures.
- 2 Any and all confessions, admissions, or statements in the nature of confessions made by Defendant, together with any evidence obtained as a result thereof, on the grounds that any use of such evidence, in any manner, would be in violation of the Defendant's constitutional and statutory rights.
- 3 Any and all identifications of Defendant and evidence of identification procedures used during the investigation, together with any evidence obtained as a result of identification procedures used during the investigation, on the ground that any use of such evidence, in any manner, would be in violation of the Defendant's constitutional and statutory rights.

Defendant further moves this court for an order suppressing other evidence or granting any relief that the court may require to ensure a fair and expeditious trial on this matter.

### **MOTION TO EXCLUDE EVIDENCE**

Defendant moves the Court for an Order restraining the prosecution from attempting to introduce at trial:

- 1 Evidence obtained as a result of stop, search, or seizure, confession or other statement by the Defendant, or identification procedures, as described above, on the grounds that the notices filed by the State are vague, ambiguous, and inspecific, all to the prejudice of the Defendant and contrary to the meaning of Minnesota R. Crim. P. 7.01.
- 2 Evidence that Defendant has been guilty of additional misconduct or crimes on other occasions, on the grounds that the state has not provided notice of its intent to use such evidence or, if it did, that such notice was not specific enough or failed to specify a particular exception to the general rule of exclusion. Defendant also moves for exclusion on the grounds that the evidence is not admissible under any exception to the general rule of exclusion, that such evidence is more prejudicial than probative, or that such evidence has not been proven to be clear and convincing.
- 3 Evidence, argument, or any other reference to prior convictions, if any, of the Defendant.
- 4 Any and all other evidence for which the State has failed to provide notice as required by the Minnesota Rules of Criminal Procedure

Defendant further moves this court for an order excluding other evidence or granting any relief that the court may require to ensure a fair and expeditious trial on this matter.

### **DEMAND FOR HEARING**

Defendant hereby demands a contested hearing on the above motions, to be held as soon as practicable after the serving and filing hereof.

Respectfully submitted,

OFFICE OF THE HENNEPIN COUNTY PUBLIC DEFENDER  
MARY F. MORIARTY - CHIEF PUBLIC DEFENDER

By /s/  
JULIUS NOLEN  
Attorney License No. 177349  
Attorney for Defendant  
701 Fourth Avenue South, Suite 1400  
Minneapolis, MN 55415  
Telephone: (612) 348-8560

DATED: This 20<sup>th</sup> day of January 2017.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

Adrian Wesley

Defendant.

**FINDINGS OF FACT**  
**CONCLUSIONS OF LAW**  
**AND ORDER INCLUDING**  
**PETITION FOR**  
**JUDICIAL COMMITMENT**

MNCIS No: 27CR171555

\* \* \* \* \*

This matter came on for hearing before the undersigned Judge on February 21, 2017; Robert Sorensen, Assistant Hennepin County Attorney, represented the plaintiff on the felony. The Defendant appeared in custody and was represented by counsel, Kellie Charles of the Hennepin County Public Defender's Office. Pursuant to the evidence adduced at the hearing and upon all of the files, records, and proceedings herein, the Court makes the following:

**FINDINGS OF FACT**

1. The Defendant was born on March 15, 1991; resides in a group home, is not a Veteran, and his aunt who lives in Minnesota is his nearest kindred.
2. The Defendant has been charged with the alleged offense of Felony Criminal Sexual Conduct in the 2nd Degree from an offense date of January 20, 2017. Judge Jay Quam found probable cause to believe that the felony crime was committed and that Defendant committed it. Copies of the complaint and police reports are incorporated by reference and made part of this Order.



3. On January 20, 2017, Judge Jay Quam ordered Psychological Services of Fourth Judicial District Court, to conduct an examination and make an evaluation of the Defendant's mental condition pursuant to Minn.R.Crim.P. 20.01.
4. In a report to the Court, attached and incorporated herein, Elizabeth Barbo, Ph.D., L.P., Psychological Services of Hennepin County District Court, has determined that the Defendant is mentally ill and developmentally disabled so as to be incompetent to stand trial.

### **CONCLUSION OF LAW**

Defendant is presently incompetent to stand trial.

### **ORDER**

1. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
2. The Hennepin County Sheriff shall transport Defendant from the Hennepin County Adult Detention Center to the head of an appropriate treatment facility when a bed becomes available as ordered by the Fourth Judicial District Court – Mental Health Division. The criminal conditions of release remain in effect until placement at an appropriate facility can occur. The head of that treatment facility to which the Defendant is confined shall receive and hold Defendant safe and secure for further observation, evaluation, diagnosis, treatment, care and confinement until the conclusion of the commitment proceedings and further order of the Fourth Judicial District Court – Criminal Division.
3. The Defendant is referred to the Fourth Judicial District Court – Mental Health Division for whatever proceedings that Court deems appropriate pursuant to Minn.R.Crim.P. 20.01 and Minnesota Chapter 253B to restore Defendant to competency.



4. The Hennepin County Prepetition Screening Program is the agency designated in Hennepin County to conduct the preliminary investigation required by Minn. Stat 253.07, Subd. 1. The screening team assigned by the Prepetition Screening Program to investigate this Petition shall have access to all Defendant's files and records (including those protected by Federal regulation or law.) This order is intended to give the screening team access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment or confinement to the Defendant. This order applies to, but is not limited to, records maintained by: chemical dependency evaluators, and treatment providers; health clinics, medical centers and hospitals; physicians and psychologists; mental health care providers and case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections and the correctional authority for any other state; and, the court's own records (including records maintained by the Psychological Services to the Court Department). This order also authorizes employees or officers of the record keepers described above to discuss the respondent's condition, history, records, and/or status with the screening team. Information collected pursuant to this order shall be considered private data on the Defendant and it may be included in the written Prepetition screening report.
5. In the event the Fourth Judicial District Court – Mental Health Division finds the said Defendant to be mentally ill, mentally deficient, or mentally ill and dangerous to the public, and in need of hospitalization, Defendant may be committed directly to an appropriate safe and secure institution by the Fourth Judicial District Court — Mental Health Division for hospitalization, periodic evaluation and treatment as incompetent

and mentally deficient, mentally ill and/or mentally ill and dangerous to the public until such time as Defendant shall have become competent to understand the proceedings against him and participate in his defense, unless otherwise directed by the Probate/Mental Health Division of District Court. The head of the treatment facility shall submit a written report on the Defendant's competency to proceed in the criminal case at least every six months and when Defendant has attained competency.

6. For any defendant who is not subject to the provisions of Minn. Stat. §253B.18, the head of the treatment facility shall not permit the defendant's release, institutional transfer, partial institutionalization status, termination, discharge or provisional discharge of the civil commitment until further order of the Hennepin County District Court – Criminal Division. Any such proposal shall be made in writing to the Hennepin County District Court – Criminal Division and parties at least 14 days prior to the proposed change in status. The proposal shall address the following issues: 1) whether the respondent is competent, 2) how the proposed plan will meet respondent's treatment needs, and 3) security risks and how they will be addressed. Either party may request a hearing on this issue. If no hearing is requested, the court may issue an order approving the proposed change in status.
7. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.
8. The Criminal proceedings are hereby suspended until Defendant has returned to a competent state of mind.
9. 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.

10. The undersigned shall file this Order with the Fourth Judicial District Court – Criminal Division and the following persons/agencies shall be served with electronic copies of the Order:

- a. Fourth Judicial District Court – Mental Health Division;
- b. Hennepin County Attorney’s Office – Mental Health Division;
- c. Hennepin County Attorney’s Office – Criminal Division;
- d. City of Minneapolis, Attorney’s Office – Criminal Division;
- e. Kellie Charles, Assistant Hennepin County Public Defender; and
- f. Hennepin County Pre-petition Screening Unit.

11. The Defendant’s next review date in Hennepin County District Court – Criminal Division on the criminal matter and status review of Rule 20, Minn.R.Crim.P. is August 22, 2017. 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. Kellie Charles, Assistant Hennepin County Public Defender;
- c. Robert Sorenson, Assistant Hennepin County Attorney;
- d. Hennepin County Attorney – Mental Health Section; and
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

BY THE COURT:



DATED: February 21, 2017

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Carolina A. Lamas  
Judge of District Court  
Fourth Judicial District

Attachments: Examiner’s Report  
Complaint



# MINNESOTA JUDICIAL BRANCH

STATE OF MINNESOTA  
 COUNTY OF HENNEPIN

DISTRICT COURT  
 FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

Adrian Michael Wesley,

Defendant.

**STATE'S NOTICE OF INTENT TO  
 PROSECUTE PURSUANT TO RULE 20.01**

MNCIS No: 27-CR-17-1555

C.A. File No: 17A00708

\*\*\*\*\*

TO: The Court and Defendant:

You will please take notice that in the above-entitled matters and pursuant to Rule 20.01 subd. 8(1) of the Minnesota Rules of Criminal Procedure, the State hereby provides notice of its intent to prosecute the defendant in both of his pending matters.

Respectfully submitted,

MICHAEL O. FREEMAN  
 Hennepin County Attorney

By: 

Sarah Hilleren (#033764X)

Assistant County Attorney  
 C2100 Government Center  
 Minneapolis, MN 55487  
 Telephone: (612) 348-4526  
 Fax: (612) 348-3061

Dated: February 23, 2017

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

**TRANSPORT ORDER**

27-CR-17-1555;

27-CR-17-8342

Adrian Michael Wesley,

Defendant.

TO: Richard W. Stanek, Sheriff of Hennepin County, Minnesota

**NOTICE IS HEREBY GIVEN**

**THAT DEFENDANT**, Adrian Michael Wesley, was committed to the Commissioner of Human Services on July 27, 2017, as Mentally Ill and Dangerous. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for October 31, 2017, at 1:30 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT**, Adrian Michael Wesley, shall be transported to the Hennepin County Government Center from the Minnesota Security Hospital on or before October 31, 2017, for an appearance on that date at 1:30 pm.

*Saint Peter*

BY THE COURT:

Dated: August 23, 2017

Carolina A. Lamas  
Judge of District Court

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

**TRANSPORT ORDER**

27-CR-17-1555;

27-CR-17-8342

Adrian Michael Wesley,  
Defendant.

TO: Richard W. Stanek, Sheriff of Hennepin County, Minnesota

**NOTICE IS HEREBY GIVEN**

**THAT DEFENDANT**, Adrian Michael Wesley, was committed to the Commissioner of Human Services on July 27, 2017, as Mentally Ill & Dangerous and Developmentally Disabled. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for Tuesday, May 1, 2018 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT**, Adrian Michael Wesley, shall be transported to the Hennepin County Government Center from the Minnesota Security Hospital, Saint Peter, on or before May 1, 2018 for an appearance on that date at 1:30 pm.

Dated: 01/04/2018

BY THE COURT:

Carolina A. Lamas  
Judge of District Court



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

**TRANSPORT ORDER**

v.

27-CR-17-22909;

27-CR-17-1555; 27-CR-17-8342

Adrian Michael Wesley,

Defendant.

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TO: Richard W. Stanek, Sheriff of Hennepin County, Minnesota**NOTICE IS HEREBY GIVEN**

**THAT DEFENDANT**, Adrian Michael Wesley, was committed to the Commissioner of Human Services on February 21, 2017, as Mentally Ill. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for Tuesday, May 1, 2018 at 1:30 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT**, Adrian Michael Wesley, shall be transported to the Hennepin County Government Center from the Minnesota Security Hospital – Saint Peter, to the Hennepin County Government Center for a court appearance in Courtroom 857, on or before May 1, 2018.

BY THE COURT:



Carolina A. Lamas  
Judge of District Court

Dated: 03/26/2018



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

**TRANSPORT ORDER**

v.

27-CR-17-8342; 27-CR-17-22909

27-CR-17-1555

Adrian Michael Wesley,

Defendant.

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TO: Richard W. Stanek, Sheriff of Hennepin County, Minnesota**NOTICE IS HEREBY GIVEN**

**THAT DEFENDANT**, Adrian Michael Wesley, was committed to the Commissioner of Human Services as Mentally Ill. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for Tuesday, November 6, 2018, 2018 at 1:30 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT**, Adrian Michael Wesley, shall be transported to the Hennepin County Government Center from the Minnesota Security Hospital – Saint Peter, on or before November 6, 2018 for a court appearance in Courtroom 857 at 1:30pm.

Dated: 10/23/2018

BY THE COURT:

Carolina A. Lamas  
Judge of District Court

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

**TRANSPORT ORDER**

27-CR-17-1555;

27-CR-17-8342; 27-CR-17-22909

Adrian Michael Wesley,  
Defendant.

TO: David P. Hutchinson, Sheriff of Hennepin County, Minnesota

**NOTICE IS HEREBY GIVEN**


**THAT DEFENDANT, Adrian Michael Wesley,** was committed to the Commissioner of Human Services as Mentally Ill. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for Tuesday, May 7, 2019 at 1:30 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT, Adrian Michael Wesley,** shall be transported to the Hennepin County Government Center from the Minnesota Security Hospital – Saint Peter, on or before May 7, 2019 for a court appearance in Courtroom 857 at 1:30pm.

Dated: 03/13/2019

BY THE COURT:

  
Carolina A. Lamas  
Judge of District Court

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

**TRANSPORT ORDER**

27-CR-17-1555; 27-CR-17-8342

27-CR-17-22909

Adrian Michael Wesley,  
Defendant.

TO: David P. Hutchinson, Sheriff of Hennepin County, Minnesota

**NOTICE IS HEREBY GIVEN**

**THAT DEFENDANT, Adrian Michael Wesley,** was committed to the Commissioner of Human Services as Mentally Ill. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for Tuesday, October 22, 2019 at 1:30 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT, Adrian Michael Wesley,** shall be transported to the Hennepin County Government Center from Minnesota Security Hospital – Saint Peter, on or before October 22, 2019 for a court appearance in Courtroom 857 at 1:30pm.

Dated: 10/02/2019

BY THE COURT:

Carolina A. Lamas  
Judge of District Court

**STATE OF MINNESOTA****DISTRICT COURT****COUNTY OF HENNEPIN****FOURTH JUDICIAL DISTRICT**

State of Minnesota,

Plaintiff,

**STATE'S NOTICE OF MOTIONS  
AND PRETRIAL MOTIONS**

vs.

Court Case No. 27-CR-17-1555;  
27-CR-17-22909; and 27-CR-17-8342

Adrian Michael Wesley,

Defendant.

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**TO: JUDGE OF DISTRICT COURT, ATTORNEY FOR THE DEFENDANT, and  
DEFENDANT.**

PLEASE TAKE NOTICE that the State hereby moves the Court for the following relief:

For an Order directing the Forensic Mental Health Program in St. Peter to produce to Counsel copies of records relied upon in preparing the Competency Evaluation dated 10/1/2019, in the above-captioned matters. This request does not include police reports, court records, and previous competency evaluations as identified in lines 1-16 of the enumerated Information Sources section of the report, since Counsel already has access to those items.

**MOTION**

On October 2, 2019, a Competency Evaluation was filed in District Court relating to the above captioned cases. In that report, the Examiner, Dr. Jason Lewis, opined that Mr. Wesley has regained competency to proceed in this matter. Defendant has demanded a hearing to challenge that finding. The hearing is scheduled for February 10, 2020. The State has reached out to the forensic services division at the State Hospital in St. Peter to request copies of documents that Dr. Lewis relied upon in preparing the evaluation, and was advised that a Court Order would be required to release the records. Copies of these records are required to prepare for and proceed with the competency hearing. Therefore, the State requests that the Court enter an Order permitting release of the requested records to the parties in this matter.

I have conferred with counsel for the Defense, Julius Nolen, and he does not object to this motion.

Date: January 23, 2020

Respectfully submitted,

MICHAEL O. FREEMAN  
Hennepin County Attorney



Anna Petosky (#388163)  
Assistant County Attorney  
C2100 GOVERNMENT CENTER  
300 SOUTH SIXTH STREET  
Minneapolis, MN 55487  
Telephone: 612-348-4101



MINNESOTA  
JUDICIAL  
BRANCH

**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN**

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**

State of Minnesota,

Plaintiff,

vs.

Adrian Michael Wesley,

Defendant.

**FINDINGS AND ORDER**

Court Case No. 27-CR-17-1555;  
27-CR-17-22909; and 27-CR-17-8342

WHEREAS, the Court finds that:

1. Pursuant to Minn. Stat. 611.026 and Minnesota Rule of Criminal Procedure 20.01, a Competency Hearing is scheduled for February 10, 2020, in the above matters.
2. The report and testimony of Dr. Jason Lewis from the Forensic Mental Health Program – St. Peter will be important pieces of evidence in that proceeding.
3. The requested records will assist in determining whether Defendant has competency to proceed with criminal prosecution.
4. The public interest and the need for disclosure of the records in this case outweigh any possible injury to the patient, to the physician-patient relationship, and to the treatment services.

**IT IS THEREFORE ORDERED THAT:**

1. Forensic Mental Health Program – St. Peter shall produce all sources of information referenced in Dr. Jason Lewis's Competency Evaluation dated October 1, 2019, including medical records and any collateral documentation, notes, and other information pertinent to the findings therein. This order does not include documents which the parties already have access to, such as the police reports, court records, and prior competency evaluations (Information Sources 1-16 referenced in the report).
2. Forensic Mental Health Program – St. Peter shall provide this information within ten days of receiving this Order.
3. Forensic Mental Health Program – St. Peter shall provide the documents either by hard copy or electronically to the following addresses:

Anna Petosky  
Assistant Hennepin County Attorney  
HCAO Adult Prosecution Division, A2100

300 South Sixth Street  
Minneapolis, MN 55487

Julius Nolen  
Assistant Hennepin County Public Defender  
701 Fourth Ave. South, Suite 1400  
Minneapolis, MN 55415-1600

**BY THE COURT:**

\_\_\_\_\_  
Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH

**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN**

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**

State of Minnesota,

Plaintiff,

vs.

**FINDINGS AND ORDER**  
Court Case No. 27-CR-17-1555;  
27-CR-17-22909; and 27-CR-17-8342

Adrian Michael Wesley,

Defendant.

WHEREAS, the Court finds that:

1. Pursuant to Minn. Stat. 611.026 and Minnesota Rule of Criminal Procedure 20.01, a Competency Hearing is scheduled for February 10, 2020, in the above matters.
2. The report and testimony of Dr. Jason Lewis from the Forensic Mental Health Program – St. Peter will be important pieces of evidence in that proceeding.
3. The requested records will assist in determining whether Defendant has competency to proceed with criminal prosecution.
4. The public interest and the need for disclosure of the records in this case outweigh any possible injury to the patient, to the physician-patient relationship, and to the treatment services.

**IT IS THEREFORE ORDERED THAT:**

1. Forensic Mental Health Program – St. Peter shall produce all sources of information referenced in Dr. Jason Lewis's Competency Evaluation dated October 1, 2019, including medical records and any collateral documentation, notes, and other information pertinent to the findings therein. This order does not include documents which the parties already have access to, such as the police reports, court records, and prior competency evaluations (Information Sources 1-16 referenced in the report).
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Anna Petosky  
Assistant Hennepin County Attorney  
HCAO Adult Prosecution Division, A2100



300 South Sixth Street  
Minneapolis, MN 55487

Julius Nolen  
Assistant Hennepin County Public Defender  
701 Fourth Ave. South, Suite 1400  
Minneapolis, MN 55415-1600

BY THE COURT:

4/23/2020

  
\_\_\_\_\_  
Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

Adrian Michael Wesley,  
Defendant.**TRANSPORT ORDER**27-CR-17-1555; 27-CR-17-22909;  
27-CR-17-8342

TO: David P. Hutchinson, Sheriff of Hennepin County, Minnesota

**NOTICE IS HEREBY GIVEN**

**THAT DEFENDANT, Adrian Wesley**, was committed to the Commissioner of Human Services as Mentally Ill. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for Tuesday, February 10, 2020 at 1:30 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT, Adrian Wesley**, shall be transported to the Hennepin County Government Center from Minnesota Security Hospital – Saint Peter, on or before February 10, 2020 for a court appearance in Courtroom 857 at 1:30pm.

BY THE COURT:

Dated: January 24, 2020  
Lisa K. Janzen  
Judge of District Court

State of Minnesota

District Court

County of Hennepin

Fourth Judicial District

State of Minnesota,  
Plaintiff,Judge Lisa K. Janzen  
Case Type: Criminal

v.

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
REGARDING DEFENDANT'S  
COMPETENCY TO PROCEED**Adrian Wesley,  
Defendant.Case Numbers: 27-CR-17-1555  
27-CR-17-22909  
27-CR-17-8342

The above-entitled matter came before Lisa K. Janzen, Judge of District Court, on February 10, 2020, for an evidentiary hearing upon the Defense's objection to the competency opinion rendered by Dr. Jason Lewis, dated October 1, 2019. Amy Blagoev, Assistant Hennepin County Attorney, appeared for the State. Julius Nolen, appeared on behalf of the defendant who was personally present. Dr. Jason Lewis, PhD, LP, of State Operated Forensic Services testified and the court received his report dated October 1, 2019 and his Curriculum Vitae as exhibits. The court also took judicial notice of the five previous rule 20.01 evaluations filed in the case. The court took the matter under advisement on February 10, 2020. Based upon the arguments presented and all the files and records herein, the Court orders as follows:

1. Defendant is **INCOMPETENT** to proceed.

**FINDINGS AND CONCLUSIONS**

Rule 20.01 of the Minnesota Rules of Criminal Procedure requires the court to find that the defendant is not competent unless the greater weight of the evidence shows that the defendant is competent. Minn.R.Crim.P. Rule 20.01, subd. 5 (c). A defendant is not competent if, due to mental illness or cognitive impairment he is unable to "(a) rationally consult with counsel or (b) understand the proceedings or participate in the defense." *Id.*, subd. 2. The determination of whether a defendant is able

to rationally consult with the defense attorney or understand and participate in the proceedings turns on the facts of each particular case.

Mr. Wesley has been charged in file 27-CR-17-1555 with one count of Criminal Sexual Conduct in the 2<sup>nd</sup> Degree arising from an incident alleged to have occurred on January 15, 2017. He is also charged in file 27-CR-17-22909 with one count of Assault in the 4<sup>th</sup> Degree from an incident alleged to have occurred on July 14, 2017. Finally, he is charged in file 27-CR-17-8342 with one count of Criminal Damage to Property in the First Degree for an incident alleged to have occurred on March 5, 2017. On January 20, 2017 Judge Jay Quam found probable cause on file 27-CR-17-1555 and ordered that a Rule 20.01 evaluation be completed. Dr. Kristen A. Otte, Psy.D. LP of Hennepin Psychological Services was assigned to complete the first 20.01 evaluation of the defendant. She filed her report on February 17, 2017. Dr. Otte opined that Mr. Wesley was incompetent and provided the following diagnoses:

1. Other Specified Neurodevelopmental Disorder (Associated with Prenatal Alcohol Exposure, formerly referred to as Fetal Alcohol Syndrome).
2. Intellectual Disability, Moderate
3. Unspecified Depressive Disorder

Dr. Otte indicated further information was required to determine whether Mr. Wesley met the diagnostic criteria for a psychotic disorder.

Dr. Otte noted Mr. Wesley's clinical presentation is complex due to his long standing and well-documented history of neurodevelopmental deficits and intellectual disabilities which contribute to problems with emotion regulation and behavioral control as well as his ability to communicate effectively about his thoughts and emotions. Mr. Wesley demonstrates a history of aggression and impulse control as well as sexually inappropriate behavior. Dr. Otte noted these issues are further compounded by his hearing impairment and that he requires the use of ASL interpreters to communicate and participate in evaluation interviews. Mr. Wesley's deficits are due to drug and alcohol exposure in-utero. Due to maternal abuse and neglect he was removed from his mother's care. His hearing loss is due to recurrent and untreated ear infections.

Dr. Otte indicated in her evaluation that Mr. Wesley's impairments result in significant deficits in planning and decision-making, reasoning, problem-solving, abstract thinking, emotion regulation, adaptive functioning and self-care. She opined that the deficits associated with his neurodevelopmental disorder and intellectual disability significantly interfere with his competency-related functioning. Dr. Otte opined that his prognosis for maintaining the requisite competency-related abilities is exceedingly poor. She noted his deficits and disabilities are chronic and long standing despite a long history of intensive support and intervention and wrote, "There is little likelihood that Mr. Wesley would be restored to competency in the foreseeable future."

On February 21, 2017, Judge Carolina Lamas entered findings of incompetency on all three of Mr. Wesley's files and referred him for screening for civil commitment. He was subsequently committed as Developmentally Disabled and Mentally Ill and Dangerous. The Department of Human Services placed him in the Minnesota Security Hospital - St. Peter where he continues to reside as a patient. Subsequently he has undergone four additional forensic evaluations conducted by Dr. Jason Lewis of State Operated Forensic Services. In each of the four subsequent evaluations, Dr. Lewis opined that Mr. Wesley was incompetent. Additionally, Dr. Lewis included a diagnoses of Unspecified Schizophrenia Spectrum and Psychotic Disorder.

In the most recent Rule 20.01 evaluation, filed on October 1, 2019, Dr. Lewis filed a report opining that Mr. Wesley has been restored to competency. Dr. Lewis noted that Mr. Wesley is psychiatrically stable and has been psychiatrically stable for the last couple evaluations. Dr. Lewis indicated Mr. Wesley demonstrates a lack of ongoing psychosis, he is alert, and his memory and thought processes are intact. Thus, Mr. Wesley's mental illness is not currently interfering significantly with competency issues. The questions the court must determine is whether Mr. Wesley's chronic cognitive deficits render him incompetent.

Dr. Lewis is a forensic examiner for State Operated Forensic Services and was previously the Clinical Director of the Competency Restoration Program. He testified that the Competency Restoration Program focuses on educating patients about the criminal legal process, including the roles of the parties in

the legal system, the trial process and possible sentences. They also discuss the evidence and facts in each patient's case. The goal is for the patients to understand the legal process sufficiently to be able to rationally consult with counsel and to be able to participate in their defense. The program consists of group class sessions and uses an assessment tool, consisting of one-hundred questions about the criminal process, to assist with a competency determination.

At the evidentiary hearing Dr. Lewis testified that the main factor he considered in his opinion that Mr. Wesley has been restored to competency was that Mr. Wesley had recently demonstrated an increased knowledge of legal concepts and facts related to his charges. Dr. Lewis testified the hospital had recently increased the frequency of Mr. Wesley's competency restoration sessions as compared to the prior evaluation review period. Dr. Lewis testified that Mr. Wesley is now able to discuss the evidence, facts and possible sentences of each of his cases individually. This is consistent with the restoration program's records which show substantial progress being made in the restoration groups he has been participating in. Dr. Lewis testified regarding Mr. Wesley's recent performance on the assessment tool. Below are examples of questions and responses given by Mr. Wesley noted during the hearing.

1. When asked whether he is obligated to accept a plea bargain Mr. Wesley responded, "Defendants have to take a plea bargain". Dr. Lewis testified he did consider this significant as it relates to competency.
2. Mr. Wesley was unable to understand the difference between a sentence to jail and a prison sentence. Dr. Lewis testified he did not consider this significant.
3. When asked to explain what not guilty by reason of mental illness means Mr. Wesley responded, "Maybe I did it but they are going to drop the charges". Dr. Wesley testified this response is inadequate but not significant.
4. Mr. Wesley was able to identify six basis rights rudimentarily.
5. Mr. Wesley answered one question, "If I plead not guilty the charge will be dropped".
6. Mr. Wesley was not able to answer some questions without being given clues and took a significant amount of time to answer many questions.

Dr. Lewis agreed that Mr. Wesley still demonstrates some deficits as it relates to competency, but that based on the totality of the data he is now able to communicate rationally with counsel and participate in his defense, with the caveat that defense counsel is encouraged to use simple language to explain the legal concepts and to identify multiple ways to describe complicated legal concepts. Dr. Lewis wrote, “Put another way, the ‘legalese’ that a layman with no mental illness or intellectual deficits would find confusing will be particularly challenging for Mr. Wesley, but he has demonstrated the ability to participate meaningfully in his defense when the discourse is simplified.” Dr. Lewis also made an additional recommendation that the sign language interpreter have a CDI certification, which means that the interpreter is also deaf and familiar with deaf culture. This type of interpreter is considered more able to accurately interpret and communicate. Dr. Lewis testified that the last time he met with Mr. Wesley was in September but that the notes he reviewed regarding progress between October and February indicated he has not decompensated. He also testified that if Mr. Wesley were to stop taking the competency restoration classes he would likely regress to incompetency.

At the evidentiary hearing attorney Susan Herlofsky testified that she is not the attorney of record for Mr. Wesley, but works at the public defender office with assigned counsel, Julius Nolen. She met with Mr. Wesley and assigned counsel prior to the hearing and sat at counsel table during the hearing. She testified in their conversation prior to the hearing Mr. Wesley did not understand what a trial was and was unable to understand the difference between a trial by jury and a court trial. He told defense counsel that he was proud that he “passed the test” at St. Peter hospital. Ms. Herlofsky testified at the end of the evidentiary hearing and stated that during the evidentiary hearing Mr. Wesley did not appear to understand the proceedings, had been unable to consult with counsel rationally or answer specific questions that counsel asked of him.

Based on the totality of the above noted facts, the court finds that the greater weight of the evidence demonstrates Mr. Wesley is not able to rationally consult with counsel or participate in his defense. While Mr. Wesley has demonstrated a basic understanding of the facts of his case and the legal process during his competency classes, this understanding appears to be rudimentary and fleeting. The court does not find



that this evidence demonstrates a cognitive ability to understand the legal concepts. Rather, it appears Mr. Wesley has been able to memorize definitions and terms due to repetition as a result of the high frequency of the competency classes he attends. This finding is further supported by Dr. Lewis's testimony that if Mr. Wesley were to discontinue competency restoration classes, he would likely soon regress to incompetency.

In order to rationally consult with counsel and participate in his defense, a defendant must have the cognitive ability, after consulting with counsel, to make important decisions about whether to accept a plea bargain, whether to have a jury or court trial and whether or not to testify. These decisions regarding the waiver of constitutional rights must be made by a defendant himself, after consulting with counsel. The defendant's attorney may not make these decisions for a defendant. While it appears Mr. Wesley now understands that he must behave properly in a courtroom setting and that he should follow the advice of counsel, simply indicating that he will "behave" in the courtroom and do what his lawyers tell him to do not establish that he is competent. His lack of understanding about whether he must accept a plea bargain and the difference between jail and prison is evidence that he is unable to participate in his defense. As noted by the psychologists, his cognitive impairments significantly interfere with his reasoning and decision making abilities. Most importantly, defense counsel's testimony that during the evidentiary hearing he demonstrated a lack of understanding about what a trial was and did not have the ability to consult with counsel or participate in his defense solidifies the court's conclusion that Mr. Wesley is incompetent.

Finally, it is important to take into consideration the recommendations of Dr. Lewis regarding suggested accommodations that can be made to assist Mr. Wesley in understanding the proceedings. Dr. Lewis indicates that Mr. Wesley does not have the ability to understand the "legalese" that a typical layman defendant would comprehend. His suggestion that defense counsel allot more time than customary, use simple language and explain legal concepts in multiple ways is prudent and the court does believe that defense counsel can implement these strategies. However, under the facts of Mr. Wesley's case, the court does not find that these accommodations are sufficient to render an otherwise incompetent defendant competent. Slowing down a legal proceeding by pausing or recessing to allow defense counsel to explain



every process, objection, argument or term used in witness testimony will not be sufficient to allow Mr. Wesley to comprehend the process, rationally consult with counsel and participate in his own defense. Dr. Lewis noted in his April 2019 evaluation that “if his competence-related deficits are primarily the result of intellectual deficits, his prognosis is likely to be poor.” The court finds that his competency related deficits are the result of his intellectual deficits. Although his factual understanding of his charges and the legal process has improved due to competency classes, the greater weight of the evidence does not establish that he has the rational ability to consult with counsel regarding trial strategy, make decisions regarding the waiver of constitutional rights and plea negotiations or otherwise participate in his defense.

The state has not met its burden of proving, by greater weight of the evidence that Mr. Wesley is competent. Therefore the court finds that the defendant, Mr. Wesley, is **INCOMPETENT**.

LKJ

By the Court:

Dated: 5/8/2020

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Lisa K. Janzen  
Judge of District Court

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA,

Plaintiff,

Court File No. 27-CR-17-1555;  
27-CR-17-8342; 27-CR-17-22909

v.

Adrian Michael Wesley,

Defendant.

**ORDER TO DESTROY REPORT**

**Whereas**, Dr. Gregory Hanson, Ph.D., LP, Direct Care and Treatment – Forensic Services, filed a report with the Court on April 28, 2021, and;

**Whereas**, Dr. Gregory Hanson filed a redacted version of the report on May 7, 2021, and;

**Whereas**, defense counsel moved the Court to order the original report filed on April 28, 2021, as well as any copies or versions, to be destroyed;

**It is therefore ordered that:**

1. All parties must destroy any copies of the report filed on April 28, 2021, and
2. Court Administration shall remove the report filed on April 28, 2021 from the MNCIS file.

**Date: May 11, 2021**

**BY THE COURT:**



**Lisa K. Janzen**  
**Judge of District Court**

State of Minnesota

District Court

Hennepin County

Fourth Judicial District

State of Minnesota,  
Plaintiff,

v.

ADRIAN MICHAEL WESLEY,  
Defendant.Order to 4<sup>th</sup> Judicial District Court  
Psychological Services  
**27-CR-17-1555****27-CR-17-8342; 27-CR-17-22909**

Defendant Information	
Location:	<input checked="" type="checkbox"/> Out of Custody <input type="checkbox"/> In Custody (____)
Phone:	-    Date of Birth: 03/15/1991
Email:	SILS Identifier: 659590
Home Address:	7720 Upton Ave S Richfield MN 55423
Additional family/collateral contact number and instructions:	

It is hereby ordered:

- ☐ For felony and gross misdemeanor cases, probable cause has been found.  
☐ The defendant is to be released upon completion of the interview process.  
☐ This is part of the targeted misdemeanor program.

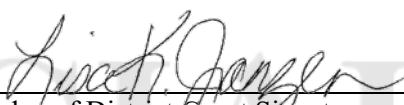
- The Chief of Psychological Services of the Fourth Judicial District or the Chief's designee ("Examiner") shall conduct the following psychological evaluation, assessment and/or consultation regarding the defendant:
  - ☒ Competency to participate in proceedings pursuant to Rule 20.01
  - ☐ Mental state at the time of the alleged act pursuant to Rule 20.02 (M'Naghten Rule)
  - ☐ Sex Offender Evaluation pursuant to Minnesota Statute § 609.3457
  - ☐ Consultation (Pre-Plea/Pre-Sentence) \_\_\_\_\_
  - ☐ Other (please specify) \_\_\_\_\_
- Copies of this evaluation shall be provided to the Court and the following individuals:
 

Defense Counsel: JULIUS ANTHONY NOLEN	612-348-8560
Prosecuting Attorney: AMY LOUISE BLAGOEV	612-543-1093
Probation Officer:	
- The hearing for the return of psychological evaluation will be held on **May 10, 2022 at 1:30 PM**.
- Upon presentation of this order, the relevant custodian of records shall provide (whether mailed, faxed, or personally delivered) to the Examiner all relevant records from the following sources: behavioral, chemical dependency, developmental disability, educational, employment, judicial, law enforcement (including audio/visual recordings), medical, probation/correction, psychological, and social service. A copy of the records so requested shall be delivered to the Examiner within 96 hours of presentation of this order. Records that are faxed shall be sent to 612-348-3452. Mailed records should be sent to Hennepin County District Court, Psychological Services, 300 South Sixth Street, C-509 Government Center, Minneapolis, Minnesota

55487. All agencies maintaining the above-listed records may also communicate verbally with the requesting Examiner.

- **The Court specifically finds** good cause exists for authorizing the disclosure of the identified records, including chemical dependency records, 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.
5. During the preparation of the report, the Examiner and any employee of Community Corrections and Rehabilitation may discuss the case and share relevant information in a manner consistent with Minnesota Rules of Criminal Procedure, Minnesota Statutes and case law.
  6. If a sex offender evaluation has been ordered and the defendant is a Repeat Sex Offender as defined in MN Statute 609.3457, Psychological Services is ordered to comply with both the requirements of § 609.3457 and the agreement with Minnesota State Operated Forensic Services. A copy of any Repeat Sex Offender Report produced by Psychological Services shall be forwarded to the Court and the Commissioner of Corrections.
  7. In the case of Rule 20 evaluations, the Examiner shall offer an opinion and support for the opinion on whether the defendant:
    - a. Is suitable for civil commitment and the basis of the possible commitment.
    - b. Is mentally ill and dangerous; and
    - c. Needs immediate hospitalization.
  8. In the case of Rule 20 evaluations, the Examiner shall promptly notify the prosecutor, defense attorney and the Court if the Examiner concludes that the defendant:
    - a. Presents an imminent risk of serious danger to another,
    - b. Is imminently suicidal, or
    - c. Needs emergency intervention.

Dated: February 17, 2022

  
\_\_\_\_\_  
Judge of District Court Signature  
Lisa Janzen

- ✓ Please scan and e-mail the order to **4<sup>th</sup> Psych Services Orders**.
- ✓ Please direct the prosecuting agency to forward a copy of the police report for each case to Psychological Services.
- ✓ If a defendant is to be released upon completion of the interview process, a Conditional Release Order must be filed giving that direction.



## DIRECT CARE &amp; TREATMENT – FORENSIC SERVICES

December 27, 2022

The Honorable Presiding Judge of Hennepin County  
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. Adrian Wesley*, Rule 20.01, subd. 7 competency evaluation  
Court Files: 27-CR-17-1555, 27-CR-17-8342; 27-CR-17-22909

Dear Judge of Hennepin County,

I am the Court Liaison for DHS Direct Care and Treatment- Forensic Services, and I write regarding the pending competency evaluation for the Defendant in the above-referenced cases. Defendant was found incompetent to participate in his defense under Minnesota Rule of Criminal Procedure 20.01 on 8/9/21, and they were subsequently civilly committed.

The DHS Forensic Evaluation Department, on behalf of DHS, the entity to which Defendant is committed, will be providing subd. 7 competency evaluation services in this matter.<sup>1</sup> Dr. Gregory Hanson is assigned to conduct this evaluation. In order to provide a comprehensive evaluation, Dr. Hanson will need to review records relating to clinical treatment Defendant has received or is receiving. State and federal data privacy laws do not allow Dr. Hanson access to treatment records absent a court order. Defendant's treatment records are relevant to Dr. Hanson's review and evaluation and will assist him in providing a more comprehensive opinion regarding Defendant's current mental condition and competency status.

For these reasons, I respectfully request that the attached proposed order for the release of medical records be signed and returned to me to allow the disclosure of treatment records to my office. Additionally, we request this language be included in all orders finding incompetence moving forward, as this would save time and resources for future subd. 7 competency evaluations completed by Forensic Services. Thank you for your consideration of this request.

Sincerely,

Amanda Burg, Court Liaison, Forensic Mental Health Program  
Direct Care & Treatment - Forensic Services  
1703 County Road 15  
St. Peter, MN 56082  
Phone: 507-985-2659

<sup>1</sup> DHS notes that although it is providing competency evaluation services in this matter, it is not a party to this proceeding and has not consented to be a party to this proceeding.

Copies: Hennepin County Court Administration  
Prosecuting Attorney  
Criminal Defense Attorney



MINNESOTA  
JUDICIAL  
BRANCH

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

---

Case Type: Criminal

---

State of Minnesota,

Court File Nos.: 27-CR-17-1555,  
27-CR-17-8342; 27-CR-17-22909

Plaintiff,

v.

**[PROPOSED]  
ORDER FOR RELEASE OF  
MEDICAL RECORDS**

Defendant,

Adrian Wesley.

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The above-entitled matter came before the Court on a request for an Order for release of medical records filed by the Minnesota Department of Human Services' (DHS) - Forensic Services Forensic Evaluation Department. The request was served on Defendant's counsel and the Hennepin County Attorney's Office at the time of filing.

Defendant was found incompetent to participate in his defense under Minnesota Rule of Criminal Procedure 20.01 and was subsequently civilly committed. The DHS Forensic Evaluation Department, on behalf of DHS, the entity to which Defendant is committed, is providing subd. 7 competency evaluation services in this matter. Like the court appointed examiner ordered to conduct the initial Rule 20.01 evaluation in this matter, the assigned DHS Forensic Examiner should have access to Defendant's treatment records so a comprehensive report can be prepared to provide a well-informed opinion to the Court and the parties regarding Defendant's current mental health condition and competency status.

Based upon the request submitted by the DHS Forensic Evaluation Department, the Court hereby makes and files the following:

**ORDER**

1. The DHS Forensic Evaluation Department shall have access to Defendant's treatment records so they can prepare a comprehensive competency evaluation under Minnesota Rule of Criminal Procedure 20.01, subd. 7.
2. By presentation of a copy of this order, whether mailed, sent via facsimile, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional/jail records, including behavioral notes, medical notes, psychiatric notes, jail reports, and any records or information maintained by the jail from any third party medical provider/contractor/public health staff, developmental disability, employment and educational records, to DHS - Forensic Services within 72 hours.
3. This Order shall be sufficient to require an agency, department, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility.
4. Defendant's medical records may not be disclosed to any other person without court authorization or Defendant's signed consent.

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
Judge of District Court



STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Case Type: Criminal

State of Minnesota,

Plaintiff,

v.

Defendant,

Adrian Wesley.

Court File Nos.: 27-CR-17-1555,  
27-CR-17-8342; 27-CR-17-22909

**ORDER FOR RELEASE OF  
MEDICAL RECORDS**

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Defendant was found incompetent to participate in his defense under Minnesota Rule of Criminal Procedure 20.01 and was subsequently civilly committed. The DHS Forensic Evaluation Department, on behalf of DHS, the entity to which Defendant is committed, is providing subd. 7 competency evaluation services in this matter. Like the court appointed examiner ordered to conduct the initial Rule 20.01 evaluation in this matter, the assigned DHS Forensic Examiner should have access to Defendant's treatment records so a comprehensive report can be prepared to provide a well-informed opinion to the Court and the parties regarding Defendant's current mental health condition and competency status.

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2. By presentation of a copy of this order, whether mailed, sent via facsimile, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional/jail records, including behavioral notes, medical notes, psychiatric notes, jail reports, and any records or information maintained by the jail from any third party medical provider/contractor/public health staff, developmental disability, employment and educational records, to DHS - Forensic Services within 72 hours.
3. This Order shall be sufficient to require an agency, department, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility.
4. Defendant's medical records may not be disclosed to any other person without court authorization or Defendant's signed consent.

Dated: \_\_\_\_\_

BY THE COURT:

Browne, Michael  
Dec 27 2022 4:01 PM\_\_\_\_\_  
Judge of District Court

State of Minnesota  
Hennepin CountyDistrict Court  
Fourth Judicial DistrictCourt File Number: 27-CR-17-1555; 27-CR-17-  
8342, 27-CR-17-22909.

Case Type: Crim/Traf Mandatory

**Notice of Remote Zoom Hearing****ADRIAN MICHAEL WESLEY  
7720 UPTON AVE S  
RICHFIELD MN 55423**

State of Minnesota vs ADRIAN MICHAEL WESLEY

You are notified this matter is set for a remote hearing. This hearing will not be in person at the courthouse.

<i>Hearing Information</i>
<b>February 13, 2024</b> <b>Hearing</b> <b>1:30 PM</b>

**The hearing will be held via Zoom and appearance shall be by video unless otherwise directed** with Judicial Officer Danielle Mercurio, Hennepin County District Court.

If you fail to appear a warrant may be issued for your arrest.

The Minnesota Judicial Branch uses strict security controls for all remote technology when conducting remote hearings.

You must:

- Notify the court if your address, email, or phone number changes.
- Be fully prepared for the remote hearing. If you have exhibits you want the court to see, you must give them to the court before the hearing. Visit <https://www.mncourts.gov/Remote-Hearings.aspx> for more information and options for joining remote hearings, including how to submit exhibits.
- Contact the court at 612-348-2040 if you do not have access to the internet, or are unable to connect by video.
- If you need an interpreter, contact the court before the hearing date to ask for one.
- If you cannot afford to hire a lawyer and would like to apply for a court-appointed attorney before this appearance visit <https://pdapplication.courts.state.mn.us> or scan the QR code to start the application.



**To join by internet:**

1. Type <https://zoomgov.com/join> in your browser's address bar.
2. Enter the **Meeting ID and Meeting Passcode (if asked)**:  
Meeting ID: 160 223 0876  
Passcode: 1234
3. Update your name by clicking on your profile picture. If you are representing a party, add your role to your name, for example, John Smith, Attorney for Defendant.
4. Click the **Join Audio** icon in the lower left-hand corner of your screen.
5. Click **Share Video**.

Para obtener más información y conocer las opciones para participar en audiencias remotas, incluido cómo enviar pruebas, visite [www.mncourts.gov/Remote-Hearings](http://www.mncourts.gov/Remote-Hearings).

Booqo [www.mncourts.gov/Remote-Hearings](http://www.mncourts.gov/Remote-Hearings) oo ka eego faahfaahin iyo siyaabaha aad uga qeybgeli karto dacwad-dhageysi ah fogaan-arag, iyo sida aad u soo gudbineyso wixii caddeymo ah.

**To receive an eReminder for future court dates via e-mail or text, visit [www.mncourts.gov/Hearing-eReminders.aspx](http://www.mncourts.gov/Hearing-eReminders.aspx) or scan the QR code to enroll.**



Dated: January 9, 2024

Sara Gonsalves  
Hennepin County Court Administrator  
300 South Sixth Street  
Minneapolis MN 55487-0419  
612-348-2040

cc:

State of Minnesota  
Hennepin CountyFiled in District Court  
State of Minnesota  
Jan 09, 2024 5:32 pmDistrict Court  
Fourth Judicial DistrictCourt File Number: 27-CR-17-1555; 27-CR-17-  
8342, 27-CR-17-22909.

Case Type: Crim/Traf Mandatory

**Notice of Remote Zoom Hearing****ADRIAN MICHAEL WESLEY  
7720 UPTON AVE S  
RICHFIELD MN 55423**

State of Minnesota vs ADRIAN MICHAEL WESLEY

You are notified this matter is set for a remote hearing. This hearing will not be in person at the courthouse.

<i>Hearing Information</i>
<b>July 9, 2024</b> <b>Review Hearing</b> <b>1:30 PM</b>

**The hearing will be held via Zoom and appearance shall be by video unless otherwise directed with Judicial Officer, Hennepin County District Court.**

If you fail to appear a warrant may be issued for your arrest.

The Minnesota Judicial Branch uses strict security controls for all remote technology when conducting remote hearings.

You must:

- Notify the court if your address, email, or phone number changes.
- Be fully prepared for the remote hearing. If you have exhibits you want the court to see, you must give them to the court before the hearing. Visit <https://www.mncourts.gov/Remote-Hearings.aspx> for more information and options for joining remote hearings, including how to submit exhibits.
- Contact the court at 612-348-2040 if you do not have access to the internet, or are unable to connect by video.
- If you need an interpreter, contact the court before the hearing date to ask for one.
- If you cannot afford to hire a lawyer and would like to apply for a court-appointed attorney before this appearance visit <https://pdapplication.courts.state.mn.us> or scan the QR code to start the application.



**To join by internet:**

1. Type <https://zoomgov.com/join> in your browser's address bar.
2. Enter the **Meeting ID and Meeting Passcode (if asked)**:  
Meeting ID: 160 223 0876  
Passcode: 1234
3. Update your name by clicking on your profile picture. If you are representing a party, add your role to your name, for example, John Smith, Attorney for Defendant.
4. Click the **Join Audio** icon in the lower left-hand corner of your screen.
5. Click **Share Video**.

Para obtener más información y conocer las opciones para participar en audiencias remotas, incluido cómo enviar pruebas, visite [www.mncourts.gov/Remote-Hearings](http://www.mncourts.gov/Remote-Hearings).

Booqo [www.mncourts.gov/Remote-Hearings](http://www.mncourts.gov/Remote-Hearings) oo ka eego faahfaahin iyo siyaabaha aad uga qeybgeli karto dacwad-dhageysi ah fogaan-arag, iyo sida aad u soo gudbineyso wixii caddeymo ah.

**To receive an eReminder for future court dates via e-mail or text, visit [www.mncourts.gov/Hearing-eReminders.aspx](http://www.mncourts.gov/Hearing-eReminders.aspx) or scan the QR code to enroll.**



Dated: January 9, 2024

Sara Gonsalves  
Hennepin County Court Administrator  
300 South Sixth Street  
Minneapolis MN 55487-0419  
612-348-2040

cc:

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FELONY DIVISION  
FOURTH JUDICIAL DISTRICT

State of Minnesota,  
Plaintiff,

-vs-

Adrian Michael Wesley,  
Defendant.

**NOTICE OF MOTION TO DISMISS  
IN THE INTERESTS OF JUSTICE**

MNCIS Case Nos. 27-CR-17-1555  
and 27-CR-17-8342

\*

\*

\*

TO: THE COURT; THE HONORABLE DANIELLE MERCURIO, HENNEPIN  
COUNTY JUDICIAL OFFICER; AND TOM ARNESON AND AMY BLAGOEV,  
ASSISTANT HENNEPIN COUNTY ATTORNEYS.

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that on Tuesday, February 13, 2024 at 1:30 p.m., or as  
soon thereafter as counsel may be heard, Adrian Wesley, will seek the following relief:

**MOTION**

Adrian Wesley moves this court to dismiss this matter in the interests of justice  
pursuant to Minnesota Statute Section 611.46, which states in relevant part, subd. 8 (d),  
Counsel for the defendant may bring a motion to dismiss the proceedings in the interest of  
justice at any stage of the proceedings.

Mr. Wesley was charged by complaint on January 19, 2017, and a Rule 20 evaluation  
was ordered on January 20, 2017. Mr. Wesley has been found incompetent, without  
objection, twelve times; on 2/21/17, 10/31/17, 5/1/18, 11/6/18, 5/7/19, 11/10/20, 5/11/21,  
11/9/21, 5/6/22, 1/19/23, 7/10/23, and 1/9/24. In addition, he was once found incompetent by  
Judge Janzen following a contested competency hearing, with Findings of Fact and  
Conclusions of Law filed on 5/8/20. Mr. Wesley was confined in jail for 194 days in pretrial

detention. Additionally, Mr. Wesley was pretrial confined in the hospital pursuant to a civil commitment for Mentally Ill and Dangerous. Mr. Wesley was pretrial confined between the jail and the hospital for 2571 days, and has been in custody of either law enforcement or human services since January 15, 2017. His next review for his civil commitment is set for December, 2025.

Mr. Wesley has consistently been found incompetent since 2017. As such, the court made the determination that Mr. Wesley lacked the ability to move forward in the criminal process. In the last completed competency exam, dated January 3, 2023, Dr. Gregory Hanson provided a thorough recitation of the evaluative history of Mr. Wesley, and concluded that “(h)is prognosis for competency is poor.” Since that report was filed, the DHS has provided an opinion to the Court that “Mr. Wesley is incompetent and unrestorable”, and they have stopped providing competency evaluations regarding Mr. Wesley.

While the state may have filed a notice of intent to prosecute when Mr. Wesley restored to competency, there is no longer a good faith basis to believe that Mr. Wesley can attain competency. The prior reports indicate that Mr. Wesley is deaf, and has been diagnosed with the following:

Unspecified Schizophrenia Spectrum and Other Psychotic Disorder;  
Other Specified Neurodevelopmental Disorder Associated with Prenatal Alcohol  
Exposure and Language Deprivation;  
Intellectual Developmental Disorder, mild;  
Illiteracy and Low-Level Literacy.

Furthermore, he has had the medical diagnosis of Fetal Alcohol Spectrum Disorder, which coupled with Mr. Wesley’s language impoverishment when young impacts “neuro-development in a fashion that results in persisting and permanent impairment to brain function related to communication.” Dr. Hanson report, Jan.3, 2023, p. 6-7. According to Dr. Hanson, the “kind of deficits in conceptual reasoning that Mr. Wesley demonstrates are



not remedial through additional education or practice and have to do with the underlying neurodevelopmental structures of the brain that are permanent and ongoing. Report, p. 14. In his opinion, continued competency restoration efforts would not “result in any appreciable improvement in the defendant’s capacities.” *Id.*

Given the history and reports, the complaints against Mr. Wesley should be dismissed. It is important to note that he has been in custody since the date of offense in January, 2017. Even if he were to be restored to competency and convicted, the amount of pretrial credit would satisfy the presumptive guideline sentence of 90 months. Knowing that he will not be restored to competency and will remain under civil commitment should be sufficient for the prosecution to recognize that further legal proceedings in criminal court are unnecessary and unjust.

“The United States Supreme Court has stated that it would be cruel and unusual punishment to make the status of being mentally ill a crime.” *State v. Bauer*, 299 N.W.2d 493, 498-499 (1980); citing, *Robinson v. California*, 370 U.S. 660, 666 (1962). Pretrial commitment is “a significant deprivation of liberty that requires due process protection.” *Addington v. Texas*, 441 U.S. 418, 426 (1979). The Due Process Clause provides, “No state shall...deprive any person of life, liberty, or property, without due process of law.” U.S. Const. amend XIV, § 1; see also Minn. Const. Art. 1, § 7.

In *Jackson v. Indiana*, the Supreme Court held that an incompetent defendant’s substantive due process rights are implicated when they are being held in pretrial detention. 406 U.S. 715, 738 (1972). There, the Court determined that “due process requires that the nature and duration of commitment bear some reasonable relation to the purpose for which the individual is committed.” *Id.*; see also *Matter of Opiacha*, 943 N.W.2d 220, 226 (Minn. App. 2020) (citing this quoted language in *Jackson*).

The aforementioned cases guide this court in recognizing that the history of pretrial detention and confinement is a due process issue, a constitutional issue and thus

are worthy of consideration in the interests of justice. Further, even if the state filed a notice of intent to prosecute Mr. Wesley should he attain competence, there is no evidence offered, nor a good faith basis to believe that Mr. Wesley will be able to attain competence. Mr. Wesley has been found incompetent 12 times and there is no reasonable expectation that he will be able to restored to competence. The Criminal Justice system has finite resources and Minnesota Rule of Criminal Procedure 1.02 notes “[t]hese rules are intended to provide a just determination of criminal proceedings, and ensure a simple and fair procedure that eliminates unjustified expense and delay.” Given that there is no expectation that Mr. Wesley can attain competency, the rules show this court that a dismissal is in line with the rules.

Mr. Wesley has had no additional charges, no additional commitments and should no longer be monitored or under the jurisdiction of the Criminal Justice System. The evaluations have noted restoration efforts, stabilization efforts yet his cognitive limitations remain unchanged and he remains unable to move forward on the criminal case. The state has no evidence or good faith basis to believe Mr. Wesley will be able to attain competence. As such, this case should be dismissed in the interests of justice.

This motion is based upon all relevant files, case law, statutes and arguments of counsel.

RESPECTFULLY SUBMITTED,

OFFICE OF THE HENNEPIN COUNTY PUBLIC DEFENDER  
MICHAEL BERGER - CHIEF PUBLIC DEFENDER

By: /s/  
Julius Nolen  
Attorney for Defendant  
Attorney License No. 177349  
701 4<sup>th</sup> Avenue South, Suite 1400  
Minneapolis, MN 55415  
Telephone: (612) 348-8560

Dated: This 31st day of January 2024.

**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN**

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**

State of Minnesota,	)	<b>MEMORANDUM IN RESPONSE AND</b>
	)	<b>OPPOSITION TO DEFENDANT'S</b>
Plaintiff,	)	<b>MOTION TO DISMISS PURSUANT TO</b>
	)	<b>MINN. STAT. § 611.46 SUBD. 8(d)</b>
vs.	)	
	)	MNCIS No: 27-CR-17-1555
ADRIAN MICHAEL WESLEY,	)	C.A. File No: 17A00708
	)	
Defendant.	)	

\* \* \* \* \*

TO: THE HONORABLE DANIELLE MERCURIO, HENNEPIN COUNTY JUDICIAL OFFICER; JULIUS NOLEN, ATTORNEY FOR DEFENDANT; AND DEFENDANT.

**INTRODUCTION**

Adrian Michael Wesley ("Defendant") is charged with one felony count of Criminal Sexual Conduct in the Second Degree, pursuant to Minn. Stat. § 609.343. Defendant has been deemed incompetent to proceed since February 17, 2017. Pursuant to the procedures in Minnesota Statute § 611.46, subd. 8(d), on January 31, 2024, Defendant brought a motion to dismiss in the interests of justice. This Memorandum is submitted in response and in opposition to Defendant's Motion.

**STATEMENT OF FACTS**

On January 15, 2017, officers were dispatched to a group home in Richfield on a report of a sexual assault. An adult female ("Victim") who was an employee of the group home was located across the street, covered only by a blanket. Victim is hearing impaired and communicated with officers by writing. Victim informed officers that Defendant, a resident of the group home, had pushed her into his room and onto his bed, and then Defendant, who

weighed approximately 300 pounds at the time, pinned her down by her neck when she tried to escape. Victim reported that Defendant threatened to kill her, and forcibly removed her pants and touched her anal region and her breasts. After Defendant was located by responding officers, he wrote that he raped a staff member because he was “horny too much.”

Following the charging of this offense, the court ordered a Rule 20.01 competency evaluation on January 20, 2017. Defendant was declared legally incompetent by the Court on February 17, 2017, and he was civilly committed thereafter. Six-month reviews were scheduled pursuant to Rule 20 to review whether Defendant had been restored to competency following the incompetency finding; in later years the reviews were held once annually. The State filed a timely notice of intent to prosecute when and if Defendant regained competency on February 23, 2017.

Since February 2017, and at each review hearing, the court has continued the incompetency finding, except for one report, dated October 1, 2019, in which the court opined that Defendant was found to have regained the capacity to proceed. The court held a contested competency hearing on February 10, 2020, and found that Defendant was not competent to proceed. For the following reasons, the State respectfully requests that the motions be denied.

### **ARGUMENT**

#### **The Interests of Justice are not Served by Dismissal of the Charges against Defendant.**

A district court has the authority to dismiss a case in the interests of justice, as Defendant requests the court does here. Minnesota Statute § 611.46, Subd. 8(d) states, “Counsel for the defendant may bring a motion to dismiss the proceedings in the interest of justice at any stage of the proceedings.” Here, the interests of justice are not served by dismissal of the charges.

Defendant argues that because he has repeatedly been found incompetent and there is no likelihood that he will be restored to competence, the charges should be dismissed. However, there was a report filed in 2019 opining that Defendant was competent to proceed, and it is

possible that another examiner could make the same finding again. Additionally, given that Defendant is in a secure setting indefinitely, no matter what happens in the criminal case, there is no discernable prejudice to Defendant to continue to have these charges pending. Indeed, the Victim in this case remains invested in the outcome, and desires to see accountability on behalf of Defendant for the traumatic harm she experienced as a result of Defendant's actions.

Furthermore, there is no requirement to dismiss this case pursuant to Minn. Stat. § 611.49, Subd. 2(d), which states, "if the court finds that there is not a substantial probability that the defendant will attain competency within the foreseeable future, the court must dismiss the case unless: (1) the person is charged with... a crime of violence." That is the case here, as Defendant's charges under Minn. Stat. § 609.343, Criminal Sexual Conduct in the Second Degree, clearly constitute a crime of violence.

Finally, the judicial and system resources expended once yearly is not great in light of the seriousness of this case and the continued risk Defendant poses to public safety. The State reasonably intends to prosecute Defendant for violently sexually assaulting a hearing-impaired woman at her place of employment. Defendant demonstrated behavior for which he should be held accountable; the length of his civil commitment does not diminish the egregiousness of the crime committed by Defendant. Therefore, the interests of justice dictate that these charges must not be dismissed.

**CONCLUSION**

For the foregoing reasons, the interests of justice are not served by dismissal of this case.

Thus, the State respectfully asks the court to deny Defendant's motion to dismiss in its entirety.

Respectfully submitted,

MARY F. MORIARTY  
Hennepin County Attorney



By: \_\_\_\_\_  
Amy Blagoev (0387619)  
Assistant County Attorney  
Attorney for Plaintiff  
C2100 Government Center  
Minneapolis, MN 55487  
Telephone: (612) 543-1093

Dated: February 12, 2024

MINNESOTA  
JUDICIAL  
BRANCH

27-CR-23-1886

10008-111913

PROBATE/MENTAL HEALTH DIVISION  
FOURTH JUDICIAL DISTRICT COURT  
C-400 HENNEPIN COUNTY GOVERNMENT CENTER  
MINNEAPOLIS, MINNESOTA 55487-0340

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7720 UPTON AVE S  
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*Filed in District Court  
State of Minnesota*

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CC: 554870340  
\*2878-02835-03-24



State of Minnesota  
Hennepin CountyDistrict Court  
Fourth Judicial DistrictCourt File Number: 27-CR-17-1555;  
27-CR-17-8342

Case Type: Crim/Traf Mandatory

**Notice of Remote Zoom Hearing****ADRIAN MICHAEL WESLEY  
7720 UPTON AVE S  
RICHFIELD MN 55423**

State of Minnesota vs ADRIAN MICHAEL WESLEY

You are notified this matter is set for a remote hearing. This hearing will not be in person at the courthouse.

<i>Hearing Information</i>
<b>March 20, 2024</b> <b>Evidentiary Hearing</b> <b>9:00 AM</b>

**The hearing will be held via Zoom and appearance shall be by video unless otherwise directed** with Judicial Officer George Borer, Hennepin County District Court.

If you fail to appear a warrant may be issued for your arrest.

The Minnesota Judicial Branch uses strict security controls for all remote technology when conducting remote hearings.

You must:

- Notify the court if your address, email, or phone number changes.
- Be fully prepared for the remote hearing. If you have exhibits you want the court to see, you must give them to the court before the hearing. Visit <https://www.mncourts.gov/Remote-Hearings.aspx> for more information and options for joining remote hearings, including how to submit exhibits.
- Contact the court at 612-348-2040 if you do not have access to the internet, or are unable to connect by video.
- If you need an interpreter, contact the court before the hearing date to ask for one.
- If you cannot afford to hire a lawyer and would like to apply for a court-appointed attorney before this appearance visit <https://pdapplication.courts.state.mn.us> or scan the QR code to start the application.





**To join by internet:**

1. Type <https://zoomgov.com/join> in your browser's address bar.
2. Enter the **Meeting ID and Meeting Passcode (if asked):**  
**Meeting ID: 161 908 6006**  
**Passcode: 692591**
3. Update your name by clicking on your profile picture. If you are representing a party, add your role to your name, for example, John Smith, Attorney for Defendant.
4. Click the **Join Audio** icon in the lower left-hand corner of your screen.
5. Click **Share Video**.

Para obtener más información y conocer las opciones para participar en audiencias remotas, incluido cómo enviar pruebas, visite [www.mncourts.gov/Remote-Hearings](http://www.mncourts.gov/Remote-Hearings).

Booqo [www.mncourts.gov/Remote-Hearings](http://www.mncourts.gov/Remote-Hearings) oo ka eego faahfaahin iyo siyaabaha aad uga qeybgeli karto dacwad-dhageysi ah fogaan-arag, iyo sida aad u soo gudbineyso wixii caddeymo ah.

**To receive an eReminder for future court dates via e-mail or text, visit [www.mncourts.gov/Hearing-eReminders.aspx](http://www.mncourts.gov/Hearing-eReminders.aspx) or scan the QR code to enroll.**



Dated: March 19, 2024

Sara Gonsalves  
Hennepin County Court Administrator  
300 South Sixth Street  
Minneapolis MN 55487-0419  
612-348-2040

cc:

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
PROBATE/MENTAL HEALTH DIVISION**

State of Minnesota,  
Plaintiff,

Court File No. 27-CR-17-1555,  
27-CR-17-8342

v.

Adrian Michael Wesley,  
Defendant.

**ORDER DENYING MOTION**

This matter came on for hearing before the undersigned referee of district court on March 20, 2024, pursuant to the Defendant's Motion to Dismiss in the Interests of Justice filed on January 31, 2024. The matter was continued from February 13, 2024. The hearing was held remotely using the Zoom internet platform. Amy Blagoev, Assistant Hennepin County Attorney, represented the Plaintiff. The Defendant appeared from the Forensic Mental Health Program and was represented by Julius Nolen, Assistant Hennepin County Public Defender. Also present was Gina Alvarado, American Sign Language Court Interpreter.

Defense filed the Motion under Minn. Stat § 611.46. to dismiss the matters in the interests of justice. Based upon the arguments of counsel, all the files, records, and proceedings herein, and the adjudicated facts in this file, the undersigned referee makes the following recommendation:

**FINDINGS OF FACT**

1. Adrian Michael Wesley, hereafter Defendant, was charged in 27-CR-17-1555 with Criminal Sexual Conduct-2<sup>nd</sup> Degree-Fear Great Bodily Harm, from an event alleged to have occurred on or around January 15, 2017. Defendant was charged in 27-CR-17-8342 with Damage to Property 1<sup>st</sup> Degree-Value Reduced Over \$1,000, for an event alleged to have occurred on March 5, 2017.

2. Pursuant to Court Orders dated January 20, 2017, probable cause was found.
3. A Notice of Intent to Prosecute was filed on February 23, 2017.
4. Defendant's competency to proceed was assessed in reports filed on October 19, 2017; April 16, 2018; October 15, 2018; April 18, 2019; October 20, 2019; May 7, 2021; October 22, 2021; April 20, 2022; January 4, 2023; and June 29, 2023.
5. Defendant has been found incompetent 12 times, most recently by the Court on January 9, 2024 by the Honorable Judge Michael K. Browne.
6. Previously, Defendant challenged the opinion of Dr. Jason Lewis, dated October 1, 2019 that Defendant was competent to proceed and a contested competency hearing was held. In the Court Order filed May 8, 2020, the Court found Defendant incompetent to proceed. That finding was by the greater weight of the evidence.
7. On June 23, 2023 Dr. Soniya Hirachan, M.D., Executive Medical Director, filed a letter with the Court indicating that the Department of Human Services was modifying its practice around opinions regarding competency proceed regarding a "non-restorable defendant who remains in a DHS treatment facility." The letter continues, that should Defendant's treatment team "note a change in this patient's presentation in the future such that another competency evaluation may be indicated, an updated report will be completed by a DHS examiner and filed with the Court."
8. The Court has previously opined based on prior Court Examiner's opinions that Defendant's "clinical presentation is complex due to his long standing and well-documented history of neurodevelopmental deficits and intellectual disabilities which contribute to problems with emotional regulation and behavioral control as well as his

ability to communicate effectively his thoughts and emotions.” Court Order filed May 8, 2020.

9. Defendant is subject to civil commitment as a Person Who is Mentally Ill and Dangerous to the Public, and as a Person With a Developmental Disability, in Court File No. 27-MH-PR-17-175.
10. Defendant’s counsel filed a Notice of Motion to Dismiss in the Interests of Justice (“Motion To Dismiss”) on January 31, 2024.
11. The Motion to Dismiss states that Defendant’s diagnosis is Unspecified Schizophrenia Spectrum and Other Psychotic Disorder; Other Specified Neurodevelopmental Disorder Associated with prenatal Alcohol Exposure and Language Deprivation; Intellectual Developmental Disorder, mild; and Illiteracy and Low-Level Literacy. *Id.* at 2. Defendant additionally has the medical diagnosis of Fetal Alcohol Spectrum Disorder. *Id.*
12. Defendant’s counsel cites to Respondent’s confinement in jail for 194 days in pretrial detention and a pretrial confinement in the hospital pursuant to a Mentally Ill and Dangerous commitment. *See* Motion To Dismiss, pp. 1- 2. According to his counsel, Defendant’s pretrial credit would satisfy the presumptive guideline sentence of 90 months. *Id.* Counsel further notes that Defendant has been in the custody of either law enforcement or human services since January 15, 2017. *Id.* The Motion to Dismiss further states that Defendant has his next review for civil commitment as a developmentally disabled person in December 2025. *Id.*
13. Defense cites Defendant’s “history and reports,” as reason for dismissal. Motion To Dismiss, p. 3.

14. Defense informed the Court that they were also requesting dismissal under the general criminal dismissal statute Minn. Stat. § 631.21.

15. The State argues that the interests of justice are not served by dismissal of the charges against the Defendant arguing that it is possible that another examiner could find the Defendant incompetent to proceed, as has happened in the past, and that there is no discernible prejudice to Defendant to continue to have these charges pending.

### CONCLUSIONS OF LAW

Regarding the Defense Motion to Dismiss in the Interests of Justice, this Court finds that Minn. Stat. § 611.46, subd. 8, does apply to these proceedings, but notes that the statute was not effective until April 1, 2024. The statute states “Counsel for the defendant may bring a motion to dismiss the proceedings in the interest of justice at any stage of proceedings.”

The Court does not find the interests of justice are served by dismissal of the charges. The State notes that the Victim in this case remains invested in the outcome, and desires to see accountability on behalf of Defendant for the traumatic harm she experienced as result of Defendant’s actions. Memorandum in Response and Opposition to Defendant’s Motion to Dismiss, p. 4. Pursuant to Minn. Stat. § 611.46 SUBD. 8(d), p. 2. At the hearing, Defendant’s Counsel argues that Defendant experienced apprehension, fixation, and concern regarding his criminal charges. In prior orders, the Court has expounded upon the changes to the competency curriculum and how for this Defendant, it has increased his familiarity with legal proceedings. *See* Court Order filed May 8, 2020, p. 4-5. No additional evidence was brought forward permitting the Court to weigh or compare the anguish felt by Defendant versus that felt by the Victim. The Court notes the Victim in this matter was the victim of a violent sexual assault at her place of employment.

Defendant's counsel also brought the Motion for Dismissal Pursuant to Minn. Stat. § 631.21, which states, "[t]he court may order a criminal action, whether prosecuted upon indictment or complaint, to be dismissed. The court may order dismissal of an action either on its own motion or upon motion of the prosecuting attorney and in furtherance of justice. If the court dismisses an action, the reasons for the dismissal must be set forth in the order and entered upon the minutes. The recommendations of the prosecuting officer in reference to dismissal, with reasons for dismissal, must be stated in writing and filed as a public record with the official files of the case."

On page 3 of its brief, the Defense relies upon *Matter of Opiacha*, 943 N.W.2d 220 (Minn. Ct. App. 2020) for the principle that "due process requires that the nature and duration of commitment bear some reasonable relation to the purpose for which the individual is committed." *Opiacha*, 943 N.W.2d 220, 226 (Minn. Ct. App. 2020)(quoting *Jackson v. Indiana*, 406 U.S. 715, 738, (1972)). The Court should engage in an assessment of Mr. Wesley's circumstances to determine if his current status at the Forensic Mental Health Program bares a reasonable relationship to his treatment needs. Accordingly, the Court adopted the test outlined in *Opiacha*: "The reasonable-relationship requirement is satisfied if a committed person 'is confined for only so long as he or she continues both to need further inpatient treatment and supervision for his ... disorder and to pose a danger to the public.' Call v. Gomez, 535 N.W.2d 312, 319 (Minn. 1995)." *Opiacha*, 943 N.W.2d 220, 226–27 (Minn. Ct. App. 2020). Taking into consideration that Mr. Wesley's civil commitment is indefinite in 27-MH-PR-17-1255 with specific psychiatric treatment needs; there was sufficient reliable information presented for the Court to find that the Defendant needs treatment, requires supervision, and continues to pose a risk to public safety. Accordingly, the nature and duration of Defendant's detention bares a reasonable relationship to the purpose for his detention.

**CONCLUSION**

In summary, this Court does not find the Defendant's argument persuasive that due to his repeated findings of incompetency and due to his prognosis, there is no likelihood that he will be restored to competence, and the charges should be dismissed. There is not a set metric for the number of times when a Respondent will be determined incompetent to proceed for a dismissal in the interest of justice. At this time, the Victim in this case remains invested in the outcome of this case. Defendant is charged with a crime of violence, Criminal Sexual Conduct in the Second Degree. The State has filed the appropriate intent to prosecute. The length of his indeterminate commitment and treatment as part of the civil commitment process, coupled with Defendant's diagnosis does not alter the crime committed by Defendant.

**ORDER**

The Defense's Motion to Dismiss in the Interests of Justice filed on January 31, 2024 2024, is **DENIED**.

Order Recommended by:



Borer, George  
Apr 11 2024 8:35 AM

Referee of District Court

**BY THE COURT:**



Dayton Klein, Julia  
Apr 11 2024 9:22 AM

Judge of District Court



**MINNESOTA  
JUDICIAL BRANCH  
MINNESOTA COURT RECORDS ONLINE (MCRO)**

**Case Details (Register of Actions)**

Search executed on 04/30/2024 07:02 AM

**27-CR-17-8342****Upcoming Hearing:**Review Hearing on **07/09/2024** at **1:30 PM****Case Information****Case Number:** 27-CR-17-8342**Case Title:** State of Minnesota vs ADRIAN MICHAEL WESLEY**Case Type:** Crim/Traf Mandatory**Date Filed:** 04/05/2017**Case Location:** Hennepin County, Hennepin Criminal Downtown**Judicial Officer:** Meyer, Kerry**Case Status:** Dormant**Related Cases**

27-MH-PR-17-175

**Party Information****Jurisdiction**

State of Minnesota

**Attorneys Active**

- **BLAGOEV, AMY LOUISE** - Lead Attorney
- BALMAKUND, ZURIZADAI

**Attorneys Inactive**

- PETOSKY, ANNA MARIE
- STEPHENSON, ZACHARY LEE

**Defendant****WESLEY, ADRIAN MICHAEL**

DOB: 03/15/1991

Richfield, MN 55423

**Attorneys Active**

- **NOLEN, JULIUS ANTHONY** - Lead Attorney
- Herlofsky, Susan

**Attorneys Inactive**

- HOGAN, ELIZABETH ANNE
- KOLSTAD, ROBERT JOSEPH



## Warrants

### Inactive Warrants

WESLEY, ADRIAN MICHAEL Arrest, Complaint, Order of Detention

Judicial Officer: Caligiuri, Hilary L.

04/05/2017 04:51 PM Status: Warrant Cleared by Wt Office

04/05/2017 03:47 PM Status: Issued Active

Bond/Bail Options

Bond or Cash Bail

Amount: \$3,000.00

## Charges

1

Damage to Prop-1st Deg-Value Reduced Over \$1000

**Statute:** 609.595.1(3)

**Additional Statute:** Damage to Property-1st Degree (609.595.1)

**Level of Charge:** Felony

**Offense Date:** 03/05/2017

**Community Of Offense:** Minneapolis

**Law Enforcement Agency:** Hennepin County Sheriff's Office

**Prosecuting Agency:** Hennepin County Attorney

## Interim Conditions

04/06/2017

Interim conditions for WESLEY, ADRIAN MICHAEL

Judicial Officer: Anderson, Jamie L.

- Post Bond without conditions  
\$3,000.00

## Case Events

04/11/2024

Order Denying Motion

Judicial Officer: Dayton Klein, Julia

Index #83



6 pages

03/20/2024

Interpreter Requested At Hearing

Party: Defendant WESLEY, ADRIAN MICHAEL

03/20/2024






Taken Under Advisement

Judicial Officer: Borer, George






Index #82



03/20/2024

Hearing Held Remote

<b>03/19/2024</b>	Notice of Remote Hearing with Instructions Index #81	 <i>2 pages</i>
<b>02/13/2024</b>	Request for Continuance Index #80	
<b>02/13/2024</b>	Hearing Held Remote	
<b>02/13/2024</b>	Returned Mail Index #79	 <i>1 page</i>
<b>01/31/2024</b>	Notice of Motion and Motion Index #78	 <i>4 pages</i>
<b>01/09/2024</b>	Notice of Remote Hearing with Instructions Index #77	 <i>2 pages</i>
<b>01/09/2024</b>	Request for Interpreter Judicial Officer: Browne, Michael K Party: Defendant WESLEY, ADRIAN MICHAEL Index #76	
<b>01/09/2024</b>	Request for Interpreter Judicial Officer: Browne, Michael K Party: Defendant WESLEY, ADRIAN MICHAEL Index #75	
<b>01/09/2024</b>	Notice of Remote Hearing with Instructions Index #74	 <i>2 pages</i>
<b>01/09/2024</b>	Found Incompetent Judicial Officer: Browne, Michael K	
<b>01/09/2024</b>	Fail to Appear at a hearing	
<b>01/09/2024</b>	Hearing Held Remote	
<b>07/10/2023</b>	Found Incompetent Judicial Officer: Mercurio, Danielle	
<b>07/10/2023</b>	Waiver of Appearance Index #73	
<b>07/06/2023</b>	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #72	
<b>06/29/2023</b>	Rule 20 Progress Report	

Index #71

<b>01/19/2023</b>	Found Incompetent	
<b>01/19/2023</b>	Waiver of Appearance Index #70	
<b>01/10/2023</b>	Hearing Held Remote	
<b>01/04/2023</b>	Rule 20 Progress Report Index #69	
<b>12/27/2022</b>	Order-Other Judicial Officer: Browne, Michael K Index #68	 2 pages
<b>12/27/2022</b>	Proposed Order or Document Index #67	 2 pages
<b>12/27/2022</b>	Correspondence for Judicial Approval Index #66	 2 pages
<b>12/20/2022</b>	Exhibit List Index #65	 1 page
<b>10/13/2022</b>	Request for Continuance Index #64	
<b>05/06/2022</b>	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #63	
<b>05/06/2022</b>	Found Incompetent Judicial Officer: Janzen, Lisa K	
<b>05/06/2022</b>	Waiver of Appearance Index #62	
<b>04/20/2022</b>	Rule 20 Progress Report Index #61	
<b>02/17/2022</b>	Order-Evaluation for Competency to Proceed (Rule 20.01) Judicial Officer: Janzen, Lisa K Index #60	 2 pages
<b>11/09/2021</b>	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #59	

11/09/2021	Found Incompetent Judicial Officer: Janzen, Lisa K	
11/09/2021	Pandemic Event	
11/09/2021	Waiver of Appearance Index #58	
10/22/2021	Rule 20 Progress Report Index #57	
05/11/2021	Order-Other Judicial Officer: Janzen, Lisa K Index #56	 1 page
05/11/2021	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #55	
05/11/2021	Found Incompetent Judicial Officer: Janzen, Lisa K	
05/11/2021	Pandemic Event	
05/11/2021	Waiver of Appearance Index #54	
05/07/2021	Rule 20 Progress Report Index #53	
11/10/2020	Found Incompetent Judicial Officer: Janzen, Lisa K	
11/10/2020	Waiver of Appearance Index #51	
11/10/2020	Request for Interpreter Judicial Officer: Janzen, Lisa K Party: Defendant WESLEY, ADRIAN MICHAEL Index #50	
11/02/2020	Rule 20 Progress Report Index #49	
05/08/2020	Find of Fact-Order, Pet Commitment-Dfd Found Incompetent Judicial Officer: Janzen, Lisa K Index #48	 7 pages
05/08/2020	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #47	

05/08/2020	Found Incompetent Judicial Officer: Janzen, Lisa K	
02/26/2020	Cancel Interpreter	
02/26/2020	Cancel Interpreter	
02/10/2020	Request for Interpreter Judicial Officer: Janzen, Lisa K Party: Defendant WESLEY, ADRIAN MICHAEL Index #46	
02/10/2020	Taken Under Advisement Judicial Officer: Janzen, Lisa K Index #45	
01/24/2020	Order to Transport Judicial Officer: Janzen, Lisa K Index #44	 1 page
01/23/2020	Order-Other Judicial Officer: Janzen, Lisa K Index #43	 2 pages
01/23/2020	Proposed Order or Document Index #42	 2 pages
01/23/2020	Notice of Motion and Motion Index #41	 2 pages
10/22/2019	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #40	
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10/21/2019	Cancel Interpreter	
10/02/2019	Rule 20 Progress Report Index #36	
10/02/2019	Order to Transport Judicial Officer: Lamas, Carolina A. Index #35	 1 page
10/02/2019	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #37	

**10/02/2019** Request for Interpreter  
Party: Defendant WESLEY, ADRIAN MICHAEL  
Index #38

**05/07/2019** Request for Interpreter  
Judicial Officer: Lamas, Carolina A.  
Party: Defendant WESLEY, ADRIAN MICHAEL  
Index #33

**05/07/2019** Found Incompetent  
Judicial Officer: Lamas, Carolina A.

**04/08/2019** Rule 20 Progress Report  
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**04/08/2019** Rule 20 Report Distributed

**03/13/2019** Order to Transport  
Judicial Officer: Lamas, Carolina A.  
Index #30



1 page

**11/06/2018** Found Incompetent  
Judicial Officer: Lamas, Carolina A.

**10/23/2018** Order to Transport  
Index #29



1 page

**10/16/2018** Notice of Intent to Prosecute  
Index #28



1 page

**10/15/2018** Rule 20 Progress Report  
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**09/06/2018** Request for Interpreter  
Party: Defendant WESLEY, ADRIAN MICHAEL  
Index #26

**05/01/2018** Found Incompetent  
Judicial Officer: Lamas, Carolina A.

**04/16/2018** Rule 20 Progress Report  
Index #24

**04/16/2018** Rule 20 Report Distributed

**03/26/2018** Order to Transport  
Judicial Officer: Lamas, Carolina A.  
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1 page

**01/04/2018** Order to Transport  
Judicial Officer: Lamas, Carolina A.

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11/02/2017	Report-Other Index #21
10/31/2017	Found Incompetent Judicial Officer: Lamas, Carolina A.
10/31/2017	Request for Interpreter Judicial Officer: Lamas, Carolina A. Party: Defendant WESLEY, ADRIAN MICHAEL Index #20
10/19/2017	Rule 20 Progress Report Index #17
10/19/2017	Rule 20 Report Distributed
08/23/2017	Order to Transport Judicial Officer: Lamas, Carolina A. Index #16
04/12/2017	Pre-Plea Worksheet Index #15
04/11/2017	Bail to stand as previously ordered
04/11/2017	Find of Fact-Order, Pet Commitment-Dfd Found Incompetent Judicial Officer: Lamas, Carolina A. Index #13
04/11/2017	Found Incompetent Judicial Officer: Lamas, Carolina A.
04/11/2017	Request for Interpreter Judicial Officer: Lamas, Carolina A. Party: Defendant WESLEY, ADRIAN MICHAEL Index #14
04/06/2017	Statement of Rights Index #10
04/06/2017	Identity Verified
04/06/2017	Order Granting Public Defender Judicial Officer: Anderson, Jamie L. Index #9



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<b>04/06/2017</b>	Request for Interpreter Judicial Officer: Anderson, Jamie L. Party: Defendant WESLEY, ADRIAN MICHAEL Index #11
<b>04/06/2017</b>	Order-Evaluation for Competency to Proceed (Rule 20.01) Judicial Officer: Anderson, Jamie L. Index #7
<b>04/06/2017</b>	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #5
<b>04/06/2017</b>	Bail Study Index #3
<b>04/05/2017</b>	Warrant Cleared by Wt Office
<b>04/05/2017</b>	Warrant Issued Index #2
<b>04/05/2017</b>	E-filed Comp-Warrant Index #1



4 pages

## Hearings

### Upcoming Hearings

**07/09/2024 01:30 PM** Review Hearing  
Judicial Officer: Olson, Joel  
Location: GC-C559

### Previous Hearings

**03/20/2024 09:00 AM** Evidentiary Hearing **Result: Held On the Record**  
Judicial Officer: Borer, George  
Location: GC-C456

**02/13/2024 01:30 PM** Hearing **Result: Held On the Record**  
Judicial Officer: Mercurio, Danielle  
Location: GC-C556

**01/09/2024 01:30 PM** Review Hearing **Result: Held On the Record**  
Judicial Officer: Browne, Michael K  
Location: GC-C459

**07/11/2023 01:30 PM** Review Hearing  
Judicial Officer: Mercurio, Danielle  
Location: GC-C556  
Cancelled; Other

**01/31/2023 01:30 PM** Hearing  
Judicial Officer: Dayton Klein, Julia  
Location: GC-C559  
Cancelled; Settled



<b>01/10/2023</b>	<b>01:30 PM</b>	<p>Hearing</p> <p>Judicial Officer: Borer, George</p> <p>Location: GC-C456</p> <p>Date Updated: 10/13/2022</p> <p>Continued to 01/10/2023 01:30 PM - Other - WESLEY, ADRIAN MICHAEL; State of Minnesota</p> <p>Original Hearing Date: 11/08/2022 01:30 PM</p>	<b>Result:</b> Held On the Record
<b>05/10/2022</b>	<b>01:30 PM</b>	<p>Hearing</p> <p>Judicial Officer: Janzen, Lisa K</p> <p>Location: GC-C857</p> <p>Cancelled; Other</p>	
<b>11/09/2021</b>	<b>01:30 PM</b>	<p>Hearing</p> <p>Judicial Officer: Janzen, Lisa K</p> <p>Location: GC-C857</p> <p>Cancelled; Other</p>	
<b>05/11/2021</b>	<b>01:30 PM</b>	<p>Hearing</p> <p>Judicial Officer: Janzen, Lisa K</p> <p>Location: GC-C853</p> <p>Cancelled; Other</p>	
<b>11/10/2020</b>	<b>01:30 PM</b>	<p>Hearing</p> <p>Judicial Officer: Janzen, Lisa K</p> <p>Location: GC-C853</p>	<b>Result:</b> Held Off the Record
<b>05/12/2020</b>	<b>01:30 PM</b>	<p>Hearing</p> <p>Judicial Officer: Janzen, Lisa K</p> <p>Location: GC-C857</p> <p>Cancelled; Other</p>	
<b>02/10/2020</b>	<b>01:30 PM</b>	<p>Hearing</p> <p>Judicial Officer: Janzen, Lisa K</p> <p>Location: GC-C857</p> <p>Date Updated: 10/22/2019</p> <p>Reset by Court to 02/10/2020 01:30 PM - Other</p> <p>Date Updated: 10/21/2019</p> <p>Reset by Court to 11/05/2019 01:30 PM - Other</p> <p>Date Updated: 10/02/2019</p> <p>Reset by Court to 10/22/2019 01:30 PM - Other</p> <p>Original Hearing Date: 11/05/2019 01:30 PM</p>	<b>Result:</b> Held On the Record
<b>05/07/2019</b>	<b>01:30 PM</b>	<p>Hearing</p> <p>Judicial Officer: Lamas, Carolina A.</p> <p>Location: GC-C857</p>	<b>Result:</b> Held
<b>11/06/2018</b>	<b>01:30 PM</b>	<p>Hearing</p> <p>Judicial Officer: Lamas, Carolina A.</p> <p>Location: GC-C857</p>	<b>Result:</b> Held
<b>05/01/2018</b>	<b>01:30 PM</b>	<p>Hearing</p> <p>Judicial Officer: Lamas, Carolina A.</p> <p>Location: GC-C857</p>	<b>Result:</b> Held
<b>10/31/2017</b>	<b>01:30 PM</b>	<p>Hearing</p> <p>Judicial Officer: Lamas, Carolina A.</p> <p>Location: GC-C857</p>	<b>Result:</b> Held

Date Updated: 07/31/2017  
Reset by Court to 10/31/2017 01:30 PM - Other

Original Hearing Date: 08/22/2017 01:30 PM

**04/11/2017 01:30 PM**

Hearing  
Judicial Officer: Lamas, Carolina A.  
Location: GC-C857

**Result:** Held

Date Updated: 04/06/2017  
Reset by Court to 04/11/2017 01:30 PM - Other

Original Hearing Date: 05/16/2017 01:30 PM

**04/06/2017 01:30 PM**

First Appearance  
Judicial Officer: Anderson, Jamie L.  
Location: PSF 143

**Result:** Held

Date Updated: 04/06/2017  
Reset by Court to 04/06/2017 01:30 PM - Other

Original Hearing Date: 04/06/2017 01:30 PM

Search executed on 04/30/2024 07:02 AM

MINNESOTA  
JUDICIAL  
BRANCH

State of Minnesota  
County of Hennepin

District Court  
4th Judicial District

Prosecutor File No. 17A03060  
Court File No. 27-CR-17-8342

State of Minnesota,

Plaintiff,

vs.

**ADRIAN MICHAEL WESLEY DOB: 03/15/1991**

7720 Upton Ave S  
Richfield, MN 55423

Defendant.

**COMPLAINT**

Warrant

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

**COUNT I**

**Charge: Damage to Prop-1st Deg-Value Reduced Over \$1000**

Minnesota Statute: 609.595.1(3), with reference to: 609.595.1

Maximum Sentence: 5 YEARS AND/OR \$10,000

Offense Level: Felony

Offense Date (on or about): 03/05/2017

Control #(ICR#): 17002675

Charge Description: That on or about 3/5/2017, in Hennepin County, Minnesota, ADRIAN MICHAEL WESLEY intentionally caused damage to physical property belonging to victim, without victim's consent and such damage reduced the value of the property by more than \$1,000 as measured by the cost of repair and/or replacement.

## STATEMENT OF PROBABLE CAUSE

Complainant has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On March 5, 2017, ADRIAN MICHAEL WESLEY ("Defendant") was incarcerated at the Hennepin County Public Safety Facility, 401 S 4th Avenue, Minneapolis, Hennepin County, Minnesota. Defendant, who is deaf, had an ASL Relay Laptop (the "Laptop") in his cell to facilitate communication. The Laptop belonged to Hennepin County. Hennepin County Sheriff's Deputies heard a banging noise coming from Defendant's cell and approached to investigate. Deputies observed Defendant pacing in his cell and further observed that Defendant's knuckles had blood on them. Deputies attempted to communicate with Defendant via written statement, but Defendant would not respond.

Defendant then walked over to his bed and retrieved the Laptop and raised it into the air as if he were going to throw it on the floor. Deputies quickly opened the cell and motioned for Defendant to hand over the Laptop. Defendant instead opened the Laptop. Deputies observed that the glass screen of the Laptop was completely shattered.

Defendant did not have consent to damage the Laptop. The value of the damage as measured by the cost of replacement or repair is \$1,197.45.

Defendant is presently in custody on an unrelated matter. A Warrant is therefore requested.

MINNESOTA  
JUDICIAL  
BRANCH

## SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:  
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or  
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

**Complainant**

Dennis Jahnke  
Detective  
350 S 5th St  
Minneapolis, MN 55415  
Badge: 473

Electronically Signed:  
04/05/2017 03:35 PM  
Hennepin County, MN

Being authorized to prosecute the offenses charged, I approve this complaint.

**Prosecuting Attorney**

Zachary Stephenson  
300 S 6th St  
Minneapolis, MN 55487  
(612) 348-5550

Electronically Signed:  
04/05/2017 03:29 PM

## FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

### ☐ SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ AM/PM before the above-named court at 300 S Sixth Street, Minneapolis, MN 55487 to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

### ☒ WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☒ **Execute in MN Only**

☐ **Execute Nationwide**

☐ **Execute in Border States**

### ☐ ORDER OF DETENTION

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$3,000.00

Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: April 5, 2017.

**Judicial Officer**

Hilary Caligiuri  
District Court Judge

Electronically Signed: 04/05/2017 03:45 PM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF HENNEPIN  
STATE OF MINNESOTA**

**State of Minnesota**

Plaintiff

vs.

**ADRIAN MICHAEL WESLEY**

Defendant

**LAW ENFORCEMENT OFFICER RETURN OF SERVICE**  
I hereby Certify and Return that I have served a copy of this Warrant upon the Defendant herein named.

Signature of Authorized Service Agent:

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

)

**FINDINGS OF FACT**

Plaintiff,

)

**CONCLUSIONS OF LAW**

vs.

)

**AND ORDER INCLUDING****PETITION FOR****JUDICIAL COMMITMENT**

)

Adrian Michael Wesley,

)

MNCIS No: 27-CR-17-8342

)

Defendant.

)

)

)

\* \* \* \* \*

This matter came on for hearing before the undersigned Judge on April 11, 2017. Robert Sorensen, Assistant Hennepin County Attorney, represented the plaintiff on the felony. The Defendant appeared with counsel, Kellie Charles, of the Hennepin County Defender's Office. Pursuant to the evidence adduced at the hearing and upon all of the files, records, and proceedings herein, the Court makes the following:

**FINDINGS OF FACT**

1. The defendant was born on March 15, 1991; resides in a group home, the defendant is not a Veteran; and his nearest kindred who lives in Minnesota is his aunt.
2. The defendant has an open Civil Commitment Case, 27MHPR17175, in Hennepin County that is scheduled for a Settlement Conference on April 12, 2017, at 1:15 pm before referee Anthony Schumacher.
3. The defendant is in custody at the Hennepin County Public Safety Facility.
4. The defendant was charged with the alleged offense of Felony Damage to Property from the date of March 5, 2017. Copies of the complaint and police reports are incorporated herein by reference.

5. On April 6, 2017, Judge Anderson ordered Psychological Services of Hennepin County District Court, to conduct an examination and make an evaluation of the Defendant's mental condition pursuant to Minn.R.Crim.P. 20.01.
6. On February 21, 2017, Judge Carolina A. Lamas found defendant incompetent in file 27-CR-17-1555. In a report to the Court in file 27-CR-17-1555, attached and incorporated herein, Kristen Otte, Psy.D., LP, Senior Clinical Forensic Psychologist, Psychological Services of Hennepin County District Court, determined that the Defendant may be mentally ill or mentally deficient so as to be incompetent to stand trial. The report to the Court from 27-CR-17-1555 shall be incorporated into 27-CR-17-8342.

#### **CONCLUSION OF LAW**

Defendant is presently incompetent to stand trial.

#### **ORDER**


1. Defendant's civil commitment shall continue in accordance with Minnesota Rule of Criminal Procedure 20.01, subdivision 6(b)(1). The civil court should determine whether to add 20.01 safe and secure language to the commitment and begin competency restoration programming.
2. The Criminal proceedings are hereby suspended until the Defendant has returned to a competent state of mind.
3. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with Court within ten days of the date of service.
4. The undersigned shall file this Order with the Fourth Judicial District Court – Criminal Division and the following persons/agencies shall be served with electronic copies of the Order:



- a. Fourth Judicial District Court – Mental Health Division;
  - b. Hennepin County Attorney’s Office – Mental Health Division;
  - c. .Mark Gray – Civil Defense Attorney.
  - d. Hennepin County Attorney’s Office – Criminal Division
5. The Defendant’s next review date in Hennepin County District Court – Criminal Division on the criminal matter and status review of the Rule 20, Minn.R.Crim.P. is August 22, 2017. One week prior to that date, reports regarding Defendant’s competency and mental status shall be prepared by DHS or Fourth Judicial District Court – Psychological Services, and e-filed and e-served to:
- a. Fourth Judicial District Court – Mental Health Division;
  - b. Hennepin County Attorney’s Office – Mental Health Division;
  - c. Mark Gray. – Civil Defense Attorney.
  - d. Hennepin County Attorney’s Office – Criminal Division

BY THE COURT:

DATED: April 11, 2017

  
\_\_\_\_\_  
Carolina A. Lamas  
Judge of District Court  
Fourth Judicial District

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

**TRANSPORT ORDER**

27-CR-17-1555;

27-CR-17-8342

Adrian Michael Wesley,

Defendant.

TO: Richard W. Stanek, Sheriff of Hennepin County, Minnesota

**NOTICE IS HEREBY GIVEN**

**THAT DEFENDANT**, Adrian Michael Wesley, was committed to the Commissioner of Human Services on July 27, 2017, as Mentally Ill and Dangerous. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for October 31, 2017, at 1:30 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT**, Adrian Michael Wesley, shall be transported to the Hennepin County Government Center from the Minnesota Security Hospital on or before October 31, 2017, for an appearance on that date at 1:30 pm.

*Saint Peter*

BY THE COURT:

Dated: August 23, 2017

Carolina A. Lamas  
Judge of District Court

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

**TRANSPORT ORDER**

27-CR-17-1555;

27-CR-17-8342

Adrian Michael Wesley,  
Defendant.

TO: Richard W. Stanek, Sheriff of Hennepin County, Minnesota

**NOTICE IS HEREBY GIVEN**

**THAT DEFENDANT**, Adrian Michael Wesley, was committed to the Commissioner of Human Services on July 27, 2017, as Mentally Ill & Dangerous and Developmentally Disabled. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for Tuesday, May 1, 2018 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT**, Adrian Michael Wesley, shall be transported to the Hennepin County Government Center from the Minnesota Security Hospital, Saint Peter, on or before May 1, 2018 for an appearance on that date at 1:30 pm.

Dated: 01/04/2018

BY THE COURT:

Carolina A. Lamas  
Judge of District Court

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

**TRANSPORT ORDER**

v.

27-CR-17-22909;

27-CR-17-1555; 27-CR-17-8342

Adrian Michael Wesley,

Defendant.

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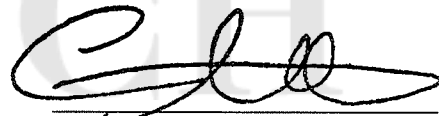
TO: Richard W. Stanek, Sheriff of Hennepin County, Minnesota**NOTICE IS HEREBY GIVEN**

**THAT DEFENDANT**, Adrian Michael Wesley, was committed to the Commissioner of Human Services on February 21, 2017, as Mentally Ill. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for Tuesday, May 1, 2018 at 1:30 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT**, Adrian Michael Wesley, shall be transported to the Hennepin County Government Center from the Minnesota Security Hospital – Saint Peter, to the Hennepin County Government Center for a court appearance in Courtroom 857, on or before May 1, 2018.

BY THE COURT:



Carolina A. Lamas  
Judge of District Court

Dated: 03/26/2018

**STATE OF MINNESOTA****DISTRICT COURT****COUNTY OF HENNEPIN****FOURTH JUDICIAL DISTRICT**

State of Minnesota,

**STATE'S NOTICE OF  
INTENT TO PROSECUTE**

Plaintiff,

vs.

Court Case No. 27-CR-17-8342

C.A. Case No. 17A03060

ADRIAN MICHAEL WESLEY,


Defendant.

---

TO: THE COURT AND COUNSEL FOR THE ABOVE-NAMED DEFENDANT

PLEASE BE ADVISED that pursuant to Minnesota Rules of Criminal Procedure 20.01, Subdivision 6, the State of Minnesota intends to continue prosecution of above-named Defendant if Defendant is restored to competency.

Respectfully submitted,

MICHAEL O. FREEMAN  
Hennepin County Attorney 10/16/2018Anna Petosky(0388163)  
Assistant County Attorney  
C2300 Government Center  
300 South Sixth Street  
Minneapolis, MN 55487  
Telephone: 612-348-4101

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

**TRANSPORT ORDER**

v.

27-CR-17-8342; 27-CR-17-22909

27-CR-17-1555

Adrian Michael Wesley,

Defendant.

---

TO: Richard W. Stanek, Sheriff of Hennepin County, Minnesota**NOTICE IS HEREBY GIVEN**

**THAT DEFENDANT**, Adrian Michael Wesley, was committed to the Commissioner of Human Services as Mentally Ill. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for Tuesday, November 6, 2018, 2018 at 1:30 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT**, Adrian Michael Wesley, shall be transported to the Hennepin County Government Center from the Minnesota Security Hospital – Saint Peter, on or before November 6, 2018 for a court appearance in Courtroom 857 at 1:30pm.

Dated: 10/23/2018

BY THE COURT:

Carolina A. Lamas  
Judge of District Court

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

**TRANSPORT ORDER**

27-CR-17-1555;

27-CR-17-8342; 27-CR-17-22909

Adrian Michael Wesley,  
Defendant.

TO: David P. Hutchinson, Sheriff of Hennepin County, Minnesota

**NOTICE IS HEREBY GIVEN**

**THAT DEFENDANT, Adrian Michael Wesley,** was committed to the Commissioner of Human Services as Mentally Ill. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for Tuesday, May 7, 2019 at 1:30 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT, Adrian Michael Wesley,** shall be transported to the Hennepin County Government Center from the Minnesota Security Hospital – Saint Peter, on or before May 7, 2019 for a court appearance in Courtroom 857 at 1:30pm.

Dated: 03/13/2019

BY THE COURT:

Carolina A. Lamas  
Judge of District Court

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

**TRANSPORT ORDER**

27-CR-17-1555; 27-CR-17-8342

27-CR-17-22909

Adrian Michael Wesley,  
Defendant.

TO: David P. Hutchinson, Sheriff of Hennepin County, Minnesota

**NOTICE IS HEREBY GIVEN**

**THAT DEFENDANT, Adrian Michael Wesley,** was committed to the Commissioner of Human Services as Mentally Ill. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for Tuesday, October 22, 2019 at 1:30 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT, Adrian Michael Wesley,** shall be transported to the Hennepin County Government Center from Minnesota Security Hospital – Saint Peter, on or before October 22, 2019 for a court appearance in Courtroom 857 at 1:30pm.

Dated: 10/02/2019

BY THE COURT:

Carolina A. Lamas  
Judge of District Court



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

**STATE'S NOTICE OF MOTIONS  
AND PRETRIAL MOTIONS**

vs.

Court Case No. 27-CR-17-1555;  
27-CR-17-22909; and 27-CR-17-8342

Adrian Michael Wesley,

Defendant.

---

**TO: JUDGE OF DISTRICT COURT, ATTORNEY FOR THE DEFENDANT, and  
DEFENDANT.**

PLEASE TAKE NOTICE that the State hereby moves the Court for the following relief:

For an Order directing the Forensic Mental Health Program in St. Peter to produce to Counsel copies of records relied upon in preparing the Competency Evaluation dated 10/1/2019, in the above-captioned matters. This request does not include police reports, court records, and previous competency evaluations as identified in lines 1-16 of the enumerated Information Sources section of the report, since Counsel already has access to those items.

**MOTION**

On October 2, 2019, a Competency Evaluation was filed in District Court relating to the above captioned cases. In that report, the Examiner, Dr. Jason Lewis, opined that Mr. Wesley has regained competency to proceed in this matter. Defendant has demanded a hearing to challenge that finding. The hearing is scheduled for February 10, 2020. The State has reached out to the forensic services division at the State Hospital in St. Peter to request copies of documents that Dr. Lewis relied upon in preparing the evaluation, and was advised that a Court Order would be required to release the records. Copies of these records are required to prepare for and proceed with the competency hearing. Therefore, the State requests that the Court enter an Order permitting release of the requested records to the parties in this matter.

I have conferred with counsel for the Defense, Julius Nolen, and he does not object to this motion.

Date: January 23, 2020

Respectfully submitted,

MICHAEL O. FREEMAN  
Hennepin County Attorney



Anna Petosky (#388163)  
Assistant County Attorney  
C2100 GOVERNMENT CENTER  
300 SOUTH SIXTH STREET  
Minneapolis, MN 55487  
Telephone: 612-348-4101

MINNESOTA  
JUDICIAL  
BRANCH

**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN**

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**

State of Minnesota,

Plaintiff,

vs.

Adrian Michael Wesley,

Defendant.

**FINDINGS AND ORDER**

Court Case No. 27-CR-17-1555;  
27-CR-17-22909; and 27-CR-17-8342

WHEREAS, the Court finds that:

1. Pursuant to Minn. Stat. 611.026 and Minnesota Rule of Criminal Procedure 20.01, a Competency Hearing is scheduled for February 10, 2020, in the above matters.
2. The report and testimony of Dr. Jason Lewis from the Forensic Mental Health Program – St. Peter will be important pieces of evidence in that proceeding.
3. The requested records will assist in determining whether Defendant has competency to proceed with criminal prosecution.
4. The public interest and the need for disclosure of the records in this case outweigh any possible injury to the patient, to the physician-patient relationship, and to the treatment services.

**IT IS THEREFORE ORDERED THAT:**

1. Forensic Mental Health Program – St. Peter shall produce all sources of information referenced in Dr. Jason Lewis's Competency Evaluation dated October 1, 2019, including medical records and any collateral documentation, notes, and other information pertinent to the findings therein. This order does not include documents which the parties already have access to, such as the police reports, court records, and prior competency evaluations (Information Sources 1-16 referenced in the report).
2. Forensic Mental Health Program – St. Peter shall provide this information within ten days of receiving this Order.
3. Forensic Mental Health Program – St. Peter shall provide the documents either by hard copy or electronically to the following addresses:

Anna Petosky  
Assistant Hennepin County Attorney  
HCAO Adult Prosecution Division, A2100

300 South Sixth Street  
Minneapolis, MN 55487

Julius Nolen  
Assistant Hennepin County Public Defender  
701 Fourth Ave. South, Suite 1400  
Minneapolis, MN 55415-1600

**BY THE COURT:**

\_\_\_\_\_  
Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

**FINDINGS AND ORDER**

Plaintiff,

vs.

Court Case No. 27-CR-17-1555;  
27-CR-17-22909; and 27-CR-17-8342

Adrian Michael Wesley,

Defendant.

WHEREAS, the Court finds that:

1. Pursuant to Minn. Stat. 611.026 and Minnesota Rule of Criminal Procedure 20.01, a Competency Hearing is scheduled for February 10, 2020, in the above matters.
2. The report and testimony of Dr. Jason Lewis from the Forensic Mental Health Program – St. Peter will be important pieces of evidence in that proceeding.
3. The requested records will assist in determining whether Defendant has competency to proceed with criminal prosecution.
4. The public interest and the need for disclosure of the records in this case outweigh any possible injury to the patient, to the physician-patient relationship, and to the treatment services.

**IT IS THEREFORE ORDERED THAT:**

1. Forensic Mental Health Program – St. Peter shall produce all sources of information referenced in Dr. Jason Lewis's Competency Evaluation dated October 1, 2019, including medical records and any collateral documentation, notes, and other information pertinent to the findings therein. This order does not include documents which the parties already have access to, such as the police reports, court records, and prior competency evaluations (Information Sources 1-16 referenced in the report).
2. Forensic Mental Health Program – St. Peter shall provide this information within ten days of receiving this Order.
3. Forensic Mental Health Program – St. Peter shall provide the documents either by hard copy or electronically to the following addresses:


Anna Petosky  
Assistant Hennepin County Attorney  
HCAO Adult Prosecution Division, A2100

300 South Sixth Street  
Minneapolis, MN 55487

Julius Nolen  
Assistant Hennepin County Public Defender  
701 Fourth Ave. South, Suite 1400  
Minneapolis, MN 55415-1600

BY THE COURT:

4/23/2020

  
\_\_\_\_\_  
Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

**TRANSPORT ORDER**27-CR-17-1555; 27-CR-17-22909;  
27-CR-17-8342Adrian Michael Wesley,  
Defendant.

TO: David P. Hutchinson, Sheriff of Hennepin County, Minnesota

**NOTICE IS HEREBY GIVEN**

**THAT DEFENDANT, Adrian Wesley**, was committed to the Commissioner of Human Services as Mentally Ill. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for Tuesday, February 10, 2020 at 1:30 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT, Adrian Wesley**, shall be transported to the Hennepin County Government Center from Minnesota Security Hospital – Saint Peter, on or before February 10, 2020 for a court appearance in Courtroom 857 at 1:30pm.

BY THE COURT:

Dated: January 24, 2020  
Lisa K. Janzen  
Judge of District Court

State of Minnesota

District Court

County of Hennepin

Fourth Judicial District

State of Minnesota,  
Plaintiff,Judge Lisa K. Janzen  
Case Type: Criminal

v.

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
REGARDING DEFENDANT'S  
COMPETENCY TO PROCEED**Adrian Wesley,  
Defendant.Case Numbers: 27-CR-17-1555  
27-CR-17-22909  
27-CR-17-8342

The above-entitled matter came before Lisa K. Janzen, Judge of District Court, on February 10, 2020, for an evidentiary hearing upon the Defense's objection to the competency opinion rendered by Dr. Jason Lewis, dated October 1, 2019. Amy Blagoev, Assistant Hennepin County Attorney, appeared for the State. Julius Nolen, appeared on behalf of the defendant who was personally present. Dr. Jason Lewis, PhD, LP, of State Operated Forensic Services testified and the court received his report dated October 1, 2019 and his Curriculum Vitae as exhibits. The court also took judicial notice of the five previous rule 20.01 evaluations filed in the case. The court took the matter under advisement on February 10, 2020. Based upon the arguments presented and all the files and records herein, the Court orders as follows:

1. Defendant is **INCOMPETENT** to proceed.

**FINDINGS AND CONCLUSIONS**

Rule 20.01 of the Minnesota Rules of Criminal Procedure requires the court to find that the defendant is not competent unless the greater weight of the evidence shows that the defendant is competent. Minn.R.Crim.P. Rule 20.01, subd. 5 (c). A defendant is not competent if, due to mental illness or cognitive impairment he is unable to "(a) rationally consult with counsel or (b) understand the proceedings or participate in the defense." *Id.*, subd. 2. The determination of whether a defendant is able



to rationally consult with the defense attorney or understand and participate in the proceedings turns on the facts of each particular case.

Mr. Wesley has been charged in file 27-CR-17-1555 with one count of Criminal Sexual Conduct in the 2<sup>nd</sup> Degree arising from an incident alleged to have occurred on January 15, 2017. He is also charged in file 27-CR-17-22909 with one count of Assault in the 4<sup>th</sup> Degree from an incident alleged to have occurred on July 14, 2017. Finally, he is charged in file 27-CR-17-8342 with one count of Criminal Damage to Property in the First Degree for an incident alleged to have occurred on March 5, 2017. On January 20, 2017 Judge Jay Quam found probable cause on file 27-CR-17-1555 and ordered that a Rule 20.01 evaluation be completed. Dr. Kristen A. Otte, Psy.D. LP of Hennepin Psychological Services was assigned to complete the first 20.01 evaluation of the defendant. She filed her report on February 17, 2017. Dr. Otte opined that Mr. Wesley was incompetent and provided the following diagnoses:

1. Other Specified Neurodevelopmental Disorder (Associated with Prenatal Alcohol Exposure, formerly referred to as Fetal Alcohol Syndrome).
2. Intellectual Disability, Moderate
3. Unspecified Depressive Disorder

Dr. Otte indicated further information was required to determine whether Mr. Wesley met the diagnostic criteria for a psychotic disorder.

Dr. Otte noted Mr. Wesley's clinical presentation is complex due to his long standing and well-documented history of neurodevelopmental deficits and intellectual disabilities which contribute to problems with emotion regulation and behavioral control as well as his ability to communicate effectively about his thoughts and emotions. Mr. Wesley demonstrates a history of aggression and impulse control as well as sexually inappropriate behavior. Dr. Otte noted these issues are further compounded by his hearing impairment and that he requires the use of ASL interpreters to communicate and participate in evaluation interviews. Mr. Wesley's deficits are due to drug and alcohol exposure in-utero. Due to maternal abuse and neglect he was removed from his mother's care. His hearing loss is due to recurrent and untreated ear infections.

Dr. Otte indicated in her evaluation that Mr. Wesley's impairments result in significant deficits in planning and decision-making, reasoning, problem-solving, abstract thinking, emotion regulation, adaptive functioning and self-care. She opined that the deficits associated with his neurodevelopmental disorder and intellectual disability significantly interfere with his competency-related functioning. Dr. Otte opined that his prognosis for maintaining the requisite competency-related abilities is exceedingly poor. She noted his deficits and disabilities are chronic and long standing despite a long history of intensive support and intervention and wrote, "There is little likelihood that Mr. Wesley would be restored to competency in the foreseeable future."

On February 21, 2017, Judge Carolina Lamas entered findings of incompetency on all three of Mr. Wesley's files and referred him for screening for civil commitment. He was subsequently committed as Developmentally Disabled and Mentally Ill and Dangerous. The Department of Human Services placed him in the Minnesota Security Hospital - St. Peter where he continues to reside as a patient. Subsequently he has undergone four additional forensic evaluations conducted by Dr. Jason Lewis of State Operated Forensic Services. In each of the four subsequent evaluations, Dr. Lewis opined that Mr. Wesley was incompetent. Additionally, Dr. Lewis included a diagnoses of Unspecified Schizophrenia Spectrum and Psychotic Disorder.

In the most recent Rule 20.01 evaluation, filed on October 1, 2019, Dr. Lewis filed a report opining that Mr. Wesley has been restored to competency. Dr. Lewis noted that Mr. Wesley is psychiatrically stable and has been psychiatrically stable for the last couple evaluations. Dr. Lewis indicated Mr. Wesley demonstrates a lack of ongoing psychosis, he is alert, and his memory and thought processes are intact. Thus, Mr. Wesley's mental illness is not currently interfering significantly with competency issues. The questions the court must determine is whether Mr. Wesley's chronic cognitive deficits render him incompetent.

Dr. Lewis is a forensic examiner for State Operated Forensic Services and was previously the Clinical Director of the Competency Restoration Program. He testified that the Competency Restoration Program focuses on educating patients about the criminal legal process, including the roles of the parties in

the legal system, the trial process and possible sentences. They also discuss the evidence and facts in each patient's case. The goal is for the patients to understand the legal process sufficiently to be able to rationally consult with counsel and to be able to participate in their defense. The program consists of group class sessions and uses an assessment tool, consisting of one-hundred questions about the criminal process, to assist with a competency determination.

At the evidentiary hearing Dr. Lewis testified that the main factor he considered in his opinion that Mr. Wesley has been restored to competency was that Mr. Wesley had recently demonstrated an increased knowledge of legal concepts and facts related to his charges. Dr. Lewis testified the hospital had recently increased the frequency of Mr. Wesley's competency restoration sessions as compared to the prior evaluation review period. Dr. Lewis testified that Mr. Wesley is now able to discuss the evidence, facts and possible sentences of each of his cases individually. This is consistent with the restoration program's records which show substantial progress being made in the restoration groups he has been participating in. Dr. Lewis testified regarding Mr. Wesley's recent performance on the assessment tool. Below are examples of questions and responses given by Mr. Wesley noted during the hearing.

1. When asked whether he is obligated to accept a plea bargain Mr. Wesley responded, "Defendants have to take a plea bargain". Dr. Lewis testified he did consider this significant as it relates to competency.
2. Mr. Wesley was unable to understand the difference between a sentence to jail and a prison sentence. Dr. Lewis testified he did not consider this significant.
3. When asked to explain what not guilty by reason of mental illness means Mr. Wesley responded, "Maybe I did it but they are going to drop the charges". Dr. Wesley testified this response is inadequate but not significant.
4. Mr. Wesley was able to identify six basis rights rudimentarily.
5. Mr. Wesley answered one question, "If I plead not guilty the charge will be dropped".
6. Mr. Wesley was not able to answer some questions without being given clues and took a significant amount of time to answer many questions.

Dr. Lewis agreed that Mr. Wesley still demonstrates some deficits as it relates to competency, but that based on the totality of the data he is now able to communicate rationally with counsel and participate in his defense, with the caveat that defense counsel is encouraged to use simple language to explain the legal concepts and to identify multiple ways to describe complicated legal concepts. Dr. Lewis wrote, “Put another way, the ‘legalese’ that a layman with no mental illness or intellectual deficits would find confusing will be particularly challenging for Mr. Wesley, but he has demonstrated the ability to participate meaningfully in his defense when the discourse is simplified.” Dr. Lewis also made an additional recommendation that the sign language interpreter have a CDI certification, which means that the interpreter is also deaf and familiar with deaf culture. This type of interpreter is considered more able to accurately interpret and communicate. Dr. Lewis testified that the last time he met with Mr. Wesley was in September but that the notes he reviewed regarding progress between October and February indicated he has not decompensated. He also testified that if Mr. Wesley were to stop taking the competency restoration classes he would likely regress to incompetency.

At the evidentiary hearing attorney Susan Herlofsky testified that she is not the attorney of record for Mr. Wesley, but works at the public defender office with assigned counsel, Julius Nolen. She met with Mr. Wesley and assigned counsel prior to the hearing and sat at counsel table during the hearing. She testified in their conversation prior to the hearing Mr. Wesley did not understand what a trial was and was unable to understand the difference between a trial by jury and a court trial. He told defense counsel that he was proud that he “passed the test” at St. Peter hospital. Ms. Herlofsky testified at the end of the evidentiary hearing and stated that during the evidentiary hearing Mr. Wesley did not appear to understand the proceedings, had been unable to consult with counsel rationally or answer specific questions that counsel asked of him.

Based on the totality of the above noted facts, the court finds that the greater weight of the evidence demonstrates Mr. Wesley is not able to rationally consult with counsel or participate in his defense. While Mr. Wesley has demonstrated a basic understanding of the facts of his case and the legal process during his competency classes, this understanding appears to be rudimentary and fleeting. The court does not find

that this evidence demonstrates a cognitive ability to understand the legal concepts. Rather, it appears Mr. Wesley has been able to memorize definitions and terms due to repetition as a result of the high frequency of the competency classes he attends. This finding is further supported by Dr. Lewis's testimony that if Mr. Wesley were to discontinue competency restoration classes, he would likely soon regress to incompetency.

In order to rationally consult with counsel and participate in his defense, a defendant must have the cognitive ability, after consulting with counsel, to make important decisions about whether to accept a plea bargain, whether to have a jury or court trial and whether or not to testify. These decisions regarding the waiver of constitutional rights must be made by a defendant himself, after consulting with counsel. The defendant's attorney may not make these decisions for a defendant. While it appears Mr. Wesley now understands that he must behave properly in a courtroom setting and that he should follow the advice of counsel, simply indicating that he will "behave" in the courtroom and do what his lawyers tell him to do not establish that he is competent. His lack of understanding about whether he must accept a plea bargain and the difference between jail and prison is evidence that he is unable to participate in his defense. As noted by the psychologists, his cognitive impairments significantly interfere with his reasoning and decision making abilities. Most importantly, defense counsel's testimony that during the evidentiary hearing he demonstrated a lack of understanding about what a trial was and did not have the ability to consult with counsel or participate in his defense solidifies the court's conclusion that Mr. Wesley is incompetent.

Finally, it is important to take into consideration the recommendations of Dr. Lewis regarding suggested accommodations that can be made to assist Mr. Wesley in understanding the proceedings. Dr. Lewis indicates that Mr. Wesley does not have the ability to understand the "legalese" that a typical layman defendant would comprehend. His suggestion that defense counsel allot more time than customary, use simple language and explain legal concepts in multiple ways is prudent and the court does believe that defense counsel can implement these strategies. However, under the facts of Mr. Wesley's case, the court does not find that these accommodations are sufficient to render an otherwise incompetent defendant competent. Slowing down a legal proceeding by pausing or recessing to allow defense counsel to explain

every process, objection, argument or term used in witness testimony will not be sufficient to allow Mr. Wesley to comprehend the process, rationally consult with counsel and participate in his own defense. Dr. Lewis noted in his April 2019 evaluation that “if his competence-related deficits are primarily the result of intellectual deficits, his prognosis is likely to be poor.” The court finds that his competency related deficits are the result of his intellectual deficits. Although his factual understanding of his charges and the legal process has improved due to competency classes, the greater weight of the evidence does not establish that he has the rational ability to consult with counsel regarding trial strategy, make decisions regarding the waiver of constitutional rights and plea negotiations or otherwise participate in his defense.

The state has not met its burden of proving, by greater weight of the evidence that Mr. Wesley is competent. Therefore the court finds that the defendant, Mr. Wesley, is **INCOMPETENT**.

LKJ

By the Court:

Dated: 5/8/2020

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Lisa K. Janzen  
Judge of District Court

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA,

Plaintiff,

Court File No. 27-CR-17-1555;  
27-CR-17-8342; 27-CR-17-22909

v.

**ORDER TO DESTROY REPORT**

Adrian Michael Wesley,

Defendant.

**Whereas**, Dr. Gregory Hanson, Ph.D., LP, Direct Care and Treatment – Forensic Services, filed a report with the Court on April 28, 2021, and;

**Whereas**, Dr. Gregory Hanson filed a redacted version of the report on May 7, 2021, and;

**Whereas**, defense counsel moved the Court to order the original report filed on April 28, 2021, as well as any copies or versions, to be destroyed;

**It is therefore ordered that:**

1. All parties must destroy any copies of the report filed on April 28, 2021, and
2. Court Administration shall remove the report filed on April 28, 2021 from the MNCIS file.

**Date: May 11, 2021**

**BY THE COURT:**



**Lisa K. Janzen**  
**Judge of District Court**



State of Minnesota

District Court

Hennepin County

Fourth Judicial District

State of Minnesota,  
Plaintiff,

v.

ADRIAN MICHAEL WESLEY,  
Defendant.Order to 4<sup>th</sup> Judicial District Court  
Psychological Services  
**27-CR-17-1555****27-CR-17-8342; 27-CR-17-22909**

Defendant Information	
Location:	<input checked="" type="checkbox"/> Out of Custody <input type="checkbox"/> In Custody ( )
Phone:	-    Date of Birth: 03/15/1991
Email:	SILS Identifier: 659590
Home Address:	7720 Upton Ave S Richfield MN 55423
Additional family/collateral contact number and instructions:	

It is hereby ordered:

- ☐ For felony and gross misdemeanor cases, probable cause has been found.  
☐ The defendant is to be released upon completion of the interview process.  
☐ This is part of the targeted misdemeanor program.

- The Chief of Psychological Services of the Fourth Judicial District or the Chief's designee ("Examiner") shall conduct the following psychological evaluation, assessment and/or consultation regarding the defendant:
  - ☒ Competency to participate in proceedings pursuant to Rule 20.01
  - ☐ Mental state at the time of the alleged act pursuant to Rule 20.02 (M'Naghten Rule)
  - ☐ Sex Offender Evaluation pursuant to Minnesota Statute § 609.3457
  - ☐ Consultation (Pre-Plea/Pre-Sentence) \_\_\_\_\_
  - ☐ Other (please specify) \_\_\_\_\_
- Copies of this evaluation shall be provided to the Court and the following individuals:
 


Defense Counsel: JULIUS ANTHONY NOLEN	612-348-8560
Prosecuting Attorney: AMY LOUISE BLAGOEV	612-543-1093
Probation Officer:	
- The hearing for the return of psychological evaluation will be held on **May 10, 2022 at 1:30 PM**.
- Upon presentation of this order, the relevant custodian of records shall provide (whether mailed, faxed, or personally delivered) to the Examiner all relevant records from the following sources: behavioral, chemical dependency, developmental disability, educational, employment, judicial, law enforcement (including audio/visual recordings), medical, probation/correction, psychological, and social service. A copy of the records so requested shall be delivered to the Examiner within 96 hours of presentation of this order. Records that are faxed shall be sent to 612-348-3452. Mailed records should be sent to Hennepin County District Court, Psychological Services, 300 South Sixth Street, C-509 Government Center, Minneapolis, Minnesota



55487. All agencies maintaining the above-listed records may also communicate verbally with the requesting Examiner.

- **The Court specifically finds** good cause exists for authorizing the disclosure of the identified records, including chemical dependency records, 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.
5. During the preparation of the report, the Examiner and any employee of Community Corrections and Rehabilitation may discuss the case and share relevant information in a manner consistent with Minnesota Rules of Criminal Procedure, Minnesota Statutes and case law.
  6. If a sex offender evaluation has been ordered and the defendant is a Repeat Sex Offender as defined in MN Statute 609.3457, Psychological Services is ordered to comply with both the requirements of § 609.3457 and the agreement with Minnesota State Operated Forensic Services. A copy of any Repeat Sex Offender Report produced by Psychological Services shall be forwarded to the Court and the Commissioner of Corrections.
  7. In the case of Rule 20 evaluations, the Examiner shall offer an opinion and support for the opinion on whether the defendant:
    - a. Is suitable for civil commitment and the basis of the possible commitment.
    - b. Is mentally ill and dangerous; and
    - c. Needs immediate hospitalization.
  8. In the case of Rule 20 evaluations, the Examiner shall promptly notify the prosecutor, defense attorney and the Court if the Examiner concludes that the defendant:
    - a. Presents an imminent risk of serious danger to another,
    - b. Is imminently suicidal, or
    - c. Needs emergency intervention.

Dated: February 17, 2022

  
\_\_\_\_\_  
Judge of District Court Signature  
Lisa Janzen

- ✓ Please scan and e-mail the order to **4<sup>th</sup> Psych Services Orders**.
- ✓ Please direct the prosecuting agency to forward a copy of the police report for each case to Psychological Services.
- ✓ If a defendant is to be released upon completion of the interview process, a Conditional Release Order must be filed giving that direction.

Exhibit Log

Case: 27-CR-17-8342

Case Style: State of Minnesota vs ADRIAN MICHAEL  
WESLEY

Sort Order: Exhibit #

Exhibit ID	On Behalf Of	Status	Proj. Return /	Type Description	Exhibit Flag	Custody Date	Custody Detail
EVD 001	Jurisdiction PETOSKY, ANNA MARIE	Received Without Objection 02/10/2020		Document Dr. Lewis's CV			No chain of custody exists for this exhibit.
EVD 002	Jurisdiction PETOSKY, ANNA MARIE	Received Without Objection 02/10/2020		Document 10/2/19 R20.01, sub. 7			No chain of custody exists for this exhibit.

12/13/22

CS 12/13/22

Total Count: 2

Printed on 12/12/2022 at 10:35 AM



## DIRECT CARE &amp; TREATMENT – FORENSIC SERVICES

December 27, 2022

The Honorable Presiding Judge of Hennepin County  
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. Adrian Wesley*, Rule 20.01, subd. 7 competency evaluation  
Court Files: 27-CR-17-1555, 27-CR-17-8342; 27-CR-17-22909

Dear Judge of Hennepin County,

I am the Court Liaison for DHS Direct Care and Treatment- Forensic Services, and I write regarding the pending competency evaluation for the Defendant in the above-referenced cases. Defendant was found incompetent to participate in his defense under Minnesota Rule of Criminal Procedure 20.01 on 8/9/21, and they were subsequently civilly committed.

The DHS Forensic Evaluation Department, on behalf of DHS, the entity to which Defendant is committed, will be providing subd. 7 competency evaluation services in this matter.<sup>1</sup> Dr. Gregory Hanson is assigned to conduct this evaluation. In order to provide a comprehensive evaluation, Dr. Hanson will need to review records relating to clinical treatment Defendant has received or is receiving. State and federal data privacy laws do not allow Dr. Hanson access to treatment records absent a court order. Defendant's treatment records are relevant to Dr. Hanson's review and evaluation and will assist him in providing a more comprehensive opinion regarding Defendant's current mental condition and competency status.

For these reasons, I respectfully request that the attached proposed order for the release of medical records be signed and returned to me to allow the disclosure of treatment records to my office. Additionally, we request this language be included in all orders finding incompetence moving forward, as this would save time and resources for future subd. 7 competency evaluations completed by Forensic Services. Thank you for your consideration of this request.

Sincerely,

Amanda Burg, Court Liaison, Forensic Mental Health Program  
Direct Care & Treatment - Forensic Services  
1703 County Road 15  
St. Peter, MN 56082  
Phone: 507-985-2659

<sup>1</sup> DHS notes that although it is providing competency evaluation services in this matter, it is not a party to this proceeding and has not consented to be a party to this proceeding.

Copies: Hennepin County Court Administration  
Prosecuting Attorney  
Criminal Defense Attorney



# MINNESOTA JUDICIAL BRANCH

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Case Type: Criminal

State of Minnesota,

Plaintiff,

v.

Defendant,

Adrian Wesley.

Court File Nos.: 27-CR-17-1555,  
27-CR-17-8342; 27-CR-17-22909

**[PROPOSED]  
ORDER FOR RELEASE OF  
MEDICAL RECORDS**

The above-entitled matter came before the Court on a request for an Order for release of medical records filed by the Minnesota Department of Human Services' (DHS) - Forensic Services Forensic Evaluation Department. The request was served on Defendant's counsel and the Hennepin County Attorney's Office at the time of filing.

Defendant was found incompetent to participate in his defense under Minnesota Rule of Criminal Procedure 20.01 and was subsequently civilly committed. The DHS Forensic Evaluation Department, on behalf of DHS, the entity to which Defendant is committed, is providing subd. 7 competency evaluation services in this matter. Like the court appointed examiner ordered to conduct the initial Rule 20.01 evaluation in this matter, the assigned DHS Forensic Examiner should have access to Defendant's treatment records so a comprehensive report can be prepared to provide a well-informed opinion to the Court and the parties regarding Defendant's current mental health condition and competency status.

Based upon the request submitted by the DHS Forensic Evaluation Department, the Court hereby makes and files the following:

**ORDER**

1. The DHS Forensic Evaluation Department shall have access to Defendant's treatment records so they can prepare a comprehensive competency evaluation under Minnesota Rule of Criminal Procedure 20.01, subd. 7.
2. By presentation of a copy of this order, whether mailed, sent via facsimile, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional/jail records, including behavioral notes, medical notes, psychiatric notes, jail reports, and any records or information maintained by the jail from any third party medical provider/contractor/public health staff, developmental disability, employment and educational records, to DHS - Forensic Services within 72 hours.
3. This Order shall be sufficient to require an agency, department, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility.
4. Defendant's medical records may not be disclosed to any other person without court authorization or Defendant's signed consent.

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
Judge of District Court

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Case Type: Criminal

State of Minnesota,

Plaintiff,

v.

Defendant,

Adrian Wesley.

Court File Nos.: 27-CR-17-1555,  
27-CR-17-8342; 27-CR-17-22909

**ORDER FOR RELEASE OF  
MEDICAL RECORDS**

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Defendant was found incompetent to participate in his defense under Minnesota Rule of Criminal Procedure 20.01 and was subsequently civilly committed. The DHS Forensic Evaluation Department, on behalf of DHS, the entity to which Defendant is committed, is providing subd. 7 competency evaluation services in this matter. Like the court appointed examiner ordered to conduct the initial Rule 20.01 evaluation in this matter, the assigned DHS Forensic Examiner should have access to Defendant's treatment records so a comprehensive report can be prepared to provide a well-informed opinion to the Court and the parties regarding Defendant's current mental health condition and competency status.

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3. This Order shall be sufficient to require an agency, department, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility.
4. Defendant's medical records may not be disclosed to any other person without court authorization or Defendant's signed consent.

Dated: \_\_\_\_\_

BY THE COURT:



Browne, Michael  
Dec 27 2022 4:01 PM

\_\_\_\_\_  
Judge of District Court



State of Minnesota  
Hennepin CountyDistrict Court  
Fourth Judicial DistrictCourt File Number: 27-CR-17-1555; 27-CR-17-  
8342, 27-CR-17-22909.

Case Type: Crim/Traf Mandatory

**Notice of Remote Zoom Hearing****ADRIAN MICHAEL WESLEY  
7720 UPTON AVE S  
RICHFIELD MN 55423**

State of Minnesota vs ADRIAN MICHAEL WESLEY

You are notified this matter is set for a remote hearing. This hearing will not be in person at the courthouse.

<i>Hearing Information</i>
<b>February 13, 2024</b>
<b>Hearing</b>
<b>1:30 PM</b>

**The hearing will be held via Zoom and appearance shall be by video unless otherwise directed** with Judicial Officer Danielle Mercurio, Hennepin County District Court.

If you fail to appear a warrant may be issued for your arrest.

The Minnesota Judicial Branch uses strict security controls for all remote technology when conducting remote hearings.

You must:

- Notify the court if your address, email, or phone number changes.
- Be fully prepared for the remote hearing. If you have exhibits you want the court to see, you must give them to the court before the hearing. Visit <https://www.mncourts.gov/Remote-Hearings.aspx> for more information and options for joining remote hearings, including how to submit exhibits.
- Contact the court at 612-348-2040 if you do not have access to the internet, or are unable to connect by video.
- If you need an interpreter, contact the court before the hearing date to ask for one.
- If you cannot afford to hire a lawyer and would like to apply for a court-appointed attorney before this appearance visit <https://pdapplication.courts.state.mn.us> or scan the QR code to start the application.



**To join by internet:**

1. Type <https://zoomgov.com/join> in your browser's address bar.
2. Enter the **Meeting ID and Meeting Passcode (if asked)**:  
Meeting ID: 160 223 0876  
Passcode: 1234
3. Update your name by clicking on your profile picture. If you are representing a party, add your role to your name, for example, John Smith, Attorney for Defendant.
4. Click the **Join Audio** icon in the lower left-hand corner of your screen.
5. Click **Share Video**.

Para obtener más información y conocer las opciones para participar en audiencias remotas, incluido cómo enviar pruebas, visite [www.mncourts.gov/Remote-Hearings](http://www.mncourts.gov/Remote-Hearings).

Booqo [www.mncourts.gov/Remote-Hearings](http://www.mncourts.gov/Remote-Hearings) oo ka eego faahfaahin iyo siyaabaha aad uga qeybgeli karto dacwad-dhageysi ah fogaan-arag, iyo sida aad u soo gudbineyso wixii caddeymo ah.

**To receive an eReminder for future court dates via e-mail or text, visit [www.mncourts.gov/Hearing-eReminders.aspx](http://www.mncourts.gov/Hearing-eReminders.aspx) or scan the QR code to enroll.**



Dated: January 9, 2024

Sara Gonsalves  
Hennepin County Court Administrator  
300 South Sixth Street  
Minneapolis MN 55487-0419  
612-348-2040

cc:

State of Minnesota  
Hennepin CountyFiled in District Court  
State of Minnesota  
Jan 09, 2024 5:32 pmDistrict Court  
Fourth Judicial DistrictCourt File Number: 27-CR-17-1555; 27-CR-17-  
8342, 27-CR-17-22909.

Case Type: Crim/Traf Mandatory

**Notice of Remote Zoom Hearing****ADRIAN MICHAEL WESLEY  
7720 UPTON AVE S  
RICHFIELD MN 55423**

State of Minnesota vs ADRIAN MICHAEL WESLEY

You are notified this matter is set for a remote hearing. This hearing will not be in person at the courthouse.

<i>Hearing Information</i>
<b>July 9, 2024</b>
<b>Review Hearing</b>
<b>1:30 PM</b>

**The hearing will be held via Zoom and appearance shall be by video unless otherwise directed with Judicial Officer, Hennepin County District Court.**

If you fail to appear a warrant may be issued for your arrest.

The Minnesota Judicial Branch uses strict security controls for all remote technology when conducting remote hearings.

You must:

- Notify the court if your address, email, or phone number changes.
- Be fully prepared for the remote hearing. If you have exhibits you want the court to see, you must give them to the court before the hearing. Visit <https://www.mncourts.gov/Remote-Hearings.aspx> for more information and options for joining remote hearings, including how to submit exhibits.
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Meeting ID: 160 223 0876  
Passcode: 1234
3. Update your name by clicking on your profile picture. If you are representing a party, add your role to your name, for example, John Smith, Attorney for Defendant.
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5. Click **Share Video**.

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Booqo [www.mncourts.gov/Remote-Hearings](http://www.mncourts.gov/Remote-Hearings) oo ka eego faahfaahin iyo siyaabaha aad uga qeybgeli karto dacwad-dhageysi ah fogaan-arag, iyo sida aad u soo gudbineyso wixii caddeymo ah.

**To receive an eReminder for future court dates via e-mail or text, visit [www.mncourts.gov/Hearing-eReminders.aspx](http://www.mncourts.gov/Hearing-eReminders.aspx) or scan the QR code to enroll.**



Dated: January 9, 2024

Sara Gonsalves  
Hennepin County Court Administrator  
300 South Sixth Street  
Minneapolis MN 55487-0419  
612-348-2040

cc:

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FELONY DIVISION  
FOURTH JUDICIAL DISTRICT

State of Minnesota,  
Plaintiff,

-vs-

Adrian Michael Wesley,  
Defendant.

**NOTICE OF MOTION TO DISMISS  
IN THE INTERESTS OF JUSTICE**

MNCIS Case Nos. 27-CR-17-1555  
and 27-CR-17-8342

\*

\*

\*

TO: THE COURT; THE HONORABLE DANIELLE MERCURIO, HENNEPIN COUNTY JUDICIAL OFFICER; AND TOM ARNESON AND AMY BLAGOEV, ASSISTANT HENNEPIN COUNTY ATTORNEYS.

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that on Tuesday, February 13, 2024 at 1:30 p.m., or as soon thereafter as counsel may be heard, Adrian Wesley, will seek the following relief:

**MOTION**

Adrian Wesley moves this court to dismiss this matter in the interests of justice pursuant to Minnesota Statute Section 611.46, which states in relevant part, subd. 8 (d), Counsel for the defendant may bring a motion to dismiss the proceedings in the interest of justice at any stage of the proceedings.

Mr. Wesley was charged by complaint on January 19, 2017, and a Rule 20 evaluation was ordered on January 20, 2017. Mr. Wesley has been found incompetent, without objection, twelve times; on 2/21/17, 10/31/17, 5/1/18, 11/6/18, 5/7/19, 11/10/20, 5/11/21, 11/9/21, 5/6/22, 1/19/23, 7/10/23, and 1/9/24. In addition, he was once found incompetent by Judge Janzen following a contested competency hearing, with Findings of Fact and Conclusions of Law filed on 5/8/20. Mr. Wesley was confined in jail for 194 days in pretrial

detention. Additionally, Mr. Wesley was pretrial confined in the hospital pursuant to a civil commitment for Mentally Ill and Dangerous. Mr. Wesley was pretrial confined between the jail and the hospital for 2571 days, and has been in custody of either law enforcement or human services since January 15, 2017. His next review for his civil commitment is set for December, 2025.

Mr. Wesley has consistently been found incompetent since 2017. As such, the court made the determination that Mr. Wesley lacked the ability to move forward in the criminal process. In the last completed competency exam, dated January 3, 2023, Dr. Gregory Hanson provided a thorough recitation of the evaluative history of Mr. Wesley, and concluded that “(h)is prognosis for competency is poor.” Since that report was filed, the DHS has provided an opinion to the Court that “Mr. Wesley is incompetent and unrestorable”, and they have stopped providing competency evaluations regarding Mr. Wesley.

While the state may have filed a notice of intent to prosecute when Mr. Wesley restored to competency, there is no longer a good faith basis to believe that Mr. Wesley can attain competency. The prior reports indicate that Mr. Wesley is deaf, and has been diagnosed with the following:

Unspecified Schizophrenia Spectrum and Other Psychotic Disorder;  
Other Specified Neurodevelopmental Disorder Associated with Prenatal Alcohol  
Exposure and Language Deprivation;  
Intellectual Developmental Disorder, mild;  
Illiteracy and Low-Level Literacy.

Furthermore, he has had the medical diagnosis of Fetal Alcohol Spectrum Disorder, which coupled with Mr. Wesley’s language impoverishment when young impacts “neuro-development in a fashion that results in persisting and permanent impairment to brain function related to communication.” Dr. Hanson report, Jan.3, 2023, p. 6-7. According to Dr. Hanson, the “kind of deficits in conceptual reasoning that Mr. Wesley demonstrates are

not remedial through additional education or practice and have to do with the underlying neurodevelopmental structures of the brain that are permanent and ongoing. Report, p. 14. In his opinion, continued competency restoration efforts would not “result in any appreciable improvement in the defendant’s capacities.” *Id.*

Given the history and reports, the complaints against Mr. Wesley should be dismissed. It is important to note that he has been in custody since the date of offense in January, 2017. Even if he were to be restored to competency and convicted, the amount of pretrial credit would satisfy the presumptive guideline sentence of 90 months. Knowing that he will not be restored to competency and will remain under civil commitment should be sufficient for the prosecution to recognize that further legal proceedings in criminal court are unnecessary and unjust.

“The United States Supreme Court has stated that it would be cruel and unusual punishment to make the status of being mentally ill a crime.” *State v. Bauer*, 299 N.W.2d 493, 498-499 (1980); citing, *Robinson v. California*, 370 U.S. 660, 666 (1962). Pretrial commitment is “a significant deprivation of liberty that requires due process protection.” *Addington v. Texas*, 441 U.S. 418, 426 (1979). The Due Process Clause provides, “No state shall...deprive any person of life, liberty, or property, without due process of law.” U.S. Const. amend XIV, § 1; see also Minn. Const. Art. 1, § 7.

In *Jackson v. Indiana*, the Supreme Court held that an incompetent defendant’s substantive due process rights are implicated when they are being held in pretrial detention. 406 U.S. 715, 738 (1972). There, the Court determined that “due process requires that the nature and duration of commitment bear some reasonable relation to the purpose for which the individual is committed.” *Id.*; see also *Matter of Opiacha*, 943 N.W.2d 220, 226 (Minn. App. 2020) (citing this quoted language in *Jackson*).

The aforementioned cases guide this court in recognizing that the history of pretrial detention and confinement is a due process issue, a constitutional issue and thus



are worthy of consideration in the interests of justice. Further, even if the state filed a notice of intent to prosecute Mr. Wesley should he attain competence, there is no evidence offered, nor a good faith basis to believe that Mr. Wesley will be able to attain competence. Mr. Wesley has been found incompetent 12 times and there is no reasonable expectation that he will be able to restored to competence. The Criminal Justice system has finite resources and Minnesota Rule of Criminal Procedure 1.02 notes “[t]hese rules are intended to provide a just determination of criminal proceedings, and ensure a simple and fair procedure that eliminates unjustified expense and delay.” Given that there is no expectation that Mr. Wesley can attain competency, the rules show this court that a dismissal is in line with the rules.

Mr. Wesley has had no additional charges, no additional commitments and should no longer be monitored or under the jurisdiction of the Criminal Justice System. The evaluations have noted restoration efforts, stabilization efforts yet his cognitive limitations remain unchanged and he remains unable to move forward on the criminal case. The state has no evidence or good faith basis to believe Mr. Wesley will be able to attain competence. As such, this case should be dismissed in the interests of justice.

This motion is based upon all relevant files, case law, statutes and arguments of counsel.

RESPECTFULLY SUBMITTED,

OFFICE OF THE HENNEPIN COUNTY PUBLIC DEFENDER  
MICHAEL BERGER - CHIEF PUBLIC DEFENDER

By: /s/  
Julius Nolen  
Attorney for Defendant  
Attorney License No. 177349  
701 4<sup>th</sup> Avenue South, Suite 1400  
Minneapolis, MN 55415  
Telephone: (612) 348-8560

Dated: This 31st day of January 2024.



27-CR-23-1886

10008-111913

PROBATE/MENTAL HEALTH DIVISION  
FOURTH JUDICIAL DISTRICT COURT  
C-400 HENNEPIN COUNTY GOVERNMENT CENTER  
MINNEAPOLIS, MINNESOTA 55487-0340

Return Service Requested

*Return to Sender  
No longer held*

2024 FEB 13 A 8:37

*Filed in District Court  
State of Minnesota*

PRESORTED  
FIRST CLASS



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0000385560 JAN 11 2024

Notice

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RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

CC: 554870340 \*2878-02835-03-24

554870340

ADRIAN MICHAEL WESLEY  
7720 UPTON AVE S

State of Minnesota  
Hennepin CountyDistrict Court  
Fourth Judicial DistrictCourt File Number: 27-CR-17-1555;  
27-CR-17-8342

Case Type: Crim/Traf Mandatory

**Notice of Remote Zoom Hearing****ADRIAN MICHAEL WESLEY  
7720 UPTON AVE S  
RICHFIELD MN 55423**

State of Minnesota vs ADRIAN MICHAEL WESLEY

You are notified this matter is set for a remote hearing. This hearing will not be in person at the courthouse.

<i>Hearing Information</i>
<b>March 20, 2024 Evidentiary Hearing 9:00 AM</b>

**The hearing will be held via Zoom and appearance shall be by video unless otherwise directed** with Judicial Officer George Borer, Hennepin County District Court.

If you fail to appear a warrant may be issued for your arrest.

The Minnesota Judicial Branch uses strict security controls for all remote technology when conducting remote hearings.

You must:

- Notify the court if your address, email, or phone number changes.
- Be fully prepared for the remote hearing. If you have exhibits you want the court to see, you must give them to the court before the hearing. Visit <https://www.mncourts.gov/Remote-Hearings.aspx> for more information and options for joining remote hearings, including how to submit exhibits.
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**To join by internet:**

1. Type <https://zoomgov.com/join> in your browser's address bar.
2. Enter the **Meeting ID and Meeting Passcode (if asked)**:  
**Meeting ID: 161 908 6006**  
**Passcode: 692591**
3. Update your name by clicking on your profile picture. If you are representing a party, add your role to your name, for example, John Smith, Attorney for Defendant.
4. Click the **Join Audio** icon in the lower left-hand corner of your screen.
5. Click **Share Video**.

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Booqo [www.mncourts.gov/Remote-Hearings](http://www.mncourts.gov/Remote-Hearings) oo ka eego faahfaahin iyo siyaabaha aad uga qeybgeli karto dacwad-dhageysi ah fogaan-arag, iyo sida aad u soo gudbineyso wixii caddeymo ah.

**To receive an eReminder for future court dates via e-mail or text, visit [www.mncourts.gov/Hearing-eReminders.aspx](http://www.mncourts.gov/Hearing-eReminders.aspx) or scan the QR code to enroll.**



Dated: March 19, 2024

Sara Gonsalves  
Hennepin County Court Administrator  
300 South Sixth Street  
Minneapolis MN 55487-0419  
612-348-2040

cc:

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
PROBATE/MENTAL HEALTH DIVISION**

State of Minnesota,  
Plaintiff,

Court File No. 27-CR-17-1555,  
27-CR-17-8342

v.

Adrian Michael Wesley,  
Defendant.

**ORDER DENYING MOTION**

This matter came on for hearing before the undersigned referee of district court on March 20, 2024, pursuant to the Defendant's Motion to Dismiss in the Interests of Justice filed on January 31, 2024. The matter was continued from February 13, 2024. The hearing was held remotely using the Zoom internet platform. Amy Blagoev, Assistant Hennepin County Attorney, represented the Plaintiff. The Defendant appeared from the Forensic Mental Health Program and was represented by Julius Nolen, Assistant Hennepin County Public Defender. Also present was Gina Alvarado, American Sign Language Court Interpreter.

Defense filed the Motion under Minn. Stat § 611.46. to dismiss the matters in the interests of justice. Based upon the arguments of counsel, all the files, records, and proceedings herein, and the adjudicated facts in this file, the undersigned referee makes the following recommendation:

**FINDINGS OF FACT**

1. Adrian Michael Wesley, hereafter Defendant, was charged in 27-CR-17-1555 with Criminal Sexual Conduct-2<sup>nd</sup> Degree-Fear Great Bodily Harm, from an event alleged to have occurred on or around January 15, 2017. Defendant was charged in 27-CR-17-8342 with Damage to Property 1<sup>st</sup> Degree-Value Reduced Over \$1,000, for an event alleged to have occurred on March 5, 2017.

2. Pursuant to Court Orders dated January 20, 2017, probable cause was found.
3. A Notice of Intent to Prosecute was filed on February 23, 2017.
4. Defendant's competency to proceed was assessed in reports filed on October 19, 2017; April 16, 2018; October 15, 2018; April 18, 2019; October 20, 2019; May 7, 2021; October 22, 2021; April 20, 2022; January 4, 2023; and June 29, 2023.
5. Defendant has been found incompetent 12 times, most recently by the Court on January 9, 2024 by the Honorable Judge Michael K. Browne.
6. Previously, Defendant challenged the opinion of Dr. Jason Lewis, dated October 1, 2019 that Defendant was competent to proceed and a contested competency hearing was held. In the Court Order filed May 8, 2020, the Court found Defendant incompetent to proceed. That finding was by the greater weight of the evidence.
7. On June 23, 2023 Dr. Soniya Hirachan, M.D., Executive Medical Director, filed a letter with the Court indicating that the Department of Human Services was modifying its practice around opinions regarding competency proceed regarding a "non-restorable defendant who remains in a DHS treatment facility." The letter continues, that should Defendant's treatment team "note a change in this patient's presentation in the future such that another competency evaluation may be indicated, an updated report will be completed by a DHS examiner and filed with the Court."
8. The Court has previously opined based on prior Court Examiner's opinions that Defendant's "clinical presentation is complex due to his long standing and well-documented history of neurodevelopmental deficits and intellectual disabilities which contribute to problems with emotional regulation and behavioral control as well as his

ability to communicate effectively his thoughts and emotions.” Court Order filed May 8, 2020.

9. Defendant is subject to civil commitment as a Person Who is Mentally Ill and Dangerous to the Public, and as a Person With a Developmental Disability, in Court File No. 27-MH-PR-17-175.
10. Defendant’s counsel filed a Notice of Motion to Dismiss in the Interests of Justice (“Motion To Dismiss”) on January 31, 2024.
11. The Motion to Dismiss states that Defendant’s diagnosis is Unspecified Schizophrenia Spectrum and Other Psychotic Disorder; Other Specified Neurodevelopmental Disorder Associated with prenatal Alcohol Exposure and Language Deprivation; Intellectual Developmental Disorder, mild; and Illiteracy and Low-Level Literacy. *Id.* at 2. Defendant additionally has the medical diagnosis of Fetal Alcohol Spectrum Disorder. *Id.*
12. Defendant’s counsel cites to Respondent’s confinement in jail for 194 days in pretrial detention and a pretrial confinement in the hospital pursuant to a Mentally Ill and Dangerous commitment. *See* Motion To Dismiss, pp. 1- 2. According to his counsel, Defendant’s pretrial credit would satisfy the presumptive guideline sentence of 90 months. *Id.* Counsel further notes that Defendant has been in the custody of either law enforcement or human services since January 15, 2017. *Id.* The Motion to Dismiss further states that Defendant has his next review for civil commitment as a developmentally disabled person in December 2025. *Id.*
13. Defense cites Defendant’s “history and reports,” as reason for dismissal. Motion To Dismiss, p. 3.

14. Defense informed the Court that they were also requesting dismissal under the general criminal dismissal statute Minn. Stat. § 631.21.

15. The State argues that the interests of justice are not served by dismissal of the charges against the Defendant arguing that it is possible that another examiner could find the Defendant incompetent to proceed, as has happened in the past, and that there is no discernible prejudice to Defendant to continue to have these charges pending.

#### CONCLUSIONS OF LAW

Regarding the Defense Motion to Dismiss in the Interests of Justice, this Court finds that Minn. Stat. § 611.46, subd. 8, does apply to these proceedings, but notes that the statute was not effective until April 1, 2024. The statute states “Counsel for the defendant may bring a motion to dismiss the proceedings in the interest of justice at any stage of proceedings.”

The Court does not find the interests of justice are served by dismissal of the charges. The State notes that the Victim in this case remains invested in the outcome, and desires to see accountability on behalf of Defendant for the traumatic harm she experienced as result of Defendant’s actions. Memorandum in Response and Opposition to Defendant’s Motion to Dismiss, p. 4. Pursuant to Minn. Stat. § 611.46 SUBD. 8(d), p. 2. At the hearing, Defendant’s Counsel argues that Defendant experienced apprehension, fixation, and concern regarding his criminal charges. In prior orders, the Court has expounded upon the changes to the competency curriculum and how for this Defendant, it has increased his familiarity with legal proceedings. *See* Court Order filed May 8, 2020, p. 4-5. No additional evidence was brought forward permitting the Court to weigh or compare the anguish felt by Defendant versus that felt by the Victim. The Court notes the Victim in this matter was the victim of a violent sexual assault at her place of employment.



Defendant's counsel also brought the Motion for Dismissal Pursuant to Minn. Stat. § 631.21, which states, "[t]he court may order a criminal action, whether prosecuted upon indictment or complaint, to be dismissed. The court may order dismissal of an action either on its own motion or upon motion of the prosecuting attorney and in furtherance of justice. If the court dismisses an action, the reasons for the dismissal must be set forth in the order and entered upon the minutes. The recommendations of the prosecuting officer in reference to dismissal, with reasons for dismissal, must be stated in writing and filed as a public record with the official files of the case."

On page 3 of its brief, the Defense relies upon *Matter of Opiacha*, 943 N.W.2d 220 (Minn. Ct. App. 2020) for the principle that "due process requires that the nature and duration of commitment bear some reasonable relation to the purpose for which the individual is committed." *Opiacha*, 943 N.W.2d 220, 226 (Minn. Ct. App. 2020)(quoting *Jackson v. Indiana*, 406 U.S. 715, 738, (1972)). The Court should engage in an assessment of Mr. Wesley's circumstances to determine if his current status at the Forensic Mental Health Program bares a reasonable relationship to his treatment needs. Accordingly, the Court adopted the test outlined in *Opiacha*: "The reasonable-relationship requirement is satisfied if a committed person 'is confined for only so long as he or she continues both to need further inpatient treatment and supervision for his ... disorder and to pose a danger to the public.' Call v. Gomez, 535 N.W.2d 312, 319 (Minn. 1995)." *Opiacha*, 943 N.W.2d 220, 226–27 (Minn. Ct. App. 2020). Taking into consideration that Mr. Wesley's civil commitment is indefinite in 27-MH-PR-17-1255 with specific psychiatric treatment needs; there was sufficient reliable information presented for the Court to find that the Defendant needs treatment, requires supervision, and continues to pose a risk to public safety. Accordingly, the nature and duration of Defendant's detention bares a reasonable relationship to the purpose for his detention.



**CONCLUSION**

In summary, this Court does not find the Defendant's argument persuasive that due to his repeated findings of incompetency and due to his prognosis, there is no likelihood that he will be restored to competence, and the charges should be dismissed. There is not a set metric for the number of times when a Respondent will be determined incompetent to proceed for a dismissal in the interest of justice. At this time, the Victim in this case remains invested in the outcome of this case. Defendant is charged with a crime of violence, Criminal Sexual Conduct in the Second Degree. The State has filed the appropriate intent to prosecute. The length of his indeterminate commitment and treatment as part of the civil commitment process, coupled with Defendant's diagnosis does not alter the crime committed by Defendant.

**ORDER**

The Defense's Motion to Dismiss in the Interests of Justice filed on January 31, 2024 2024, is **DENIED**.

Order Recommended by:



Borer, George  
Apr 11 2024 8:35 AM

Referee of District Court

**BY THE COURT:**



Dayton Klein, Julia  
Apr 11 2024 9:22 AM

Judge of District Court



**MINNESOTA  
JUDICIAL BRANCH  
MINNESOTA COURT RECORDS ONLINE (MCRO)**

**Case Details (Register of Actions)****27-CR-17-22909**

Search executed on 04/30/2024 07:03 AM

**Upcoming Hearing:**Review Hearing on **07/09/2024** at **1:30 PM****Case Information****Case Number:** 27-CR-17-22909**Case Title:** State of Minnesota vs ADRIAN MICHAEL WESLEY**Case Type:** Crim/Traf Mandatory**Date Filed:** 09/12/2017**Case Location:** Hennepin County, Hennepin Criminal Downtown**Case Status:** Closed**Party Information****Jurisdiction**

State of Minnesota

**Attorneys Active**

• BLAGOEV, AMY LOUISE - Lead Attorney

**Attorneys Inactive**

• HILLEREN, SARAH ELIZABETH

**Defendant****WESLEY, ADRIAN MICHAEL**

DOB: 03/15/1991

Richfield, MN 55423

**Attorneys Active**

• NOLEN, JULIUS ANTHONY - Lead Attorney

**Warrants****Inactive Warrants**

WESLEY, ADRIAN MICHAEL Arrest, Complaint, Order of Detention

Judicial Officer: Bernhardson, Ivy S.

09/13/2017 02:31 PM Status: Quashed

09/12/2017 11:31 AM Status: Issued Active

**Bond/Bail Options**

Bond or Cash Bail

Amount: \$20,000.00

**Charges**

1

Assault-4th Deg-Correctional Employee; Prob. Officer;  
Prosecutor; Judge -Demonstrable Bodily Harm

**Statute:** 609.2231.3(1)

**Additional Statutes:** Minimum Fines-Assault, Crim Sex (609.101.2); Assault-4th Deg-Correctional Employee; Probation Officer;  
Prosecutor; or Judge (609.2231.3)

**Disposition:** Dismissed

**Disposition Date:** 01/09/2024

**Level of Charge:** Felony

**Offense Date:** 07/14/2017

**Community Of Offense:** Minneapolis

**Law Enforcement Agency:** Hennepin County Sheriff's Office

**Prosecuting Agency:** Hennepin County Attorney

## Case Events

02/13/2024

Returned Mail  
Index #64



1 page

01/09/2024

Notice of Remote Hearing with Instructions  
Index #63



2 pages

01/09/2024

Request for Interpreter  
Judicial Officer: Browne, Michael K  
Party: Defendant WESLEY, ADRIAN MICHAEL  
Index #62

01/09/2024

Notice of Remote Hearing with Instructions  
Index #60



2 pages

01/09/2024

Found Incompetent  
Judicial Officer: Browne, Michael K

01/09/2024

Fail to Appear at a hearing

01/09/2024

Hearing Held Remote

07/10/2023





Found Incompetent  
Judicial Officer: Mercurio, Danielle



07/10/2023






Waiver of Appearance  
Index #59

07/06/2023

Request for Interpreter  
Party: Defendant WESLEY, ADRIAN MICHAEL  
Index #58

<b>06/29/2023</b>	Rule 20 Progress Report Index #57	
<b>01/19/2023</b>	Found Incompetent	
<b>01/19/2023</b>	Waiver of Appearance Index #56	
<b>01/10/2023</b>	Hearing Held Remote	
<b>01/04/2023</b>	Rule 20 Progress Report Index #55	
<b>12/29/2022</b>	Order-Other Judicial Officer: Browne, Michael K Index #54	 2 pages
<b>12/27/2022</b>	Proposed Order or Document Index #53	 2 pages
<b>12/27/2022</b>	Correspondence for Judicial Approval Index #52	 2 pages
<b>10/13/2022</b>	Request for Continuance Index #51	
<b>05/06/2022</b>	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #50	
<b>05/06/2022</b>	Found Incompetent Judicial Officer: Janzen, Lisa K	
<b>05/06/2022</b>	Waiver of Appearance Index #49	
<b>04/20/2022</b>	Rule 20 Progress Report Index #48	
<b>02/17/2022</b>	Order-Evaluation for Competency to Proceed (Rule 20.01) Judicial Officer: Janzen, Lisa K Index #47	 2 pages
<b>11/09/2021</b>	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #46	
<b>11/09/2021</b>	Found Incompetent Judicial Officer: Janzen, Lisa K	

11/09/2021	Pandemic Event	
11/09/2021	Waiver of Appearance Index #45	
10/22/2021	Rule 20 Progress Report Index #44	
05/11/2021	Order-Other Judicial Officer: Janzen, Lisa K Index #43	 1 page
05/11/2021	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #42	
05/11/2021	Found Incompetent Judicial Officer: Janzen, Lisa K	
05/11/2021	Pandemic Event	
05/11/2021	Waiver of Appearance Index #41	
05/07/2021	Rule 20 Progress Report Index #40	
11/10/2020	Found Incompetent Judicial Officer: Janzen, Lisa K	
11/10/2020	Waiver of Appearance Index #38	
11/10/2020	Request for Interpreter Judicial Officer: Janzen, Lisa K Party: Defendant WESLEY, ADRIAN MICHAEL Index #37	
11/02/2020	Rule 20 Progress Report Index #36	
05/11/2020	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #35	
05/08/2020	Find of Fact-Order, Pet Commitment-Dfd Found Incompetent Judicial Officer: Janzen, Lisa K Index #34	 7 pages
05/08/2020	Found Incompetent Judicial Officer: Janzen, Lisa K	
02/26/2020	Cancel Interpreter	

<b>02/10/2020</b>	Request for Interpreter Judicial Officer: Janzen, Lisa K Party: Defendant WESLEY, ADRIAN MICHAEL Index #33	
<b>01/24/2020</b>	Order to Transport Judicial Officer: Janzen, Lisa K Index #32	 <i>1 page</i>
<b>01/23/2020</b>	Order-Other Index #31	 <i>2 pages</i>
<b>01/23/2020</b>	Proposed Order or Document Index #30	 <i>2 pages</i>
<b>01/23/2020</b>	Notice of Motion and Motion Index #29	 <i>2 pages</i>
<b>10/22/2019</b>	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #28	
<b>10/22/2019</b>	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #27	
<b>10/21/2019</b>	Cancel Interpreter	
<b>10/21/2019</b>	Cancel Interpreter	
<b>10/02/2019</b>	Rule 20 Progress Report Index #26	
<b>10/02/2019</b>	Order to Transport Judicial Officer: Lamas, Carolina A. Index #24	 <i>1 page</i>
<b>10/02/2019</b>	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #25	
<b>10/02/2019</b>	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL	
<b>05/07/2019</b>	Request for Interpreter Judicial Officer: Lamas, Carolina A. Party: Defendant WESLEY, ADRIAN MICHAEL Index #22	
<b>05/07/2019</b>	Found Incompetent	

Judicial Officer: Lamas, Carolina A.

<b>04/25/2019</b>	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #20	
<b>04/08/2019</b>	Rule 20 Progress Report Index #18	
<b>03/13/2019</b>	Order to Transport Judicial Officer: Lamas, Carolina A. Index #17	 1 page
<b>11/06/2018</b>	Found Incompetent Judicial Officer: Lamas, Carolina A.	
<b>10/23/2018</b>	Order to Transport Index #16	 1 page
<b>10/15/2018</b>	Rule 20 Progress Report Index #15	
<b>09/06/2018</b>	Request for Interpreter Party: Defendant WESLEY, ADRIAN MICHAEL Index #14	
<b>05/01/2018</b>	Found Incompetent Judicial Officer: Lamas, Carolina A.	
<b>04/16/2018</b>	Rule 20 Progress Report Index #12	
<b>03/26/2018</b>	Order to Transport Judicial Officer: Lamas, Carolina A. Index #11	 1 page
<b>10/31/2017</b>	Request for Interpreter Judicial Officer: Lamas, Carolina A. Party: Defendant WESLEY, ADRIAN MICHAEL Index #10	
<b>10/19/2017</b>	Rule 20 Progress Report Index #7	
<b>09/13/2017</b>	Found Incompetent	
<b>09/13/2017</b>	Order-Other Judicial Officer: Lamas, Carolina A. Index #5	 3 pages

**09/13/2017** Request for Interpreter  
Party: Defendant WESLEY, ADRIAN MICHAEL  
Index #6

**09/13/2017** Probable Cause Found

**09/13/2017** Warrant Quashed  
Index #3

**09/12/2017** Warrant Issued  
Index #2

**09/12/2017** E-filed Comp-Warrant  
Index #1



4 pages

## Hearings

### Upcoming Hearings

**07/09/2024 01:30 PM** Review Hearing  
Judicial Officer: Olson, Joel  
Location: GC-C559

### Previous Hearings

**02/13/2024 01:30 PM** Hearing  
Judicial Officer: Mercurio, Danielle  
Location: GC-C556  
Cancelled; Other

**01/09/2024 01:30 PM** Review Hearing **Result: Held On the Record**  
Judicial Officer: Browne, Michael K  
Location: GC-C459

**07/11/2023 01:30 PM** Review Hearing  
Judicial Officer: Mercurio, Danielle  
Location: GC-C556  
Cancelled; Other

**01/31/2023 01:30 PM** Hearing  
Judicial Officer: Dayton Klein, Julia  
Location: GC-C559  
Cancelled; Settled

**01/10/2023 01:30 PM** Hearing **Result: Held On the Record**  
Judicial Officer: Borer, George  
Location: GC-C456

Date Updated: 10/13/2022

Continued to 01/10/2023 01:30 PM - Other - WESLEY, ADRIAN  
MICHAEL; State of Minnesota

Original Hearing Date: 11/08/2022 01:30 PM

**05/10/2022 01:30 PM** Hearing  
Judicial Officer: Janzen, Lisa K  
Location: GC-C857



		Cancelled; Other	
11/09/2021	01:30 PM	Hearing Judicial Officer: Janzen, Lisa K Location: GC-C857 Cancelled; Other	
05/11/2021	01:30 PM	Hearing Judicial Officer: Janzen, Lisa K Location: GC-C853 Cancelled; Other	
11/10/2020	01:30 PM	Hearing Judicial Officer: Janzen, Lisa K Location: GC-C853	<b>Result:</b> Held Off the Record
05/12/2020	01:30 PM	Hearing Judicial Officer: Janzen, Lisa K Location: GC-C857 Cancelled; Other	
02/10/2020	01:30 PM	Hearing Judicial Officer: Janzen, Lisa K Location: GC-C857  Date Updated: 10/22/2019 Reset by Court to 02/10/2020 01:30 PM - Other  Date Updated: 10/21/2019 Reset by Court to 11/05/2019 01:30 PM - Other  Date Updated: 10/02/2019 Reset by Court to 10/22/2019 01:30 PM - Other  Original Hearing Date: 11/05/2019 01:30 PM	<b>Result:</b> Held On the Record
05/07/2019	01:30 PM	Hearing Judicial Officer: Lamas, Carolina A. Location: GC-C857	<b>Result:</b> Held
11/06/2018	01:30 PM	Hearing Judicial Officer: Lamas, Carolina A. Location: GC-C857	<b>Result:</b> Held
05/01/2018	01:30 PM	Hearing Judicial Officer: Lamas, Carolina A. Location: GC-C857	<b>Result:</b> Held
10/31/2017	01:30 PM	Hearing Judicial Officer: Lamas, Carolina A. Location: GC-C857  Date Updated: 10/23/2017 Reset by Court to 10/31/2017 01:30 PM - Other  Original Hearing Date: 10/31/2017 01:30 PM	<b>Result:</b> Held

### Dispositions

01/09/2024      **Disposition**  
Judicial Officer: Browne, Michael K

1

Assault-4th Deg-Correctional Employee; Prob.  
Officer; Prosecutor; Judge -Demonstrable Bodily  
Harm

**Statute:** 609.2231.3(1)

**Additional Statutes:** Minimum Fines-Assault, Crim Sex (609.101.2); Assault-4th Deg-Correctional  
Employee; Probation Officer; Prosecutor; or Judge (609.2231.3)

**Disposition:** Dismissed

**Level of Charge:** Felony

**Offense Date:** 07/14/2017

**Community Of Offense:** Minneapolis

**Law Enforcement Agency:** Hennepin County Sheriff's Office

**Prosecuting Agency:** Hennepin County Attorney

Search executed on 04/30/2024 07:03 AM

MINNESOTA  
JUDICIAL  
BRANCH

State of Minnesota  
County of Hennepin

District Court  
4th Judicial District

Prosecutor File No. 17A10589  
Court File No. 27-CR-17-22909

State of Minnesota,

Plaintiff,

vs.

**ADRIAN MICHAEL WESLEY DOB: 03/15/1991**

7720 Upton Ave S  
Richfield, MN 55423

Defendant.

**COMPLAINT**

Warrant

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

**COUNT I**

**Charge: Assault-4th Deg-Correctional Employee; Prob. Officer; Prosecutor; Judge -Demonstrable Bodily Harm**

Minnesota Statute: 609.2231.3(1), with reference to: 609.101.2, 609.2231.3

Maximum Sentence: 2 YEARS AND/OR \$4,000

Offense Level: Felony

Offense Date (on or about): 07/14/2017

Control #(ICR#): 17008780

Charge Description: That on or about 7/14/2017, in Hennepin County, Minnesota, ADRIAN MICHAEL WESLEY assaulted Victim A, a correctional facility employee, while that employee was executing a duty imposed by law, policy or rule, and inflicted demonstrable bodily harm upon him.

## STATEMENT OF PROBABLE CAUSE

Complainant has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On July 14, 2017, Hennepin County Sheriff's Deputies were attempting to escort an inmate, ADRIAN MICHAEL WESLEY, dob 3/15/1991, the defendant herein, back to his cell at the adult detention facility if the City of Minneapolis, County of Hennepin, State of Minnesota. The defendant is hearing impaired and was using the jail-issued cell phone to text the girlfriends of other hearing impaired inmates.

A Sergeant communicated to the defendant in sign language that the defendant needed to return to his cell. The defendant refused to return to his cell. The defendant threw a food cart at jail staff, punched and kicked jail staff, and physically resisted being handcuffed and transported. The defendant struck one of the deputies attempting to restrain and transport him, hereinafter Victim A, in the face. As a result of the assault, Victim A suffered a bleeding abrasion to his left eye.

The defendant is in custody on an unrelated matter. Because it reasonably appears that the defendant will fail to respond to a summons, the State respectfully requests that a warrant issue with this complaint.

MINNESOTA  
JUDICIAL  
BRANCH

## SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:  
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or  
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

**Complainant**

Thomas Sonenstahl  
Detective  
350 S 5th St  
Minneapolis, MN 55415  
Badge: 356

Electronically Signed:  
09/12/2017 11:19 AM  
Hennepin County, mn

Being authorized to prosecute the offenses charged, I approve this complaint.

**Prosecuting Attorney**

Sarah Hilleren  
300 S 6th St  
Minneapolis, MN 55487  
(612) 348-5550

Electronically Signed:  
09/08/2017 02:13 PM

## FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

### ☐ SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ AM/PM before the above-named court at 300 S Sixth Street, Minneapolis, MN 55487 to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

### ☒ WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☐ *Execute in MN Only*

☒ *Execute Nationwide*

☐ *Execute in Border States*

### ☐ ORDER OF DETENTION

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$20,000.00

Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: September 12, 2017.

**Judicial Officer**

Ivy S. Bernhardson  
District Court Judge

Electronically Signed: 09/12/2017 11:22 AM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF HENNEPIN  
STATE OF MINNESOTA**

**State of Minnesota**

Plaintiff

vs.

**ADRIAN MICHAEL WESLEY**

Defendant

**LAW ENFORCEMENT OFFICER RETURN OF SERVICE**  
*I hereby Certify and Return that I have served a copy of this Warrant upon the Defendant herein named.*

Signature of Authorized Service Agent:

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

Michael Adrian Wesley,

Defendant.

**FINDINGS OF FACT**  
**CONCLUSIONS OF LAW**  
**AND ORDER INCLUDING**  
**PETITION FOR**  
**JUDICIAL COMMITMENT**

MNCIS No: 27-CR-17-22909

\* \* \* \* \*

This matter was charged on September 12, 2017, and a complaint was issued as a warrant. Parties waived a hearing and appearance on the matter. Pursuant to the evidence adduced at the hearing and upon all of the files, records, and proceedings herein, the Court makes the following:

**FINDINGS OF FACT**

1. The Defendant was born March 15, 1991; the Defendant is not a Veteran; and Defendant's nearest kindred is his aunt.
2. Defendant was charged with Assault in the Fourth Degree (Felony) from an offense date of July 14, 2017. On September 13, 2017, Judge Lamas found probable cause to believe that the crime was committed and that Defendant committed it.
3. On January 20, 2017, Judge Jay Quam of the Fourth Judicial District ordered an examination of the Defendant's mental condition pursuant to Minn.R.Crim.P. 20.01 in.
4. In a report to the Court in MNCIS Case No. 27-CR-17-1555 and MNCIS Case No. 27-CR-17-8342, Kristen Otte, Psy.D., LP, Senior Clinical Forensic Psychologist, Regional

Psychological Services, has determined that the Defendant may be mentally ill or mentally deficient so as to be incompetent to stand trial.

5. On February 21, 2017, Judge Lamas of the Fourth Judicial District Court found the defendant mentally ill or mentally deficient so as to be incompetent to stand trial.
6. Defendant was committed to the Minnesota Security Hospital, Saint Peter, as mentally ill and dangerous on July 27, 2017.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

### **ORDER**

1. The Criminal proceedings are hereby suspended until the Defendant has returned to a competent state of mind.
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.
3. The undersigned shall file this Order with the Fourth Judicial District Court – Criminal Division and the following persons/agencies shall be served with electronic copies of the Order:
  - a. Fourth Judicial District Court – Mental Health Division;
  - b. Hennepin County Attorney’s Office – Mental Health Division;
  - c. Hennepin County Attorney’s Office – Criminal Division;
  - d. Kellie Charles, Assistant Hennepin County Public Defender; and
  - e. Hennepin County Pre-petition Screening Unit.
4. The Defendant’s next review date in Hennepin County District Court – Criminal Division on the criminal matter and status review of Rule 20, Minn.R.Crim.P. is



October 31, 2017. 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. Kellie Charles, Assistant Hennepin County Public Defender;
- c. Sarah Hilleren, Assistant Hennepin County Attorney;
- d. Hennepin County Attorney – Mental Health Section; and
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

BY THE COURT:



Lamas, Carolina  
2017.09.13 14:21:57  
-05'00'

DATED: September 13, 2017

Carolina A. Lamas  
Judge of District Court  
Fourth Judicial District

Attachments: Examiner's Report  
Police Reports  
Complaints

MINNESOTA  
JUDICIAL  
BRANCH

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

**TRANSPORT ORDER**

v.

27-CR-17-22909;

27-CR-17-1555; 27-CR-17-8342

Adrian Michael Wesley,

Defendant.

---

TO: Richard W. Stanek, Sheriff of Hennepin County, Minnesota**NOTICE IS HEREBY GIVEN**

**THAT DEFENDANT**, Adrian Michael Wesley, was committed to the Commissioner of Human Services on February 21, 2017, as Mentally Ill. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for Tuesday, May 1, 2018 at 1:30 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT**, Adrian Michael Wesley, shall be transported to the Hennepin County Government Center from the Minnesota Security Hospital – Saint Peter, to the Hennepin County Government Center for a court appearance in Courtroom 857, on or before May 1, 2018.

BY THE COURT:



Carolina A. Lamas  
Judge of District Court

Dated: 03/26/2018

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

**TRANSPORT ORDER**

27-CR-17-1555;

27-CR-17-8342; 27-CR-17-22909

Adrian Michael Wesley,  
Defendant.

TO: David P. Hutchinson, Sheriff of Hennepin County, Minnesota

**NOTICE IS HEREBY GIVEN**

**THAT DEFENDANT, Adrian Michael Wesley**, was committed to the Commissioner of Human Services as Mentally Ill. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for Tuesday, May 7, 2019 at 1:30 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT, Adrian Michael Wesley**, shall be transported to the Hennepin County Government Center from the Minnesota Security Hospital – Saint Peter, on or before May 7, 2019 for a court appearance in Courtroom 857 at 1:30pm.

Dated: 03/13/2019

BY THE COURT:

Carolina A. Lamas  
Judge of District Court

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

**TRANSPORT ORDER**

v.

27-CR-17-8342; 27-CR-17-22909  
27-CR-17-1555

Adrian Michael Wesley,

Defendant.

TO: Richard W. Stanek, Sheriff of Hennepin County, Minnesota

**NOTICE IS HEREBY GIVEN**

**THAT DEFENDANT**, Adrian Michael Wesley, was committed to the Commissioner of Human Services as Mentally Ill. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for Tuesday, November 6, 2018, 2018 at 1:30 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT**, Adrian Michael Wesley, shall be transported to the Hennepin County Government Center from the Minnesota Security Hospital – Saint Peter, on or before November 6, 2018 for a court appearance in Courtroom 857 at 1:30pm.

Dated: 10/23/2018

BY THE COURT:

Carolina A. Lamas  
Judge of District Court

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

**TRANSPORT ORDER**

27-CR-17-1555; 27-CR-17-8342

27-CR-17-22909

Adrian Michael Wesley,  
Defendant.

TO: David P. Hutchinson, Sheriff of Hennepin County, Minnesota

**NOTICE IS HEREBY GIVEN**

**THAT DEFENDANT, Adrian Michael Wesley,** was committed to the Commissioner of Human Services as Mentally Ill. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for Tuesday, October 22, 2019 at 1:30 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT, Adrian Michael Wesley,** shall be transported to the Hennepin County Government Center from Minnesota Security Hospital – Saint Peter, on or before October 22, 2019 for a court appearance in Courtroom 857 at 1:30pm.

Dated: 10/02/2019

BY THE COURT:

Carolina A. Lamas  
Judge of District Court

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

**STATE'S NOTICE OF MOTIONS  
AND PRETRIAL MOTIONS**

vs.

Court Case No. 27-CR-17-1555;  
27-CR-17-22909; and 27-CR-17-8342

Adrian Michael Wesley,

Defendant.

---

**TO: JUDGE OF DISTRICT COURT, ATTORNEY FOR THE DEFENDANT, and  
DEFENDANT.**

PLEASE TAKE NOTICE that the State hereby moves the Court for the following relief:

For an Order directing the Forensic Mental Health Program in St. Peter to produce to Counsel copies of records relied upon in preparing the Competency Evaluation dated 10/1/2019, in the above-captioned matters. This request does not include police reports, court records, and previous competency evaluations as identified in lines 1-16 of the enumerated Information Sources section of the report, since Counsel already has access to those items.

**MOTION**

On October 2, 2019, a Competency Evaluation was filed in District Court relating to the above captioned cases. In that report, the Examiner, Dr. Jason Lewis, opined that Mr. Wesley has regained competency to proceed in this matter. Defendant has demanded a hearing to challenge that finding. The hearing is scheduled for February 10, 2020. The State has reached out to the forensic services division at the State Hospital in St. Peter to request copies of documents that Dr. Lewis relied upon in preparing the evaluation, and was advised that a Court Order would be required to release the records. Copies of these records are required to prepare for and proceed with the competency hearing. Therefore, the State requests that the Court enter an Order permitting release of the requested records to the parties in this matter.

I have conferred with counsel for the Defense, Julius Nolen, and he does not object to this motion.

Date: January 23, 2020

Respectfully submitted,

MICHAEL O. FREEMAN  
Hennepin County Attorney



Anna Petosky (#388163)  
Assistant County Attorney  
C2100 GOVERNMENT CENTER  
300 SOUTH SIXTH STREET  
Minneapolis, MN 55487  
Telephone: 612-348-4101

MINNESOTA  
JUDICIAL  
BRANCH

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

**FINDINGS AND ORDER**

Plaintiff,

vs.

Court Case No. 27-CR-17-1555;  
27-CR-17-22909; and 27-CR-17-8342

Adrian Michael Wesley,

Defendant.

WHEREAS, the Court finds that:

1. Pursuant to Minn. Stat. 611.026 and Minnesota Rule of Criminal Procedure 20.01, a Competency Hearing is scheduled for February 10, 2020, in the above matters.
2. The report and testimony of Dr. Jason Lewis from the Forensic Mental Health Program – St. Peter will be important pieces of evidence in that proceeding.
3. The requested records will assist in determining whether Defendant has competency to proceed with criminal prosecution.
4. The public interest and the need for disclosure of the records in this case outweigh any possible injury to the patient, to the physician-patient relationship, and to the treatment services.

**IT IS THEREFORE ORDERED THAT:**

1. Forensic Mental Health Program – St. Peter shall produce all sources of information referenced in Dr. Jason Lewis's Competency Evaluation dated October 1, 2019, including medical records and any collateral documentation, notes, and other information pertinent to the findings therein. This order does not include documents which the parties already have access to, such as the police reports, court records, and prior competency evaluations (Information Sources 1-16 referenced in the report).
2. Forensic Mental Health Program – St. Peter shall provide this information within ten days of receiving this Order.
3. Forensic Mental Health Program – St. Peter shall provide the documents either by hard copy or electronically to the following addresses:

Anna Petosky  
Assistant Hennepin County Attorney  
HCAO Adult Prosecution Division, A2100



300 South Sixth Street  
Minneapolis, MN 55487

Julius Nolen  
Assistant Hennepin County Public Defender  
701 Fourth Ave. South, Suite 1400  
Minneapolis, MN 55415-1600

**BY THE COURT:**

\_\_\_\_\_  
Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH

**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN**

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**

State of Minnesota,

Plaintiff,

vs.

**FINDINGS AND ORDER**  
Court Case No. 27-CR-17-1555;  
27-CR-17-22909; and 27-CR-17-8342

Adrian Michael Wesley,

Defendant.

WHEREAS, the Court finds that:

1. Pursuant to Minn. Stat. 611.026 and Minnesota Rule of Criminal Procedure 20.01, a Competency Hearing is scheduled for February 10, 2020, in the above matters.
2. The report and testimony of Dr. Jason Lewis from the Forensic Mental Health Program – St. Peter will be important pieces of evidence in that proceeding.
3. The requested records will assist in determining whether Defendant has competency to proceed with criminal prosecution.
4. The public interest and the need for disclosure of the records in this case outweigh any possible injury to the patient, to the physician-patient relationship, and to the treatment services.

**IT IS THEREFORE ORDERED THAT:**

1. Forensic Mental Health Program – St. Peter shall produce all sources of information referenced in Dr. Jason Lewis's Competency Evaluation dated October 1, 2019, including medical records and any collateral documentation, notes, and other information pertinent to the findings therein. This order does not include documents which the parties already have access to, such as the police reports, court records, and prior competency evaluations (Information Sources 1-16 referenced in the report).
2. Forensic Mental Health Program – St. Peter shall provide this information within ten days of receiving this Order.
3. Forensic Mental Health Program – St. Peter shall provide the documents either by hard copy or electronically to the following addresses:

Anna Petosky  
Assistant Hennepin County Attorney  
HCAO Adult Prosecution Division, A2100

300 South Sixth Street  
Minneapolis, MN 55487

Julius Nolen  
Assistant Hennepin County Public Defender  
701 Fourth Ave. South, Suite 1400  
Minneapolis, MN 55415-1600

BY THE COURT:

4/23/2020

  
Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

**TRANSPORT ORDER**27-CR-17-1555; 27-CR-17-22909;  
27-CR-17-8342Adrian Michael Wesley,  
Defendant.

TO: David P. Hutchinson, Sheriff of Hennepin County, Minnesota

**NOTICE IS HEREBY GIVEN**

**THAT DEFENDANT, Adrian Wesley**, was committed to the Commissioner of Human Services as Mentally Ill. A Rule 20.01 Treat to Competency was filed by the Department of Human Services. A hearing on the criminal matter is currently scheduled for Tuesday, February 10, 2020 at 1:30 in Courtroom 857, Hennepin County Government Center.

**IT IS HEREBY ORDERED**

**THAT DEFENDANT, Adrian Wesley**, shall be transported to the Hennepin County Government Center from Minnesota Security Hospital – Saint Peter, on or before February 10, 2020 for a court appearance in Courtroom 857 at 1:30pm.

BY THE COURT:

Dated: January 24, 2020  
Lisa K. Janzen  
Judge of District Court

State of Minnesota

District Court

County of Hennepin

Fourth Judicial District

State of Minnesota,  
Plaintiff,Judge Lisa K. Janzen  
Case Type: Criminal

v.

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
REGARDING DEFENDANT'S  
COMPETENCY TO PROCEED**Adrian Wesley,  
Defendant.Case Numbers: 27-CR-17-1555  
27-CR-17-22909  
27-CR-17-8342

The above-entitled matter came before Lisa K. Janzen, Judge of District Court, on February 10, 2020, for an evidentiary hearing upon the Defense's objection to the competency opinion rendered by Dr. Jason Lewis, dated October 1, 2019. Amy Blagoev, Assistant Hennepin County Attorney, appeared for the State. Julius Nolen, appeared on behalf of the defendant who was personally present. Dr. Jason Lewis, PhD, LP, of State Operated Forensic Services testified and the court received his report dated October 1, 2019 and his Curriculum Vitae as exhibits. The court also took judicial notice of the five previous rule 20.01 evaluations filed in the case. The court took the matter under advisement on February 10, 2020. Based upon the arguments presented and all the files and records herein, the Court orders as follows:

1. Defendant is **INCOMPETENT** to proceed.

**FINDINGS AND CONCLUSIONS**

Rule 20.01 of the Minnesota Rules of Criminal Procedure requires the court to find that the defendant is not competent unless the greater weight of the evidence shows that the defendant is competent. Minn.R.Crim.P. Rule 20.01, subd. 5 (c). A defendant is not competent if, due to mental illness or cognitive impairment he is unable to "(a) rationally consult with counsel or (b) understand the proceedings or participate in the defense." *Id.*, subd. 2. The determination of whether a defendant is able

to rationally consult with the defense attorney or understand and participate in the proceedings turns on the facts of each particular case.

Mr. Wesley has been charged in file 27-CR-17-1555 with one count of Criminal Sexual Conduct in the 2<sup>nd</sup> Degree arising from an incident alleged to have occurred on January 15, 2017. He is also charged in file 27-CR-17-22909 with one count of Assault in the 4<sup>th</sup> Degree from an incident alleged to have occurred on July 14, 2017. Finally, he is charged in file 27-CR-17-8342 with one count of Criminal Damage to Property in the First Degree for an incident alleged to have occurred on March 5, 2017. On January 20, 2017 Judge Jay Quam found probable cause on file 27-CR-17-1555 and ordered that a Rule 20.01 evaluation be completed. Dr. Kristen A. Otte, Psy.D. LP of Hennepin Psychological Services was assigned to complete the first 20.01 evaluation of the defendant. She filed her report on February 17, 2017. Dr. Otte opined that Mr. Wesley was incompetent and provided the following diagnoses:

1. Other Specified Neurodevelopmental Disorder (Associated with Prenatal Alcohol Exposure, formerly referred to as Fetal Alcohol Syndrome).
2. Intellectual Disability, Moderate
3. Unspecified Depressive Disorder

Dr. Otte indicated further information was required to determine whether Mr. Wesley met the diagnostic criteria for a psychotic disorder.

Dr. Otte noted Mr. Wesley's clinical presentation is complex due to his long standing and well-documented history of neurodevelopmental deficits and intellectual disabilities which contribute to problems with emotion regulation and behavioral control as well as his ability to communicate effectively about his thoughts and emotions. Mr. Wesley demonstrates a history of aggression and impulse control as well as sexually inappropriate behavior. Dr. Otte noted these issues are further compounded by his hearing impairment and that he requires the use of ASL interpreters to communicate and participate in evaluation interviews. Mr. Wesley's deficits are due to drug and alcohol exposure in-utero. Due to maternal abuse and neglect he was removed from his mother's care. His hearing loss is due to recurrent and untreated ear infections.

Dr. Otte indicated in her evaluation that Mr. Wesley's impairments result in significant deficits in planning and decision-making, reasoning, problem-solving, abstract thinking, emotion regulation, adaptive functioning and self-care. She opined that the deficits associated with his neurodevelopmental disorder and intellectual disability significantly interfere with his competency-related functioning. Dr. Otte opined that his prognosis for maintaining the requisite competency-related abilities is exceedingly poor. She noted his deficits and disabilities are chronic and long standing despite a long history of intensive support and intervention and wrote, "There is little likelihood that Mr. Wesley would be restored to competency in the foreseeable future."

On February 21, 2017, Judge Carolina Lamas entered findings of incompetency on all three of Mr. Wesley's files and referred him for screening for civil commitment. He was subsequently committed as Developmentally Disabled and Mentally Ill and Dangerous. The Department of Human Services placed him in the Minnesota Security Hospital - St. Peter where he continues to reside as a patient. Subsequently he has undergone four additional forensic evaluations conducted by Dr. Jason Lewis of State Operated Forensic Services. In each of the four subsequent evaluations, Dr. Lewis opined that Mr. Wesley was incompetent. Additionally, Dr. Lewis included a diagnoses of Unspecified Schizophrenia Spectrum and Psychotic Disorder.

In the most recent Rule 20.01 evaluation, filed on October 1, 2019, Dr. Lewis filed a report opining that Mr. Wesley has been restored to competency. Dr. Lewis noted that Mr. Wesley is psychiatrically stable and has been psychiatrically stable for the last couple evaluations. Dr. Lewis indicated Mr. Wesley demonstrates a lack of ongoing psychosis, he is alert, and his memory and thought processes are intact. Thus, Mr. Wesley's mental illness is not currently interfering significantly with competency issues. The questions the court must determine is whether Mr. Wesley's chronic cognitive deficits render him incompetent.

Dr. Lewis is a forensic examiner for State Operated Forensic Services and was previously the Clinical Director of the Competency Restoration Program. He testified that the Competency Restoration Program focuses on educating patients about the criminal legal process, including the roles of the parties in

the legal system, the trial process and possible sentences. They also discuss the evidence and facts in each patient's case. The goal is for the patients to understand the legal process sufficiently to be able to rationally consult with counsel and to be able to participate in their defense. The program consists of group class sessions and uses an assessment tool, consisting of one-hundred questions about the criminal process, to assist with a competency determination.

At the evidentiary hearing Dr. Lewis testified that the main factor he considered in his opinion that Mr. Wesley has been restored to competency was that Mr. Wesley had recently demonstrated an increased knowledge of legal concepts and facts related to his charges. Dr. Lewis testified the hospital had recently increased the frequency of Mr. Wesley's competency restoration sessions as compared to the prior evaluation review period. Dr. Lewis testified that Mr. Wesley is now able to discuss the evidence, facts and possible sentences of each of his cases individually. This is consistent with the restoration program's records which show substantial progress being made in the restoration groups he has been participating in. Dr. Lewis testified regarding Mr. Wesley's recent performance on the assessment tool. Below are examples of questions and responses given by Mr. Wesley noted during the hearing.

1. When asked whether he is obligated to accept a plea bargain Mr. Wesley responded, "Defendants have to take a plea bargain". Dr. Lewis testified he did consider this significant as it relates to competency.
2. Mr. Wesley was unable to understand the difference between a sentence to jail and a prison sentence. Dr. Lewis testified he did not consider this significant.
3. When asked to explain what not guilty by reason of mental illness means Mr. Wesley responded, "Maybe I did it but they are going to drop the charges". Dr. Wesley testified this response is inadequate but not significant.
4. Mr. Wesley was able to identify six basis rights rudimentarily.
5. Mr. Wesley answered one question, "If I plead not guilty the charge will be dropped".
6. Mr. Wesley was not able to answer some questions without being given clues and took a significant amount of time to answer many questions.



Dr. Lewis agreed that Mr. Wesley still demonstrates some deficits as it relates to competency, but that based on the totality of the data he is now able to communicate rationally with counsel and participate in his defense, with the caveat that defense counsel is encouraged to use simple language to explain the legal concepts and to identify multiple ways to describe complicated legal concepts. Dr. Lewis wrote, “Put another way, the ‘legalese’ that a layman with no mental illness or intellectual deficits would find confusing will be particularly challenging for Mr. Wesley, but he has demonstrated the ability to participate meaningfully in his defense when the discourse is simplified.” Dr. Lewis also made an additional recommendation that the sign language interpreter have a CDI certification, which means that the interpreter is also deaf and familiar with deaf culture. This type of interpreter is considered more able to accurately interpret and communicate. Dr. Lewis testified that the last time he met with Mr. Wesley was in September but that the notes he reviewed regarding progress between October and February indicated he has not decompensated. He also testified that if Mr. Wesley were to stop taking the competency restoration classes he would likely regress to incompetency.

At the evidentiary hearing attorney Susan Herlofsky testified that she is not the attorney of record for Mr. Wesley, but works at the public defender office with assigned counsel, Julius Nolen. She met with Mr. Wesley and assigned counsel prior to the hearing and sat at counsel table during the hearing. She testified in their conversation prior to the hearing Mr. Wesley did not understand what a trial was and was unable to understand the difference between a trial by jury and a court trial. He told defense counsel that he was proud that he “passed the test” at St. Peter hospital. Ms. Herlofsky testified at the end of the evidentiary hearing and stated that during the evidentiary hearing Mr. Wesley did not appear to understand the proceedings, had been unable to consult with counsel rationally or answer specific questions that counsel asked of him.

Based on the totality of the above noted facts, the court finds that the greater weight of the evidence demonstrates Mr. Wesley is not able to rationally consult with counsel or participate in his defense. While Mr. Wesley has demonstrated a basic understanding of the facts of his case and the legal process during his competency classes, this understanding appears to be rudimentary and fleeting. The court does not find

that this evidence demonstrates a cognitive ability to understand the legal concepts. Rather, it appears Mr. Wesley has been able to memorize definitions and terms due to repetition as a result of the high frequency of the competency classes he attends. This finding is further supported by Dr. Lewis's testimony that if Mr. Wesley were to discontinue competency restoration classes, he would likely soon regress to incompetency.

In order to rationally consult with counsel and participate in his defense, a defendant must have the cognitive ability, after consulting with counsel, to make important decisions about whether to accept a plea bargain, whether to have a jury or court trial and whether or not to testify. These decisions regarding the waiver of constitutional rights must be made by a defendant himself, after consulting with counsel. The defendant's attorney may not make these decisions for a defendant. While it appears Mr. Wesley now understands that he must behave properly in a courtroom setting and that he should follow the advice of counsel, simply indicating that he will "behave" in the courtroom and do what his lawyers tell him to do not establish that he is competent. His lack of understanding about whether he must accept a plea bargain and the difference between jail and prison is evidence that he is unable to participate in his defense. As noted by the psychologists, his cognitive impairments significantly interfere with his reasoning and decision making abilities. Most importantly, defense counsel's testimony that during the evidentiary hearing he demonstrated a lack of understanding about what a trial was and did not have the ability to consult with counsel or participate in his defense solidifies the court's conclusion that Mr. Wesley is incompetent.

Finally, it is important to take into consideration the recommendations of Dr. Lewis regarding suggested accommodations that can be made to assist Mr. Wesley in understanding the proceedings. Dr. Lewis indicates that Mr. Wesley does not have the ability to understand the "legalese" that a typical layman defendant would comprehend. His suggestion that defense counsel allot more time than customary, use simple language and explain legal concepts in multiple ways is prudent and the court does believe that defense counsel can implement these strategies. However, under the facts of Mr. Wesley's case, the court does not find that these accommodations are sufficient to render an otherwise incompetent defendant competent. Slowing down a legal proceeding by pausing or recessing to allow defense counsel to explain

every process, objection, argument or term used in witness testimony will not be sufficient to allow Mr. Wesley to comprehend the process, rationally consult with counsel and participate in his own defense. Dr. Lewis noted in his April 2019 evaluation that “if his competence-related deficits are primarily the result of intellectual deficits, his prognosis is likely to be poor.” The court finds that his competency related deficits are the result of his intellectual deficits. Although his factual understanding of his charges and the legal process has improved due to competency classes, the greater weight of the evidence does not establish that he has the rational ability to consult with counsel regarding trial strategy, make decisions regarding the waiver of constitutional rights and plea negotiations or otherwise participate in his defense.

The state has not met its burden of proving, by greater weight of the evidence that Mr. Wesley is competent. Therefore the court finds that the defendant, Mr. Wesley, is **INCOMPETENT**.

LKJ

By the Court:

Dated: 5/8/2020

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Lisa K. Janzen  
Judge of District Court

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA,

Plaintiff,

Court File No. 27-CR-17-1555;  
27-CR-17-8342; 27-CR-17-22909

v.

**ORDER TO DESTROY REPORT**

Adrian Michael Wesley,

Defendant.

**Whereas**, Dr. Gregory Hanson, Ph.D., LP, Direct Care and Treatment – Forensic Services, filed a report with the Court on April 28, 2021, and;

**Whereas**, Dr. Gregory Hanson filed a redacted version of the report on May 7, 2021, and;

**Whereas**, defense counsel moved the Court to order the original report filed on April 28, 2021, as well as any copies or versions, to be destroyed;

**It is therefore ordered that:**

1. All parties must destroy any copies of the report filed on April 28, 2021, and
2. Court Administration shall remove the report filed on April 28, 2021 from the MNCIS file.

**Date: May 11, 2021**

**BY THE COURT:**



**Lisa K. Janzen**  
**Judge of District Court**

State of Minnesota

District Court

Hennepin County

Fourth Judicial District

State of Minnesota,  
Plaintiff,

v.

ADRIAN MICHAEL WESLEY,  
Defendant.Order to 4<sup>th</sup> Judicial District Court  
Psychological Services  
**27-CR-17-1555****27-CR-17-8342; 27-CR-17-22909**

Defendant Information	
Location:	<input checked="" type="checkbox"/> Out of Custody <input type="checkbox"/> In Custody ( )
Phone:	-    Date of Birth: 03/15/1991
Email:	SILS Identifier: 659590
Home Address:	7720 Upton Ave S Richfield MN 55423
Additional family/collateral contact number and instructions:	

It is hereby ordered:

- ☐ For felony and gross misdemeanor cases, probable cause has been found.  
☐ The defendant is to be released upon completion of the interview process.  
☐ This is part of the targeted misdemeanor program.


- The Chief of Psychological Services of the Fourth Judicial District or the Chief's designee ("Examiner") shall conduct the following psychological evaluation, assessment and/or consultation regarding the defendant:
  - ☒ Competency to participate in proceedings pursuant to Rule 20.01
  - ☐ Mental state at the time of the alleged act pursuant to Rule 20.02 (M'Naghten Rule)
  - ☐ Sex Offender Evaluation pursuant to Minnesota Statute § 609.3457
  - ☐ Consultation (Pre-Plea/Pre-Sentence) \_\_\_\_\_
  - ☐ Other (please specify) \_\_\_\_\_
- Copies of this evaluation shall be provided to the Court and the following individuals:
 

Defense Counsel: JULIUS ANTHONY NOLEN	612-348-8560
Prosecuting Attorney: AMY LOUISE BLAGOEV	612-543-1093
Probation Officer:	
- The hearing for the return of psychological evaluation will be held on **May 10, 2022**  
**at 1:30 PM**.
- Upon presentation of this order, the relevant custodian of records shall provide (whether mailed, faxed, or personally delivered) to the Examiner all relevant records from the following sources: behavioral, chemical dependency, developmental disability, educational, employment, judicial, law enforcement (including audio/visual recordings), medical, probation/correction, psychological, and social service. A copy of the records so requested shall be delivered to the Examiner within 96 hours of presentation of this order. Records that are faxed shall be sent to 612-348-3452. Mailed records should be sent to Hennepin County District Court, Psychological Services, 300 South Sixth Street, C-509 Government Center, Minneapolis, Minnesota

55487. All agencies maintaining the above-listed records may also communicate verbally with the requesting Examiner.

- **The Court specifically finds** good cause exists for authorizing the disclosure of the identified records, including chemical dependency records, 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.
5. During the preparation of the report, the Examiner and any employee of Community Corrections and Rehabilitation may discuss the case and share relevant information in a manner consistent with Minnesota Rules of Criminal Procedure, Minnesota Statutes and case law.
  6. If a sex offender evaluation has been ordered and the defendant is a Repeat Sex Offender as defined in MN Statute 609.3457, Psychological Services is ordered to comply with both the requirements of § 609.3457 and the agreement with Minnesota State Operated Forensic Services. A copy of any Repeat Sex Offender Report produced by Psychological Services shall be forwarded to the Court and the Commissioner of Corrections.
  7. In the case of Rule 20 evaluations, the Examiner shall offer an opinion and support for the opinion on whether the defendant:
    - a. Is suitable for civil commitment and the basis of the possible commitment.
    - b. Is mentally ill and dangerous; and
    - c. Needs immediate hospitalization.
  8. In the case of Rule 20 evaluations, the Examiner shall promptly notify the prosecutor, defense attorney and the Court if the Examiner concludes that the defendant:
    - a. Presents an imminent risk of serious danger to another,
    - b. Is imminently suicidal, or
    - c. Needs emergency intervention.

Dated: February 17, 2022

  
\_\_\_\_\_  
Judge of District Court Signature  
Lisa Janzen

- ✓ Please scan and e-mail the order to **4<sup>th</sup> Psych Services Orders.**
- ✓ Please direct the prosecuting agency to forward a copy of the police report for each case to Psychological Services.
- ✓ If a defendant is to be released upon completion of the interview process, a Conditional Release Order must be filed giving that direction.



## DIRECT CARE &amp; TREATMENT – FORENSIC SERVICES

December 27, 2022

The Honorable Presiding Judge of Hennepin County  
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. Adrian Wesley*, Rule 20.01, subd. 7 competency evaluation  
Court Files: 27-CR-17-1555, 27-CR-17-8342; 27-CR-17-22909

Dear Judge of Hennepin County,

I am the Court Liaison for DHS Direct Care and Treatment- Forensic Services, and I write regarding the pending competency evaluation for the Defendant in the above-referenced cases. Defendant was found incompetent to participate in his defense under Minnesota Rule of Criminal Procedure 20.01 on 8/9/21, and they were subsequently civilly committed.

The DHS Forensic Evaluation Department, on behalf of DHS, the entity to which Defendant is committed, will be providing subd. 7 competency evaluation services in this matter.<sup>1</sup> Dr. Gregory Hanson is assigned to conduct this evaluation. In order to provide a comprehensive evaluation, Dr. Hanson will need to review records relating to clinical treatment Defendant has received or is receiving. State and federal data privacy laws do not allow Dr. Hanson access to treatment records absent a court order. Defendant's treatment records are relevant to Dr. Hanson's review and evaluation and will assist him in providing a more comprehensive opinion regarding Defendant's current mental condition and competency status.

For these reasons, I respectfully request that the attached proposed order for the release of medical records be signed and returned to me to allow the disclosure of treatment records to my office. Additionally, we request this language be included in all orders finding incompetence moving forward, as this would save time and resources for future subd. 7 competency evaluations completed by Forensic Services. Thank you for your consideration of this request.

Sincerely,

Amanda Burg, Court Liaison, Forensic Mental Health Program  
Direct Care & Treatment - Forensic Services  
1703 County Road 15  
St. Peter, MN 56082  
Phone: 507-985-2659

<sup>1</sup> DHS notes that although it is providing competency evaluation services in this matter, it is not a party to this proceeding and has not consented to be a party to this proceeding.



Copies: Hennepin County Court Administration  
Prosecuting Attorney  
Criminal Defense Attorney



# MINNESOTA JUDICIAL BRANCH



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

---

Case Type: Criminal

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State of Minnesota,

Court File Nos.: 27-CR-17-1555,  
27-CR-17-8342; 27-CR-17-22909

Plaintiff,

v.

**[PROPOSED]  
ORDER FOR RELEASE OF  
MEDICAL RECORDS**

Defendant,

Adrian Wesley.

---

The above-entitled matter came before the Court on a request for an Order for release of medical records filed by the Minnesota Department of Human Services' (DHS) - Forensic Services Forensic Evaluation Department. The request was served on Defendant's counsel and the Hennepin County Attorney's Office at the time of filing.

Defendant was found incompetent to participate in his defense under Minnesota Rule of Criminal Procedure 20.01 and was subsequently civilly committed. The DHS Forensic Evaluation Department, on behalf of DHS, the entity to which Defendant is committed, is providing subd. 7 competency evaluation services in this matter. Like the court appointed examiner ordered to conduct the initial Rule 20.01 evaluation in this matter, the assigned DHS Forensic Examiner should have access to Defendant's treatment records so a comprehensive report can be prepared to provide a well-informed opinion to the Court and the parties regarding Defendant's current mental health condition and competency status.

Based upon the request submitted by the DHS Forensic Evaluation Department, the Court hereby makes and files the following:

**ORDER**

1. The DHS Forensic Evaluation Department shall have access to Defendant's treatment records so they can prepare a comprehensive competency evaluation under Minnesota Rule of Criminal Procedure 20.01, subd. 7.
2. By presentation of a copy of this order, whether mailed, sent via facsimile, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional/jail records, including behavioral notes, medical notes, psychiatric notes, jail reports, and any records or information maintained by the jail from any third party medical provider/contractor/public health staff, developmental disability, employment and educational records, to DHS - Forensic Services within 72 hours.
3. This Order shall be sufficient to require an agency, department, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility.
4. Defendant's medical records may not be disclosed to any other person without court authorization or Defendant's signed consent.

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
Judge of District Court

STATE OF MINNESOTA  
 COUNTY OF HENNEPIN

DISTRICT COURT  
 FOURTH JUDICIAL DISTRICT

Case Type: Criminal

State of Minnesota,

Plaintiff,

v.

Defendant,

Adrian Wesley.

Court File Nos.: 27-CR-17-1555,  
 27-CR-17-8342; 27-CR-17-22909

**ORDER FOR RELEASE OF  
 MEDICAL RECORDS**

The above-entitled matter came before the Court on a request for an Order for release of medical records filed by the Minnesota Department of Human Services' (DHS) - Forensic Services Forensic Evaluation Department. The request was served on Defendant's counsel and the Hennepin County Attorney's Office at the time of filing.

Defendant was found incompetent to participate in his defense under Minnesota Rule of Criminal Procedure 20.01 and was subsequently civilly committed. The DHS Forensic Evaluation Department, on behalf of DHS, the entity to which Defendant is committed, is providing subd. 7 competency evaluation services in this matter. Like the court appointed examiner ordered to conduct the initial Rule 20.01 evaluation in this matter, the assigned DHS Forensic Examiner should have access to Defendant's treatment records so a comprehensive report can be prepared to provide a well-informed opinion to the Court and the parties regarding Defendant's current mental health condition and competency status.

Based upon the request submitted by the DHS Forensic Evaluation Department, the Court hereby makes and files the following:

**ORDER**

1. The DHS Forensic Evaluation Department shall have access to Defendant's treatment records so they can prepare a comprehensive competency evaluation under Minnesota Rule of Criminal Procedure 20.01, subd. 7.
2. By presentation of a copy of this order, whether mailed, sent via facsimile, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional/jail records, including behavioral notes, medical notes, psychiatric notes, jail reports, and any records or information maintained by the jail from any third party medical provider/contractor/public health staff, developmental disability, employment and educational records, to DHS - Forensic Services within 72 hours.
3. This Order shall be sufficient to require an agency, department, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility.
4. Defendant's medical records may not be disclosed to any other person without court authorization or Defendant's signed consent.

Dated: \_\_\_\_\_

BY THE COURT:



Browne, Michael  
Dec 27 2022 4:01 PM

\_\_\_\_\_  
Judge of District Court

State of Minnesota  
Hennepin CountyDistrict Court  
Fourth Judicial DistrictCourt File Number: 27-CR-17-1555; 27-CR-17-  
8342, 27-CR-17-22909.

Case Type: Crim/Traf Mandatory

**Notice of Remote Zoom Hearing****ADRIAN MICHAEL WESLEY  
7720 UPTON AVE S  
RICHFIELD MN 55423**

State of Minnesota vs ADRIAN MICHAEL WESLEY

You are notified this matter is set for a remote hearing. This hearing will not be in person at the courthouse.

<i>Hearing Information</i>
<b>February 13, 2024</b> <b>Hearing</b> <b>1:30 PM</b>

**The hearing will be held via Zoom and appearance shall be by video unless otherwise directed** with Judicial Officer Danielle Mercurio, Hennepin County District Court.

If you fail to appear a warrant may be issued for your arrest.

The Minnesota Judicial Branch uses strict security controls for all remote technology when conducting remote hearings.

You must:

- Notify the court if your address, email, or phone number changes.
- Be fully prepared for the remote hearing. If you have exhibits you want the court to see, you must give them to the court before the hearing. Visit <https://www.mncourts.gov/Remote-Hearings.aspx> for more information and options for joining remote hearings, including how to submit exhibits.
- Contact the court at 612-348-2040 if you do not have access to the internet, or are unable to connect by video.
- If you need an interpreter, contact the court before the hearing date to ask for one.
- If you cannot afford to hire a lawyer and would like to apply for a court-appointed attorney before this appearance visit <https://pdapplication.courts.state.mn.us> or scan the QR code to start the application.



**To join by internet:**

1. Type <https://zoomgov.com/join> in your browser's address bar.
2. Enter the **Meeting ID and Meeting Passcode (if asked)**:  
Meeting ID: 160 223 0876  
Passcode: 1234
3. Update your name by clicking on your profile picture. If you are representing a party, add your role to your name, for example, John Smith, Attorney for Defendant.
4. Click the **Join Audio** icon in the lower left-hand corner of your screen.
5. Click **Share Video**.

Para obtener más información y conocer las opciones para participar en audiencias remotas, incluido cómo enviar pruebas, visite [www.mncourts.gov/Remote-Hearings](http://www.mncourts.gov/Remote-Hearings).

Booqo [www.mncourts.gov/Remote-Hearings](http://www.mncourts.gov/Remote-Hearings) oo ka eego faahfaahin iyo siyaabaha aad uga qeybgeli karto dacwad-dhageysi ah fogaan-arag, iyo sida aad u soo gudbineyso wixii caddeymo ah.

**To receive an eReminder for future court dates via e-mail or text, visit [www.mncourts.gov/Hearing-eReminders.aspx](http://www.mncourts.gov/Hearing-eReminders.aspx) or scan the QR code to enroll.**



Dated: January 9, 2024

Sara Gonsalves  
Hennepin County Court Administrator  
300 South Sixth Street  
Minneapolis MN 55487-0419  
612-348-2040

cc:

State of Minnesota  
Hennepin CountyFiled in District Court  
State of Minnesota  
Jan 09, 2024 5:32 pmDistrict Court  
Fourth Judicial DistrictCourt File Number: 27-CR-17-1555; 27-CR-17-  
8342, 27-CR-17-22909.

Case Type: Crim/Traf Mandatory

**Notice of Remote Zoom Hearing****ADRIAN MICHAEL WESLEY  
7720 UPTON AVE S  
RICHFIELD MN 55423**

State of Minnesota vs ADRIAN MICHAEL WESLEY

You are notified this matter is set for a remote hearing. This hearing will not be in person at the courthouse.

<i>Hearing Information</i>
<b>July 9, 2024</b> <b>Review Hearing</b> <b>1:30 PM</b>

**The hearing will be held via Zoom and appearance shall be by video unless otherwise directed with Judicial Officer, Hennepin County District Court.**

If you fail to appear a warrant may be issued for your arrest.

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Booqo [www.mncourts.gov/Remote-Hearings](http://www.mncourts.gov/Remote-Hearings) oo ka eego faahfaahin iyo siyaabaha aad uga qeybgeli karto dacwad-dhageysi ah fogaan-arag, iyo sida aad u soo gudbineyso wixii caddeymo ah.

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Dated: January 9, 2024

Sara Gonsalves  
Hennepin County Court Administrator  
300 South Sixth Street  
Minneapolis MN 55487-0419  
612-348-2040

cc:



27-CR-23-1886

10008-111913

PROBATE/MENTAL HEALTH DIVISION  
FOURTH JUDICIAL DISTRICT COURT  
C-400 HENNEPIN COUNTY GOVERNMENT CENTER  
MINNEAPOLIS, MINNESOTA 55487-0340

Return Service Requested

ADRIAN MICHAEL WESLEY  
7720 UPTON AVE S

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*Filed in District Court  
State of Minnesota*

2024 FEB 13 A 8:37

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BRAYTON STATE OF MINNESOTA