

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

Adrian Wesley

Defendant.

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER INCLUDING
PETITION FOR
JUDICIAL COMMITMENT

MNCIS No: 27CR171555

* * * * *

This matter came on for hearing before the undersigned Judge on February 21, 2017; Robert Sorensen, Assistant Hennepin County Attorney, represented the plaintiff on the felony. The Defendant appeared in custody and was represented by counsel, Kellie Charles of the Hennepin County Public Defender's Office. Pursuant to the evidence adduced at the hearing and upon all of the files, records, and proceedings herein, the Court makes the following:

FINDINGS OF FACT

1. The Defendant was born on March 15, 1991; resides in a group home, is not a Veteran, and his aunt who lives in Minnesota is his nearest kindred.
2. The Defendant has been charged with the alleged offense of Felony Criminal Sexual Conduct in the 2nd Degree from an offense date of January 20, 2017. Judge Jay Quam found probable cause to believe that the felony crime was committed and that Defendant committed it. Copies of the complaint and police reports are incorporated by reference and made part of this Order.

3. On January 20, 2017, Judge Jay Quam ordered Psychological Services of Fourth Judicial District Court, to conduct an examination and make an evaluation of the Defendant's mental condition pursuant to Minn.R.Crim.P. 20.01.
4. In a report to the Court, attached and incorporated herein, Elizabeth Barbo, Ph.D., L.P., Psychological Services of Hennepin County District Court, has determined that the Defendant is mentally ill and developmentally disabled so as to be incompetent to stand trial.

CONCLUSION OF LAW

Defendant is presently incompetent to stand trial.

ORDER

1. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
2. The Hennepin County Sheriff shall transport Defendant from the Hennepin County Adult Detention Center to the head of an appropriate treatment facility when a bed becomes available as ordered by the Fourth Judicial District Court – Mental Health Division. The criminal conditions of release remain in effect until placement at an appropriate facility can occur. The head of that treatment facility to which the Defendant is confined shall receive and hold Defendant safe and secure for further observation, evaluation, diagnosis, treatment, care and confinement until the conclusion of the commitment proceedings and further order of the Fourth Judicial District Court – Criminal Division.
3. The Defendant is referred to the Fourth Judicial District Court – Mental Health Division for whatever proceedings that Court deems appropriate pursuant to Minn.R.Crim.P. 20.01 and Minnesota Chapter 253B to restore Defendant to competency.

4. The Hennepin County Prepetition Screening Program is the agency designated in Hennepin County to conduct the preliminary investigation required by Minn. Stat 253.07, Subd. 1. The screening team assigned by the Prepetition Screening Program to investigate this Petition shall have access to all Defendant's files and records (including those protected by Federal regulation or law.) This order is intended to give the screening team access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment or confinement to the Defendant. This order applies to, but is not limited to, records maintained by: chemical dependency evaluators, and treatment providers; health clinics, medical centers and hospitals; physicians and psychologists; mental health care providers and case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections and the correctional authority for any other state; and, the court's own records (including records maintained by the Psychological Services to the Court Department). This order also authorizes employees or officers of the record keepers described above to discuss the respondent's condition, history, records, and/or status with the screening team. Information collected pursuant to this order shall be considered private data on the Defendant and it may be included in the written Prepetition screening report.
5. In the event the Fourth Judicial District Court – Mental Health Division finds the said Defendant to be mentally ill, mentally deficient, or mentally ill and dangerous to the public, and in need of hospitalization, Defendant may be committed directly to an appropriate safe and secure institution by the Fourth Judicial District Court -- Mental Health Division for hospitalization, periodic evaluation and treatment as incompetent

and mentally deficient, mentally ill and/or mentally ill and dangerous to the public until such time as Defendant shall have become competent to understand the proceedings against him and participate in his defense, unless otherwise directed by the Probate/Mental Health Division of District Court. The head of the treatment facility shall submit a written report on the Defendant's competency to proceed in the criminal case at least every six months and when Defendant has attained competency.

6. For any defendant who is not subject to the provisions of Minn. Stat. §253B.18, the head of the treatment facility shall not permit the defendant's release, institutional transfer, partial institutionalization status, termination, discharge or provisional discharge of the civil commitment until further order of the Hennepin County District Court – Criminal Division. Any such proposal shall be made in writing to the Hennepin County District Court – Criminal Division and parties at least 14 days prior to the proposed change in status. The proposal shall address the following issues: 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. Either party may request a hearing on this issue. If no hearing is requested, the court may issue an order approving the proposed change in status.
7. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.
8. The Criminal proceedings are hereby suspended until Defendant has returned to a competent state of mind.
9. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten days of the date of service.

10. The undersigned shall file this Order with the Fourth Judicial District Court – Criminal Division and the following persons/agencies shall be served with electronic copies of the Order:

- a. Fourth Judicial District Court – Mental Health Division;
- b. Hennepin County Attorney’s Office – Mental Health Division;
- c. Hennepin County Attorney’s Office – Criminal Division;
- d. City of Minneapolis, Attorney’s Office – Criminal Division;
- e. Kellie Charles, Assistant Hennepin County Public Defender; and
- f. Hennepin County Pre-petition Screening Unit.

11. The Defendant’s next review date in Hennepin County District Court – Criminal Division on the criminal matter and status review of Rule 20, Minn.R.Crim.P. is August 22, 2017. One week prior to that date, reports regarding Defendant’s competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Kellie Charles, Assistant Hennepin County Public Defender;
- c. Robert Sorenson, Assistant Hennepin County Attorney;
- d. Hennepin County Attorney – Mental Health Section; and
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

BY THE COURT:

DATED: February 21, 2017

Carolina A. Lamas
Judge of District Court
Fourth Judicial District

Attachments: Examiner’s Report
Complaint



MINNESOTA JUDICIAL BRANCH