

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Case Type: Criminal

State of Minnesota,

Plaintiff,

v.

Marvel Barnes,

Defendant.

Court File Nos.: 27-CR-21-722;  
27-CR-21-6229; 27-CR-21-8856

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

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

Defendant was found incompetent to participate in his defense under Minnesota Rule of Criminal Procedure 20.01 and was subsequently civilly committed. Minnesota Rule of Criminal Procedure 20.01, subd. 7, provides in part that the head of the institution to which a defendant is committed must report to the court periodically, not less than six months, on the defendant's mental condition with an opinion as to competency to proceed. The DHS Forensic Evaluation Department, on behalf of DHS and the head of the institution to which Defendant is committed, is conducting the subd. 7 competency evaluation in this matter. Like the court appointed examiner ordered to conduct the initial Rule 20.01 evaluation in this matter, the assigned DHS Forensic Examiner should have access to Defendant's treatment records so a comprehensive report can be prepared to provide a well-informed opinion to the Court and the parties regarding Defendant's current mental health condition and competency status.

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

**ORDER**

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

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

BY THE COURT:

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