

STATE OF MINNESOTA

DISTRICT COURT
FELONY DIVISION

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

)

**NOTICE OF MOTION AND MOTION
FOR RELIEF AND PROMPT TRANSFER
OR GRANT DISMISSAL**

Plaintiff,

)

-vs-

)

MNCIS Case No. 27-CR-22-20527

JARELLE THOMAS VAUGHN,

)

Defendant.

)

*

*

*

TO: THE COURT; THE HONORABLE LORI SKIBBIE, HENNEPIN COUNTY
JUDICIAL OFFICER; AND TOM ARNESON AND JENNA DOMINICK,
ASSISTANT HENNEPIN COUNTY ATTORNEYS.

NOTICE OF MOTION

PLEASE TAKE NOTICE that on Tuesday, October 10, 2023, at 1:30 p.m., or as soon
thereafter as counsel may be heard, Jarelle Vaughn, will seek the following relief:

MOTION

Jarelle Vaughn moves this court to grant relief and assist in facilitating a prompt
transfer to a hospital or alternatively, 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.

Jarelle Vaughn has been in jail since October 11, 2022. At the time of this writing,
Mr. Vaughn has been in the Hennepin County Jail for nearly a year, and he has reported that
he has been held in solitary confinement for the duration of the confinement¹. Mr. Vaughn
was charged with an offense from October 11, 2022 and he has been held on a pre-trial
detention basis. Jarelle Vaughn has been unable to proceed on his criminal matter because
subsequent to the court's order for a Rule. 20.01 examination, when Jarelle Vaughn was then

¹ Defense is seeking records from the HCJ to confirm all dates, time, and hours for Mr. Vaughn's
assignment to segregation and the defense may seek to add a future hearing date to supplement the record
for this argument.

appearing pro se, he was opined incompetent. Mr. Vaughn has been found incompetent without objection on December 20, 2022² and June 20, 2023. Mr. Vaughn's next six-month review for competency determination is scheduled for 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 remains in the Hennepin County jail to date, and it is reported that there is an eight-month delay for transfer to a hospital on an MI&D commitment.

Mr. Vaughn should not remain in the jail. Instead, the state and the court should either ensure that Mr. Vaughn is transferred to a hospital for treatment or dismiss his criminal case. "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 Eighth Amendment of the United States Constitution banning "cruel and unusual punishments" stems from the bill of Rights of 1688. *Robinson v. California*, 370 U.S. 660, 675 (1962). It is applicable to the States by Due Process Clause of the Fourteenth Amendment. *Id.* Historically, punishments that were cruel and unusual included in some circumstances, "even solitary confinement." *Id.* The prosecution of a crime is typically aimed at penalizing an individual. *Id.* Thus, to hold someone in solitary confinement for nearly one year, that has been found incompetent two times, rises to the level of cruel and unusual punishment.

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]

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.

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 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*, remains in the jail. Even though he was first committed in February 2023 and again June 2023, Mr. Vaughn remains in the jail. Not only does he remain in the jail for months post commitment orders, but he remains in segregation.

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. Minnesota courts have yet to flush out what *Jackson*’s due process language requires for incompetent defendants. However, this issue has been well-litigated in other state courts, as well as in federal court. In interpreting *Jackson*, courts have determined that “[h]olding incapacitated criminal defendants in jail for weeks or months violates their due process rights.” *Or. Advocacy Ctr v. Mink*, 322 F.3d 1101, 1122 (9th Cir. 2003). Thus, the Fourteenth Amendment requires the “prompt transfer” of incompetent defendants to facilities that can adequately address the root of their incompetency. *Geness v. Cox*, 902 F.3d 344 (3d Cir. 2018). 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).

Therefore, the “particular crime with which a defendant is charged” cannot determine the length or nature of pretrial confinement. *Id.* at 915. Instead, “it is his particular mental condition that affects whether his commitment is reasonably related to the goal of accurately evaluating his likelihood of attaining competency so he can be tried.” *Id.* For example, where the court or evaluating psychiatrist suspects the defendant may be “feigning or exaggerating symptoms to avoid trial” or where a defendant’s diagnosis “holds the potential for improvement rather than stasis or deterioration.” *Id.* However, where it is clear from the outset a defendant is unlikely to be restored to

competency, “commitment serves no legitimate purpose at all, and so does not justify the deprivation of the defendant’s liberty.” *Id.* at 916.

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).

A Sourcebook on Solitary Confinement by Sharon Shalev (2008) shows the research has been clear for hundreds of years that solitary confinement has a profound negative effect on health and wellbeing. Shalev, Sharon (2008). *A sourcebook on Solitary Confinement*. Mannheim Centre for Criminology, p. 11, London School of Economics. Solitary confinement can cause emotional damage, decline in mental functioning, depersonalization, hallucinations, and delusions. *Id.* In 1988, a study of 45 inmates in protective custody found negative symptoms including nervousness, talking to oneself, hallucinations and delusions, confusion, irrational anger, headaches, and problem sleeping. *Id.* Another study of 30 inmates in 1994, noted how those inmates confined to the more restrictive environment had higher level of psychological stressors. *Id.*

Under these circumstances, the state cannot demonstrate how Mr. Vaughn’s continued confinement in the jail, including his confinement in segregation, is reasonably related to the state’s interest in him being restored to competency nor is he receiving hospital care and treatment after being found mentally ill. The state opposed and the court denied defense motion to lift monetary bail on September 12, 2023. This status quo of Mr. Vaughn’s pre-trial, jail, segregation confinement must not be allowed to continue, and thus the defense moves that if Mr. Vaughn is not immediately transferred to a hospital, that this case be dismissed in the interests of justice.

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 9th day of October 2023.

MINNESOTA
JUDICIAL
BRANCH