

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
CRIMINAL DIVISION

State of Minnesota,)	<u>FINDINGS OF FACT,</u>
)	<u>CONCLUSIONS OF LAW</u>
Plaintiff,)	<u>AND ORDER REGARDING</u>
)	<u>COMPETENCY</u>
vs.)	
)	MNCIS No: 27-CR-22-22985;
Abdiqani Ahmed Hassan,)	27-CR-22-18859;
)	27-CR-21-23132;
Defendant.)	27-CR-21-3355

This matter came before the undersigned Judge on November 29, 2022. Mawerdi Hamid, Assistant Hennepin County Attorney, represented the plaintiff. Defendant, who was in custody, was represented by Bernice Hodge, Assistant Hennepin County Public Defender. Parties agreed to waive their 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 04/05/1998), was charged in MNCIS file 27-CR-22-22985 with Damage to Property-1st (Felony) arising from an incident alleged to have occurred on 10/21/22; in MNCIS file 27-CR-22-18859 with Drugs-5th (Felony) arising from an incident alleged to have occurred on 09/16/22; in MNCIS file 27-CR-21-23132 with Trespass (GMD) arising from an incident alleged to have occurred on 12/15/21; and in MNCIS file 27-CR-21-3355 with Trespass (GMD) arising from an incident alleged to have occurred on 02/16/21. On 11/18/22, Judge Scoggin found probable cause to believe that the offenses were committed and that Defendant committed them.

2. On 11/18/22, Judge Scoggin 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 days of the date of service.
Mawerdi Hamid, Assistant Hennepin County Attorney;
Heidi Johnston, Minneapolis City Attorney;
Bernice Hodge, Assistant Hennepin County Public Defender
3. Defendant is currently under civil commitment in file 27-MH-PR-22-899 so no new referral to PSP will be ordered.

4. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
5. 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.
6. 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.
7. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
8. 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.

9. 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.
10. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is 05/30/23. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
11. Defendant's competency and mental status shall be e-filed and e-served to:
 - a. Fourth Judicial District Court – 4thCriminalRule20 email list;
 - b. Bernice Hodge, Assistant Hennepin County Public Defender;
 - c. Assistant Hennepin County Attorney's Office – Adult Services Division [if a commitment is ordered];
 - d. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

DATED: November 30, 2022

BY THE COURT:



Lisa K. Janzen
Judge of District Court
Fourth Judicial District