

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

State of Minnesota,

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

Plaintiff,

vs.

**EXHIBT L3  
FINDING OF INCOMPETENCY  
ORDERS | PART 03**

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**

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 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. Chase Myhran, Assistant Hennepin County Public Defender;
  - c. Darren Borg, Assistant Hennepin County Attorney;
  - d. Cory Strecker, Assistant Hennepin County Attorney;
  - e. Hilary Minor, Assistant Hennepin County 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



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

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

State of Minnesota,

Plaintiff,

vs.

Gordon Eugene Sharp, Jr.,

Defendant.

Court File No. 27-CR-21-1980, 27-CR-21-20072, 27-CR-21-20988, 27-CR-21-21355, 27-CR-21-23188, 27-CR-21-23215, 27-CR-22-4087, 27-CR-22-22963, 27-CR-23-1752

**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. 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 05/13/1988), was charged in MNCIS file 27-CR-21-1980 with Theft (Felony) arising from an incident alleged to have occurred on January 27, 2021; in MNCIS file 27-CR-21-20072 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on October 1, 2021; in MNCIS file 27-CR-21-20988 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on November 9, 2021; in MNCIS file 27-CR-21-21355 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred November 16, 2021; in MNCIS file 27-CR-21-23188 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 11, 2021; in MNCIS file 27-CR-21-23215 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 16, 2021; in MNCIS file 27-CR-22-4087 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 9, 2021; in MNCIS file 27-CR-22-22963 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on May 27, 2022; and in MNCIS file 27-CR-23-1752 with 4<sup>th</sup> Degree Damage to Property and Trespass (Misdemeanor) arising from an incident alleged to have occurred on

January 22, 2023. On August 9, 2022, Judge Gina Brandt found probable cause to believe that the offenses were committed and that Defendant committed them.

2. On April 3, 2022, Judge Melissa Houghtaling 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. Lauren A. Herbert, 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. Lauren A. Herbert, 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. 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.

Darren Borg, Assistant Hennepin County Attorney – Criminal Division;  
Cory Strecker, Assistant Hennepin County Attorney – Criminal Division;  
Hilary Minor, Assistant Hennepin County Attorney – Criminal Division;  
Chase Myhran, 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 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. Chase Myhran, Assistant Hennepin County Public Defender;
  - c. Darren Borg, Assistant Hennepin County Attorney;
  - d. Cory Strecker, Assistant Hennepin County Attorney;
  - e. Hilary Minor, Assistant Hennepin County 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

**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 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:**

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

MINNESOTA  
JUDICIAL  
BRANCH

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

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

State of Minnesota,

Plaintiff,

vs.

Gordon Eugene Sharp, Jr.,

Defendant.

Court File No. 27-CR-21-1980, 27-CR-21-20072, 27-CR-21-20988, 27-CR-21-21355, 27-CR-21-23188, 27-CR-21-23215, 27-CR-22-4087, 27-CR-22-22963, 27-CR-23-1752

**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. 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 05/13/1988), was charged in MNCIS file 27-CR-21-1980 with Theft (Felony) arising from an incident alleged to have occurred on January 27, 2021; in MNCIS file 27-CR-21-20072 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on October 1, 2021; in MNCIS file 27-CR-21-20988 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on November 9, 2021; in MNCIS file 27-CR-21-21355 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred November 16, 2021; in MNCIS file 27-CR-21-23188 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 11, 2021; in MNCIS file 27-CR-21-23215 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 16, 2021; in MNCIS file 27-CR-22-4087 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 9, 2021; in MNCIS file 27-CR-22-22963 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on May 27, 2022; and in MNCIS file 27-CR-23-1752 with 4<sup>th</sup> Degree Damage to Property and Trespass (Misdemeanor) arising from an incident alleged to have occurred on



January 22, 2023. On August 9, 2022, Judge Gina Brandt found probable cause to believe that the offenses were committed and that Defendant committed them.

2. On April 3, 2022, Judge Melissa Houghtaling 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. Lauren A. Herbert, 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. Lauren A. Herbert, 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. 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.

Darren Borg, Assistant Hennepin County Attorney – Criminal Division;  
Cory Strecker, Assistant Hennepin County Attorney – Criminal Division;  
Hilary Minor, Assistant Hennepin County Attorney – Criminal Division;  
Chase Myhran, 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 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. Chase Myhran, Assistant Hennepin County Public Defender;
  - c. Darren Borg, Assistant Hennepin County Attorney;
  - d. Cory Strecker, Assistant Hennepin County Attorney;
  - e. Hilary Minor, Assistant Hennepin County 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,

Plaintiff,

vs.

Brittany Latesha Crutchfield,

Defendant.

Court File No. 27-CR-21-19723;  
27-CR-21-23456; 27-CR-22-15550;  
27-CR-23-6045; 27-CR-23-8012

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

This matter came before the undersigned Referee of District Court on July 11, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. 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 03/06/1988), was charged in MNCIS file 27-CR-21-19723 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on October 21, 2021; in MNCIS file 27-CR-21-23456 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 19, 2021; in MNCIS file 27-CR-22-15550 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on August 5, 2022; in MNCIS file 27-CR-23-6045 with Trespassing (Misdemeanor) arising from an incident alleged to have occurred on March 21, 2023; and in MNCIS file 27-CR-23-8012 with Theft (Misdemeanor) arising from an incident alleged to have occurred on April 16, 2023.
2. On June 8, 2023, Judge David Piper 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. Kathryn Jameson, 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. Kathryn Jameson, 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 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.

Megan Gjere, 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 January 9, 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. Alicia Granse, Assistant Hennepin County Public Defender;
  - c. Megan Gjere, 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



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

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

State of Minnesota,

Court File No. 27-CR-21-23628, 27-CR-7797,  
27-CR-22-9010, 27-CR-22-25134

Plaintiff,

vs.

Carmen Bendu Greaves,

Defendant.

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

This matter came before the undersigned Referee of District Court on February 21, 2023. The hearing was held remotely using the Zoom internet platform. Robert Sorenson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Madeline Baskfield, 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 10/03/1978), was convicted in MNCIS file 27-CR-21-23628 with three felony charges. Defendant was charged in MNCIS file 27-CR-22-7797 with Violate No Contact Order (Felony) arising from an incident alleged to have occurred on 04/22/2022. Defendant was charged in MNCIS file 27-CR-22-9010 with Violate No Contact Order (Felony) arising from an incident alleged to have occurred on 05/06/2022. Defendant was charged in 27-CR-22-25134 with Violate No Contact Order (Felony) and Domestic Abuse (Felony) arising from an incident alleged to have occurred on 12/14/2022.
2. On 01/18/2023, Referee Mercurio 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. 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.  
Lisa Godon, Assistant Hennepin County Attorney – Criminal Division;  
Madeline Baskfield, 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 August 22, 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. Madeline Baskfield, Assistant Hennepin County Public Defender;
  - c. Lisa Godon, 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.

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 06, 2024 2:14 pm**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN****DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-21-23628; 27-CR-22-  
7797; 27-CR-22-9010; 27-CR-22-25134

Plaintiff,

vs.

Carmen Bendu Greaves,

Defendant.

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

This matter came before the undersigned Judge of District Court on March 5, 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 Madeline Baskfield, 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 10/03/1978), was convicted in MNCIS file 27-CR-21-23628 with Burglary – 1<sup>st</sup> Degree (Felony), Domestic Abuse (Felony), and Violate No Contact Order (Felony) arising from an incident that occurred on December 22, 2021. Defendant was charged in MNCIS file 27-CR-22-7797 with Violate No Contact Order (Felony) arising from an incident alleged to have occurred on April 22, 2022; in MNCIS file 27-CR-22-9010 with Violate No Contact Order (Felony) arising from an incident that occurred on May 6, 2022; and in MNCIS file 27-CR-22-25134 with Violate No Contact Order (Felony) and Domestic Abuse (Felony) arising from an incident alleged to have occurred on December 14, 2022.
2. On February 2, 2024, Judge Jean Burdorf 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.

Joshua Luger, Assistant Hennepin County Attorney – Criminal Division;

Madeline Baskfield, 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 3, 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. Madeline Baskfield, Assistant Hennepin County Public Defender;
  - c. Joshua Luger, 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:**



Browne, Michael  
Mar 5 2024 3:12 PM

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-22-3377, 27-CR-22-  
22687, 27-CR-23-4971

Plaintiff,

vs.

Chase Radley Green,

Defendant.

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

This matter came before the undersigned Judge of District Court on June 13, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared out of custody and was represented by Eve Byron, 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 04/15/1984), was charged in MNCIS file 27-CR-22-3377 with Theft (Felony) arising from an incident alleged to have occurred on February 19, 2022; in MNCIS file 27-CR-22-22687 with Theft (Misdemeanor) arising from an incident alleged to have occurred on November 14, 2022; and in MNCIS file 27-CR-23-4971 with 5<sup>th</sup> Degree Drugs (Felony) arising from an incident alleged to have occurred on February 25, 2023.
2. On April 21, 2023, Judge Amber Brennan 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. Kristine Kienlen, 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. Kristine Kienlen, 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. 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.

Nicholas Nathaniel Summers, Assistant Hennepin County Attorney – Criminal Division;  
Chase Myhran, 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 December 12, 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. Chase Myhran, Assistant Hennepin County Public Defender;
  - c. Nicholas Nathaniel Summers, 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.

**BY THE 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-18-26530, 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



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

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

State of Minnesota,

Plaintiff,

vs.

Dennis Joseph Barry,

Defendant.

Court File No. 27-CR-22-22521, 27-CR-21-10675, 27-CR-21-11624, 27-CR-21-21893, 27-CR-22-3570, 27-CR-22-17662, 27-CR-22-18518

**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. Robert Sorenson, 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 05/14/1977), was charged in MNCIS file 27-CR-22-22521 with five counts of 2<sup>nd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on 08/02/2022. On 01/11/2023, Judge Allyn found probable cause to believe that the offenses were committed and that Defendant committed them.
2. Defendant was also charged in MNCIS file 27-CR-21-10675 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on 05/03/2021. Defendant was charged in MNCIS file 27-CR-21-11624 with Theft (Misdemeanor) arising from an incident alleged to have occurred on 06/20/2021. Defendant was charged in MNCIS file 27-CR-21-21893 with Possession of drug paraphernalia in a public place (Misdemeanor) arising from an incident alleged to have occurred on 11/28/2021. Defendant was charged in MNCIS file 27-CR-22-3570 with Threats of Violence (Felony) arising from an incident alleged to have occurred on 02/20/2022. Defendant was charged in MNCIS file 27-CR-22-17662 with Criminal Damage to Property (Misdemeanor) arising from an incident alleged to have occurred on 09/02/2022. Defendant was charged in MNCIS file 27-CR-22-18518 with Carrying

weapons and facsimile firearms prohibited (Misdemeanor) arising from an incident alleged to have occurred on 09/10/2022.

3. On 01/11/2023, Judge Allyn ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
4. Dr. Gregory A. Hanson, Ph.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
5. Dr. Gregory A. Hanson, 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 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.

Kaitlin Anderson, Assistant Hennepin County Attorney – Criminal Division;

Joseph McInnis, 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 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. Joseph McInnis, Assistant Hennepin County Public Defender;
  - c. Kaitlin Anderson, 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.

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.

Dennis Joseph Barry,

Defendant.

Court File No. 27-CR-22-22521, 27-CR-21-10675, 27-CR-21-11624, 27-CR-21-21893, 27-CR-22-3570, 27-CR-22-17662, 27-CR-22-18518

**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. Robert Sorenson, 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 05/14/1977), was charged in MNCIS file 27-CR-22-22521 with five counts of 2<sup>nd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on 08/02/2022. On 01/11/2023, Judge Allyn found probable cause to believe that the offenses were committed and that Defendant committed them.
2. Defendant was also charged in MNCIS file 27-CR-21-10675 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on 05/03/2021. Defendant was charged in MNCIS file 27-CR-21-11624 with Theft (Misdemeanor) arising from an incident alleged to have occurred on 06/20/2021. Defendant was charged in MNCIS file 27-CR-21-21893 with Possession of drug paraphernalia in a public place (Misdemeanor) arising from an incident alleged to have occurred on 11/28/2021. Defendant was charged in MNCIS file 27-CR-22-3570 with Threats of Violence (Felony) arising from an incident alleged to have occurred on 02/20/2022. Defendant was charged in MNCIS file 27-CR-22-17662 with Criminal Damage to Property (Misdemeanor) arising from an incident alleged to have occurred on 09/02/2022. Defendant was charged in MNCIS file 27-CR-22-18518 with Carrying



weapons and facsimile firearms prohibited (Misdemeanor) arising from an incident alleged to have occurred on 09/10/2022.

3. On 01/11/2023, Judge Allyn ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
4. Dr. Gregory A. Hanson, Ph.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
5. Dr. Gregory A. Hanson, 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 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.

Kaitlin Anderson, Assistant Hennepin County Attorney – Criminal Division;

Joseph McInnis, 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 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. Joseph McInnis, Assistant Hennepin County Public Defender;
  - c. Kaitlin Anderson, 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.

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.

Gordon Eugene Sharp, Jr.,

Defendant.

Court File No. 27-CR-21-1980, 27-CR-21-20072, 27-CR-21-20988, 27-CR-21-21355, 27-CR-21-23188, 27-CR-21-23215, 27-CR-22-4087, 27-CR-22-22963, 27-CR-23-1752

**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. 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 05/13/1988), was charged in MNCIS file 27-CR-21-1980 with Theft (Felony) arising from an incident alleged to have occurred on January 27, 2021; in MNCIS file 27-CR-21-20072 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on October 1, 2021; in MNCIS file 27-CR-21-20988 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on November 9, 2021; in MNCIS file 27-CR-21-21355 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred November 16, 2021; in MNCIS file 27-CR-21-23188 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 11, 2021; in MNCIS file 27-CR-21-23215 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 16, 2021; in MNCIS file 27-CR-22-4087 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 9, 2021; in MNCIS file 27-CR-22-22963 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on May 27, 2022; and in MNCIS file 27-CR-23-1752 with 4<sup>th</sup> Degree Damage to Property and Trespass (Misdemeanor) arising from an incident alleged to have occurred on

January 22, 2023. On August 9, 2022, Judge Gina Brandt found probable cause to believe that the offenses were committed and that Defendant committed them.

2. On April 3, 2022, Judge Melissa Houghtaling 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. Lauren A. Herbert, 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. Lauren A. Herbert, 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. 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.

Darren Borg, Assistant Hennepin County Attorney – Criminal Division;  
Cory Strecker, Assistant Hennepin County Attorney – Criminal Division;  
Hilary Minor, Assistant Hennepin County Attorney – Criminal Division;  
Chase Myhran, 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 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. Chase Myhran, Assistant Hennepin County Public Defender;
  - c. Darren Borg, Assistant Hennepin County Attorney;
  - d. Cory Strecker, Assistant Hennepin County Attorney;
  - e. Hilary Minor, Assistant Hennepin County 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-21-23628, 27-CR-7797,  
27-CR-22-9010, 27-CR-22-25134

Plaintiff,

vs.

Carmen Bendu Greaves,

Defendant.

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

This matter came before the undersigned Referee of District Court on February 21, 2023. The hearing was held remotely using the Zoom internet platform. Robert Sorenson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Madeline Baskfield, 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 10/03/1978), was convicted in MNCIS file 27-CR-21-23628 with three felony charges. Defendant was charged in MNCIS file 27-CR-22-7797 with Violate No Contact Order (Felony) arising from an incident alleged to have occurred on 04/22/2022. Defendant was charged in MNCIS file 27-CR-22-9010 with Violate No Contact Order (Felony) arising from an incident alleged to have occurred on 05/06/2022. Defendant was charged in 27-CR-22-25134 with Violate No Contact Order (Felony) and Domestic Abuse (Felony) arising from an incident alleged to have occurred on 12/14/2022.
2. On 01/18/2023, Referee Mercurio 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. 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.  
Lisa Godon, Assistant Hennepin County Attorney – Criminal Division;  
Madeline Baskfield, 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 August 22, 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. Madeline Baskfield, Assistant Hennepin County Public Defender;
  - c. Lisa Godon, 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.

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 06, 2024 2:14 pm**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN****DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-21-23628; 27-CR-22-  
7797; 27-CR-22-9010; 27-CR-22-25134

Plaintiff,

vs.

Carmen Bendu Greaves,

Defendant.

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

This matter came before the undersigned Judge of District Court on March 5, 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 Madeline Baskfield, 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 10/03/1978), was convicted in MNCIS file 27-CR-21-23628 with Burglary – 1<sup>st</sup> Degree (Felony), Domestic Abuse (Felony), and Violate No Contact Order (Felony) arising from an incident that occurred on December 22, 2021. Defendant was charged in MNCIS file 27-CR-22-7797 with Violate No Contact Order (Felony) arising from an incident alleged to have occurred on April 22, 2022; in MNCIS file 27-CR-22-9010 with Violate No Contact Order (Felony) arising from an incident that occurred on May 6, 2022; and in MNCIS file 27-CR-22-25134 with Violate No Contact Order (Felony) and Domestic Abuse (Felony) arising from an incident alleged to have occurred on December 14, 2022.
2. On February 2, 2024, Judge Jean Burdorf 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.

Joshua Luger, Assistant Hennepin County Attorney – Criminal Division;

Madeline Baskfield, 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 3, 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. Madeline Baskfield, Assistant Hennepin County Public Defender;
  - c. Joshua Luger, 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:**



Browne, Michael  
Mar 5 2024 3:12 PM

Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH



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

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

State of Minnesota,

Plaintiff,

vs.

Emanuel Omar Black,

Defendant.

Court File No. 27-CR-22-9720, 27-CR-23-16226, 27-CR-23-17424, 27-CR-23-23670, 27-CR-23-25310, 27-CR-23-17576; 27-CR-22-12076, 27-CR-24-2150

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

This matter came before the undersigned Judge of District Court on January 30, 2024. The hearing was held remotely using the Zoom internet platform. Michelle Doffing, Minneapolis City Attorney, represented the State. Defendant appeared in custody and was represented by Elizabeth Scott, 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 11/05/1996), was charged in MNCIS file 27-CR-22-9720 with Theft (Misdemeanor) and Trespass (Misdemeanor) arising from an incident alleged to have occurred on May 21, 2022; in MNCIS file 27-CR-23-16226 with Theft (Misdemeanor) arising from an incident alleged to have occurred on July 30, 2023; in MNCIS file 27-CR-23-17424 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 16, 2023; in MNCIS file 27-CR-23-23670 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on November 3, 2023; in MNCIS file 27-CR-23-25310 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on November 27, 2023; in MNCIS file 27-CR-23-17576 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 19, 2023; in MNCIS file 27-CR-22-12076 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on June 8, 2022; and in MNCIS file 27-CR-24-2150 with Interrupt/Disrupt/Interfere with Emergency CB Radio (Misdemeanor), 4<sup>th</sup> Degree Damage to Property (Misdemeanor), and Transit-

Obstruct/Interfere with Operation of Vehicle (Misdemeanor) arising from an incident alleged to have occurred on January 26, 2024.

2. On November 28, 2023, Judge Thomas J. Conley 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. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

### **ORDER**

1. The misdemeanor charges are dismissed pursuant to Rule 20.01.
2. 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.
3. 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.
4. 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.
5. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances.

6. 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.
7. 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.
8. 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 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.
9. 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**

Filed in District Court  
State of Minnesota  
Nov 28, 2023 12:41 pm**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN****DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-22-10646

Plaintiff,

vs.

Lamar Glass,

Defendant.

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

This matter was scheduled to come before the undersigned Referee of the District Court on November 28, 2023. Travis Huddy, Assistant Hennepin County Attorney, represented the plaintiff. Defendant was represented by Allison Chadwick, Assistant Hennepin County Public Defender. Prior to the hearing, the parties agreed to the finding of incompetency and requested the finding be entered administratively without a hearing.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 12/15/1975), was charged in MNCIS file 27-CR-22-10646 with Assault-2<sup>nd</sup> Degree-Dangerous Weapon-Substantial Bodily Harm (Felony) arising from an incident alleged to have occurred on 06/01/2022. On May 31, 2023, Judge Browne found probable cause to believe that the offense was committed and that Defendant committed it.
2. On May 31, 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. Kristine Kienlen, Psy.D., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Kristine Kienlen, Psy.D., 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;

Allison Chadwick, 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 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. Allison Chadwick, Assistant Hennepin County Public Defender;
  - c. Travis Huddy, 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

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

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

State of Minnesota,

Plaintiff,

vs.

Emanuel Omar Black,

Defendant.

Court File No. 27-CR-22-9720, 27-CR-23-16226, 27-CR-23-17424, 27-CR-23-23670, 27-CR-23-25310, 27-CR-23-17576; 27-CR-22-12076, 27-CR-24-2150

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

This matter came before the undersigned Judge of District Court on January 30, 2024. The hearing was held remotely using the Zoom internet platform. Michelle Doffing, Minneapolis City Attorney, represented the State. Defendant appeared in custody and was represented by Elizabeth Scott, 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 11/05/1996), was charged in MNCIS file 27-CR-22-9720 with Theft (Misdemeanor) and Trespass (Misdemeanor) arising from an incident alleged to have occurred on May 21, 2022; in MNCIS file 27-CR-23-16226 with Theft (Misdemeanor) arising from an incident alleged to have occurred on July 30, 2023; in MNCIS file 27-CR-23-17424 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 16, 2023; in MNCIS file 27-CR-23-23670 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on November 3, 2023; in MNCIS file 27-CR-23-25310 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on November 27, 2023; in MNCIS file 27-CR-23-17576 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 19, 2023; in MNCIS file 27-CR-22-12076 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on June 8, 2022; and in MNCIS file 27-CR-24-2150 with Interrupt/Disrupt/Interfere with Emergency CB Radio (Misdemeanor), 4<sup>th</sup> Degree Damage to Property (Misdemeanor), and Transit-

Obstruct/Interfere with Operation of Vehicle (Misdemeanor) arising from an incident alleged to have occurred on January 26, 2024.

2. On November 28, 2023, Judge Thomas J. Conley 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. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

### **ORDER**

1. The misdemeanor charges are dismissed pursuant to Rule 20.01.
2. 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.
3. 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.
4. 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.
5. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances.

6. 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.
7. 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.
8. 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 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.
9. 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**

Filed in District Court  
State of Minnesota  
Apr 13, 2023 8:11 am**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN****DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Mark Anthony Reinhart,

Defendant.

Court File No. 27-CR-22-7578; 27-CR-22-  
8532; 27-CR-22-9449; 27-CR-22-10914; 27-  
CR-22-11384; 27-CR-22-13185; 27-CR-22-  
14723; 27-CR-23-2104; 27-CR-23-5213**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. Heidi Johnson, Minneapolis City Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Shawna Kosel, 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 02/10/1962) was charged in MNCIS file 27-CR-22-13185 with Indecent Exposure/Lewdness (Gross Misdemeanor) and Indecent Exposure-Public Place, Indecent Conduct, and Disorderly Conduct (Misdemeanors) arising from an incident alleged to have occurred on July 5, 2022; MNCIS file 27-CR-22-14723 with Trespass (Gross Misdemeanor) and Disorderly Conduct (Misdemeanor) arising from an incident alleged to have occurred on June 21, 2022; MNCIS file 27-CR-23-5213 with Trespass on Critical Public Service Facilities, Pipeline, Utility (Gross Misdemeanor) and No person shall urinate or defecate except in comfort stations (Misdemeanor) arising from an incident alleged to have occurred on March 8, 2023; MNCIS file 27-CR-22-7578 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on April 21, 2022; MNCIS file 27-CR-22-8532 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on May 4, 2022; MNCIS file 27-CR-22-9449 with Disorderly Conduct (Misdemeanor) arising from an incident alleged to have occurred on May 17, 2022; MNCIS file 27-CR-22-10914 with Disorderly Conduct (Misdemeanor) arising from an incident alleged to have occurred on June 7, 2022;

MNCIS file 27-CR-22-11384 with Public Urination Prohibited and Disorderly Conduct (Misdemeanors) arising from an incident alleged to have occurred on June 12, 2022; MNCIS file 27-CR-23-2104 with Theft (Misdemeanor) arising from an incident alleged to have occurred on January 26, 2023. On March 9, 2023, Judge Bev Benson found probable cause to believe that the offenses were committed and that Defendant committed them.

2. On March 9, 2023, Judge Bev Benson 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 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 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 prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charges. 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 days of the date of service.

Heidi Johnston, Minneapolis City Attorney – Criminal Division;

Bloomington City Attorney;

Christopher Renz, Attorney for Metropolitan Airports Commission;

Shawna Kosel, 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 fourteen (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. Shawna Kosel, Assistant Hennepin County Public Defender;
  - c. Heidi Johnston, Minneapolis City Attorney – Criminal Division;
  - d. Bloomington City Attorney;
  - e. Christopher Renz, Attorney for Metropolitan Airports Commission;
  - 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.
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

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

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

State of Minnesota,

Court File No. 27-CR-22-13941

Plaintiff,

vs.

Tia Tiaunna Payne,

Defendant.

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

This matter came before the undersigned Judge of District Court on May 9, 2023. The hearing was held remotely using the Zoom internet platform. Thomas Arneson, Assistant Hennepin County Attorney, appeared for the State. Defendant appeared out of custody and was represented by Attorney Mark Seeger.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 12/19/1980), was charged in MNCIS file 27-CR-22-13941 with Assault – 4<sup>th</sup> Degree – Peace Officer – Throws/transfers bodily fluids or feces at or onto officer (Felony); Assault-5<sup>th</sup> Degree-Fear of Bodily Harm or Death (Misdemeanor) arising from an incident alleged to have occurred on 07/16/2022. On January 20, 2023, Judge Meyer found probable cause to believe that the offenses were committed, and that Defendant committed them.
2. On January 20, 2023, Judge Meyer 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 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.

Kaitlin Anderson, Assistant Hennepin County Attorney – Criminal Division;

Mark Seeger, Attorney at Law

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 7, 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. Mark Seeger, Attorney at Law;
  - c. Kaitlin Anderson, 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.
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.

**BY THE COURT:**

Filed in District Court  
State of Minnesota  
Feb 28, 2024 11:11 am**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN****DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-23-9546;

27-CR-22-14493

Plaintiff,

vs.

Timothy Terrell Stuckey,

Defendant.

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

This matter came before the undersigned Judge of District Court on February 27, 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 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 11/28/1978), was charged in MNCIS file 27-CR-23-9546 with Simple Robbery (Felony) arising from an incident alleged to have occurred on May 5, 2023; and in MNCIS file 27-CR-22-14493 with Theft (Misdemeanor) arising from an incident alleged to have occurred on July 1, 2022. On June 7, 2023, Judge William Koch found probable cause to believe that the felony offense was committed and that Defendant committed it.
2. On January 29, 2024, Judge William Koch 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. Jennifer Flowers, Ph.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. Jennifer Flowers, Ph.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 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.

Maria Mulvihill, Assistant Hennepin County Attorney – Criminal Division;

Christine Irfanullah, 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 August 27, 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. Christine Irfanullah, Assistant Hennepin County Public Defender (Christine.irfanullah@hennepin.us);
  - c. Maria Mulvihill, Assistant Hennepin County Attorney (maria.mulvihill@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.

BY THE COURT:



Dayton Klein, Julia  
Feb 27 2024 4:28 PM

Judge of District Court

MINNESOTA  
JUDICIAL  
BRANCH



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

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

State of Minnesota,

Plaintiff,

vs.

Brittany Latesha Crutchfield,

Defendant.

Court File No. 27-CR-21-19723;  
27-CR-21-23456; 27-CR-22-15550;  
27-CR-23-6045; 27-CR-23-8012

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

This matter came before the undersigned Referee of District Court on July 11, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. 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 03/06/1988), was charged in MNCIS file 27-CR-21-19723 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on October 21, 2021; in MNCIS file 27-CR-21-23456 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 19, 2021; in MNCIS file 27-CR-22-15550 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on August 5, 2022; in MNCIS file 27-CR-23-6045 with Trespassing (Misdemeanor) arising from an incident alleged to have occurred on March 21, 2023; and in MNCIS file 27-CR-23-8012 with Theft (Misdemeanor) arising from an incident alleged to have occurred on April 16, 2023.
2. On June 8, 2023, Judge David Piper 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. Kathryn Jameson, 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. Kathryn Jameson, 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 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.

Megan Gjere, 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 January 9, 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. Alicia Granse, Assistant Hennepin County Public Defender;
  - c. Megan Gjere, 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

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

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

State of Minnesota,

Plaintiff,

vs.

Lucas Patrick Kraskey,

Defendant.

Court File No. 27-CR-21-6904, 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-22-21679, 27-CR-22-24045, 27-CR-23-385, 27-CR-23-5751, 27-CR-23-6188

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

This matter came before the undersigned Referee/Judge of District Court on May 2, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney and Megan Griffin, Attorney with the City of Minneapolis, represented the plaintiffs. 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 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor - GMD) and Public Urination (Misdemeanor – MSD) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged

to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (GMD) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; in MNCIS file 27-CR-22-21679 with Trespassing (MSD) arising from an incident alleged to have occurred on October 18, 2022; in MNCIS file 27-CR-22-24045 with Trespass (MSD) arising from an incident alleged to have occurred on December 1, 2022; in MNCIS file 27-CR-23-385 with Trespass (MSD) arising from an incident alleged to have occurred on November 24, 2022; in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023; and in MNCIS file 27-CR-23-6188.

2. On March 28, 2023, Judge 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. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

Dr. Kristen A. Otte, 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. 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.

Tom Arneson, Assistant Hennepin County Attorney – Criminal Division; and



Megan Griffin, City of Minneapolis Attorney

Susan Herlofsky, 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. Tom Arneson, Assistant Hennepin County Public Defender;
  - c. Susan Herlofsky, Assistant Hennepin County Attorney;
  - d. Assistant Hennepin County Attorney’s Office – Adult Services Division (if a commitment is ordered);
  - e. Megan Griffin, City of Minneapolis Attorney; and
  - f. 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

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

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

State of Minnesota,

Plaintiff,

vs.

Lucas Patrick Kraskey,

Defendant.

Court File No. 27-CR-21-6904, 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-23-5751

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

This matter came before the undersigned Judge of District Court on October 31, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Megan Griffin, Assistant Minneapolis City Attorney, also represented the plaintiff. Defendant was represented by Andrew J. Reiland, II, Assistant Hennepin County Public Defender. Prior to the time of the hearing, the parties agreed to the Court handling this matter administratively, without the need for 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 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February