

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

State of Minnesota,

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

Plaintiff,

vs.

**EXHIBT L1  
FINDING OF INCOMPETENCY  
ORDERS | PART 01**

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**

MINNESOTA  
JUDICIAL  
BRANCH

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

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-18-18391, 27-CR-19-1916, 27-CR-19-3539, 27-CR-19-17539, 27-CR-21-22058

Plaintiff,

vs.

Aesha Ibrahim Osman,

Defendant.

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

This matter came before the undersigned Referee/Judge of District Court on June 6, 2023. The hearing was held remotely using the Zoom internet platform. Chris Freeman, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Atif Khan, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 09/13/1998), was charged in MNCIS file 27-CR-18-18391 with Assault 5<sup>th</sup> Degree-2 (Felony) arising from an incident alleged to have occurred on July 2, 2018; in MNCIS file 27-CR-19-1916 with Assault-5<sup>th</sup> Degree (Felony) and Assault-4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 20, 2019; in MNCIS file 27-CR-19-3539 with Assault-4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 30, 2019; in MNCIS file 27-CR-19-17539 with Assault-5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 23, 2019; and in MNCIS file 27-CR-21-22058 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on November 27, 2021. In the latter case, on December 1, 2022, Judge Nicole Englisch found probable cause to believe that the offense was committed and that Defendant committed it.
2. On April 4, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.

3. Dr. Stephanie Bruss, Psy.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Stephanie Bruss, Psy.D., L.P., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Atif Kahn, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.

6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of



this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. 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.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is December 5, 2023. 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. Evan Powell, Assistant Hennepin County Attorney – Criminal Division;
- c. Atif Kahn, Assistant Hennepin County Public Defender
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

\_\_\_\_\_  
Referee of District Court

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

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

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Aesha Ibrahim Osman,

Defendant.

Court File No. 27-CR-18-18391; 27-CR-19-1916; 27-CR-19-3539; 27-CR-19-17539; 27-CR-21-22058; 27-CR-23-22062; 27-CR-24-4893

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

This matter came before the undersigned Referee of District Court on March 19, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Atif Khan, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 09/03/1998), was charged in MNCIS file 27-CR-18-18391 with Assault – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 2, 2018; in MNCIS file 27-CR-19-1916 with Assault – 5<sup>th</sup> Degree (Felony) and Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 20, 2019; in MNCIS file 27-CR-19-3539 with Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 30, 2019; in MNCIS 27-CR-19-17539 with Assault – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 23, 2019; in MNCIS file 27-CR-21-22058 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on November 27, 2021; in MNCIS file 27-CR-23-22062 with Assault – 2<sup>nd</sup> Degree (Felony), Burglary – 1<sup>st</sup> Degree (Felony), and Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 27, 2023; and in MNCIS file 27-CR-24-4893 with Assault – 4<sup>th</sup> Degree (Felony), Assault – 4<sup>th</sup> Degree (Felony), and Assault – 5<sup>th</sup> Degree (Misdemeanor) arising from an incident alleged to have occurred on February 27, 2024.

2. The Court previously entered a finding of incompetent to stand trial in each of the referenced cases.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Atif Khan, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records

maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider

to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. 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.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is July 2, 2024. 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. Atif Khan, Assistant Hennepin County Public Defender (atif.khan@hennepin.us);
  - c. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);

- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH



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

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-18-26530, 27-CR-19-9270, 27-CR-20-1053, 27-CR-22-3553

Plaintiff,

vs.

William Lee Nabors,

Defendant.

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

This matter came before the undersigned Referee of District Court on May 23, 2023. The hearing was held remotely using the Zoom internet platform. Thomas Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 12/10/1970), was convicted in MNCIS file 27-CR-18-26530 with Trespass (Gross Misdemeanor). Defendant was charged in MNCIS file 27-CR-19-9270 with Transit-Obstruct/Interfere with Operation of Vehicle (Gross Misdemeanor) arising from an incident alleged to have occurred on April 21, 2019; in MNCIS file 27-CR-20-1053 with Theft (Misdemeanor) arising from an incident alleged to have occurred on January 11, 2020; and in MNCIS file 27-CR-22-3553 with 1<sup>st</sup> Degree Assault (Felony) and 3<sup>rd</sup> Degree Assault (Felony) arising from an incident alleged to have occurred on February 22, 2022. In the latter case, on April 20, 2023, Judge Askalani found probable cause to believe that the offenses were committed and that Defendant committed them.
2. On April 20, 2023, Judge Askalani ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

4. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Natasha Yenina, Assistant Hennepin County Attorney – Criminal Division;

Karen Mara, Minneapolis City Attorney;

Patrick Leach, Edina City Attorney;

Peter Martin, Attorney for Defendant

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. 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.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is November 21, 2023. 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. Peter Martin, Attorney for Defendant;
  - c. Natasha Yenina, Assistant Hennepin County Attorney;
  - d. Karen Mara, Minneapolis City Attorney;
  - e. Patrick Leach, Edina City Attorney;
  - f. Assistant Hennepin County Attorney’s Office – Adult Services Division (if a commitment is ordered);
  - g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County’s Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

\_\_\_\_\_  
Referee of District Court

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

Filed in District Court  
State of Minnesota  
Feb 15, 2023 12:26 pm**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN****DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-19-901;  
27-CR-20-13495

Plaintiff,

vs.

Eyuael Gonfa Kebede,

Defendant.

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

This matter came before the undersigned Referee of District Court on February 14, 2023. The hearing was held remotely using the Zoom internet platform. Heidi Johnston, Minneapolis City Attorney, represented the plaintiff. Defendant was represented by Gregory Renden, Assistant Hennepin County Public Defender, who waived the Defendant's appearance.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 05/18/1994), was convicted in MNCIS file 27-CR-19-901 DWI (Gross Misdemeanor) and charged in MNCIS file 27-CR-20-13495 with two courts of DWI (Gross Misdemeanor) arising from an incident alleged to have occurred on 04/05/2020. On 05/09/2022, Judge Daly found probable cause to believe that the offenses were committed and that Defendant committed them.
2. On 11/23/2022, Judge Janzen ordered that Defendant undergo an updated evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
3. Dr. Katheryn Cranbrook, PsyD, ABPP, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Katheryn Cranbrook, PsyD, ABPP, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.



## CONCLUSIONS OF LAW

Defendant is presently incompetent to stand trial. The prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charges.

### ORDER

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Megan Griffin, Minneapolis City Attorney – Criminal Division;

Gregory Renden, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals;



physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 15, 2023. 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. Gregory Renden, Assistant Hennepin County Public Defender;
  - c. Megan Griffin, Minneapolis City Attorney – Criminal Division;
  - d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
  - e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
13. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

\_\_\_\_\_  
Referee of District Court

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

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

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-18-18391, 27-CR-19-1916, 27-CR-19-3539, 27-CR-19-17539, 27-CR-21-22058

Plaintiff,

vs.

Aesha Ibrahim Osman,

Defendant.

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

This matter came before the undersigned Referee/Judge of District Court on June 6, 2023. The hearing was held remotely using the Zoom internet platform. Chris Freeman, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Atif Khan, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 09/13/1998), was charged in MNCIS file 27-CR-18-18391 with Assault 5<sup>th</sup> Degree-2 (Felony) arising from an incident alleged to have occurred on July 2, 2018; in MNCIS file 27-CR-19-1916 with Assault-5<sup>th</sup> Degree (Felony) and Assault-4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 20, 2019; in MNCIS file 27-CR-19-3539 with Assault-4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 30, 2019; in MNCIS file 27-CR-19-17539 with Assault-5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 23, 2019; and in MNCIS file 27-CR-21-22058 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on November 27, 2021. In the latter case, on December 1, 2022, Judge Nicole Englisch found probable cause to believe that the offense was committed and that Defendant committed it.
2. On April 4, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.

3. Dr. Stephanie Bruss, Psy.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Stephanie Bruss, Psy.D., L.P., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Atif Kahn, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.

6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of

this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. 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.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is December 5, 2023. 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. Evan Powell, Assistant Hennepin County Attorney – Criminal Division;
- c. Atif Kahn, Assistant Hennepin County Public Defender
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

\_\_\_\_\_  
Referee of District Court

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



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

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Aesha Ibrahim Osman,

Defendant.

Court File No. 27-CR-18-18391; 27-CR-19-1916; 27-CR-19-3539; 27-CR-19-17539; 27-CR-21-22058; 27-CR-23-22062; 27-CR-24-4893

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

This matter came before the undersigned Referee of District Court on March 19, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Atif Khan, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 09/03/1998), was charged in MNCIS file 27-CR-18-18391 with Assault – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 2, 2018; in MNCIS file 27-CR-19-1916 with Assault – 5<sup>th</sup> Degree (Felony) and Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 20, 2019; in MNCIS file 27-CR-19-3539 with Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 30, 2019; in MNCIS 27-CR-19-17539 with Assault – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 23, 2019; in MNCIS file 27-CR-21-22058 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on November 27, 2021; in MNCIS file 27-CR-23-22062 with Assault – 2<sup>nd</sup> Degree (Felony), Burglary – 1<sup>st</sup> Degree (Felony), and Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 27, 2023; and in MNCIS file 27-CR-24-4893 with Assault – 4<sup>th</sup> Degree (Felony), Assault – 4<sup>th</sup> Degree (Felony), and Assault – 5<sup>th</sup> Degree (Misdemeanor) arising from an incident alleged to have occurred on February 27, 2024.

2. The Court previously entered a finding of incompetent to stand trial in each of the referenced cases.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Atif Khan, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records

maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider

to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. 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.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is July 2, 2024. 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. Atif Khan, Assistant Hennepin County Public Defender (atif.khan@hennepin.us);
  - c. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);

- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH

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

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-18-18391, 27-CR-19-1916, 27-CR-19-3539, 27-CR-19-17539, 27-CR-21-22058

Plaintiff,

vs.

Aesha Ibrahim Osman,

Defendant.

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

This matter came before the undersigned Referee/Judge of District Court on June 6, 2023. The hearing was held remotely using the Zoom internet platform. Chris Freeman, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Atif Khan, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 09/13/1998), was charged in MNCIS file 27-CR-18-18391 with Assault 5<sup>th</sup> Degree-2 (Felony) arising from an incident alleged to have occurred on July 2, 2018; in MNCIS file 27-CR-19-1916 with Assault-5<sup>th</sup> Degree (Felony) and Assault-4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 20, 2019; in MNCIS file 27-CR-19-3539 with Assault-4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 30, 2019; in MNCIS file 27-CR-19-17539 with Assault-5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 23, 2019; and in MNCIS file 27-CR-21-22058 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on November 27, 2021. In the latter case, on December 1, 2022, Judge Nicole Englisch found probable cause to believe that the offense was committed and that Defendant committed it.
2. On April 4, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.

3. Dr. Stephanie Bruss, Psy.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Stephanie Bruss, Psy.D., L.P., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Atif Kahn, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.



6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of

this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. 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.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is December 5, 2023. 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. Evan Powell, Assistant Hennepin County Attorney – Criminal Division;
- c. Atif Kahn, Assistant Hennepin County Public Defender
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

\_\_\_\_\_  
Referee of District Court

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

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

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Aesha Ibrahim Osman,

Defendant.

Court File No. 27-CR-18-18391; 27-CR-19-1916; 27-CR-19-3539; 27-CR-19-17539; 27-CR-21-22058; 27-CR-23-22062; 27-CR-24-4893

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

This matter came before the undersigned Referee of District Court on March 19, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Atif Khan, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 09/03/1998), was charged in MNCIS file 27-CR-18-18391 with Assault – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 2, 2018; in MNCIS file 27-CR-19-1916 with Assault – 5<sup>th</sup> Degree (Felony) and Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 20, 2019; in MNCIS file 27-CR-19-3539 with Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 30, 2019; in MNCIS 27-CR-19-17539 with Assault – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 23, 2019; in MNCIS file 27-CR-21-22058 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on November 27, 2021; in MNCIS file 27-CR-23-22062 with Assault – 2<sup>nd</sup> Degree (Felony), Burglary – 1<sup>st</sup> Degree (Felony), and Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 27, 2023; and in MNCIS file 27-CR-24-4893 with Assault – 4<sup>th</sup> Degree (Felony), Assault – 4<sup>th</sup> Degree (Felony), and Assault – 5<sup>th</sup> Degree (Misdemeanor) arising from an incident alleged to have occurred on February 27, 2024.

2. The Court previously entered a finding of incompetent to stand trial in each of the referenced cases.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Atif Khan, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records

maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider



to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. 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.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is July 2, 2024. 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. Atif Khan, Assistant Hennepin County Public Defender (atif.khan@hennepin.us);
  - c. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);



- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
  - e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH

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

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-18-26530, 27-CR-19-9270, 27-CR-20-1053, 27-CR-22-3553

Plaintiff,

vs.

William Lee Nabors,

Defendant.

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

This matter came before the undersigned Referee of District Court on May 23, 2023. The hearing was held remotely using the Zoom internet platform. Thomas Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 12/10/1970), was convicted in MNCIS file 27-CR-18-26530 with Trespass (Gross Misdemeanor). Defendant was charged in MNCIS file 27-CR-19-9270 with Transit-Obstruct/Interfere with Operation of Vehicle (Gross Misdemeanor) arising from an incident alleged to have occurred on April 21, 2019; in MNCIS file 27-CR-20-1053 with Theft (Misdemeanor) arising from an incident alleged to have occurred on January 11, 2020; and in MNCIS file 27-CR-22-3553 with 1<sup>st</sup> Degree Assault (Felony) and 3<sup>rd</sup> Degree Assault (Felony) arising from an incident alleged to have occurred on February 22, 2022. In the latter case, on April 20, 2023, Judge Askalani found probable cause to believe that the offenses were committed and that Defendant committed them.
2. On April 20, 2023, Judge Askalani ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

4. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Natasha Yenina, Assistant Hennepin County Attorney – Criminal Division;

Karen Mara, Minneapolis City Attorney;

Patrick Leach, Edina City Attorney;

Peter Martin, Attorney for Defendant

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. 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.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is November 21, 2023. 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. Peter Martin, Attorney for Defendant;
- c. Natasha Yenina, Assistant Hennepin County Attorney;
- d. Karen Mara, Minneapolis City Attorney;
- e. Patrick Leach, Edina City Attorney;
- f. Assistant Hennepin County Attorney’s Office – Adult Services Division (if a commitment is ordered);
- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County’s Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

\_\_\_\_\_  
Referee of District Court

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

Filed in District Court  
State of Minnesota  
Mar 21, 2024 3:11 pm**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN****DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Terrell Johnson,

Defendant.

Court File No. 27-CR-19-12466; 27-CR-19-19606; 27-CR-20-8926; 27-CR-20-20037; 27-CR-21-19552; 27-CR-21-23233; 27-CR-22-1165; 27-CR-22-4898; 27-CR-23-8649; 27-CR-23-25563

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

This matter came before the undersigned Referee of District Court on March 12, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Michelle Doffing, Minneapolis City Attorney, appeared. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 08/28/1979), was charged in MNCIS file 27-CR-19-12466 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on May 28, 2019; in MNCIS file 27-CR-19-19606 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on August 12, 2019; in MNCIS file 27-CR-20-8926 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 2, 2020; in MNCIS file 27-CR-20-20037 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 6, 2019; in MNCIS file 27-CR-21-19552 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 12, 2021; in MNCIS file 27-CR-21-23233 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on December 17, 2021; in MNCIS file 27-CR-22-1165 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on October 9, 2021; in MNCIS file 27-CR-22-4898 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 15, 2022; in MNCIS file 27-CR-23-8649 with Domestic Assault (Gross Misdemeanor) arising



from incident alleged to have occurred on April 25, 2023; and in MNCIS file 27-CR-23-25563 with Threats of Violence – Reckless Disregard Risk (Felony) arising from an incident alleged to have occurred on November 29, 2023. In the former case, on December 6, 2023, Judge Juan Hoyos found probable cause to believe that the offense was committed and that Defendant committed it.

2. On December 6, 2023, Judge Juan Hoyos ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Kacy Wothe, Assistant Hennepin County Attorney – Criminal Division;

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Minneapolis City Attorney;

Laura Prah, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 10, 2024. 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. Laura Prah, Assistant Hennepin County Public Defender (laura.prah@hennepin.us);
  - c. Kacy Wothe, Assistant Hennepin County Attorney (kacy.wothe@hennepin.us);
  - d. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);
  - e. Minneapolis City Attorney;
  - f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:



Mercurio, Danielle  
Mar 21 2024 2:26 PM

Referee of District Court

BY THE COURT:



Browne, Michael  
Mar 21 2024 3:04 PM

Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH

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

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-18-18391, 27-CR-19-1916, 27-CR-19-3539, 27-CR-19-17539, 27-CR-21-22058

Plaintiff,

vs.

Aesha Ibrahim Osman,

Defendant.

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

This matter came before the undersigned Referee/Judge of District Court on June 6, 2023. The hearing was held remotely using the Zoom internet platform. Chris Freeman, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Atif Khan, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 09/13/1998), was charged in MNCIS file 27-CR-18-18391 with Assault 5<sup>th</sup> Degree-2 (Felony) arising from an incident alleged to have occurred on July 2, 2018; in MNCIS file 27-CR-19-1916 with Assault-5<sup>th</sup> Degree (Felony) and Assault-4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 20, 2019; in MNCIS file 27-CR-19-3539 with Assault-4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 30, 2019; in MNCIS file 27-CR-19-17539 with Assault-5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 23, 2019; and in MNCIS file 27-CR-21-22058 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on November 27, 2021. In the latter case, on December 1, 2022, Judge Nicole Englisch found probable cause to believe that the offense was committed and that Defendant committed it.
2. On April 4, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.

3. Dr. Stephanie Bruss, Psy.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Stephanie Bruss, Psy.D., L.P., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Atif Kahn, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.



6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of



this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. 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.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is December 5, 2023. 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. Evan Powell, Assistant Hennepin County Attorney – Criminal Division;
- c. Atif Kahn, Assistant Hennepin County Public Defender
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

\_\_\_\_\_  
Referee of District Court

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

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

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Aesha Ibrahim Osman,

Defendant.

Court File No. 27-CR-18-18391; 27-CR-19-1916; 27-CR-19-3539; 27-CR-19-17539; 27-CR-21-22058; 27-CR-23-22062; 27-CR-24-4893

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

This matter came before the undersigned Referee of District Court on March 19, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Atif Khan, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 09/03/1998), was charged in MNCIS file 27-CR-18-18391 with Assault – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 2, 2018; in MNCIS file 27-CR-19-1916 with Assault – 5<sup>th</sup> Degree (Felony) and Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 20, 2019; in MNCIS file 27-CR-19-3539 with Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 30, 2019; in MNCIS 27-CR-19-17539 with Assault – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 23, 2019; in MNCIS file 27-CR-21-22058 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on November 27, 2021; in MNCIS file 27-CR-23-22062 with Assault – 2<sup>nd</sup> Degree (Felony), Burglary – 1<sup>st</sup> Degree (Felony), and Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 27, 2023; and in MNCIS file 27-CR-24-4893 with Assault – 4<sup>th</sup> Degree (Felony), Assault – 4<sup>th</sup> Degree (Felony), and Assault – 5<sup>th</sup> Degree (Misdemeanor) arising from an incident alleged to have occurred on February 27, 2024.

2. The Court previously entered a finding of incompetent to stand trial in each of the referenced cases.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Atif Khan, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records

maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider

to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. 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.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is July 2, 2024. 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. Atif Khan, Assistant Hennepin County Public Defender (atif.khan@hennepin.us);
  - c. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);

- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH



Filed in District Court  
State of Minnesota  
Mar 21, 2024 3:11 pm**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Terrell Johnson,

Defendant.

Court File No. 27-CR-19-12466; 27-CR-19-19606; 27-CR-20-8926; 27-CR-20-20037; 27-CR-21-19552; 27-CR-21-23233; 27-CR-22-1165; 27-CR-22-4898; 27-CR-23-8649; 27-CR-23-25563

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

This matter came before the undersigned Referee of District Court on March 12, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Michelle Doffing, Minneapolis City Attorney, appeared. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 08/28/1979), was charged in MNCIS file 27-CR-19-12466 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on May 28, 2019; in MNCIS file 27-CR-19-19606 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on August 12, 2019; in MNCIS file 27-CR-20-8926 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 2, 2020; in MNCIS file 27-CR-20-20037 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 6, 2019; in MNCIS file 27-CR-21-19552 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 12, 2021; in MNCIS file 27-CR-21-23233 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on December 17, 2021; in MNCIS file 27-CR-22-1165 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on October 9, 2021; in MNCIS file 27-CR-22-4898 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 15, 2022; in MNCIS file 27-CR-23-8649 with Domestic Assault (Gross Misdemeanor) arising

from incident alleged to have occurred on April 25, 2023; and in MNCIS file 27-CR-23-25563 with Threats of Violence – Reckless Disregard Risk (Felony) arising from an incident alleged to have occurred on November 29, 2023. In the former case, on December 6, 2023, Judge Juan Hoyos found probable cause to believe that the offense was committed and that Defendant committed it.

2. On December 6, 2023, Judge Juan Hoyos ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Kacy Wothe, Assistant Hennepin County Attorney – Criminal Division;

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Minneapolis City Attorney;

Laura Prael, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 10, 2024. 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. Laura Prah, Assistant Hennepin County Public Defender (laura.prah@hennepin.us);
  - c. Kacy Wothe, Assistant Hennepin County Attorney (kacy.wothe@hennepin.us);
  - d. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);
  - e. Minneapolis City Attorney;
  - f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County’s Human Services and Public Health Department.

Order Recommended By:



Mercurio, Danielle  
Mar 21 2024 2:26 PM

Referee of District Court

BY THE COURT:



Browne, Michael  
Mar 21 2024 3:04 PM

Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH

Filed in District Court  
State of Minnesota  
Mar 08, 2023 9:34 am**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN****DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-20-6517, 27-CR-21-  
23131, 27-CR-22-24627

Plaintiff,

vs.

Rex Allen Basswood, Jr.,

Defendant.

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

This matter came before the undersigned Judge of District Court on March 7, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Chelsea Knutson, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 07/19/1989), was charged in MNCIS file 27-CR-20-6517 with Theft (Felony) arising from an incident alleged to have occurred on 02/06/2020; in MNCIS file 27-CR-21-23131 with Theft (Felony) arising from an incident alleged to have occurred on 12/14/2021; and in MNCIS file 27-CR-22-24627 with Simple Robbery (Felony) arising from an incident alleged to have occurred on 11/08/2022.
2. On 12/30/2022, Judge Michael Browne ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Adam A. Milz, PhD, LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Adam A. Milz, PhD, LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.



## CONCLUSIONS OF LAW

Defendant is presently incompetent to stand trial.

## ORDER

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Daniel Provencher, Assistant Hennepin County Attorney – Criminal Division;

Chelsea Knutson, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation



agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order

may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. 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.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 5, 2023. 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. Chelsea Knutson, Assistant Hennepin County Public Defender;
  - c. Daniel Provencher, Assistant Hennepin County Attorney;
  - d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County’s Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

Filed in District Court  
State of Minnesota  
Jan 24, 2024 1:09 pm

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION

State of Minnesota,

Court File No. 27-CR-20-7092; 27-CR-21-933

Plaintiff,

vs.

Dwayne Anthony Bledsoe,

Defendant.

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

This matter came before the undersigned Judge of District Court on January 23, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant was represented by Atif Khan, Assistant Hennepin County Public Defender. Defendant was not present.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 11/03/1979), was charged in MNCIS file 27-CR-20-7092 with Domestic Abuse No Contact Order – Violate No Contact Order (Gross Misdemeanor) arising from an incident alleged to have occurred on February 1, 2020; and in MNCIS file 27-CR-21-933 with Simple Robbery (Felony) arising from an incident alleged to have occurred on January 13, 2021. On February 10, 2021, Judge Paul Scoggin found probable cause to believe that the offenses were committed and that Defendant committed them.
2. On September 28, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to

rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

### CONCLUSIONS OF LAW

Defendant is presently incompetent to stand trial.

### ORDER

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Travis Huddy, Assistant Hennepin County Attorney – Criminal Division;  
Megan Griffin, Minneapolis City Attorney;  
Atif Khan, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records

maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order

may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is July 23, 2024. 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. Atif Khan, Assistant Hennepin County Public Defender;
  - c. Travis Huddy, Assistant Hennepin County Attorney;
  - d. Megan Griffin, Minneapolis City Attorney;
  - e. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
  - f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**



Dayton Klein, Julia  
Jan 23 2024 3:08 PM

Judge of District Court



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

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-20-8575;  
27-CR-21-7676

Plaintiff,

vs.

Bisharo Jama Noor,

Defendant.

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

This matter came before the undersigned Judge of District Court on April 11, 2023. The hearing was held remotely using the Zoom internet platform. Thomas Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, on behalf of Atif Khan, Assistant Hennepin County Public Defender. Sahil Kahin, Court Interpreter, Somali Language was also present.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 01/01/1988) was charged in MNCIS file 27-CR-20-8575 with 2<sup>nd</sup> Degree Assault (Felony) arising from an incident alleged to have occurred on April 2, 2020; and MNCIS file 27-CR-21-7676 with Malicious Punishment of a Child (Gross Misdemeanor) arising from an incident alleged to have occurred on January 16, 2021. On February 16, 2023, Judge Hilary Caligiuri found probable cause to believe that the offenses were committed and that Defendant committed them.
2. On February 16, 2023, Judge Hilary Caligiuri ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. John R. Anderson, Ph.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. John R. Anderson, Ph.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to

rationality consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charge.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Christopher Nippoldt, Assistant Hennepin County Attorney – Criminal Division;

Atif Khan, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records

maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider

to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. 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.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 10, 2023. 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. Atif Khan, Assistant Hennepin County Public Defender;
  - c. Christopher Nippoldt, Assistant Hennepin County Attorney;

- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
  - e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH

Filed in District Court  
State of Minnesota  
Mar 21, 2024 3:11 pm**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Terrell Johnson,

Defendant.

Court File No. 27-CR-19-12466; 27-CR-19-19606; 27-CR-20-8926; 27-CR-20-20037; 27-CR-21-19552; 27-CR-21-23233; 27-CR-22-1165; 27-CR-22-4898; 27-CR-23-8649; 27-CR-23-25563

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

This matter came before the undersigned Referee of District Court on March 12, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Michelle Doffing, Minneapolis City Attorney, appeared. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 08/28/1979), was charged in MNCIS file 27-CR-19-12466 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on May 28, 2019; in MNCIS file 27-CR-19-19606 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on August 12, 2019; in MNCIS file 27-CR-20-8926 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 2, 2020; in MNCIS file 27-CR-20-20037 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 6, 2019; in MNCIS file 27-CR-21-19552 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 12, 2021; in MNCIS file 27-CR-21-23233 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on December 17, 2021; in MNCIS file 27-CR-22-1165 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on October 9, 2021; in MNCIS file 27-CR-22-4898 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 15, 2022; in MNCIS file 27-CR-23-8649 with Domestic Assault (Gross Misdemeanor) arising



from incident alleged to have occurred on April 25, 2023; and in MNCIS file 27-CR-23-25563 with Threats of Violence – Reckless Disregard Risk (Felony) arising from an incident alleged to have occurred on November 29, 2023. In the former case, on December 6, 2023, Judge Juan Hoyos found probable cause to believe that the offense was committed and that Defendant committed it.

2. On December 6, 2023, Judge Juan Hoyos ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Kacy Wothe, Assistant Hennepin County Attorney – Criminal Division;

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Minneapolis City Attorney;

Laura Pahl, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.



4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 10, 2024. 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. Laura Prah, Assistant Hennepin County Public Defender (laura.prah@hennepin.us);
  - c. Kacy Wothe, Assistant Hennepin County Attorney (kacy.wothe@hennepin.us);
  - d. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);
  - e. Minneapolis City Attorney;
  - f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County’s Human Services and Public Health Department.

Order Recommended By:



Mercurio, Danielle  
Mar 21 2024 2:26 PM

Referee of District Court

BY THE COURT:



Browne, Michael  
Mar 21 2024 3:04 PM

Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH

Filed in District Court  
State of Minnesota  
Oct 18, 2023 10:20 am**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN****DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-20-9420, 27-CR-20-939,  
27-CR-20-10049, 27-CR-22-24933, 27-CR-  
23-8017

Plaintiff,

vs.

Beyonce Porschean Brown,

Defendant.

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

This matter came before the undersigned Referee of District Court on October 17, 2023. The hearing was held remotely using the Zoom internet platform. Amanda Grossmann, Brooklyn Park City Attorney, waived her appearance. Defendant appeared out of custody and was represented by Melissa Fraser, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 08/24/2000), was charged in MNCIS file 27-CR-22-24933 with Third Degree Driving Under the Influence (Gross Misdemeanor) and Fourth Degree Driving Under the Influence of Alcohol (Misdemeanor) arising from an incident alleged to have occurred on October 30, 2022; in MNCIS file 27-CR-20-9420 with Theft (Misdemeanor) arising from an incident alleged to have occurred on April 6, 2020; in MNCIS file 27-CR-20-939 with Give Peace Officer False Name/Birthdate/ID Card (Misdemeanor) arising from an incident alleged to have occurred on January 10, 2020; in MNCIS file 27-CR-20-10049 with Trespass (Misdemeanor), Theft (Misdemeanor), and Obstruct Legal Process (Misdemeanor) arising from an incident alleged to have occurred on April 22, 2020; in MNCIS file 27-CR-23-8017 with Theft (Misdemeanor) arising from an incident alleged to have occurred on April 7, 2023.
2. On July 5, 2023, Judge Francis Magill ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.

3. Dr. John R. Anderson, Ph.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. John R. Anderson, Ph.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The prosecutor has filed a Notice of Intent to Prosecute the gross misdemeanor charge. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Amanda Grossmann, Brooklyn Park City Attorney – Criminal Division;

Gretchen Hoffman, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.

6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is April 16, 2024. 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. Gretchen Hoffman, Assistant Hennepin County Public Defender;
- c. Amanda Grossmann, Brooklyn Park City Attorney – Criminal Division;
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

13. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:



Borer, George  
Oct 18 2023 6:27 AM

Referee of District Court

BY THE COURT:



Anderson, Jamie  
Oct 18 2023 9:05 AM

Judge of District Court



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

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-20-11638

Plaintiff,

vs.

John Emil Sticha,

Defendant.

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

This matter came before the undersigned Referee of District Court on May 23, 2023. The hearing was held remotely using the Zoom internet platform. Wynn Curtiss, Hopkins City Attorney, waived his appearance. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 08/19/1961), was charged in MNCIS file 27-CR-20-11638 with Third Degree Driving While Impaired (Gross Misdemeanor), Driving While Under the Influence of a Controlled Substance (Gross Misdemeanor), and Careless Driving (Misdemeanor) arising from an incident alleged to have occurred on March 1, 2020.
2. On January 23, 2023, Judge Moore ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01. However, pursuant to agreement of the parties, the Court adopts the written report filed in MNCIS file 66-CR-21-2313.
3. In MNCIS file 66-CR-21-2313, Dr. Diandra E. Sigurdsson, Psy.D., LP, Forensic Examiner, Direct Care and Treatment – Forensic Services, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Diandra E. Sigurdsson, Psy.D., LP, Forensic Examiner, Direct Care and Treatment – Forensic Services, opined that Defendant, due to mental illness or cognitive impairment, lacks

the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charges. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Wynn Charles Curtiss, Hopkins City Attorney – Criminal Division;

Julia Inz, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care,

treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received

in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is November 21, 2023. 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. Julia Inz, Assistant Hennepin County Public Defender;
- c. Wynn Charles Curtiss, Hopkins City Attorney – Criminal Division;
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

13. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

\_\_\_\_\_  
Referee of District Court

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

Filed in District Court  
State of Minnesota  
Nov 29, 2023 9:48 am**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN****DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-20-11638

Plaintiff,

vs.

John Emil Sticha,

Defendant.

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

This matter came before the undersigned Referee of District Court on November 28, 2023. The hearing was held remotely using the Zoom internet platform. Curtiss Wynn, Hopkins City Attorney, did not appear. Defendant was not present and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 08/19/1961), was charged in MNCIS file 27-CR-20-11638 with Third Degree Driving While Impaired (Gross Misdemeanor) and Driving While Under the Influence of a Controlled Substance (Gross Misdemeanor) arising from an incident alleged to have occurred on March 1, 2020.
2. On September 12, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01. However, pursuant to agreement of the parties, the Court adopts the finding of incompetence in MNCIS file 66-CR-21-2313 (which relied on a report filed in 66-CR-23-748) in MNCIS file 27-CR-20-11638.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charges.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Wynn Curtiss, Hopkins City Attorney – Criminal Division;

Julia Inz, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.



8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is May 28, 2024. 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. Julia Inz, Assistant Hennepin County Public Defender (julia.inz@hennepin.us);
  - c. Wynn Curtiss, Hopkins City Attorney – Criminal Division (wcurtiss@chestnutcambronne.com);
  - d. Hennepin County Attorney’s Office – Adult Services Division (if a commitment is ordered);
  - e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
13. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County’s Human Services and Public Health Department.

Order Recommended By:



Mercurio, Danielle  
Nov 28 2023 3:13 PM

Referee of District Court

BY THE COURT:



Browne, Michael  
Nov 28 2023 4:19 PM

Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH

Filed in District Court  
State of Minnesota  
Feb 15, 2023 12:26 pm**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN****DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-19-901;  
27-CR-20-13495

Plaintiff,

vs.

Eyuael Gonfa Kebede,

Defendant.

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

This matter came before the undersigned Referee of District Court on February 14, 2023. The hearing was held remotely using the Zoom internet platform. Heidi Johnston, Minneapolis City Attorney, represented the plaintiff. Defendant was represented by Gregory Renden, Assistant Hennepin County Public Defender, who waived the Defendant's appearance.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 05/18/1994), was convicted in MNCIS file 27-CR-19-901 DWI (Gross Misdemeanor) and charged in MNCIS file 27-CR-20-13495 with two courts of DWI (Gross Misdemeanor) arising from an incident alleged to have occurred on 04/05/2020. On 05/09/2022, Judge Daly found probable cause to believe that the offenses were committed and that Defendant committed them.
2. On 11/23/2022, Judge Janzen ordered that Defendant undergo an updated evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
3. Dr. Katheryn Cranbrook, PsyD, ABPP, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Katheryn Cranbrook, PsyD, ABPP, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

## CONCLUSIONS OF LAW

Defendant is presently incompetent to stand trial. The prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charges.

### ORDER

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Megan Griffin, Minneapolis City Attorney – Criminal Division;

Gregory Renden, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals;

physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 15, 2023. 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. Gregory Renden, Assistant Hennepin County Public Defender;
  - c. Megan Griffin, Minneapolis City Attorney – Criminal Division;
  - d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
  - e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
13. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

\_\_\_\_\_  
Referee of District Court

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

Filed in District Court  
State of Minnesota  
Jun 01, 2023 7:36 am**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN****DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

Court File No. 27-CR-16-6572, 27-CR-20-  
9699, 27-CR-20-18933, 27-CR-20-19196, 27-  
CR-20-19631, 27-CR-20-19797, 27-CR-22-  
7940, 27-CR-22-24372

vs.

Abdirahman Ismail Farah  
a/k/a Abdi Salah Farah,

Defendant.

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

This matter came before the undersigned Referee of District Court on May 30, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Megan Griffin, Assistance Minneapolis City Attorney, represented plaintiff. Defendant appeared out of custody and was represented by Alicia Granse, Assistant Hennepin County Public Defender. Also present was Rahma Abdi, Somali Court Interpreter.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 01/01/1998), was charged in MNCIS file 27-CR-16-6572 with Disorderly Conduct (Misdemeanor) arising from an incident alleged to have occurred on February 29, 2016; in MNCIS file 27-CR-20-9699 with Theft (Felony) arising from an incident alleged to have occurred on September 9, 2019; in MNCIS file 27-CR-20-18933 with Financial Transaction Card Fraud (Felony) arising from an incident alleged to have occurred on December 23, 2019; in MNCIS file 27-CR-20-19196 with Theft (Gross Misdemeanor) arising from an incident alleged to have occurred on September 2, 2020; in MNCIS file 27-CR-20-19631 with Fleeing a Peace Officer in a Motor Vehicle (Felony) and Receiving Stolen Property (Felony) arising from an incident alleged to have occurred on September 9, 2020; in MNCIS file 27-CR-20-19797 with Simple Robbery (Felony) arising from an incident alleged to have occurred on August 29, 2020; in MNCIS file 27-CR-22-7940 with Theft (Felony) arising from

an incident alleged to have occurred on April 23, 2022; and in MNCIS file 27-CR-22-24372 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on December 6, 2022. On April 20, 2021, Judge Daniel Moreno found probable cause in MNCIS file 27-CR-20-19797 to believe that the offense was committed and that Defendant committed it.

2. On March 28, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Nicholas Nathaniel Summers, Assistant Hennepin County Attorney – Criminal Division;  
Daniel Provencher, Assistant Hennepin County Attorney – Criminal Division;  
John-Mark Halstead, Assistant Hennepin County Attorney – Criminal Division;  
Alicia Granse, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.



4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is November 28, 2023. 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. Nicholas Nathaniel Summers, Assistant Hennepin County Attorney – Criminal Division;
  - c. Daniel Provencher, Assistant Hennepin County Attorney – Criminal Division;
  - d. John-Mark Halstead, Assistant Hennepin County Attorney – Criminal Division;
  - e. Alicia Granse, Assistant Hennepin County Public Defender;
  - f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County’s Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

\_\_\_\_\_  
Referee of District Court

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

MINNESOTA  
JUDICIAL  
BRANCH

Filed in District Court  
State of Minnesota  
Mar 21, 2024 3:11 pm**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN****DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Terrell Johnson,

Defendant.

Court File No. 27-CR-19-12466; 27-CR-19-19606; 27-CR-20-8926; 27-CR-20-20037; 27-CR-21-19552; 27-CR-21-23233; 27-CR-22-1165; 27-CR-22-4898; 27-CR-23-8649; 27-CR-23-25563

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

This matter came before the undersigned Referee of District Court on March 12, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Michelle Doffing, Minneapolis City Attorney, appeared. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 08/28/1979), was charged in MNCIS file 27-CR-19-12466 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on May 28, 2019; in MNCIS file 27-CR-19-19606 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on August 12, 2019; in MNCIS file 27-CR-20-8926 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 2, 2020; in MNCIS file 27-CR-20-20037 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 6, 2019; in MNCIS file 27-CR-21-19552 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 12, 2021; in MNCIS file 27-CR-21-23233 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on December 17, 2021; in MNCIS file 27-CR-22-1165 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on October 9, 2021; in MNCIS file 27-CR-22-4898 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 15, 2022; in MNCIS file 27-CR-23-8649 with Domestic Assault (Gross Misdemeanor) arising

from incident alleged to have occurred on April 25, 2023; and in MNCIS file 27-CR-23-25563 with Threats of Violence – Reckless Disregard Risk (Felony) arising from an incident alleged to have occurred on November 29, 2023. In the former case, on December 6, 2023, Judge Juan Hoyos found probable cause to believe that the offense was committed and that Defendant committed it.

2. On December 6, 2023, Judge Juan Hoyos ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Kacy Wothe, Assistant Hennepin County Attorney – Criminal Division;

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Minneapolis City Attorney;

Laura Prah, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.



10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 10, 2024. 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. Laura Prah, Assistant Hennepin County Public Defender (laura.prah@hennepin.us);
  - c. Kacy Wothe, Assistant Hennepin County Attorney (kacy.wothe@hennepin.us);
  - d. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);
  - e. Minneapolis City Attorney;
  - f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);



- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:



Mercurio, Danielle  
Mar 21 2024 2:26 PM

Referee of District Court

BY THE COURT:



Browne, Michael  
Mar 21 2024 3:04 PM

Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH

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

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-20-20788

Plaintiff,

vs.

Lawrence Joseph Durheim,

Defendant.

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

This matter came before the undersigned Referee of District Court on April 25, 2023. Jacob Fischmann, Assistant Hennepin County Attorney, represented the plaintiff. Defendant was represented by Jesse Dong, Assistant Hennepin County Public Defender. Pursuant to agreement by the parties, the Court handled this matter administratively without appearances.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 08/21/1970), was charged in MNCIS file 27-CR-20-20788 with Domestic Assault – By Strangulation (Felony) arising from an incident alleged to have occurred on September 12, 2020. On September 8, 2021, Judge Lamas found probable cause to believe that the offense was committed, and that Defendant committed it.
2. On February 21, 2023, Judge Browne ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
3. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

## CONCLUSIONS OF LAW

Defendant is presently incompetent to stand trial.

## ORDER

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Jacob Fischmann, Assistant Hennepin County Attorney – Criminal Division;

Jesse Dong, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or

programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 24, 2023. 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. Jesse Dong, Assistant Hennepin County Public Defender;
  - c. Jacob Fischmann, Assistant Hennepin County Attorney;
  - d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
  - e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

\_\_\_\_\_  
Referee of District Court

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

Filed in District Court  
State of Minnesota  
Feb 12, 2024 9:48 am**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN****DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-20-20788

Plaintiff,

vs.

Lawrence Joseph Durheim,

Defendant.

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

This matter came administratively before the undersigned Judge of District Court on February 8, 2024, per agreement by the parties. Jacob Fischmann, Assistant Hennepin County Attorney, represented the plaintiff. Defendant was represented by Andrew Reiland, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 08/21/1970), was charged in MNCIS file 27-CR-20-20788 with Domestic Assault – By Strangulation (Felony) arising from an incident alleged to have occurred on September 12, 2020. On September 8, 2021, Judge Lamas found probable cause to believe that the offense was committed and that Defendant committed it.
2. On January 19, 2024, Judge Shereen Askalani ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Catherine A. Carlson, Psy.D. LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Catherine A. Carlson, Psy.D. LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

## CONCLUSIONS OF LAW

Defendant is presently incompetent to stand trial.

## ORDER

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Jacob Fischmann, Assistant Hennepin County Attorney – Criminal Division;

Andrew Reiland, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or



programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 20, 2024. 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. Andrew Reiland, Assistant Hennepin County Public Defender (Andrew.reiland@hennepin.us);
  - c. Jacob Fischmann, Assistant Hennepin County Attorney (Jacob.fischmann@hennepin.us);
  - d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
  - e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

Filed in District Court  
State of Minnesota  
Jan 24, 2024 1:09 pm

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION

State of Minnesota,

Court File No. 27-CR-20-7092; 27-CR-21-933

Plaintiff,

vs.

Dwayne Anthony Bledsoe,

Defendant.

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

This matter came before the undersigned Judge of District Court on January 23, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant was represented by Atif Khan, Assistant Hennepin County Public Defender. Defendant was not present.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 11/03/1979), was charged in MNCIS file 27-CR-20-7092 with Domestic Abuse No Contact Order – Violate No Contact Order (Gross Misdemeanor) arising from an incident alleged to have occurred on February 1, 2020; and in MNCIS file 27-CR-21-933 with Simple Robbery (Felony) arising from an incident alleged to have occurred on January 13, 2021. On February 10, 2021, Judge Paul Scoggin found probable cause to believe that the offenses were committed and that Defendant committed them.
2. On September 28, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to

rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

### CONCLUSIONS OF LAW

Defendant is presently incompetent to stand trial.

### ORDER

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Travis Huddy, Assistant Hennepin County Attorney – Criminal Division;  
Megan Griffin, Minneapolis City Attorney;  
Atif Khan, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records

maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order

may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is July 23, 2024. 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. Atif Khan, Assistant Hennepin County Public Defender;
  - c. Travis Huddy, Assistant Hennepin County Attorney;
  - d. Megan Griffin, Minneapolis City Attorney;
  - e. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
  - f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**



Dayton Klein, Julia  
Jan 23 2024 3:08 PM

Judge of District Court

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

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-21-1171

Plaintiff,

vs.

Ibssa M Youssuf,

Defendant.

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

This matter came before the undersigned Referee of District Court on May 2, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender. Meti Moussisa, Oromo Interpreter, provided interpreting services for the Defendant.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 09/22/1983), was charged in MNCIS file 27-CR-21-1171 with 1<sup>st</sup> Degree Aggravated Robbery and 2<sup>nd</sup> Degree Assault (Felonies) arising from an incident alleged to have occurred on January 15, 2021. On March 27, 2023, Judge Jay Quam found probable cause to believe that the offense(s) were committed and that Defendant committed them.
2. On March 27, 2023, Judge Jay Quam ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Megan Paris, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Megan Paris, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability



to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

### **CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

### **ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Christopher Filipski, Assistant Hennepin County Attorney – Criminal Division;  
Lynne McMullen, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical

dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, 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, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received

in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. 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.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 31, 2023. 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. Christopher Filipski, Assistant Hennepin County Attorney – Criminal Division;
  - c. Lynne McMullen, Assistant Hennepin County Public Defender;
  - d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);