

Filed in District Court
State of Minnesota

State of Minnesota
Hennepin County

APR 19 2024

District Court
Fourth Judicial District

State of Minnesota,
Plaintiff,

v.

JIMMY EDWARD SPEARS, III,
Defendant.

Order to Fourth Judicial District Court
Psychological Services
27-CR-20-1893

Defendant Information	
<input checked="" type="checkbox"/> Out of Custody <input type="checkbox"/> In Custody – at Facility: _____	
Date of Birth: 09/22/1986	SILS Identifier: 637629; 0331584
Phone: Home: Unknown, Cell: 312-912-4409	
Email: jimmyspears23@icloud.com	952-693-9521
Current Address: 929 CENTRAL AVE NE MINNEAPOLIS MN 55413	651-273-7834
<input type="checkbox"/> Confirmed address with Defendant	
Additional family/collateral contact number and instructions:	

It is hereby ordered:

- ☒ Probable cause has been found (all Rule 20.01 evaluations).
 - ☐ The defendant is to be released upon completion of the interview process (A Conditional Release Order must be filed giving that direction).
 - ☐ This is part of the Expedited Misdemeanor Competence Evaluation (EMCE) Program.
 - ☐ For non-targeted misdemeanor cases, a competency evaluation is in the public interest because the evaluation is necessary to assess:
 - ☐ whether the defendant has a cognitive impairment or mental illness;
 - ☐ whether the defendant has the ability to access housing, food, income, disability verification, medications, and treatment for medical conditions; or
 - ☐ whether the defendant has the ability to otherwise address any basic needs.
1. The Chief of Psychological Services of the Fourth Judicial District or the Chief's designee ("Examiner") shall conduct the following psychological evaluation, assessment and/or consultation regarding the defendant:
- ☒ Competency to participate in proceedings pursuant to Minnesota Statutes § 611.43 and Rule 20.01
 - ☐ Mental state at the time of the alleged act pursuant to Rule 20.02 (M'Naghten Rule)
 - ☐ Sex Offender Evaluation (psychosexual) pursuant to Minnesota Statute § 609.3457, subd. 1
 - ☐ Repeat Sex Offender Evaluation pursuant to Minnesota Statute § 609.3457, subd. 1a.
 - ☐ Consultation (Pre-Sentence) _____
 - ☐ Other (please specify) _____
2. Copies of this evaluation shall be provided to the Court and the following individuals:


Defense Attorney: SHIRA REBECCA BURTON
Prosecuting Attorney: DAVID E ROMAKER

Phone: 612-348-0720
Phone:
Phone:

3. The hearing for the return of the psychological evaluation will be held on June 25, 2024 at 1:30 PM.
4. Upon presentation of this order, the relevant custodian of records shall provide (whether mailed, discussed verbally, faxed, or personally delivered) to the Examiner all relevant records from the following sources: behavioral, chemical dependency, developmental disability, educational, employment, judicial, law enforcement (including audio/visual recordings), medical, probation/correction, psychological, and social service. A copy of the records so requested shall be delivered to the Examiner within 96 hours of presentation of this order. Records that are faxed shall be sent to 612-348-3452. Mailed records should be sent to Hennepin County District Court, Psychological Services, 300 South Sixth Street, C-509 Government Center, Minneapolis, Minnesota 55487. All agencies maintaining the above-listed records may also communicate verbally with the requesting Examiner.
 - **The Court specifically finds** good cause exists for authorizing the disclosure of the identified records, including chemical dependency records, because other ways of obtaining the information are not available or would not be effective, and the public interest and need for disclosure outweighs the potential injury to the patient, the physician/patient relationship and any chemical dependency treatment facility or organization holding records pertaining to Defendant.
5. During the preparation of the report, the Examiner and any employee of Community Corrections and Rehabilitation may discuss the case and share relevant information in a manner consistent with Minnesota Rules of Criminal Procedure, Minnesota Statutes, and case law.
6. If a sex offender evaluation has been ordered and the defendant is a Repeat Sex Offender as defined in Minnesota Statute § 609.3457, subd. 1, Psychological Services is ordered to comply with both the requirements of §609.3457 and the agreement with Minnesota State Operated Forensic Services. A copy of any Repeat Sex Offender Report produced by Psychological Services shall be forwarded to the Court and the Commissioner of Corrections.
7. In the case of competency evaluations pursuant to Minnesota Statutes § 611.43 and Rule 20.01, the Examiner shall offer in the report an opinion and support for the opinion on:
 - a. Defendant's mental health and cognition, including any diagnoses made and the results of any testing conducted with the defendant;
 - b. Defendant's competency to stand trial;
 - c. Level of care and education required for the defendant to attain, be restored to, or maintain competency;
 - d. A recommendation of the least restrictive setting appropriate to meet the defendant's needs for attaining competency and immediate safety;
 - e. Impact of any substance use disorder on the defendant, including the defendant's competency, and any recommendations for treatment;
 - f. Likelihood the defendant will attain competency in the reasonably foreseeable future;
 - g. Whether the defendant poses a substantial likelihood of physical harm to self or others;
 - h. Whether the defendant, if opined incompetent to proceed by the court examiner, possesses capacity to make decisions regarding neuroleptic medication;
 - i. Whether the defendant is suitable to refer for consideration of civil commitment and the basis of the possible commitment;
 - j. Whether the defendant may be mentally ill and dangerous; and
 - k. Whether the defendant needs immediate hospitalization.

8. In the case of competency evaluations pursuant to Minnesota Statutes § 611.43 and Rule 20.01, the Examiner shall promptly notify the Court, prosecutor, defense attorney and those responsible for the care and custody of the defendant if the Examiner concludes the defendant:
- a. Presents an imminent risk of serious danger to another,
 - b. May be imminently suicidal, or
 - c. Needs emergency intervention.

Dated: April 19, 2024



Judge Carolina A. Lamas
District Court Judge

- ✓ Please direct the prosecuting agency to forward a copy of the police report for each case to Psychological Services.

MINNESOTA
JUDICIAL
BRANCH