
State of Minnesota,

Plaintiff,

vs.

Sadiyo Ibrahim Mohamed,

Defendant.

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER ON RULE
20.01 MOTION**

Court File Nos: 82-CR-21-1658

The above-entitled matter came on for a Rule 20.01 review hearing before The Honorable Richard C. Illka on October 21, 2021, at the Washington County Courthouse, Stillwater, Minnesota. Defendant was represented by Christopher A Grove, Esq. Kevin Mueller, Assistant Washington County Attorney, appeared on behalf of the State.

Based upon all the files, records, and proceedings herein, the Court makes the following:

FINDINGS OF FACT

1. On May 27, 2021, Defendant was charged with Count 1: Second Degree Attempted Murder pursuant to Minn. Stat. §609.19, subd. 1; Count 2: First Degree Assault pursuant to Minn. Stat. §609.221, subd. 1; and Count 3: Second Degree Assault pursuant to Minn. Stat. §609.222, subd. 1.
2. Count 1 of the complaint alleges that Defendant attempted to cause the death of her child, K.A. Count 2 of the complaint alleges that Defendant assaulted K.A. and inflicted great bodily harm on K.A. Count 3 of the complaint alleges that Defendant assaulted another one of her children, A.A., with a dangerous weapon.
3. On June 2, 2021, The Honorable Sheridan Hawley executed an Order for a Rule 20.01 and Rule 20.02 examinations.
4. The minor child, K.A. died of her injuries. On June 16, 2021, the complaint was amended, and Defendant was charged with Count 1: Second Degree Murder pursuant to Minn. Stat. §609.19, subd. 1 and Count 2: Second Degree Assault pursuant to Minn. Stat. §609.222, subd. 1.

5. On October 15, 2021, Dr. Colt Blunt submitted a report concluding that Defendant was not competent to proceed pursuant to Rule 20.01. Dr. Blunt was unable to complete his Rule 20.02 Report because Defendant refused to participate in the examination.

6. On October 18, 2021, a Rule 20 hearing was held. Counsel for Defendant appeared at the hearing. Defendant refused to come out of her jail cell, so she did not appear for the hearing.

7. The State does not object to the Findings and Conclusions in Dr. Blunt's Rule 20.01 Report that Defendant is not competent to proceed. The State does not object to the Findings and Conclusions in Dr. Blunt's Rule 20.01 Report that Defendant is not competent to proceed.

8. The State indicated that it plans to file a Petition for Civil Commitment of Defendant.

CONCLUSIONS OF LAW

1. "A defendant has a due process right not to be tried or convicted of a criminal charge if he or she is legally incompetent." *Bonga v. State*, 797 N.W.2d 712, 718 (Minn. 2011).

2. Minn. R. Crim. Proc. 20.01, subd. 2 provides as follows:

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.

3. "The prosecutor, defense attorney, and the court share the duty to protect the right of a defendant not to be tried or convicted while incompetent." *Bonga* at 718.

4. Minn. R. Crim. P, subd 5(b) provides that "[i]f no party timely filed objections and the court did not hold a competency hearing, the court may determine the defendant's competency on the examiner's report."

5. The Court concludes based on the Examiner's Report, that Defendant is incompetent to proceed pursuant to Rule 20.01.

ORDER

1. The above-captioned case is indeterminately suspended until Defendant is determined competent to proceed.

2. All conditions of Defendant's release and/or confinement consistent with Minn. R. Crim. P. 20.01, including bail as previously set, shall remain in full force and effect.

3. A review hearing on April 21, 2022, at 9:00 a.m. at the Washington County Courthouse in Stillwater, Minnesota to re-evaluate Defendant's competency to proceed.

4. The Court Administrator is authorized and directed to forward a copy of all Court appointed examiner's Rule 20 reports to the Court, or any other psychological examination report filed in this matter, to Washington County Community Services and the Washington County Attorney.

5. The Washington County Community Services prepetition screening team is directed to conduct a prepetition screening of Defendant pursuant to Minn. Stat. §253B.07 and within five (5) days (not including weekends or legal holidays) prepare a written report to the Washington County Attorney recommending whether Defendant should be civilly committed under Chapter 253B; after receipt of the report, the Washington County Attorney must determine whether a commitment petition should be filed and may file the petition in Washington County District Court, probate division, on behalf of the Washington County Attorney, Washington County Community Services, or another interested person.

6. Defendant shall make herself available to meet with the Washington County Community Services prepetition screening team and cooperate with its investigation.

7. In the event of Defendant's civil commitment, the head of the institution to which Defendant is committed must report to the Court periodically, not less than once every six months, on Defendant's mental condition with an opinion as to competency to proceed, pursuant to Minn. R. Crim. Proc. 20.01, subd. 7; reports must be furnished to the prosecutor and defense counsel and filed in the court file.

8. In the event of Defendant's civil commitment, the Court and the prosecutor must be notified of any proposed institutional transfer, partial institutionalization status, and any proposed termination, discharge, or provisional discharge of the civil commitment; the prosecutor has the right to participate as a party in any proceedings concerning proposed changes in Defendant's civil commitment or status.

9. Notwithstanding the suspension of these proceedings, the Court continues to have supervisory power over Defendant, including, but not limited to, bail, and conditions of release.

10. The Court Administrator shall serve a copy of this Order to the attorneys for the named parties in this matter, the Washington County Attorney, Washington County Community Services, the Washington County Sheriff, and the Commissioner of Human Services.

BY THE COURT:

Dated: _____

The Honorable Richard C. Illka
Judge of District Court

MINNESOTA
JUDICIAL
BRANCH