Filed in District Court
State of Minnesota
12/21/2023 4:43 PM

STATE OF MINNESOTA | DISTRICT COURT
FELONY DIVISION

COUNTY OF HENNEPIN | FOURTH JUDICIAL DISTRICT

State of Minnesota,
Plaintiff,
-vs-
JARELLE VAUGHN,
Defendant.

DEFENSE RESPONSIVE MOTION TO STATE'S OPPOSITION TO DISMISSAL

MNCIS Case Nos. 27-CR-22-20527 and 27-CR-23-23201

* * *

TO: THE COURT; THE HONORABLE DANIELLE MERCURIO, HENNEPIN COUNTY JUDICIAL OFFICER; AND JENNA DOMINICK, ASSISTANT HENNEPIN COUNTY ATTORNEY.

THE COURT SHOULD DISMISS THIS CASE IN THE INTERESTS OF JUSTICE.

Jarelle Vaughn moves this court to dismiss this matter in the interests of justice pursuant to Minnesota Statute Section 611.46, which states in relevant part, subd. 8 (d), Counsel for the defendant may bring a motion to dismiss the proceedings in the interest of justice at any stage of the proceedings. Additionally, Minn. Stat. sec. 631.21 has existed historically and states that the court may order dismissal in the furtherance of justice. The Minnesota Supreme Court held:

> The court has inherent power to dismiss a case in the interest or furtherance of justice, whether that power is expressly conferred by statute or arises by implication.

In the Welfare of J.H.C., 384 N.W.2d, 599, 601 (Minn.App. 1986) *citing City of St. Paul Landreville*, 301 Minn. 43, 47, 221 N.W.2d 532, 534 (1974). The power to dismiss criminal charges has existed within the judiciary's authority to control the administration of justice for quite some time. *St. Paul v. Landreville,* 221 N.W.2d 532, 534 (Minn. 1974). The judiciary's authority exists as a result of constitutional provisions mandating a separation of powers and an independent and viable judicial branch. *State v. S.L.H.,* 755 N.W.2d 271, 275 (Minn. 2008).

Filed in District Court
State of Minnesota
12/21/2023 4:43 PM

The court should dismiss Mr. Vaughn's charged cases in the interests of justice because Mr. Vaughn was pre-trial confined in the jail for over a year[1], with two findings of incompetency. This confinement criminalized Mr. Vaughn's mental illness. His confinement had no reasonable connection to the restoration or attainment of competency. While the state notes not opposing Mr. Vaughn's transfer to the hospital, it was still the state's charge, bail request, objection to bail reduction and petition for hospital confinement, and the state seeking bail to remain, that caused Mr. Vaughn to be in the jail, in whole or in part,, for over one year's time. The state acknowledged Mr. Vaughn's mental illness when stating on page 5 of its memorandum, "The State understands Defendant is suffering with significant mental illness…" However, the acknowledgement of his significant mental illness and not opposing a transfer to the hospital does not remedy the injustices and unconstitutional pretrial confinement. However, the court's dismissal of the charges will be a good start.

1. Procedural History.

Jarelle Vaughn was arrested and confined in the Hennepin County Jail beginning on October 11, 2022. Mr. Vaughn was charged with an offense and his confinement in the Jail continued after the state requested he be held on bail. Mr. Vaughn proceeded pro se and the court ordered a R.20.01 evaluation be conducted. He was unable to proceed on the criminal matter as he was found incompetent without objection on December 20, 2022[2] and June 20, 2023. The court recently found Mr. Vaughn incompetent, without objection, on December 19, 2023.

The Hennepin County Attorney's office petitioned for a Mental Illness, Chemical Dependency and Mentally Ill and Dangerous Commitment on January 9, 2023 pursuant to 27MHPR23-26. On February 27, 2023 an order for commitment as MI&D was issued and the MI/CD allegations were dismissed without prejudice. On June 22, 2023 an order for an Indeterminate Commitment as a Person who is Mentally Ill and Dangerous was issued. Mr. Vaughn remained in the Hennepin County jail until being sent to the locked Minnesota State Hospital on October 25, 2023, more than 1 year from his original confinement.

[1] As it relates to 27cr22-20527; 27cr23-23201 was charged after Mr. Vaughn has been confined in the Hennepin County Jail for more than a year's time.

[2] The court appointed the Hennepin County Public Defender's Office to represent Mr. Vaughn on December 20, 2022 when the examiner opined that Mr. Vaughn was incompetent.

Filed in District Court
State of Minnesota
12/21/2023 4:43 PM

2. Cruel And Unusual Punishment And The Criminalization of Mental Illness Is A Basis For Which To Consider Dismissal In The Interests Of Justice.

"The United States Supreme Court has stated that it would be cruel and unusual punishment to make the status of being mentally ill a crime." *State v. Bauer*, 299 N.W.2d 493, 498-499 (1980); *citing*, *Robinson v. California*, 370 U.S. 660, 666 (1962). The United States Supreme Court has been steadfast in its holding that "the Eighth Amendment to the United States Constitution prohibiting the imposition of cruel and unusual punishment is, inter alia, intended to protect and safeguard a prison inmate from an environment where degeneration is probable and self-improvement unlikely because of the conditions existing which inflict needless suffering, whether physical or mental." *Battle v. Anderson,* 564 F.2d, 388, 393 (U.W. 10th Cir. 1977); *citing, Estelle v. Gamble, 429 U.S. 97 (1976); Gregg v. Georgia, 428 U.W. 153 (1976).*

The state cites alleged criminal behaviors while Mr. Vaughn was confined in the jail to justify the confinement. Further, the state charged Mr. Vaughn with a new crime after he had been held in the jail for over one year's time and subsequent to two findings of incompetency. The focus on his alleged misbehaviors and the new crime charged, while he has been confined in the jail for more than a year, is an example of the criminalization of his mental illness. Instead of justifications for confinement, the alleged behaviors mentioned are evidence that Mr. Vaughn was degenerating and decompensating in the jail. Further, given Mr. Vaughn's diagnosis, it was also probable that self-improvement in the jail was unlikely and for him to remain in the jail would likely result in needless mental suffering.

Mr. Vaughn was found incompetent two times before his departure to the state hospital in October of 2023 and now again in December of 2023. Being found incompetent means that Mr. Vaughn was suffering under a mental illness to a degree that he was unable, or lacked the ability to, have meaningful and rational communications with counsel or assist in his defense.[3] It is reasonable that alleged behaviors and the newly charged offense from

[3] *MRCP 20.01, Subd. 2.Competency to Participate in the Proceedings.*

A defendant is incompetent and must not plead, be tried, or be sentenced if the defendant due to mental illness or cognitive impairment lacks ability to:

(a) rationally consult with counsel; or

(b) understand the proceedings or participate in the defense.

Filed in District Court
State of Minnesota
12/21/2023 4:43 PM

October 13, 2023 (27cr23-23201) were the result of the active psychosis and lack of treatment for Mr. Vaughn that Dr. Lewis noted during his testimony in May 2023.

The state relies heavily on comments from the civil commitment order, which includes Dr. Lewis's testimony, to support Mr. Vaughns confinement.[4] Incidentally, specific information from the civil commitment order actually justifies the dismissal of the charges in the interests of justice.

First, the court found that Mr. Vaughn is a person living with mental illness and notes that he is "diagnosed with schizoaffective disorder and schizoaffective disorder versus bipolar I disorder and psychotic features versus schizophrenia…[and] has a history of mental illness dating back to age 14-15."[5] Second, from the commitment hearing on May 10, 2023, the court found that Mr. Vaughn was "not receiving any mental health treatment or neuroleptic medication to treat his symptoms for mental illness while he is incarcerated."[6] Third, the court found that "Dr. Lewis opines that Respondent's short-term prognosis poor and remains acutely psychotic. He is not receiving psychotropic medication and is not currently placed in a treatment setting."[7] Fourth, the court found "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."[8]

As such, the commitment court order determined that Mr. Vaughn has been and is diagnosed with a mental illness, that he was confined in the jail which is not a treatment setting, and that Mr. Vaughn remained actively psychotic from October 11, 2022 until May 10, 2023. At the same time, the court noted from Dr. Lewis's testimony, that Mr. Vaughn could show improvement with proper comprehensive mental health treatment. However, Mr. Vaughn was not sent to the hospital then. Instead, Mr. Vaughn remained confined in the jail, in whole or in part in segregation, for more than five months later, until October 25, 2023.

Exceeding a year long confinement in the jail, in whole or in part in segregation, is unjust and cruel for any person that is held pre-trial detention when charged with an offense

---

[4] *See, 27-MH-PR-23-26, Findings of Fact, Conclusions of Law, And Order for Indeterminate Commitment as a Person who is Mentally Ill and Dangerous to the Public.*
[5] *27-MH-PR-23-26, Findings of Fact, Conclusions of Law, And Order for Indeterminate Commitment as a Person who is Mentally Ill and Dangerous to the Public*, p. 2, para 3.
[6] *27-MH-PR-23-26, Findings of Fact, Conclusions of Law, And Order for Indeterminate Commitment as a Person who is Mentally Ill and Dangerous to the Public*., p.2, para 4.
[7] *Id*. at p. 3, para 5.
[8] *Id* at p. 4.

Filed in District Court
State of Minnesota
12/21/2023 4:43 PM

by the state. It should be noted that if Mr. Vaughn had not been found incompetent, he would have had the right to have an Omnibus hearing and demand a speedy trial in 60 days. *See*, MRCP 11.08, para. (b). Further, the rule reads,

> Unless exigent circumstances exist, if trial does not start within 120 days from the date of the plea other than guilty is entered and the demand is made, the defendant must be released under any nonmonetary conditions the court orders under Rule 6.01, subd. 1.

As a result of the circumstances here, Mr. Vaughn did significantly more time in custody while awaiting his transfer to the hospital than ever would have been allowed if he was held in custody and demanded a speedy trial. In fact, the aforementioned rule mandates release if a trial does not begin within 120 days from the date of the not guilty plea. The court must acknowledge the criminalization of mental illness when Mr. Vaughn was confined in the jail for significantly more time as a result of the R.20.01/incompetent and commitment process than the normal criminal course would allow.

3. Pre-Trial Confinement Without Reasonable Relation To The Attainment Or Restoration Of Competency, Is A Due Process And Constitutional Violation That Warrants Dismissal In The Interests Of Justice.

In addition to the confinement to the jail in excess of one year, Mr. Vaughn's confinement was not reasonably related to the restoration of competency. Pretrial commitment is "a significant deprivation of liberty that requires due process protection." *Addington v. Texas*, 441 U.S. 418, 426 (1979). The Due Process Clause provides, "No state shall…deprive any person of life, liberty, or property, without due process of law." U.S. Const. amend XIV, § 1; *see also* Minn. Const. Art. 1, § 7.Thus, the government must have "a constitutionally adequate purpose for [pretrial] confinement." *O'Connor v. Donaldson*, 422 U.S. 563, 574 (1975). In *Donaldson*, while the court recognized that an involuntary confinement could be initially permissible, it also recognized that the involuntary confinement could "not constitutionally [be] continued after that basis no longer existed." *O'Connor v. Donaldson*, 422 U.S. 563 at 575; *see Jackson v. Indiana*, 406 U.S. at 738.

In *Jackson v. Indiana*, the Supreme Court held that an incompetent defendant's substantive due process rights are implicated when they are being held in pretrial detention. 406 U.S. 715, 738 (1972). There, the Court determined that "due process requires that the nature and duration of commitment bear some reasonable relation to the

Filed in District Court
State of Minnesota
12/21/2023 4:43 PM

purpose for which the individual is committed." *Id*.; *see also Matter of Opiacha*, 943 N.W.2d 220, 226 (Minn. App. 2020) (citing this quoted language in *Jackson*). Mr. Vaughn, unlike *Bauer and Jackson*, remained in the jail instead of being transferred to the hospital. Additionally, Mr. Vaughn's confinement in the jail was not reasonably related to the attainment or restoration of competency.

If the nature of an incompetent defendant's confinement is not reasonably related to restoring competency, their continued detention violates due process. *Jackson*, 406 U.S. at 738. Under *Jackson*, "No matter how short the duration of the detention, if the *nature* of the confinement is not reasonably related to the government's purpose of accurately evaluating the individual defendant's potential to attain competency, the detention is unconstitutional." *Carr v. State*, 815 S.E.2d 903, 912 (Ga. 2018) (emphasis in original).

All parties agree that Mr. Vaughn should have been in the hospital and not the jail. Yet, he sat in the jail and was actively psychotic in May 2023, according to Dr. Lewis's testimony. The jail confinement circumstances breed decompensation and mental suffering. Further, the state cannot demonstrate how Mr. Vaughn's more than a year confinement is reasonably related to the state's interest in him being restored to competency.

CONCLUSION

Mr. Vaughn's transfer to the hospital on October 25, 2023 was ten months subsequent to his first finding of incompetency in December 2022. His transfer to the hospital on October 25, 2023, was eight months after his initial commitment in February 2023. His transfer to the hospital on October 25, 2023 was five months after Dr. Lewis testified that Mr. Vaughn may have a positive result from comprehensive mental health treatment.

Mr. Vaughn's confinement history is unjust, unconstitutional and is cruel. When the state seeks to confine and commit, there must also be a requirement to insure proper care. Instead, Mr. Vaughn's pretrial confinement results instead in likely decompensation and the criminalization of his mental illness. Additionally, the confinement is not reasonably related to the attainment or restoration of competency and instead results in Mr. Vaughn being warehoused in the jail because of his mental illness. Mr. Vaughn has few options for which to move the court to address the injustice, and dismissal in the furtherance of justice is one of them. Mr. Vaughn asks this court to examine the entire picture and moves this court to dismiss the charges in the interests of justice.

Filed in District Court
State of Minnesota
12/21/2023 4:43 PM

This motion is based upon all relevant files, case law, statutes and arguments of counsel.

RESPECTFULLY SUBMITTED,

OFFICE OF THE HENNEPIN COUNTY PUBLIC DEFENDER
MICHAEL BERGER - CHIEF PUBLIC DEFENDER

By: _____/s/_____

Susan Herlofsky
Attorney for Defendant
Attorney License No. 247157
701 4th Avenue South, Suite 1400
Minneapolis, MN 55415
Telephone: (612) 348-9881

Dated: This 21st day of December 2023.