

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

Jarelle Thomas Vaughn,

Defendant.

**STATE'S MEMORANDUM IN
RESPONSE TO DEFENDANT'S MOTION
FOR PROMPT TRANSFER**

MNCIS No.: 27-CR-22-20527

TO: JUDGE OF DISTRICT COURT; ATTORNEY FOR DEFENDANT; AND DEFENDANT.

INTRODUCTION

Jarelle Vaughn, herein Defendant, has been charged with two counts of Assault in the Second Degree pursuant to Minn. Stat. § 609.222.1 and Minn. Stat. § 609.222.2. These charges stem from an incident on October 11, 2023, where Defendant boarded Metro Transit and subsequently stabbed two individuals. Pursuant to a Court order dated November 16, 2022, under Minnesota Rules of Criminal Procedure 20.01, Dr. Catherine Carlson evaluated Defendant and determined he was incompetent on December 14, 2022. That finding was entered, uncontested, on the record on December 20, 2022. On June 22, 2023, an order for Indeterminate Commitment as a Person who is Mentally Ill and Dangerous was issued. Due to this procedural history, Defendant has remained in custody awaiting transfer to a hospital. The State has never opposed transfer to a hospital, however, there remained a waitlist to enter a mental health facility in Minnesota.

On October 9, 2023, defense motioned for a prompt transfer or, alternatively, dismissal on the charges. Defendant has since been transferred, on October 25, 2023, therefore Defendant's motion is moot. However, the State will briefly address Defendant's allegations in their motion.

ARGUMENT

I. DEFENDANT HAS BEEN TRANSFERRED AND THEREFORE DEFENDANT’S MOTION IS MOOT.

Defendant has been transferred to Forensic Mental Health St. Peter, Minnesota, to the Tamarack Unit on October 25, 2023, by the Hennepin County Sheriff from the Hennepin County Jail. This transfer was pursuant to Defendant’s case 27-MH-PR-23-26. Prior to his placement, Defendant has remained in custody pursuant to Court Order on June 22, 2023. *See* District Court Findings and Order, filed June 22, 2023, Court File Number 27-MH-PR-23-26 (Attachment 1). In that Order, Judge Julia Dayton Klein found:

Dr. Lewis further provides that Respondent has expressed paranoid ideation that could result in additional violence in the future, indicating that it is significant that Respondent endorsed chronic homicidal ideation during interviews with Drs. Carlson and Peuschold. He informed Dr. Carlson he thinks of hurting others “all the time,” and he told Dr. Peuschold he is “always thinking about hurting someone.” Dr. Lewis agrees with the Court’s initial finding of mentally ill and dangerous to the public and concludes that Respondent presents a substantial likelihood of engaging in future violence. *Id.* at 9. He has a lengthy and well documented history of engaging in violent and/or threatening behaviors, remains acutely psychotic (e.g., hyper-religious and paranoid delusional ideation, disorganization of thought), and lacks insight into his illness and need for psychotropic medication.

...

Respondent cannot be adequately supervised in an outpatient or other less restrictive setting. Such a placement would not provide adequate protection to the public at this time in Dr. Lewis’s opinion. *Id.* The Court agrees with Dr. Lewis.

Id.

The State never opposed Defendant’s transfer to FMH, however, there was a significant waitlist that was out of the State’s control. Defendant’s motion is now moot as Defendant has now been transferred.

A. Defendant's time at Hennepin County Jail since October 11, 2022.

Regarding Defendant's time at the Hennepin County Jail, defense did not provide documentation on why Defendant was in segregation, when he was there or for how long. However, the State did receive police reports of an alleged assault, Mr. Vaughn being the suspect, that occurred on October 13, 2023. The State has notified defense that this case has been charged. *See* Complaint (Attachment 2). Further, the Order from June 22, 2023, provides some insight on Defendant's time at the jail. In her order finding Defendant Mentally Ill and Dangerous, Judge Dayton Klein found:

Respondent has been incarcerated most of his adult life, and when not incarcerated he reported multiple hospital visits and admissions. *Id.* He served 10 years in prison in the State of Iowa for a robbery conviction where he spent over seven years in segregation due to active symptoms of mental illness (i.e. mood instability, paranoia, hallucinations, and violent behavior). *Id.* at 8. Consequently, this Court found that (a) Respondent is mentally ill and mental illness is manifested by instances of grossly disturbed behavior or faulty perceptions; (b) as a result of Respondent's impairment, he presents a clear danger to the safety of others and there is a substantial likelihood that he will engage in acts capable of inflicting serious physical harm on another; and (c) the less restrictive placement for Respondent is commitment as a person who has a mental illness and is dangerous to the public. *Id.* at 16.

See District Court Findings and Order, filed June 22, 2023, Court File Number 27-MH-PR-23-26 (Attachment 1).

Respondent has remained aggressive and assaultive while in jail. *Id.* at 12; Ex. 5; and Ex. 6.

Id.

Minnesota Statute §253B.18, subd. 3, states, "If the court finds at the final determination hearing held pursuant to subdivision 2 that the patient continues to be a person who has a mental illness and is dangerous to the public, then the court shall order commitment of the proposed patient for an indeterminate period of time." In the present case, Defendant was determined Mentally Ill and Dangerous and is being held indeterminately. Although bail was set for Defendant's pending Assault Two case, due to the severity of the charges and public safety, Defendant was congruently being held on this basis.

CONCLUSION

Because Defendant was transferred to Forensic Mental Health St. Peter, Minnesota, to the Tamarack Unit on October 25, 2023, Defendant's motion for prompt transfer is moot.

Respectfully submitted,
MARY MORIARTY
Hennepin County Attorney

Dated: **November 1, 2023**

By:



Jenna Dominik (#0400050)
Assistant Hennepin County Attorney
C2300 Government Center
Minneapolis, MN 55487

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Attachment 1**STATE OF MINNESOTA****COUNTY OF HENNEPIN****DISTRICT COURT
FOURTH JUDICIAL DISTRICT
PROBATE / MENTAL HEALTH DIVISION
File No. 27-MH-PR-23-26**

In the Matter of the Civil Commitment of

Jarelle Thomas Vaughn,
DOB: 03/10/1981
Respondent.**FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER FOR
INDETERMINATE COMMITMENT AS A
PERSON WHO IS MENTALLY ILL AND
DANGEROUS TO THE PUBLIC**

The above-entitled matter came on for hearing before the undersigned Referee of District Court on May 10, 2023, pursuant to Minn. Stat. §253B.18, Subd. 2.

Petitioner was represented by Annsara Elasky, Assistant Hennepin County Attorney. Respondent was present and was represented by Joel Fisher, Esq. Also present were examiner, Dr. Jason L. Lewis, Ph.D, LP; Respondent's aunt, Kim Cunningham; and Nadia Garavito with case management services. The Court admitted the following evidence with no objection from Respondent:

Exhibit 1 – Mentally Ill and Dangerous-60 Day Evaluation Report

Exhibit 2 – Curriculum Vitae of Dr. Jason L. Lewis, Ph.D., LP

Exhibit 3 –Hennepin County Medical Center ("HCMC") records

Exhibit 4 – Hennepin County Jail records

Exhibit 5 – Jail incident report, April 11, 2023

Exhibit 6 – Jail incident report, April 25, 2023

The Court also took judicial notice of its Order for Commitment as Mentally Ill and Dangerous, dated February 27, 2023; and Dr. Dawn Peuschold's examiner report dated February 21, 2023.

At the conclusion of the trial Respondent's counsel requested permission to submit written closing arguments. The Court received closing argument from Respondent on May 19, 2023, and from Petitioner on May 26, 2023, at which time the matter was taken under advisement.

The Court, having heard the evidence adduced at the hearing and being otherwise fully advised in the premises, and upon all the files, records, and proceedings herein, now makes the following:

FINDINGS OF FACT

1. By Order filed herein on February 27, 2023, Respondent was committed to the head of Minnesota Security Hospital¹ as a person mentally ill and dangerous to the public. He currently remains at the Hennepin County Adult Detention Center, pending placement.

2. The Treatment Report from the Forensic Mental Health Program (“FMHP”) pursuant to Minn. Stat. § 253B.18, subd. 2, was received by the Court on April 25, 2023. *See* Ex. 1.

3. The Findings of Fact and Conclusions of Law contained in this Court’s Order of February 27, 2023, are hereby incorporated herein and made a part of this Order by reference. In particular, Respondent is diagnosed with schizoaffective disorder and schizoaffective disorder versus bipolar I disorder with psychotic features versus schizophrenia. Commit Ord., p. 6. Respondent has a history of mental illness dating back to age 14-15. *Id.* at 7. Furthermore, Respondent has been incarcerated most of his adult life, and when not incarcerated he reported multiple hospital visits and admissions. *Id.* He served 10 years in prison in the State of Iowa for a robbery conviction where he spent over seven years in segregation due to active symptoms of mental illness (i.e. mood instability, paranoia, hallucinations, and violent behavior). *Id.* at 8. Consequently, this Court found that (a) Respondent is mentally ill and mental illness is manifested by instances of grossly disturbed behavior or faulty perceptions; (b) as a result of Respondent’s impairment, he presents a clear danger to the safety of others and there is a substantial likelihood that he will engage in acts capable of inflicting serious physical harm on another; and (c) the less restrictive placement for Respondent is commitment as a person who has a mental illness and is dangerous to the public. *Id.* at 16.

4. Respondent is not currently receiving any mental health treatment or neuroleptic medication to treat his symptoms for mental illness while he is incarcerated. *See* Ex. 3, p. 15. However, he was scheduled to meet with a provider on May 12, 2023, to discuss neuroleptic medications. Respondent argues that Respondent is entitled to admission to a state operated treatment facility within 48-hours of the first commitment order (circa March 2, 2023). Minn. Stat §253B.18 read together with Minn. Stat §253B.10 subd.1 (“the 48-hour rule”) allows for a process for Respondent to receive treatment immediately after a commitment order issues and to evaluate the need for indeterminate commitment after one receives treatment. During the following 60 days

¹ Minnesota Security Hospital is now referred to as the Forensic Mental Health Program (“FMHP”).

an examiner (in this case Dr. Lewis) prepares a "60-day treatment report", which would detail the many mental problems the Respondent might have, describe what efforts are underway to treat them, and to provide a risk assessment opining if Respondent remains mentally ill and dangerous to the public after having received treatment for his mental health symptoms. Because the examiner did not review any treatment records from the date of commitment to the present, he relied on records prior to the date of commitment and interview with the Respondent. Respondent argues that in this case Dr. Lewis' testimony was wholly consistent with Dr. Peuschold's, the Court Examiner in the original commitment. Furthermore, Dr. Lewis' testimony discussed a risk assessment he conducted that could be different if Respondent were receiving treatment. Dr. Lewis further testified that there was nothing to prevent the Petitioner from bringing a request for a *Jarvis* order (forcing neuroleptic medication) while the Respondent was in jail. To date, no such order has been requested in the present case. Therefore, since Respondent is not receiving treatment, no attempts have been made by the jail to provide treatment, and the 48-hour rule has been violated, the Court should deny the request to indeterminately commit Respondent as a person who is mentally ill and dangerous to the public. This Court does not agree.

5. Dr. Lewis provided a persuasive report and credible testimony indicating Respondent continues to be a person who is mentally ill and dangerous to the public. Ex. 1, p. 9. Dr. Lewis interviewed the Respondent and reviewed records indicated in his report to include prior examiner reports, medical records, and court orders. He provided a risk assessment² and diagnosed Respondent with the following: schizoaffective disorder, bipolar type (provisional); stimulant (cocaine and methamphetamine) use disorder, in a controlled environment; cannabis use disorder, in a controlled environment; alcohol use disorder, in a controlled environment; adult antisocial behavior (provisional); and rule out antisocial personality disorder. Ex. 1, p. 7. Dr. Lewis opines that Respondent's short-term prognosis poor and he remains acutely psychotic. He is not receiving psychotropic medication and is not currently placed in a treatment setting. He lacks insight into his illness and need for treatment. He has a history of noncompliance with psychotropic medication while in the community. He has a long history of violence towards others as well as self-injurious behavior. *Id.* However, he does have a history of responding favorably to the administration of antipsychotic medication. The available records indicate treatment providers

² Dr. Lewis utilized the Historical-Clinical-Risk Management 20, Version 3 (HCR-20V3) to assess Respondent's risk for future violence.

have observed an appreciable decrease in his symptomatology during periods of compliance with antipsychotic medication. Thus, it is possible Respondent will demonstrate significant psychiatric improvement, develop insight, and maintain treatment adherence following the initiation of comprehensive mental health treatment (i.e. antipsychotic medication, psychoeducational treatment groups) provided in a highly structured and controlled setting. *Id.*

Dr. Lewis further provides that Respondent has expressed paranoid ideation that could result in additional violence in the future, indicating that it is significant that Respondent endorsed chronic homicidal ideation during interviews with Drs. Carlson and Peuschold. He informed Dr. Carlson he thinks of hurting others “all the time,” and he told Dr. Peuschold he is “always thinking about hurting someone.” Dr. Lewis agrees with the Court’s initial finding of mentally ill and dangerous to the public and concludes that Respondent presents a substantial likelihood of engaging in future violence. *Id.* at 9. He has a lengthy and well documented history of engaging in violent and/or threatening behaviors, remains acutely psychotic (e.g., hyper-religious and paranoid delusional ideation, disorganization of thought), and lacks insight into his illness and need for psychotropic medication. Furthermore, Dr. Lewis opines that Respondent presents with several historical risk factors associated with increased baseline risk for violence; and presents with several uncontrolled clinical risk factors that can further exacerbate his already elevated baseline risk for future violence-his uncontrolled clinical risk factors include problems with insight, violent ideation, symptoms of major mental disorder, instability, and response to treatment/supervision. Dr. Lewis did testify that his risk assessment may be impacted if Respondent were receiving treatment with neuroleptic medications. However, despite this, Dr. Lewis concludes that the most appropriate treatment setting at this time based on Respondent’s level of risk, ongoing treatment needs, and history of noncompliance with treatment interventions while in the community is FMHP. Respondent cannot be adequately supervised in an outpatient or other less restrictive setting. Such a placement would not provide adequate protection to the public at this time in Dr. Lewis’s opinion. *Id.* The Court agrees with Dr. Lewis.

Records indicate that Respondent had an appointment with a doctor regarding neuroleptic medications on May 12, 2023. Ex. 3, p. 15. However, no information was submitted to the court regarding any follow-up to this appointment. The records are unclear what, if any affect neuroleptics have currently made regarding Respondent’s risk assessment for future violence and dangerousness to the public. Further, records did not indicate Respondent requesting treatment and

being refused such treatment by the jail. In fact, records suggest nursing staff discussing options for medication on May 1, 2023, to where the Respondent replied that they have provided him benefit in the past and he stopped taking them due to weight gain. *Id.* at 14. The Court must determine if Respondent is presently mentally and dangerous to the public. Respondent has remained aggressive and assaultive while in jail. *Id.* at 12; Ex. 5; and Ex. 6. While seeing how Respondent reacted in treatment may have changed the Examiner's risk assessment, the fact is that the Respondent has not yet had treatment and the Examiner believes Respondent continues to meet criteria for mentally ill and dangerous to the public.

Respondent fails to cite authority for the proposition that the remedy for failure to treat him is denial of the final determination of mentally ill and dangerous. Furthermore, the legislature likely intended a second layer of judicial review prior to indefinite commitment as a procedural safeguard to catch any mistakes made in the initial commitment, as well as to consider any changed circumstances. Seeing how there is no change in Respondent's circumstances and no mistakes have been asserted, the Court denies Respondent's request to deny the indeterminate determination on the basis that Respondent has not yet received treatment. Respondent presents no reasoning or authority in support of the position that continued mentally ill and dangerous to the public status is not proved by clear and convincing evidence when the committed person has not begun receiving treatment.

6. Commitment for an indeterminate period of time to the Forensic Mental Health Program as a person mentally ill and dangerous to the public is currently the least restrictive, available, and appropriate disposition of this matter. Respondent continues to lack insight into his diagnosis and treatment needs. Existing safeguards are presently insufficient to manage his level of risk.

CONCLUSIONS OF LAW

1. Petitioner established by clear and convincing evidence that the statutory requirements as defined in Minn. Stat. § 253B.02, subd. 17. have been met, and that Respondent continues to be a person mentally ill and dangerous to the public,

2. Respondent should be committed for an indeterminate period of time, pursuant to Minn. Stat. §253B.18, subd. 3.

ORDER

1. That Respondent is committed as a person mentally ill and dangerous to the public to the Forensic Mental Health Program for an indeterminate period of time.
2. That this commitment shall be subject to all provisions of Minn. Stat. § 253B.18.
3. Costs of care will be paid in accordance with Minn. Stat. § 246.50-55. Respondent may be responsible for all or a portion of the cost of treatment and/or board and lodging based on a sliding fee scale and the eligibility requirements set forth in Minn. Stat. § 246.50-55.

Order Recommended by:

BY THE COURT:

Referee of District Court

Judge of District Court

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Attachment 2

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 23A12299
Court File No. 27-CR-23-23201

State of Minnesota,

Plaintiff,

vs.

JARELLE THOMAS VAUGHN DOB: 03/10/1981

1010 Currie Ave
Minneapolis, MN 55403

Defendant.

COMPLAINT

Summons

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Assault - 4th Degree - Peace Officer - Throws/transfers bodily fluids or feces at or onto officer

Minnesota Statute: 609.2231.1(c)(2), with reference to: 609.101.2, 609.2231.1(c)

Maximum Sentence: 3 YEARS AND/OR \$6,000

Offense Level: Felony

Offense Date (on or about): 10/13/2023

Control #(ICR#): 23017726

Charge Description: That on or about 10/13/2023, in Minneapolis, in Hennepin County, Minnesota, Jarelle Thomas Vaughn assaulted Victim, a peace officer, while that officer was effecting a lawful arrest or executing a duty imposed upon him by law, and intentionally threw or transferred bodily fluids or feces at or upon the officer.

STATEMENT OF PROBABLE CAUSE

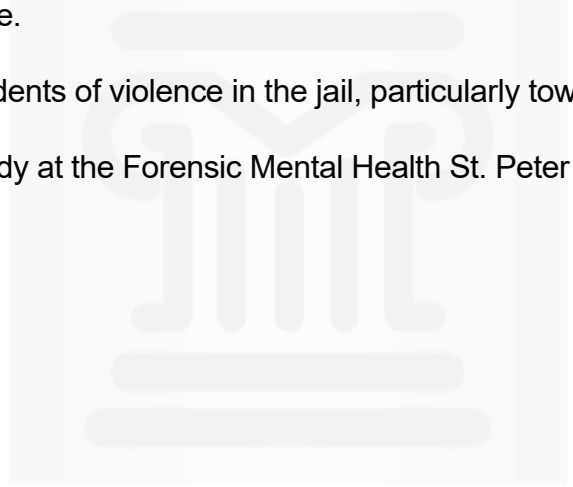
Complainant has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On October 13, 2023, Jarelle Thomas Vaughn, born March 10, 1981, herein DEFENDANT, was an inmate at the Hennepin County Jail in Minneapolis, Hennepin County, Minnesota.

During breakfast, deputies went into DEFENDANT's G-Mod to feed DEFENDANT. Deputies opened DEFENDANT's food pass; however, DEFENDANT had a towel covering it. As deputies were putting the food on the food pass DEFENDANT removed the towel and spat at the deputy. DEFENDANT's spit hit the deputy, herein VICTIM, in the face.

DEFENDANT has repeated incidents of violence in the jail, particularly towards staff.

DEFENDANT has been in custody at the Forensic Mental Health St. Peter Tamarack Unit since October 25, 2023.



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SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant

Allan McHugh
Detective
350 S 5th St
Minneapolis, MN 55415
Badge: 500

Electronically Signed:
10/30/2023 12:22 PM
Hennepin County, Minnesota

Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney

Jenna Dominik
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
10/30/2023 11:53 AM

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

☒ **SUMMONS**

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear as directed in the Notice of Hearing before the above-named court to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

☐ **WARRANT**

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☐ **Execute in MN Only**☐ **Execute Nationwide**☐ **Execute in Border States**☐ **ORDER OF DETENTION**

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$0.00

Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: October 30, 2023.

Judicial Officer

Amy Dawson
District Court Judge

Electronically Signed: 10/30/2023 04:26 PM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Jarelle Thomas Vaughn

Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE

*I hereby Certify and Return that I have served a copy of this
Summons upon the Defendant herein named.*

Signature of Authorized Service Agent:

DEFENDANT FACT SHEET

Name: Jarelle Thomas Vaughn
DOB: 03/10/1981
Address: 1010 Currie Ave
Minneapolis, MN 55403

Alias Names/DOB:

SID:

Height:

Weight:

Eye Color:

Hair Color:

Gender:

Race:

Fingerprints Required per Statute:

Fingerprint match to Criminal History Record:

Driver's License #:

SILS Person ID #:

SILS Tracking No.

Alcohol Concentration:

MALE

Black

Yes

No

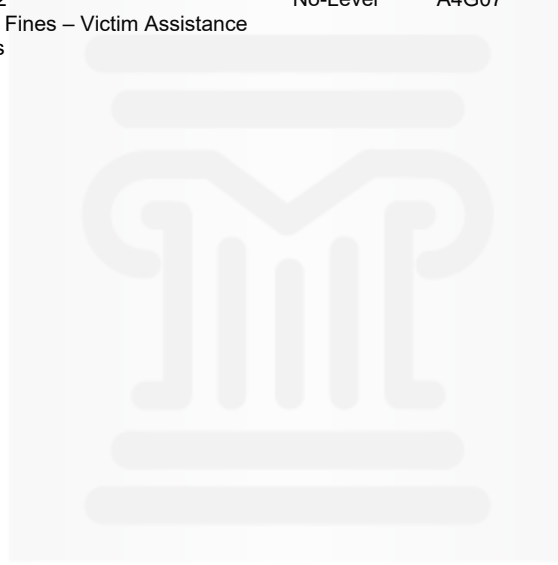
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STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	10/13/2023	609.2231.1(c)(2) Assault - 4th Degree - Peace Officer - Throws/transfers bodily fluids or feces at or onto officer	Felony	A4G07		MN0270000	23017726
	Penalty	10/13/2023	609.2231.1(c) Assault - 4th Degree - Peace Officer - Penalty for violation of 609.2231.1(c)(1) or (c)(2)	Felony	A4G07		MN0270000	23017726
	Definition	10/13/2023	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	A4G07		MN0270000	23017726



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