

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Case Type: Criminal

State of Minnesota,

Plaintiff,

v.

Dennis Joseph Barry,

Defendant.

Court File Nos.: 27-CR-22-22521,
27-CR-21-10675, 27-CR-22-3570

**[PROPOSED]
ORDER APPOINTING EXAMINER
FOR RULE 20.01, SUBD. 7
EVALUATION**

The above-entitled matter came before the Court via correspondence filed by the Minnesota Department of Human Services' (DHS) - Forensic Services. The correspondence was served on Defendant's counsel and the Hennepin County Attorney's Office at the time of filing.

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

Based upon the correspondence filed by DHS – Forensic Services, the Court hereby makes and files the following:

ORDER

1. The DHS Forensic Evaluation Department is appointed to conduct under Minn. R. Crim. P. 20.01, subd. 7:
 - ☐ A single continuing competency evaluation addressing Defendant's mental condition and an opinion as to competency to proceed, to be filed with the court no later than August 4, 2023, which is six months from Defendant's last competency evaluation.
 - ☐ Continuing competency evaluations addressing Defendant's mental condition and an opinion as to competency to proceed, to be filed not less than once every six months, while Defendant remains under civil commitment or until further action by DHS or the Court. The next competency evaluation will be filed with the court no later than August 4, 2023, which is six months from Defendant's last competency evaluation.
2. DHS - Forensic Services shall have access to Defendant's treatment and other records so a comprehensive competency evaluation can be prepared under Minn. R. Crim. P. 20.01, subd. 7.
3. By presentation of a copy of this order, whether mailed, sent via facsimile, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional/jail records, including behavioral notes, medical notes, psychiatric notes, jail reports, and any records or information maintained by the jail from any third party medical provider/contractor/public health staff, developmental disability, employment and educational records, to DHS - Forensic Services within 72 hours.

4. This Order shall be sufficient to require any agency, department, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility.
5. Defendant's treatment and other records may not be disclosed to any other person without court authorization or Defendant's signed consent.
6. Costs for competency evaluations as ordered herein will be paid by the Court pursuant to Minn. Stat. § 480.182 (4).

Dated: _____

BY THE COURT:

Judge of District Court

MINNESOTA
JUDICIAL
BRANCH