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STATE OF MINNESOTA **DISTRICT COURT**

COUNTY OF HENNEPIN **FOURTH JUDICIAL DISTRICT**

STATE OF MINNESOTA,

Plaintiff,

Court File Nos. 27-CR-22-20527
27-CR-23-23201

v.

JARELLE THOMAS VAUGHN,

Defendant.

ORDER DENYING MOTION TO DISMISS IN THE INTERESTS OF JUSTICE

This matter came before the Honorable Danielle C. Mercurio on December 1, 2023, for a Motion hearing. Jenna Dominik, Assistant County Attorney, appeared on behalf of the State. Susan Herlofsky, Assistant Public Defender, appeared on behalf of the Defendant. The Defendant filed a motion with the court to dismiss the matter in the interests of justice pursuant to Minn. Stat. § 611.46. Based on the argument of the Parties, as well as all the files, records, and proceedings herein, the Court makes the following:

FINDINGS OF FACT

1. Jarelle Vaughn, hereafter Defendant, was 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, 2022, where Defendant was alleged to have boarded a Metro Transit bus and subsequently stabbed two individuals.

2. Pursuant to a Court order dated November 16, 2022, under *Minnesota Rules of Criminal Procedure 20.01*, Dr. Catherine Carlson, PsyD, LP, evaluated Defendant and opined he was incompetent on December 14, 2022. Neither party contested Dr. Carlson's opinion. The Court entered a finding of incompetency on the record on December 20, 2022.

3. On June 13, 2023, Dr. Jason L. Lewis, PhD, LP, submitted a Rule 20.01 Progress Report opining Defendant continued to be incompetent, and Defendant was again found incompetent on June 20, 2023.

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4. On June 22, 2023, an order for Indeterminate Commitment as a Peron who is Mentally Ill and Dangerous was issued in court file 27-MH-PR-23-26. Due to this procedural history, Defendant remained in custody on a waitlist for transfer to a mental health facility in Minnesota.

5. On October 9, 2023, defense motioned for a prompt transfer or, alternatively, dismissal on the charges. Defendant was transferred, on October 25, 2023, after being held in custody for approximately 1 year.

6. On October 30, 2023, Defendant was charged with Felony Fourth Degree Assault, case file 27-CR-23-23201, with an offense date of October 13, 2023.

7. Although Defendant had been transferred, defense renewed their Motion to Dismiss pursuant to Minn. Stat. § 611.46, subd 8(d). This motion included the Second-Degree Assault case and the Fourth Degree Assault case. The Court heard defense's oral argument regarding this motion on December 1, 2023.

8. Following a hearing on the Motion to Dismiss, Dr. Jason L. Lewis, PhD, LP, submitted another Rule 20.01 progress report, opining that Defendant continued to be incompetent, and Defendant was again found incompetent on December 19, 2023, without objection.

9. Defense argues that the prohibition against cruel and unusual punishment and the unjust criminalization of mental illness are the bases for which to consider dismissal in the interest of justice. Defense argues that the new crime charged, while he had 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 Defense posits that Defendant's alleged behaviors are evidence that Defendant was degenerating and decompensating in the jail. Further, given Defendant's diagnosis, Defense contends 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. Defendant 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 Defendant 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.[1] Defense

[1] *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.

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advances that argument that it is reasonable that alleged behaviors and the newly charged offense from October 13, 2023 (27-CR-23-23201) were the result of the active psychosis and lack of treatment for Defendant. The Court does not find this argument persuasive, as Defendant refused to adhere to medications while jailed.

Defense further argues that the commitment court order determined that Defendant has been and is diagnosed with a mental illness, that he was confined in the jail which is not a treatment setting, and that Defendant remained actively psychotic from October 11, 2022, until May 10, 2023. At the same time, the court noted from Dr. Lewis's testimony that Defendant could show improvement with proper comprehensive mental health treatment. However, Defendant was not sent to the hospital then. Instead, Defendant remained confined in the jail, in whole or in part in segregation, for more than five months later, until October 25, 2023. Defense contends that exceeding a yearlong 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 by the State. Defense notes that, had Defendant 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, Defense claims Defendant 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. Defense argues that the aforementioned rule mandates release if a trial does not begin within 120 days from the date of the not guilty plea. And because of said rule, the court must acknowledge the criminalization of mental illness when Defendant 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.

10. In addition to the confinement to the jail in excess of one year, Defense argues that Defendant'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.

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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 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). Defendant, unlike *Bauer* and *Jackson*, remained in the jail instead of being transferred to the hospital. Additionally, Defense contends that Defendant'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).

11. Neuroleptic medications, when administered properly and taken in accordance with medical guidance, can assist in restoring a person to competency. The record clearly established that Defendant refused medications while in the jail and that these medications were prescribed to mitigate the symptoms of Defendant's psychosis.

CONCLUSIONS OF LAW

1. Minnesota Statute §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.

2. Additionally, Minnesota Statute §631.21 confers upon the courts the authority to dismiss criminal actions in the interests of justice.

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> The court may order a criminal action, whether prosecuted upon indictment or complaint, to be dismissed. The court may order dismissal of an action either on its own motion or upon motion of the prosecuting attorney and in furtherance of justice. If the court dismisses an action, the reasons for the dismissal must be set forth in the order and entered upon the minutes. Minn. Stat. § 631.21.

This statute permits the court to dismiss actions "to avoid injustice *despite* the absence of any specific defect that in itself would defeat the prosecution." 9 Minn. Prac. Criminal Law & Procedure § 47.63 (4th ed.). Dismissal in the interests of justice "empowers judges to consider a broad spectrum of considerations in determining whether the totality of the circumstances require or justify termination of the prosecution." *Id*. A balancing test is appropriate when the question of dismissing in the interests of justice arises. The court should examine all the circumstances and consider all the interests involved, such as the effects upon the defendant, the prosecution, the victim if any, society as a whole, and any other persons or entities effected. The court should ask whether, on balance, more good than harm will flow from the remedy of dismissal. *Id*. 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).

3. Minnesota Rule of Criminal Procedure 20.01 provides that criminal proceedings involving a felony charge are to be suspended upon a finding of incompetency. The rule requires the court to initiate civil commitment proceedings and provides for continued court supervision while the case is suspended, including a mandate that the court receive regular reports on the defendant's mental condition from the institution or officer charged with the defendant's supervision. *Id*. at subd. 7. A report must be filed with the trial court every six months as to the status of a defendant's competence. *Id*. Felony proceedings may resume if the court finds the defendant competent to proceed within three years after the finding of incompetency. *Id*. at subd. 6. The State must provide a notice of intent to prosecute within 3 years of a finding of a defendant's incompetence or the charges must be dismissed. *Id*. at subd 8(1). Additionally, the comments to the rules state: "No limitation exists for the time or number of hearings that may be held under Rule 20.01 to determine the defendant's competency. (Comment – Rule 20). Comments to the rules are not binding, but they are a useful guide in interpreting the intent of the

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rules. *State v. Johnson*, 514 N.W.2d 551,555 (Minn. 1994). The court finds that the legislature did not intend to limit the number of evaluations or time in which a case with an incompetency finding can proceed. The comments to Rule 20 make that clear. Accordingly, *Rule 20.01 of the Rules of Criminal Procedure* does not ***require*** the State or the court to dismiss the charges against Defendant. (emphasis added)

4. Legal authority applying an interests of justice standard to a case where the defendant is incompetent is sparse. The most analogous case to the situation at hand is *State v. Bauer*, 299 N.W.2d 493 (Minn.1980). In *Bauer*, the defendant was charged with murder, found incompetent and civilly committed as mentally ill and dangerous. At the time the motion to dismiss was filed, he had been confined to a state forensic hospital as a result of his incompetency and commitment for approximately eight years. The defendant argued that the pendency of the indictment for over eight years was an inherent denial of due process and that his right to a speedy trial was being violated. Additionally, he argued that the maintenance of the indictment violated his right to be free from cruel and unusual punishment. The Minnesota Supreme Court ruled against the defendant on all these grounds and additionally ruled that dismissal of the indictment would be contrary to the policies of the state.

5. On balance, the factors weigh in favor of denying Defendant's motion to dismiss. First, Defendant is charged with a two serious assault charges. He has a lengthy violent criminal history, as well as a documented history of threatening and aggressive behavior. Society has a public safety interest in allowing the State to pursue charges in this type of case.

Second, even though the criminal case is suspended due to a finding of incompetency, under Rule 20.01, the criminal court has the authority, and obligation, to continue to supervise Defendant's conditions of release and to monitor compliance with his civil commitment conditions. Under Rule 20, the criminal court has the ability at each subsequent competency review to re-refer Defendant for civil commitment should he be discharged from his current civil commitment. If Defendant fails to appear for future court hearings, complete competency evaluations, or if he absconds from supervision on a provisional discharge, the court can choose to issue a warrant for his arrest if it finds public safety concerns justify having him apprehended.

The defense has not established that Defendant is being substantially prejudiced or unduly and unfairly burdened by the pendency of these charges. *See*, *Matter of Welfare of J.H.C.*, 384 N.W.2d 599, 601 (Minn.Ct.App. 1986). On balance, factors related to stress to the defendant, and

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the psychiatric decompensation are outweighed in this case by public safety and future sentencing considerations. Moreover, Defendant is currently receiving treatment for his conditions. The court finds that, on balance, more harm than good would flow from the remedy of dismissal at this time. The overall interests of justice do not warrant a dismissal of the charges in these circumstances.

6. Defense has not shown that Defendant suffered cruel or unusual punishment while at the Hennepin County Jail and therefore this Court should deny defense's Motion to Dismiss pursuant to the interest of justice. Generally, when determining whether a punishment is cruel or unusual, this court focuses on the proportionality of the crime to the punishment. *See, e.g.*, *Walker*, 306 Minn. at 110, 235 N.W.2d at 814. The Supreme Court, in deciding whether punishment is cruel and unusual, asks if the punishment comports with the "evolving standards of decency that mark the progress of a maturing society." *Trop v. Dulles*, 356 U.S. 86, 101, 78 S.Ct. 590, 598, 2 L.Ed.2d 630 (1958) (plurality). Evolving standards of decency were crucial in *Thompson v. Oklahoma*, when the Court found that the execution of a 15–year–old is "now generally abhorrent to the conscience of the community." 487 U.S. at 832, 108 S.Ct. at 2697 (plurality). *See also Id*. at 849, 108 S.Ct. at 2706 (O'Connor, J., concurring). *State v. Mitchell*, 577 N.W.2d 481, 489 (Minn. 1998). Importantly, regarding the argument of cruel or unusual punishment, Defense fails to provide case law that held the remedy would be dismissal of the charges. The records that have been made available clearly indicate Defendant suffers from a severe mental illness and continues to engage in dangerous behavior that put himself and others at high risk for violence. It is well documented that Defendant has been placed on suicide watch multiple times, has been assaultive and sexually inappropriate with staff and other patients and has threatened to kill staff. Furthermore, it is confirmed that, in Defendant's prior 10-year imprisonment, he spent most of that time in segregation. Defense has not provided any proof that jail staff treated Defendant by any means other than what was necessary for the safety of Defendant and others. Lastly, neither the State nor the Court had any control of how long the waitlist is at the mental health hospital. The hospital administrator and the Department of Human Services presumably does. The Court understands defense's immense frustration at the length in time it took for a bed to become available at the mental health hospital, however, that does not rise to the level of cruel or unusual punishment and this criminal case is the incorrect venue to challenge what occurs at the jail. Furthermore, Defendant was being held indefinitely after the finding of Indeterminate Mentally Ill and Dangerous. If the bail had been reduced in the Second-

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Degree Assault case, or even if the case was dismissed, Defendant would have remained in custody at the Hennepin County jail until a bed became available at the mental health hospital.

THEREFORE, IT IS HEREBY ORDERED THAT:

Defendant's motion to dismiss in the interests of justice is hereby **DENIED**.

Recommended by:

Mercurio, Danielle
Jan 19 2024 3:40 PM

Referee of District Court

BY THE COURT:

Dayton Klein, Julia
Jan 19 2024 3:56 PM

Judge of District Court