

**STATE OF MINNESOTA
DISTRICT COURT OF MINNESOTA
FOURTH JUDICIAL DISTRICT**

DISTRICT COURT
PROBATE/MENTAL HEALTH DIVISION
4TH FLOOR COURTS TOWER
HENNEPIN COUNTY GOVERNMENT CENTER
300 SOUTH SIXTH STREET
MINNEAPOLIS, MN 55487-0340
(612) 348-6000



May 18, 2023

Amanda Jung
Competency Education Coordinator
Ankoa Metro Regional Treatment Center
3307 7th Avenue North
Anoka, MN 55303

RE: Dennis Joseph Barry, Court File Numbers 27-CR-22-22521; 27-CR-22-3570;
27-CR-21-10675 ; 27-MH-PR-23-222

Dear Ms. Jung

The Court received notification that AMRTC plans to grant Dennis Barry a provisional discharge and place him in an unspecified Intensive Residential Treatment Service program in the community. The notification did not specify whether this facility is a locked or unlocked facility.

On November 9, 2022, Mr. Barry was charged with five counts of Second Degree Burglary of a Dwelling. On November 10, 2022, Judge Toddrick Barnette ordered Mr. Barry to be conditionally released with bail set at \$65,000 without conditions and \$20,000 with various conditions, including the following:

- Obey all laws;
- Attend all future Court appearances;
- Stay away from the 1300 block of Utica Avenue South, St. Louis Park, MN and 4900 Cedar Lake Road, St. Louis Park, MN.

See Conditional Release Order dated November 9, 2022, Court File No. 27-CR-22-22521.

On February 24, 2022, Mr. Barry was charged with Felony-level Threats of Violence. And on June 7, 2021, Mr. Barry was charged with Felony-level Fifth Degree Drug Possession. On September 6, 2022, Judge Toddrick Barnette ordered Mr. Barry to be conditionally released in both cases with no bail and on the following conditions:

- Obey all laws;
- Attend all future Court appearances;
- Do not possess firearms, ammunition, or other item used as a weapon;
- Do not possess replica firearms. Do not live any place where firearms or replica firearms are present; and
- Do not leave Minnesota without Court permission.

See Conditional Release Order dated September 6, 2022, Court File Nos. 27-CR-22-3570; 27-CR-21-10675.

On September 16, 2022, the Court issued an Order Revoking Mr. Barry's condition of release and setting bail at \$20,000, which is still in effect. *See* Court File Nos. 27-CR-22-3570; 27-CR-21-10675.

On March 13, 2023, this Court placed Mr. Barry under civil commitment, issuing an Order for Commitment as a Person Who Poses a Risk of Harm Due to Mental Illness ("Commitment Order"). *See* Court File No. 27-MH-PR-23-222 On May 3, 2023, Mr. Barry was transported from the Hennepin County Jail to AMRTC.¹ Two weeks later, on May 17, 2023, AMRTC notified the Court that it intended to transfer Mr. Barry to in an unspecified Intensive Residential Treatment Service program ("IRTS") in the community. and that this action will go into effect on May 23, 2023. AMRTC's notice did not specify what, if any, security measures would be in place at this IRTS facility.

The Court requests AMRTC address compliance with this Court's Order for Commitment as a Person Who Poses Risk of Harm due to Mental Illness dated DATE, Court File No.27-MH-PR-23-222, which requires notice to the "Criminal Division and parties at least **14 days** prior to the Proposed change in status." *See* Order for Commitment as a Person who Poses a Risk of Harm due to Mental Illness dated March 13, 2023, at 6, Court File No 27-MH-PR-23-222. Moreover, any such proposed change requires the AMRTC to show "1) whether the Respondent is competent, 2) how the proposed plan will meet Respondent's treatment needs, and 3) security risks and how they will be addressed." *Id.*

Given Mr. Barry's recent May 3, 2023, placement at AMRTC and the circumstances of his criminal cases, the Court has safety concerns about Mr. Barry's proposed placement. In light of these concerns, the Court requests additional information from AMRTC regarding: (1) whether Mr. Barry is competent, (2) how the proposed plan

¹ The Court notes that Minn. Stat. § 253B.10 requires the Commissioner of Human Services to prioritize patients being admitted from jail or a correctional institution and, in any event, requires patients under civil commitment for competency treatment and continuing supervision under Minnesota Rule of Criminal Procedure 20.01 to be admitted to a state-operated treatment program within 48 hours. Here, Me Barry waited in jail for over seven weeks for placement in a state-operated treatment program.

will meet Mr. Barry's treatment needs, and (3) what security measures will be in place to address the security and safety risks.

In the event AMRTC cannot continue to house Mr. Barry, and if the IRTS facility AMRTC intends to place Mr. Barry is not a locked and secured facility, we are requesting that he be returned to the custody of the Hennepin County Public Safety Facility where he is subject to his Conditional Release Orders.

By the Court,

Julia Dayton Klein

Assistant Presiding Judge of Probate Mental Health

cc: Hon Julie Allyn, Judge of District Court
Joseph McInnis, Assistant Hennepin County Public Defender
Kaitlyn Anderson, Assistant Hennepin County Attorney
Jacob Fischmann, Assistant Hennepin County Attorney
Jennifer Inz, Assistant Hennepin County Attorney
Michael Biglow, Esq.

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