



MINNESOTA

JUDICIAL BRANCH

MINNESOTA COURT RECORDS ONLINE (MCRO)

Case Details (Register of Actions)

Search executed on 04/29/2024 06:12 PM

Current Balance as of **04/29/2024** is **\$3.00**

Case Information

Case Number: 27-CR-23-3459
Case Title: State of Minnesota vs MUAD ABDULKADIR
Case Type: Crim/Traf Mandatory
Date Filed: 02/14/2023
Case Location: Hennepin County, Hennepin Criminal Downtown
Judicial Officer: Caligiuri, Hilary L.
Case Status: Under Court Jurisdiction

Related Cases

27-MH-PR-23-402

Party Information

Jurisdiction

State of Minnesota

Attorneys Active

- BARNES, JACOB JOHN - Lead Attorney
- ARNESON, THOMAS STUART
- COLE, JUDITH L

Attorneys Inactive

- PROCHAZKA, THOMAS JAMES

Defendant

ABDULKADIR, MUAD
DOB: 01/01/1994
BLOOMINGTON, MN 55425

Self-Represented Litigant

Attorneys Active

- URI, ROBYN SARA - Lead Attorney

Attorneys Inactive

- BIGLOW, DOUGLAS ROBERT
- Herlofsky, Susan
- HODGE, BERNICE BEATRICE
- MYHRAN, CHASE ANDERSON

Charges

1 Aggravated Robbery-1st Degree

Statute: 609.245.1

Additional Statute: Aggravated Robbery-1st Degree (609.245.1)

Disposition: Convicted
Level of Sentence: Convicted of a Felony

Disposition Date: 04/24/2024

Level of Charge: Felony

Offense Date: 02/11/2023

Community Of Offense: Bloomington

Law Enforcement Agency: Bloomington Police Department

Prosecuting Agency: Hennepin County Attorney

Interim Conditions

05/10/2023	Interim conditions for ABDULKADIR, MUAD Judicial Officer: Browne, Michael K Expiration Date: 04/25/2024 Post Bail or Bond with No Conditions \$100,000.00
02/16/2023	Interim conditions for ABDULKADIR, MUAD Judicial Officer: Caligiuri, Hilary L. Expiration Date: 05/10/2023 Post Bail or Bond with No Conditions \$100,000.00
02/15/2023	Interim conditions for ABDULKADIR, MUAD Judicial Officer: Caligiuri, Hilary L. Expiration Date: 02/16/2023 Post Bail or Bond with No Conditions \$100,000.00
02/14/2023	Interim conditions for ABDULKADIR, MUAD Judicial Officer: Lucas, John Expiration Date: 02/15/2023 Post Bail or Bond with No Conditions \$100,000.00

Case Events

04/29/2024	Departure Report Index #36	 2 pages
04/24/2024	Application - Agreement for Deferred Payment Index #35	
04/24/2024	Sentencing Order Judicial Officer: Caligiuri, Hilary L. Index #34	 3 pages

04/24/2024	Order-Other Judicial Officer: Caligiuri, Hilary L. Index #33	
04/24/2024	Hearing Held Remote	
04/17/2024	Presentence Investigation Report Index #32	
02/28/2024	Petition to Enter Guilty Plea Judicial Officer: Caligiuri, Hilary L. Index #31	 4 pages
02/28/2024	Waiver of Jury Trial Judicial Officer: Caligiuri, Hilary L. Index #30	
02/28/2024	Order-Presentence Investigation Judicial Officer: Caligiuri, Hilary L. Index #29	
02/28/2024	Probation Referral Notification Index #28	 1 page
02/28/2024	Notice of Remote Hearing with Instructions Index #27	 2 pages
02/28/2024	Hearing Held In-Person	
01/26/2024	Scheduling Order Judicial Officer: Caligiuri, Hilary L. Index #26	 2 pages
01/26/2024	Scheduling Order Judicial Officer: Caligiuri, Hilary L. Index #25	
01/26/2024	Bail to stand as previously ordered	
01/26/2024	Hearing Held In-Person	
12/15/2023	Pre-Plea Worksheet Index #24	
12/06/2023	Scheduling Order Judicial Officer: Caligiuri, Hilary L. Index #23	

12/06/2023	Probation Referral Notification Index #22		1 page
12/06/2023	Notice of Remote Hearing with Instructions Index #21		2 pages
12/06/2023	Found Competent Judicial Officer: Caligiuri, Hilary L.		
12/06/2023	Hearing Held Remote		
12/05/2023	Notice of Remote Hearing with Instructions Index #20		2 pages
11/06/2023	Notice of Hearing Index #19		1 page
11/03/2023	Rule 20 Progress Report Index #18		
09/26/2023	Request for Continuance Index #17		
09/19/2023	Notice of Remote Hearing with Instructions Index #16		2 pages
09/19/2023	Bail to stand as previously ordered		
09/19/2023	Request for Continuance Party: Attorney ARNESON, THOMAS STUART; Attorney Herlofsky, Susan Index #15		
09/19/2023	Hearing Held Remote		
05/12/2023	Found Incompetent Judicial Officer: Browne, Michael K		
05/12/2023	Order-Other Index #14		27 pages
05/10/2023	Taken Under Advisement Judicial Officer: Browne, Michael K Index #13		
05/10/2023	Hearing Held In-Person		

04/18/2023	Bail to stand as previously ordered	
04/18/2023	Motion Judicial Officer: Skibbie, Lori Party: Attorney BIGLOW, DOUGLAS ROBERT Index #12	
04/18/2023	Hearing Held Hybrid	
04/17/2023	Notice of Motion and Motion Index #11	 2 pages
04/11/2023	Bail to stand as previously ordered	
04/11/2023	Request for Continuance Party: Attorney Herlofsky, Susan Index #10	
04/11/2023	Hearing Held Remote	
04/04/2023	Bail to stand as previously ordered	
03/22/2023	Finding of Incompetency and Order Judicial Officer: Borer, George Index #8	 5 pages
03/21/2023	Waiver of Appearance Party: Defendant ABDULKADIR, MUAD Index #9	
03/21/2023	Bail to stand as previously ordered	
03/21/2023	Found Incompetent Judicial Officer: Borer, George	
03/21/2023	Hearing Held Remote	
03/10/2023	Rule 20 Evaluation Report Index #7	
03/10/2023	Rule 20 Report Distributed	
03/02/2023	Demand or Request for Discovery Index #6	 8 pages
02/16/2023	Probable Cause Found	

02/16/2023	Order-Evaluation for Competency to Proceed (Rule 20.01) Judicial Officer: Caligiuri, Hilary L. Index #5	 2 pages
02/16/2023	Order Granting Public Defender Judicial Officer: Caligiuri, Hilary L. Index #4	
02/16/2023	Statement of Rights Index #3	
02/16/2023	Identity Verified	
02/16/2023	Hearing Held In-Person	
02/15/2023	Hearing Held In-Person	
02/14/2023	Pretrial Release Evaluation Form Index #2	
02/14/2023	E-filed Comp-Order for Detention Index #1	 Unknown pages

Hearings

Previous Hearings		
04/24/2024	01:30 PM	Sentencing Judicial Officer: Caligiuri, Hilary L. Location: GC-C1659 Result: Held On the Record
02/28/2024	09:30 AM	Plea Hearing Judicial Officer: Caligiuri, Hilary L. Location: GC-C1659 Result: Held On the Record
01/26/2024	01:30 PM	Omnibus Hearing Judicial Officer: Caligiuri, Hilary L. Location: GC-C1856 Result: Held On the Record
12/06/2023	10:00 AM	Hearing Judicial Officer: Caligiuri, Hilary L. Location: GC-C1659 Result: Held On the Record
11/07/2023	01:30 PM	Hearing Judicial Officer: Dayton Klein, Julia Location: GC-C559 Cancelled; Other Date Updated: 09/26/2023 Reset by Court to 11/07/2023 01:30 PM - By agreement Original Hearing Date: 09/26/2023 01:30 PM
09/19/2023	01:30 PM	Review Hearing Judicial Officer: Mercurio, Danielle Result: Held On the Record

		Location: GC-C556	
06/20/2023	01:30 PM	Hearing Judicial Officer: Dayton Klein, Julia Location: GC-C559 Cancelled; Other	
05/10/2023	09:00 AM	Evidentiary Hearing Judicial Officer: Browne, Michael K Location: GC-C459	Result: Held On the Record
04/18/2023	01:30 PM	Hearing Judicial Officer: Skibbie, Lori Location: GC-C457	Result: Held On the Record
04/11/2023	01:30 PM	Bail Hearing Judicial Officer: Dayton Klein, Julia Location: GC-C559	Result: Held On the Record
04/04/2023	01:30 PM	Bail Hearing Judicial Officer: Dayton Klein, Julia Location: GC-C559	Result: Held Off the Record
03/28/2023	01:15 PM	Omnibus Hearing Judicial Officer: Caligiuri, Hilary L. Location: GC-C1659 Cancelled; Other	
		Date Updated: 03/13/2023 Continued to 03/28/2023 01:15 PM - By agreement - ABDULKADIR, MUAD	
		Original Hearing Date: 03/23/2023 08:30 AM	
03/21/2023	01:30 PM	Hearing Judicial Officer: Borer, George Location: GC-C456	Result: Held On the Record
02/16/2023	01:30 PM	First Appearance Judicial Officer: Caligiuri, Hilary L. Location: PSF 141	Result: Held On the Record
02/15/2023	01:30 PM	Hearing Judicial Officer: Caligiuri, Hilary L. Location: PSF 141	Result: Held Off the Record

Dispositions

04/24/2024

Court Decision - Sentenced
Judicial Officer: Caligiuri, Hilary L.

1 Aggravated Robbery-1st Degree Statute: 609.245.1
Additional Statute: Aggravated Robbery-1st Degree (609.245.1)

Disposition: Convicted
Level of Sentence: Convicted of a Felony

Level of Charge: Felony
Offense Date: 02/11/2023
Community Of Offense: Bloomington

Law Enforcement Agency: Bloomington Police Department

Prosecuting Agency: Hennepin County Attorney

Commit to Commissioner of Corrections - Adult:

MN Correctional Facility - St. Cloud 48 Mo
Stay for 3 Yr

Local Confinement:

Agency: Hennepin County Workhouse - Adult Corrections
Term: 438 Days
Time To Serve: 438 Days
Credit For Time Served: 438 Days

Monitoring - Adult:

Type: Supervised probation
Agency: Hennepin County Community Corrections - Adult Field Services
Term of 3 Yr
04/24/2024 - 04/24/2027
Status: Active 04/24/2024

Condition - Adult:

1. Follow all State and Federal criminal laws., 04/24/2024
2. Contact your probation officer as directed., Maintain contact with Probation as directed., 04/24/2024
3. Tell your probation officer within 72 hours if you have, contact with law enforcement., 04/24/2024
4. Tell your probation officer within 72 hours if you are, charged with any new crime., 04/24/2024
5. Tell your probation officer within 72 hours if you change, your address, employment, or telephone number., 04/24/2024
6. Cooperate with the search of your person, residence,, vehicle, workplace, property, and things as directed by your probation officer., 04/24/2024
7. Sign releases of information as directed., 04/24/2024
8. Give a DNA sample when directed., 04/24/2024
9. Do not use or possess firearms, ammunition or explosives, 04/24/2024
10. Remain law-abiding, 04/24/2024
11. Obtain Permission from Agent before leaving the State, 04/24/2024
12. No contact with victim(s), 04/24/2024
13. Stay a reasonable distance away from victim's residence, Stay away from a three-block radius of any such person and where they live, work, or go to school., 04/24/2024
14. No alcohol/controlled substance use, With the exception of prescribed medications., 04/24/2024
15. Random testing, 04/24/2024
16. Obtain employment, 04/24/2024
17. Follow all instructions of probation, 04/24/2024
18. Conditions, other, 1. Continue and complete chemical health treatment and comply with all future recommendations as directed by Probation and/or St. Peter chemical health staff. 2. Continue and complete mental health treatment and comply with all future recommendations as directed by Probation and/or St. Peter mental health staff., 04/24/2024
19. Restitution reserved, 04/24/2024 - 05/25/2024

Fees: (Grand Total: \$3.00)

Fine Totals: \$0.00
Fine: \$50.00
Adjustment: \$50.00 (Stay until 04/25/2027)

Law Library Fees: \$3.00
Crim/Traffic Surcharge (once per case): \$75.00 (Waived)
Public Defender Co-Payment: \$75.00 (Waived)

Level of Sentence:

Convicted of a Felony

04/24/2024

Disposition
Judicial Officer: Caligiuri, Hilary L.

1

Aggravated Robbery-1st Degree

Statute: 609.245.1

Additional Statute: Aggravated Robbery-1st Degree (609.245.1)

Disposition: Convicted

Level of Charge: Felony
Offense Date: 02/11/2023
Community Of Offense: Bloomington
Law Enforcement Agency: Bloomington Police Department
Prosecuting Agency: Hennepin County Attorney

02/28/2024

Plea
Judicial Officer: Caligiuri, Hilary L.

1

Aggravated Robbery-1st Degree

Statute: 609.245.1

Level of Charge: Felony
Offense Date: 02/11/2023
Guilty

Financial Information

Defendant - ABDULKADIR, MUAD

Fines and Fees

\$

153.00

Total Payments and Credits

- \$

150.00

Current Balance as of 04/29/2024

\$

3.00

Transaction Details

04/26/2024	Credit Waived	- \$	150.00
04/26/2024	Charge	\$	153.00

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT - FELONY DIVISION
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

Muad Abdulkadir,

Defendant,

) **DEMAND FOR PRESERVATION**
) **AND DISCLOSURE OF EVIDENCE,**
) **AND MOTION FOR SUPPRESSION**
) **AND OTHER RELIEF**

) **MNCIS No. 27-CR-23-3459**
)
)
)
)

* * *

Defendant, by and through counsel, hereby demands preservation of, disclosure of, and access to all evidence related to the case; moves the Court for the relief specified below; and demands a hearing on the same.

DEMAND FOR PRESERVATION AND DISCLOSURE OF EVIDENCE

Defendant demands that the State preserve all information and evidence within the reach of the disclosures required under Rule 9.01 of the Minnesota Rules of Criminal Procedure and applicable case law.

Defendant further demands that the State disclose all such information and evidence, and that it make all disclosures required by Rule 9.01 prior to the probable cause pretrial conference in this case.

Defendant demands access to all items subject to disclosure, and this access shall include, as appropriate, the opportunity to inspect, reproduce, photograph, test, interview, or otherwise document the matters disclosed.

These demands apply to:

1. **Investigative reports** prepared by state agents or employees in the investigation or evaluation of the case, together with the original notes of the arresting officers, if any.
2. **Statements**, as fully described in Rule 9.01, subd. 1(2). This request includes any written or recorded statement made by the Defendant or any alleged accomplice, regardless of when made, and the substance of any non-recorded oral statements by the Defendant or accomplices. This request includes recorded statements by any other person and any written record containing the substance of statements by them, whether

or not they are expected to be called at trial. This request includes statements made to any member of prosecution's staff, victim advocates, and any other person of which the government is aware or should be aware. State v. Adams, 555 N.W.2d 310 (Minn. App. 1996). It also includes disclosure of the fact that an interview with a witness took place, regardless of whether it was transcribed or whether written statements or written summaries were prepared. State v. Kaiser, 486 N.W.2d 384, 386-87 (Minn. 1992) This request also encompasses copies of recorded statements made pursuant to State v. Scales, 518 N.W.2d 587 (Minn. 1994) and any attempted recordings that for whatever alleged reason are inaudible or unavailable.

3. **Audio or video records** produced regarding this case, including squad video, 911 calls, radio runs, police radio communications, scout runs, police transport recordings, and record checks.
4. **Reports related to examinations, tests, or expert testimony**, as fully described in Rule 9.01, subd. 1(4). In addition to disclosure, Defendant also demands the in-person testimony of all analysts who performed tests the results of which the state intends to introduce into evidence at any hearing related to this case. Further, defendant hereby provides notice that he retains his right to cross-examine the analysts under State v. Caulfield, 722 N.W.2d 304, Minn. 2006.
5. **Documents and other tangible objects**, as fully described in Rule 9.01, subd. 1(3)
6. **Search warrants** obtained and executed regarding the case, including inventories and items seized.
7. **Identification procedures** including but not limited to lineups, show-up identifications, photo arrays, or the like, and details on the nature and circumstances of any and all identification procedures that become known to the government in the future.
8. **Witnesses and other persons**, as fully described in Rule 9.01, subd. 1(1).
9. **Conviction records** for all witnesses and other persons, as required to be disclosed under Rule 9.01, subd. 1(1).
10. **Prior convictions** of the Defendant or defense witnesses, to be provided as certified copies. In addition to disclosure, defendant also demands notice if the state intends to use a conviction to impeach any defense witness, including Defendant.
11. **Alleged but uncharged misconduct, prior bad acts, or relationship evidence** which the State intends to introduce at trial in this matter, disclosure to include police reports and any other documentation.

12. **Evidence related to an enhanced or aggravated sentence**, as identified in Rule 9.01, subd. 1(7). In addition to disclosure, defendant also demands notice if the state intends to seek an aggravated or enhanced sentence.

These requests encompass all information or evidence known to the prosecutor on this case personally or if known to any other prosecutor or law enforcement agent, as well as information and evidence about which the prosecutor on this case could acquire actual knowledge through the exercise of due diligence in responding to these inquiries.

Lastly, the defense demands disclosure of all audio or video files on CD ROM or DVD ROM disc, and demands that the state provide any and all software or other files necessary to open, view or play such disc(s).

This demand for preservation and disclosure, in its entirety, continues until final disposition of this case. It therefore encompasses any additional information subject to disclosure that becomes known to the State after the State has begun complying with discovery rules, orders or defense requests. Minn. R. Crim. P. 9.03, subd. 2;

**DEMAND FOR PRESERVATION AND DISCLOSURE OF EVIDENCE
TENDING TO NEGATE OR REDUCE THE DEFENDANT'S GUILT**

Defendant demands that the State preserve and disclose all evidence and information known to the State which tends to negate or reduce the guilt of the Defendant, together with all evidence and information which might tend to mitigate or reduce potential punishment, as required under Minn. R. Crim. P. 9.01 subd. 1(6), under Brady v. Maryland, 373 U.S. 83 (1963), and under subsequent cases. This demand includes but is not limited to the following:

1. Evidence of bias of government witnesses or any consideration given a witness in return for cooperation with the government, including any information regarding pre-existing hard feelings, arguments, grudges, and disputes between the complainant and the Defendant.
2. Information that a government witness and/or informant was under the influence of alcohol, narcotics, or any other drug at the time of the observations about which the witness will testify and/or the informant informed.
3. Information tending to show the unreliability of a government witness, or which would tend to discredit the testimony of a government witness, including a request

for any prior inconsistent, non-corroborative, or other witness statements which the witness' trial testimony will not reflect.

4. Information—including docket numbers, dates and jurisdictions—indicating that
 - a. a government witness has had a pending juvenile or criminal case on or since the offense in this case;
 - b. a government witness was arrested, pleaded guilty, had a trial, or was sentenced on or since the date of the offense in the present case;
 - c. a government witness was on juvenile or criminal parole or probation on or since the date of the offense; and
 - d. a government witness now has or has had any other liberty interest that the witness could believe or could have believed might be favorably affected by government action.
5. Information that any government witness is or has been a police informant either at the time of the offense and/or through the day of trial, including the kind of assistance or benefits provided. "Benefit" refers to any monetary compensation, assistance of the prosecutor or the court concerning pending charges against the informant, or any other sort of consideration of value. Here, the demanded disclosure includes but is not limited to:
 - a. the length and extent of the witness' informant status;
 - b. the amounts that have been paid to the informant in connection with this case;
 - c. non-monetary assistance provided or promised to the informant, including, but not limited to, assistance in avoiding or minimizing harm from charges pending against the informant either at the time of the offense and/or any other time through the day of trial;
 - d. all statements made to the informant that promised benefits would not be provided without cooperation in connection with this case;
 - e. the nature of assistance provided to the informant prior to this case, including the number of occasions and form of help.
6. Information which tends to show a government witness' corruption including anything in police officers' personnel files indicative of corruption.
7. Perjury by any government witness at any time, whether or not adjudicated and whether or not in connection with this case.

8. Information that any government witness has made prior false accusations, including but not limited to prior complaints to the police or law enforcement agencies that did not result in a conviction.
9. Information regarding any prior "bad act" of a government witness which may bear upon the veracity of the witness with respect to the issues involved in the trial, including but not limited to the issues of self-defense or defense of others.
10. Any other information tending to show a government witness' bias in favor of the government or against the defendant or which otherwise impeaches a witness' testimony, including civilian-review-board complaints against police officers involving facts similar to those of this case, whether resolved for or against the officer.
11. Names and addresses of all witnesses who do not fully corroborate the government's case or would serve to contradict or impeach the government's evidence.
12. Any indication of threats or acts of aggression toward the defendant by the complainant or decedent, and any information that the complainant had possession of any weapons at the time of the incident. Also, any other information which would indicate that the complainant was the first aggressor and/or that the Defendant acted in self-defense.
13. Names and address of any person who:
 - a. identified some person other than the Defendant as a perpetrator of the alleged offense;
 - b. failed to identify the Defendant as a perpetrator of the alleged offense when asked to do so in any identification procedure;
 - c. gave any description(s) of the perpetrator(s) of the alleged offense which in any material respect differs from my client.
14. Information known to the government which is favorable to the defense, whether or not technically admissible in court, and which is material to the issues of guilt and/or punishment. This includes all information that the Defendant was not involved in the alleged offenses and/or that the requisite elements required to prove any of the charged offenses cannot be met.

Defendant further demands that all officers and investigative agencies concerned abide by their continuing obligation to discover, preserve, and disclose in writing any information or materials that might be viewed as favorable to the Defendant on the issues of suppression, guilt, or punishment,

either substantively, as impeachment, or as tending to discredit the government's witnesses. Kyles v. Whitley, 115 S.Ct. 1555 (1995) (imposing upon law enforcement and the prosecutor a "duty to learn" favorable information relating to the Defendant).

These requests encompass all information or evidence known to the prosecutor on this case personally or if known to any other prosecutor or law enforcement agent, as well as information and evidence about which the prosecutor on this case could acquire actual knowledge through the exercise of due diligence in responding to these inquiries.

Lastly, the defense demands disclosure of all audio or video files on CD ROM or DVD ROM disc, and demands that the state provide any and all software or other files necessary to open, view or play such disc(s).

This demand for preservation and disclosure, in its entirety, continues until final disposition of this case. It therefore encompasses any additional information subject to disclosure that becomes known to the prosecutor, staff, or anyone investigation investigating this case after the State has begun its compliance with discovery rules, orders or defense requests. Minn. R. Crim. P. 9.03, subd. 2;

MOTION TO COMPEL DISCLOSURE AND ACCESS

Defendant moves the Court for an Order requiring the State

- 1 To preserve all evidence and other matters subject to disclosure as herein demanded and as otherwise required by Minnesota Rule of Criminal Procedure 9.01.
- 2 To permit Defendant to have access to, inspect, reproduce, photograph, or otherwise document all disclosed items, as described in Minn. R. Crim. P 9.01, subd. 1 & subd. 1a(2).
- 3 To allow defendant to conduct reasonable tests or to provide notice and an opportunity for defense experts to observe the state's own tests if those tests preclude further tests or experiments, as described in Minn. R. Crim. P 9.01, subd. 1(4)(b).
- 4 To assist Defendant in seeking access to specified matters relating to the case which are within the possession or control of an official or employee of any governmental agency, but which are not within the control of the prosecuting attorney, as described in Minn. R. Crim. P. 9.01, subd 2(1).
- 5 For an Order directing the prosecuting attorney to identify and produce any informants who supplied or contributed information to the prosecution which led to the issuance of a Complaint against the Defendant on the grounds:

- a. The privilege of non-disclosure of any informants must give way and disclosure of the identity of an informer is required where disclosure is essential or relevant and material, and helpful to the defense of an accused, or lessens the risk of false testimony, or is necessary to secure useful testimony, or is necessary to a fair determination of the cause; or
- b. Disclosure is necessary as a means to afford this Defendant an opportunity to establish that if informants did exist, that the information supplied to the prosecutor by them was inaccurate or misrepresentative.

MOTION TO SUPPRESS EVIDENCE

Defendant moves the Court for an Order suppressing, particularly with respect to those items identified in the state's notice under Rule 7.01:

- 1 Any and all evidence obtained as a result of a stop, search, or seizure, on the ground that such evidence was obtained in violation of Defendant's constitutional and statutory protections against unreasonable searches and seizures.
- 2 Any and all confessions, admissions, or statements in the nature of confessions made by Defendant, together with any evidence obtained as a result thereof, on the grounds that any use of such evidence, in any manner, would be in violation of the Defendant's constitutional and statutory rights.
- 3 Any and all identifications of Defendant and evidence of identification procedures used during the investigation, together with any evidence obtained as a result of identification procedures used during the investigation, on the ground that any use of such evidence, in any manner, would be in violation of the Defendant's constitutional and statutory rights.

Defendant further moves this court for an order suppressing other evidence or granting any relief that the court may require to ensure a fair and expeditious trial on this matter.

MOTION TO EXCLUDE EVIDENCE

Defendant moves the Court for an Order restraining the prosecution from attempting to introduce at trial:

- 1 Evidence obtained as a result of stop, search, or seizure, confession or other statement by the Defendant, or identification procedures, as described above, on the grounds that the notices filed by the State are vague, ambiguous, and inspecific, all to the prejudice of the Defendant and contrary to the meaning of Minnesota R. Crim. P. 7.01.
- 2 Evidence that Defendant has been guilty of additional misconduct or crimes on other occasions, on the grounds that the state has not provided notice of its intent to use such evidence or, if it did, that such notice was not specific enough or failed to specify a particular exception to the general rule of exclusion. Defendant also moves for exclusion on the grounds that the evidence is not admissible under any exception to the general rule of exclusion, that such evidence is more prejudicial than probative, or that such evidence has not been proven to be clear and convincing.
- 3 Evidence, argument, or any other reference to prior convictions, if any, of the Defendant.
- 4 Any and all other evidence for which the State has failed to provide notice as required by the Minnesota Rules of Criminal Procedure

Defendant further moves this court for an order excluding other evidence or granting any relief that the court may require to ensure a fair and expeditious trial on this matter.

DEMAND FOR HEARING

Defendant hereby demands a contested hearing on the above motions, to be held as soon as practicable after the serving and filing hereof.

Respectfully submitted,

OFFICE OF THE HENNEPIN COUNTY PUBLIC DEFENDER
LISA M. LOPEZ – FIRST ASSISTANT PUBLIC DEFENDER

By /s/
Chase Myhren
Attorney License No. 400526
Attorney for Defendant
701 Fourth Avenue South, Suite 1400
Minneapolis, MN 55415
Telephone: 612-348-9884

DATED: this 16th day of February, 2023.

MSGC**Departure Report**

Offender Name (Last, First, Middle):	Date of Sentence:	Sentencing County Name:
Judge Name:	Date of Report:	District Court Case No.:
Report Completed By (Name/Title):	Contact Information:	

Instructions

In making decisions about departing from the Guidelines, and in writing reasons for departures, judges should consult § 2.D of the ***Minn. Sentencing Guidelines and Commentary***. This report should be completed by the Court when:

- (a) The pronounced disposition (prison/probation) differs from the presumptive disposition under the Guidelines;
- (b) The length of the sentence pronounced by the Court differs from the presumptive sentence length;
- (c) A consecutive sentence is given in a circumstance other than described in § 2.F of the Guidelines;
- (d) A consecutive sentence is not pronounced when consecutive sentencing is presumed under the Guidelines; or
- (e) A non-felony sentence is pronounced for an offender convicted of a felony-level offense.

Type of Departure (check all that apply)

Dispositional: ☐ Mitigated/Downward (Stay – Guidelines presume prison) ☐ Aggravated/Upward (Prison – Guidelines presume stay) ☐ NOT an aggravated/upward dispositional departure: Sentence was executed pursuant to offender's right to demand execution, offense date after 7/31/2015 (Guidelines § 2.D.1.f).	Durational: ☐ Mitigated/Downward (Less than Guidelines time) ☐ Aggravated/Upward (Greater than Guidelines time)	☐ Non-Felony Sentence (Misdemeanor or Gross Misd. sentence pronounced for felony-level conviction)	☐ Consecutive (Departure from Guidelines policy on consecutive sentencing)
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Aggravated Departure:

If the sentence is an aggravated departure, please indicate how the sentence was imposed:

- | | |
|--|--|
| ☐ Jury determination of aggravating factors (other than the fact of a prior conviction) | ☐ Defendant waived right to jury determination of aggravating factors |
|--|--|

Reason(s) for Departure

Please do one or more of the following: 1) Check the appropriate reason(s) for departure on the checklist of frequently cited departure reasons on page 2; 2) Write the reasons in the space below; or 3) Attach the relevant pages from the sentencing order or sentencing transcript.

PLEASE SEND TO:

Minnesota Sentencing Guidelines Commission
 658 Cedar Street, Suite G-58, St. Paul, MN 55155
 Voice: (651) 296-0144 Email: sentencing.guidelines@state.mn.us

(Rev. 07/2017)

MSGC**Frequently Cited Reasons and Additional Information**

Section 1, below, contains frequently cited reasons for departure provided to the Court for convenience. Check all reasons that apply. An asterisk (*) denotes a reason listed in Guidelines § 2.D.3, which is a nonexclusive list. Reasons with no asterisk are not enumerated in the Guidelines, but may be sanctioned elsewhere in law. Items listed in section 2 are requested as additional information. **The Court may also record reasons for departure in the space provided on page 1.**

Section 1. Frequently Cited Reasons for Departure**Related to Nature of Current Offense****Reasons Frequently Used as Mitigating Factors:**

- ☐ Offender played minor or passive role*
- ☐ Victim was aggressor in incident*
- ☐ Crime less onerous than usual

Reasons Frequently Used as Aggravating Factors:

- ☐ Victim treated with particular cruelty*
- ☐ Victim was particularly vulnerable*
- ☐ Victim injury/psychological impact on victim
- ☐ Current conviction is offense w/ victim injury (including Crim. Sex. Conduct) and there is a similar prior*
- ☐ Major economic offense--involves 2 or more of the following:*
- ☐ multiple victims/multiple incidents per victim
 - ☐ use of position/status
 - ☐ high degree planning/soph./lengthy period of time
 - ☐ actual/attempted loss greater than usual/than min.
 - ☐ similar prior conduct
- ☐ Committed, for hire, a crime against the person*
- ☐ Committed crime as part of a group of three or more persons who all actively participated in the crime*

- ☐ Major controlled substance crime involving 2 or more of the following:*
- ☐ 3 or more separate transactions
 - ☐ offender or accomplice possessed equipment, paraphernalia, or monies evidencing wholesale trafficking
 - ☐ involved manufacture for use by others
 - ☐ offender or accomplice possessed firearm or other dangerous weapon during offense
 - ☐ high position in drug distribution hierarchy
 - ☐ high degree of sophistication/lengthy period of time
 - ☐ use of position/status
 - ☐ separate acts in 3 or more counties
 - ☐ prior conv. under Minn. Stat. § 609.1095, s. 1(d), except prior under chap. 152, including attempt or conspiracy
 - ☐ sale to a minor or vulnerable adult
 - ☐ occurred in a zone or correctional/treat. facility
 - ☐ Multiple victims or multiple incidents per victim
 - ☐ Crime committed in victim's home or zone of privacy
 - ☐ Position of authority, superiority, confidence or trust
 - ☐ Crime more onerous than usual offense

Related to Individual Offender**Reasons Frequently Used as Mitigating Factors:**

- ☐ Lacked substantial capacity for judgment (not drug/alc.)*
- ☐ Particularly amenable to probation
- ☐ Particularly amenable to treatment:
- ☐ Chem. dependency
 - ☐ Sex offender
 - ☐ Other
 - ☐ Convicted of controlled substance offense, is particularly amenable to probation based on adequate evidence that offender is chemically dependent and has been accepted by, and can respond to, a treatment program in accordance with Minn. Stat. § 152.152*

- ☐ Impose restitution/ensure financial penalties paid
- ☐ Ensure compliance w/ probation or allow longer supervision
- ☐ Shows remorse/accepts responsibility
- ☐ Current Severity Level 1-4 offense and priors resulted from crime spree*

Reasons Frequently Used as Aggravating Factors:

- ☐ Has failed on probation/unamenable to probation
- ☐ Career Offender under Minn. Stat. § 609.1095, s. 4
- ☐ Dangerous Offender under Minn. Stat. § 609.1095, s. 2
- ☐ Engrained Offender under Minn. Stat. § 609.3455, s. 3a

Related to Requests for Executed Sentence

- ☐ Request prison to avoid probation and/or jail
- ☐ Request prison as part of a plea agreement
- ☐ Request prison--revocation/prison on another offense
- ☐ Request prison--other reasons

Related to Recommendations Regarding Sentence

- ☐ Recommended by court services
- ☐ Recommended by treatment professional

Section 2. Additional Information Requested (if applicable)**Regarding Victim/Witness**

- ☐ Recommendation or agreement of victim/victim's family
- ☐ Prevent trauma to witness from testifying
- ☐ Witness is unlikely, unable, or unwilling to testify

Regarding Plea Agreements and Prosecutorial Recommendations

- ☐ Prosecutor objects to the departure
- ☐ Departure recommended by prosecutor
- ☐ Prosecutor does not object to the departure
- ☐ Plea agreement on sentence
- ☐ Prosecutor motion to sentence without regard to Minn. Stat. § 609.11

PLEASE SEND TO:**Minnesota Sentencing Guidelines Commission****658 Cedar Street, Suite G-58, St. Paul, MN 55155****Voice: (651) 296-0144****Email: sentencing.guidelines@state.mn.us**

(Rev. 07/2017)

* Indicates reasons specified in the nonexclusive list in § 2.D.3 of the Minn. Sentencing Guidelines and Commentary.

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 23A01701
Court File No. 27-CR-23-3459

State of Minnesota,

Plaintiff,

vs.

MUAD ABDULKADIR DOB: 01/01/1994

920 24TH AVENUE NE

#100

MINNEAPOLIS, MN 55418

Defendant.

COMPLAINT

Order of Detention

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Aggravated Robbery-1st Degree

Minnesota Statute: 609.245.1, with reference to: 609.245.1

Maximum Sentence: 20 YEARS AND/OR \$35,000

Offense Level: Felony

Offense Date (on or about): 02/11/2023

Control #(ICR#): 23001599

Charge Description: That on or about 2/11/2023, at 9115 Cedar Ave S in the city of Bloomington in Hennepin County, Minnesota, MUAD ABDULKADIR, took personal property from the person or in the presence of victim, knowing that he was not entitled to the property and used and/or threatened the imminent use of force against victim to overcome her resistance or powers of resistance to or to compel acquiescence in the taking or carrying away of the property, and inflicted bodily harm upon victim while using an article used or fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon.

Complainant has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On 2/11/2023 at approximately 21:46 hours, Officers were dispatched to 9115 Old Cedar Ave S in the city of Bloomington, Hennepin County, MN for an assault involving a weapon.

Upon arrival officers met with Victim AS. As they walked into the apartment, they observed blood on the floor. Victim AS confirmed that a male suspect had entered the apartment and assaulted her boyfriend, Victim JC. Victim AS said the blood from was Victim JC's head wound.

Victim AS said the suspect was her neighbor, who she described as a Somali male, approximately 6'0" tall with an afro hairstyle. The suspect was later identified as MUAD ABDULKADIR DOB: 1/1/1994 (now referred to as DEFENDANT).

Victim AS said she was sitting on the couch when she heard a knock at the door. Victim JC opened the door and let DEFENDANT in after recognizing him as a neighbor. Victim AS stated DEFENDANT immediately hit Victim JC in the head with the handle of a pistol and pushed him down to force his way into the apartment. The pistol was described as black and silver.

DEFENDANT then approached Victim AS who was standing up from the couch and DEFENDANT yelled "SHUT UP BITCH!" while pointing the pistol directly at her. Victim AS said she pulled out her phone but DEFENDANT knocked it out of her hand, breaking a mirror and plant in the process.

DEFENDANT demanded money from both victims. Victim AS said she gave him \$40 in cash before he left.

Victim JC confirmed the version of events and had injuries of a possible concussion and deep cut to his head that may require stitches.

Victim AS said that she knew who the DEFENDANT was because he parks in the assigned spot next to hers at the complex and could describe his vehicle, which was seen on surveillance leaving after the robbery.

A KOPS alert was issued and Minneapolis police arrested him a short time later in possession of a silver and black pistol. DEFENDANT is currently in custody at the Hennepin County Jail.

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant

S Saari
Detective
1800 W Old Shakopee Road
Bloomington, MN 55431
Badge: 235

Electronically Signed:
02/14/2023 07:13 AM
Hennepin County, Minnesota

Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney

Maria Mulvihill
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
02/13/2023 03:26 PM

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

☐ **SUMMONS**

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear as directed in the Notice of Hearing before the above-named court to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

☐ **WARRANT**

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☐ **Execute in MN Only**

☐ **Execute Nationwide**

☐ **Execute in Border States**

☒ **ORDER OF DETENTION**

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$100,000.00

Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: February 14, 2023.

Judicial Officer

John Lucas

Electronically Signed: 02/14/2023 09:06 AM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

MUAD ABDULKADIR

Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this Order of Detention upon the Defendant herein named.

Signature of Authorized Service Agent:

27-CR-23-3459
DEFENDANT FACT SHEET

*Filed in District Court
State of Minnesota
2/14/2023*

Name: MUAD ABDULKADIR
DOB: 01/01/1994
Address: 920 24TH AVENUE NE
#100
MINNEAPOLIS, MN 55418

Alias Names/DOB:

SID:

Height:

Weight:

Eye Color:

Hair Color:

Gender:

Race:

Fingerprints Required per Statute:

Fingerprint match to Criminal History Record:

Driver's License #:

SILS Person ID #:

SILS Tracking No.

Alcohol Concentration:

MALE

Black

Yes

No

750871

3319731

MINNESOTA
JUDICIAL
BRANCH

27-CR-23-3459
STATUTE AND OFFENSE GRID

*Filed in District Court
 State of Minnesota
 2/14/2023*

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	2/11/2023	609.245.1 Aggravated Robbery-1st Degree	Felony	R1513		MN0270100	23001599
	Penalty	2/11/2023	609.245.1 Aggravated Robbery-1st Degree	Felony	R1513		MN0270100	23001599



MINNESOTA
 JUDICIAL
 BRANCH

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
CRIMINAL DIVISION

State of Minnesota,

Court File No. 27-CR-23-3459,
27-CR-23-3460

Plaintiff,

vs.

Muad Abdulkadir,

Defendant.

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER REGARDING
COMPETENCY

This matter came before the undersigned Referee of District Court on March 21, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant did not appear and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender. At the time of the hearing, a deputy indicated that Respondent was unable to appear via Zoom from his cell due to his disorganized and disruptive behavior. Respondent was excused from the hearing for good cause due to his disruptive behavior.

Based on all the files, records and proceedings in this case, the Court makes the following:

FINDINGS OF FACT

1. Defendant (date of birth 01/01/1994), was charged in MNCIS file 27-CR-23-3459 with 1st Degree Aggravated Robbery (Felony) and in MNCIS file 27-CR-23-3460 with 2nd Degree Assault (Felony) and Threats of Violence (Felony) arising from an incident alleged to have occurred on 02/11/2023. On 02/16/2023, Judge Hilary Caligiuri found probable cause to believe that the offenses were committed and that Defendant committed them.
2. On 02/16/2023, Judge Hilary Caligiuri ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
3. Dr. John Anderson, Ph.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

4. Dr. John Anderson, Ph.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

CONCLUSIONS OF LAW

Defendant is presently incompetent to stand trial.

ORDER

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. 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 (10) days of the date of service.

Thomas Prochazka, Assistant Hennepin County Attorney – Criminal Division;

Douglas Biglow, Attorney for Defendant

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care,

treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours.

This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. 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.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 19, 2023. 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. Douglas Biglow, Attorney for Defendant;
 - c. Thomas Prochazka, Assistant Hennepin County Attorney;

- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

BY THE COURT:

Referee of District Court

Judge of District Court

MINNESOTA
JUDICIAL
BRANCH

STATE OF MINNESOTA
HENNEPIN COUNTY

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota

v.

MUAD ABDULKADIR

Court File: 27-CR-23-3459

NOTICE OF HEARING

Your next court appearance is:

**Wednesday, December 06, 2023
10:00 AM**

with

**Judge Hilary L. Caligiuri
Hennepin County Government
Center
300 South Sixth Street
Minneapolis, MN 55487**

This appearance is for: Hearing

- **If you do not appear for this hearing, a bench warrant may be issued for your arrest. For petty misdemeanors, a conviction will be entered if you fail to appear.**
- **Arrive 15 minutes early** to allow time to go through security and meet with your attorney or to apply for a court-appointed attorney if you do not have funds to hire a lawyer.
- You can receive automatic reminders of future court dates via email or text. Set this up at www.mncourts.gov/hearing-reminders.aspx or scan the QR code to enroll.
- Look for your name on a monitor for further courtroom information.
- Court may take a few hours – please plan for this.
- If your contact information changes, you must let the court know at 612-348-2040.
- If you are appearing on a traffic offense, please bring your driver's license and proof of insurance.
- If you are paying a fine, please bring payment if you can. Credit cards, cash, and checks are accepted.
- Stay in touch with your attorney if you have one. If you are representing yourself, please review www.mncourts.gov/Help-Topics/Representing-Yourself-in-Court.aspx.
- If you cannot afford to hire a lawyer and would like to apply for a court-appointed attorney before this appearance visit <https://4thcourtspde.courts.state.mn.us> or scan the QR code to start the application.



Defendant Signature

Date

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

**NOTICE OF MOTION AND
MOTION**

Plaintiff,

vs.

District Court No. 27-CR-23-3459
27-CR-23-3460

Muad Abdulkadir,

Defendant.

TO: THE STATE OF MINNESOTA, THE ABOVE NAMED PLAINTIFF, and the Hennepin County Attorney, Hennepin County Government Center, 300 South 6th St, Minneapolis, MN 55487

YOU ARE HEREBY NOTIFIED THAT on April 18, 2023 at 1:30 p.m. or on a date to be set by the Court, at the Hennepin County Courthouse, 300 South 6th Street, Minneapolis, MN 55487, before the Hon. Judge Skibbie of the Hennepin County District Court, the Defendant will move for the relief requested in the attached Motion.

MOTION:

Defendant above hereby moves the Court to vacate the finding of incompetency and schedule the matter for a contested competency hearing. This motion is based on the Defendant's lack of opportunity to object to the findings at the last hearings and upon *State v. Thompson*, No. A22-0737 (Minn. Ct. App. Mar. 20, 2023).

Dated: April 17, 2023.

Respectfully submitted,

/s/Douglas Biglow

Douglas R. Biglow
Attorney for Defendant
895 TriTech Office Center
331 Second Avenue South
Minneapolis, MN 55401
(612) 238-4789
Atty. Reg.#0393552

State of Minnesota
Hennepin County

Filed in District Court
State of Minnesota
Sep 19, 2023 5:49 pm

District Court
Fourth Judicial District

Court File Number: 27-CR-23-3459 ; 27-CR-23-3460

Case Type: Crim/Traf Mandatory

Notice of Remote Zoom Hearing

**MUAD ABDULKADIR
9115 OLD CEDAR AVE S
APT 402
BLOOMINGTON MN 55425**

State of Minnesota vs MUAD ABDULKADIR

You are notified this matter is set for a remote hearing. This hearing will not be in person at the courthouse.

<i>Hearing Information</i>
September 26, 2023 Hearing 1:30 PM

The hearing will be held via Zoom and appearance shall be by video unless otherwise directed with Judicial Officer, Hennepin County District Court.

If you fail to appear a warrant may be issued for your arrest.

The Minnesota Judicial Branch uses strict security controls for all remote technology when conducting remote hearings.

You must:

- Notify the court if your address, email, or phone number changes.
- Be fully prepared for the remote hearing. If you have exhibits you want the court to see, you must give them to the court before the hearing. Visit <https://www.mncourts.gov/Remote-Hearings.aspx> for more information and options for joining remote hearings, including how to submit exhibits.
- Contact the court at 612-348-2040 if you do not have access to the internet, or are unable to connect by video.
- If you need an interpreter, contact the court before the hearing date to ask for one.
- If you cannot afford to hire a lawyer and would like to apply for a court-appointed attorney before this appearance visit <https://pdapplication.courts.state.mn.us> or scan the QR code to start the application.



To join by internet:

1. Type <https://zoomgov.com/join> in your browser's address bar.
2. Enter the **Meeting ID and Meeting Passcode (if asked)**:
Meeting ID: 160 223 0876
Passcode: 1234
3. Update your name by clicking on your profile picture. If you are representing a party, add your role to your name, for example, John Smith, Attorney for Defendant.
4. Click the **Join Audio** icon in the lower left-hand corner of your screen.
5. Click **Share Video**.

Para obtener más información y conocer las opciones para participar en audiencias remotas, incluido cómo enviar pruebas, visite www.mncourts.gov/Remote-Hearings.

Booqo www.mncourts.gov/Remote-Hearings oo ka eego faahfaahin iyo siyaabaha aad uga qeybgeli karto dacwad-dhageysi ah fogaan-arag, iyo sida aad u soo gudbineyso wixii caddeymo ah.

To receive an eReminder for future court dates via e-mail or text, visit www.mncourts.gov/Hearing-eReminders.aspx or scan the QR code to enroll.



Dated: September 19, 2023

Sara Gonsalves
Hennepin County Court Administrator
300 South Sixth Street
Minneapolis MN 55487-0419
612-348-2040

cc:

State of Minnesota
Hennepin County

District Court
Fourth Judicial District

Court File Number: 27-CR-23-3459

Case Type: Crim/Traf Mandatory

MUAD ABDULKADIR
9115 OLD CEDAR AVE S
APT 402
BLOOMINGTON MN 55425

Notice of Remote Zoom Hearing and Judicial Assignment

State of Minnesota vs MUAD ABDULKADIR

You are notified this matter is set for a remote hearing. This hearing will not be in person at the courthouse.

<i>Hearing Information</i>
December 06, 2023
Hearing
10:00 AM

The hearing will be held via Zoom and appearance shall be by video and audio unless otherwise directed with Judicial Officer Hilary L. Caligiuri, Hennepin County District Court.

- If you fail to appear a warrant may be issued for your arrest. For petty misdemeanors, a conviction will be entered if you fail to appear.

You must:

- Notify the court if your address, email, or phone number changes.
- If this is the first time you've appeared in court, have your exhibits ready at the hearing and you will be given instructions at the hearing on how to submit them. If this is not the first time you've appeared, contact the judicial officer hearing your case for more instructions. Visit www.mncourts.gov/Remote-Hearings for more information and options for joining remote hearings, including how to submit exhibits.
- Contact the court at 612-348-6000 if you do not have access to the internet, or are unable to connect by video and audio.
- If you cannot afford to hire a lawyer and would like to apply for a court-appointed attorney before this appearance visit <https://4thcourtspde.courts.state.mn.us> or scan the QR code to start the application.



To join by internet:

1. Type <https://zoomgov.com/join> in your browser's address bar (example: bar at top of page on Google Chrome, Safari, or Internet Explorer).

2. Enter the **Meeting ID and Meeting Password (if asked):**
Meeting ID: 160 368 8210
Passcode: 1234
3. Update your name by clicking on your profile picture. If you are representing a party, add your role to your name, for example, John Smith, Attorney for Defendant.
4. Click the **Join Audio** button in the lower left-hand corner of your screen.
5. Click **Share Video**.
6. Select  to unmute (may need to tap screen to activate icons).

To join by telephone (if you can't to join by internet):

Be sure you know how to mute your phone when you are not speaking and unmute it again to speak.

1. Call Toll-Free: 1-833-568-8864
2. Enter the Meeting ID and Meeting Password:
Meeting ID: 160 368 8210
Passcode: 1234
3. To Unmute use *6

To receive an eReminder for future court dates via e-mail or text, visit www.mncourts.gov/Hearing-eReminders.aspx or scan the QR code to enroll.



Dated: December 5, 2023

Hennepin County Court Administrator
300 South Sixth Street
Minneapolis MN 55487-0419
612-348-2040

cc: Haleigh Platz, St. Peter
Robyn Uri, Attorney for Defendant

State of Minnesota
Hennepin County

District Court
Fourth Judicial District

Court File Number: 27-CR-23-3459

27-CR-23-3460

Case Type: Crim/Traf Mandatory

MUAD ABDULKADIR
9115 OLD CEDAR AVE S
APT 402
BLOOMINGTON MN 55425

Notice of Remote Zoom Hearing and Judicial Assignment

State of Minnesota vs MUAD ABDULKADIR

You are notified this matter is set for a remote hearing. This hearing will not be in person at the courthouse.

Hearing Information
January 26, 2024 Omnibus Hearing 1:30 PM

The hearing will be held via Zoom and appearance shall be by video and audio unless otherwise directed with Judicial Officer Hilary L. Caligiuri, Hennepin County District Court.

- If you fail to appear a warrant may be issued for your arrest. For petty misdemeanors, a conviction will be entered if you fail to appear.

You must:

- Notify the court if your address, email, or phone number changes.
- If this is the first time you've appeared in court, have your exhibits ready at the hearing and you will be given instructions at the hearing on how to submit them. If this is not the first time you've appeared, contact the judicial officer hearing your case for more instructions. Visit www.mncourts.gov/Remote-Hearings for more information and options for joining remote hearings, including how to submit exhibits.
- Contact the court at 612-348-6000 if you do not have access to the internet, or are unable to connect by video and audio.
- If you cannot afford to hire a lawyer and would like to apply for a court-appointed attorney before this appearance visit <https://4thcourtspde.courts.state.mn.us> or scan the QR code to start the application.



To join by internet:

1. Type <https://zoomgov.com/join> in your browser's address bar (example: bar at top of page on Google Chrome, Safari, or Internet Explorer).

2. Enter the **Meeting ID and Meeting Password (if asked):**
Meeting ID: 160 368 8210
Passcode: 1234
3. Update your name by clicking on your profile picture. If you are representing a party, add your role to your name, for example, John Smith, Attorney for Defendant.
4. Click the **Join Audio** button in the lower left-hand corner of your screen.
5. Click **Share Video**.
6. Select  to unmute (may need to tap screen to activate icons).

To join by telephone (if you can't to join by internet):

Be sure you know how to mute your phone when you are not speaking and unmute it again to speak.

1. Call Toll-Free: 1-833-568-8864
2. Enter the Meeting ID and Meeting Password:
Meeting ID: 160 368 8210
Passcode: 1234
3. To Unmute use *6

To receive an eReminder for future court dates via e-mail or text, visit www.mncourts.gov/Hearing-eReminders.aspx or scan the QR code to enroll.



Dated: December 6, 2023

Hennepin County Court Administrator
300 South Sixth Street
Minneapolis MN 55487-0419
612-348-2040

cc:

State of Minnesota
Hennepin County

District Court
Fourth Judicial District

Court File Number: 27-CR-23-3459

Case Type: Crim/Traf Mandatory

MUAD ABDULKADIR

Notice of Remote Zoom Hearing and Judicial Assignment

State of Minnesota vs MUAD ABDULKADIR

You are notified this matter is set for a remote hearing. This hearing will not be in person at the courthouse.

Hearing Information
April 24, 2024 Sentencing 1:30 PM

The hearing will be held via Zoom and appearance shall be by video and audio unless otherwise directed with Judicial Officer Hilary L. Caligiuri, Hennepin County District Court.

- If you fail to appear a warrant may be issued for your arrest. For petty misdemeanors, a conviction will be entered if you fail to appear.

You must:

- Notify the court if your address, email, or phone number changes.
- If this is the first time you've appeared in court, have your exhibits ready at the hearing and you will be given instructions at the hearing on how to submit them. If this is not the first time you've appeared, contact the judicial officer hearing your case for more instructions. Visit www.mncourts.gov/Remote-Hearings for more information and options for joining remote hearings, including how to submit exhibits.
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Passcode: 1234
3. Update your name by clicking on your profile picture. If you are representing a party, add your role to your name, for example, John Smith, Attorney for Defendant.
4. Click the **Join Audio** button in the lower left-hand corner of your screen.
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Dated: February 28, 2024

Hennepin County Court Administrator
300 South Sixth Street
Minneapolis MN 55487-0419
612-348-2040

cc:

Filed in District Court
State of Minnesota

FEB 16 2023

State of Minnesota

District Court

Hennepin County

Fourth Judicial District

State of Minnesota,
Plaintiff,

v.

MUAD ABDULKADIR,
Defendant.

Order to Fourth Judicial District Court
Psychological Services
27-CR-23-3459
27-CR-23-3460

Defendant Information	
☐ Out of Custody ☒ In Custody – at Facility: <u>PSF</u>	
Date of Birth: 01/01/1994	SILS Identifier: 750871
Phone: Home: 612-987-5326, Cell: 612-987-5326	
Email: MuadAbdulkadir@gmail.com	
Current Address: 920 24TH AVENUE NE 100 MINNEAPOLIS MN 55418	
☐ Confirmed address with Defendant	
Additional family/collateral contact number and instructions:	

It is hereby ordered:

- ☒ For felony and gross misdemeanor cases, probable cause has been found.
- ☐ The defendant is to be released upon completion of the interview process.
- ☐ This is part of the targeted misdemeanor program.

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 Rule 20.01
- ☐ Mental state at the time of the alleged act pursuant to Rule 20.02 (M'Naghten Rule)
- ☐ Sex Offender Evaluation pursuant to Minnesota Statute § 609.3457
- ☐ Repeat Sex Offender Evaluation pursuant to Minnesota Statute § 609.3457
- ☐ Consultation (Pre-Sentence) _____
- ☐ Other (please specify) _____

2. Copies of this evaluation shall be provided to the Court and the following individuals:

Defense Attorney: CHASE ANDERSON MYHRAN

Phone: 612-348-5852

Prosecuting Attorney: THOMAS JAMES PROCHAZKA

Phone: 612-596-7735

Phone:

3. The hearing for the return of the psychological evaluation will be held on March 21, 2023 at 1:30 PM.

4. Upon presentation of this order, the relevant custodian of records shall provide (whether mailed, 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, 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 Rule 20 evaluations, the Examiner shall offer in the report an opinion and support for the opinion on whether the defendant:
 - a. Is suitable to refer for consideration of civil commitment and the basis of the possible commitment,
 - b. May be mentally ill and dangerous, and
 - c. Needs immediate hospitalization.
8. In the case of Rule 20 evaluations, the Examiner shall promptly notify the prosecutor, defense attorney and the Court if the Examiner concludes that the defendant:
 - a. Presents an imminent risk of serious danger to another,
 - b. May be imminently suicidal, or
 - c. Needs emergency intervention.

Dated: February 16, 2023



Hilary Caligiuri
District Court Judge

- ✓ Please direct the prosecuting agency to forward a copy of the police report for each case to Psychological Services.
- ✓ If a defendant is to be released upon completion of the interview process, a Conditional Release Order must be filed giving that direction.

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,
Plaintiff,

v.

Muad Abdulkadir,
Defendant.

Judge Michael K. Browne
Case Type: Criminal

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW
REGARDING DEFENDANT'S
COMPETENCY TO PROCEED**

Case File Numbers:
27-CR-23-3459,
27-CR- 23-3460

APPEARANCES

The above-entitled matter came before the Honorable Michael K. Browne, Judge of District Court, on May 10, 2023, for an evidentiary hearing upon the Defense's objection to the incompetency opinion rendered by John R. Anderson, Ph.D., L.P. of the Senior Clinical Forensic Psychologist – Fourth District Psychological Services dated March 10, 2023. The Court is chambered at the Hennepin County Government Center, 300 South Sixth Street, Minneapolis, Minnesota.

Thomas Prochazka, Assistant Hennepin County Attorney, appeared for the State. Douglas Biglow, Assistant Public Defender, appeared on behalf of the defendant. Mr. Abdulkadir (the Defendant) appeared in custody.

EVIDENCE IN THE PROCEEDING

The Court received three exhibits, to which the parties stipulated: Dr. John Anderson's Curriculum Vitae (Ex. 1), Dr. John Anderson's Report dated March 10, 2023 (Ex. 2), and Dr. Megan Paris' Report dated May 4, 2023, from case file number 27-MH-PR-23-402 (Ex. 3). The Court also took judicial notice of the underlying orders and reports in case file number 27-MH-PR-23-402. Mr. Abdulkadir (the Defendant) and Dr. John Anderson testified. After hearing arguments of counsel, the Court took the matter of Defendant's competency under advisement. Based upon the arguments presented and all the files and records herein, the Court orders as follows:

1. Defendant is **INCOMPETENT** to proceed.

PROCEDURAL HISTORY

The Defendant, Mr. Abdulkadir, is charged with one count of Aggravated Robbery-1st Degree arising from an incident alleged to have occurred on February 11, 2023, wherein he is accused of forcing himself into a neighbor's home, assaulting a man, brandishing a firearm, and leaving with money from the location in Bloomington, Minnesota (27-CR-23-3459). Mr. Abdulkadir is also charged with Assault-2nd Degree – Dangerous Weapon and Threats of Violence – Reckless Disregard Risk related to allegations that he threatened patrons in a store while carrying a handgun in Minneapolis, Minnesota, on February 12, 2023 (27-CR-23-3460).

On February 15, 2023, Mr. Abdulkadir made his first appearance in court, where the Court determined he did qualify for the services of a public defender. On February 16, 2023, Judge Caligiuri ordered Respondent for an Evaluation for Competency to Proceed (Rule 20.01). Judge Caligiuri found probable cause on all counts and ordered a Rule 20.01 evaluation to determine if Mr. Abdulkadir was competent to proceed.

John R. Anderson, Ph.D., L.P. of the Senior Clinical Forensic Psychologist – Fourth District Psychological Services was assigned to complete the evaluation of the Defendant. He filed his report on March 10, 2023. Dr. Anderson opined that Mr. Abdulkadir was incompetent and provided the diagnoses of Unspecified Bipolar and Related Disorder, Unspecified Schizophrenia Spectrum and other Psychotic Disorder, Alcohol Use Disorder, Cannabis Use Disorder, and Opioid Use Disorder. Additionally, he recommended that he be referred for evaluation for indefinite civil commitment as a Mentally Ill and Dangerous person.

The first hearing on competency was held on March 21, 2023, at which time Mr. Abdulkadir was unable to participate due to mental illness symptoms. Accordingly, the Court found that Defendant was incompetent to stand trial. The matter was referred to prepetition screening and an order for civil commitment was filed on April 7, 2023, in file 27-MH-PR-23-402. On April 4, 2023, Defendant was scheduled to appear for a bail hearing and refused to appear. On April 11, 2023, Defendant appeared for a bail hearing where a request for continuance was granted for defense counsel to discuss further options. On April 17, 2023, the Defendant filed a motion to vacate the March 21, 2023, incompetency finding. On April 18, 2023, the Court heard Defendant's motion to vacate the March 21, 2023, incompetency finding. All parties were present at this hearing. The Court denied Defendant's motion to vacate the incompetency findings and granted Respondent's motion for a contested hearing on the issue of competency.

On May 4, 2023, Dr. Megan Paris, Psy.D., LP, ABPP, submitted her Forensic Evaluation Report in file 27-MH-PR-23-402, pursuant to a petition for civil commitment as Mentally Ill and Dangerous. Dr. Paris diagnosed Defendant with Bipolar I Disorder, with mood-congruent psychotic features (most recent episode manic), Traits of Antisocial Personality Disorder, Alcohol Use Disorder (By History), Cannabis Use Disorder (By History), and Opioid Use Disorder (By History). Dr. Paris opined that Defendant meets criteria for civil commitment as an individual who is mentally ill and dangerous to the public.

The hearing on competency was held on May 10, 2023, at which time the Defense argued that the Court should find Mr. Abdulkadir competent to proceed with the criminal trial.

FINDINGS OF FACT

The Court's findings are based on the information and opinions provided by John R. Anderson, Ph.D., L.P. of the Senior Clinical Forensic Psychologist – Fourth District Psychological Services dated March 10, 2023 (Ex. 2), and Megan Paris, Psy.D., LP, ABPP, Forensic Evaluation Report in file 27-MH-PR-23-402 dated May 4, 2023 (Ex. 3.). The Court's opinion is also based on the findings of fact contained in its Order, dated March 22, 2023, finding Mr. Abdulkadir incompetent. Those findings are incorporated into the findings below.

Mr. Abdulkadir is 29 years old. He graduated from high school in the United States after immigrating from Somalia in 2005. He previously stated that he participated in special education services in the twelfth grade. He expressed a negative attitude towards school and acknowledged that he was expelled from high school at one point. His employment history includes work in retail, delivery, cashier work, working with the houseless (i.e., homeless), and his own courier service.

Mr. Abdulkadir has a significant mental health history. He was subject to civil commitment proceedings in 2019 (27-MH-PR-19-74). On November 29, 2018, he was transported to Acute Psychiatric Services from Hennepin County Adult Detention Center after he was noted to be naked, sweating, and agitated in his cell. Additionally, he was throwing water on himself and speaking rapidly and incoherently. He was placed on a 72-hour hold in the context of aggression, mania, delusional thought processes, and agitation requiring treatment with injectable medications. He was discharged after two days to his mother's care.

On January 15, 2019, Mr. Abdulkadir was released from jail and returned to his family's home. He became agitated and aggressive, his family called Hennepin County COPE, and he was transported to the Hennepin Healthcare / Hennepin County Medical Center (HCMC) emergency department. He was described as uncooperative, inappropriate, and vulgar. He was treated with multiple doses of antipsychotic and sedating medications. His mother described to HCMC providers chronic concerns for violence. Prepetition screening noted he tested positive for unspecified substances though he denied drug use. Mr. Abdulkadir focused on religious beliefs. Mr. Abdulkadir reportedly became agitated during the interview with prepetition screening and followed the screener through the unit demanding a copy of notes.

The Court-appointed examiner, Bruce Renken, Ph.D., LP ABPP, diagnosed Mr. Abdulkadir with unspecified bipolar and related disorder. Dr. Renken noted hyperv verbal speech, grandiose thoughts, irritability, shifting mood, agitation, and hostile statements. Dr. Renken also noted multiple threats to harm hospital staff necessitating seclusion and use of forced medications. Dr. Renken supported commitment as a person who poses a risk of harm due to a mental illness (MI) as well as the corresponding *Jarvis* petition.

Mr. Abdulkadir was subsequently committed as MI with the order for use of psychotropic medications. After his release from the hospital, case management described unsuccessful attempts to remain in contact with Mr. Abdulkadir.

Ann Marie Winskowski Psy.D., LP examined Mr. Abdulkadir related to his adjudicative competency and authored a report dated March 7, 2019. Dr. Winskowski wrote that Mr. Abdulkadir reported growing up in slums in Kenya and India before moving to the United States in 2005. He reported he graduated high school and worked as a cashier, retail worker, and delivery driver. He described a history of binge drinking and use of cannabis. Mr. Abdulkadir reported a history of at least five hospitalizations because he was “just too wild.” Dr. Winskowski described a history of hospitalizations since 2016 related to agitation, difficulty caring for himself, behavioral dysregulation. Symptoms were often described as consistent with mania.

Dr. Winskowski interviewed Mr. Abdulkadir at an HCMC inpatient unit. He denied any history of suicide attempts but endorsed passive suicidal thoughts in the past. Dr. Winskowski diagnosed Mr. Abdulkadir with bipolar disorder, current episode manic with psychosis; alcohol use disorder; and cannabis use disorder. She noted: “Mr. Abdulkadir indicated that the devil was consistently testing him, had a hand in some of the alleged incidents that substantiate the charges against him, and is influencing major players in a criminal court setting.” Dr. Winskowski opined that Mr. Abdulkadir’s decision making ability was influenced by delusional ideas related to the devil and God, though noted he demonstrated adequate understanding of relevant legal proceedings. Lastly, Dr. Winskowski noted that collateral records indicated Mr. Abdulkadir’s behavior remained unpredictable and aggressive in settings with high levels of structure and security, though he was emotionally and behaviorally regulated during the interview.

Dr. Winskowski reevaluated Mr. Abdulkadir and authored a report dated September 20, 2019. Dr. Winskowski wrote that Mr. Abdulkadir lived with his mother in Minneapolis, but had maintained very limited contact with civil commitment case management. He reported a subsequent hospitalization in February 2019 in the context of mania and psychosis. Mr. Abdulkadir reported he did not need psychiatric treatment following his release from the hospital in March 2019, though he also stated he continued taking prescribed medications (noting only negative side effects without helping his mental health) until his commitment ended in August 2019. Mr. Abdulkadir did not evidence symptoms of mental illness during the interview.

Dr. Winskowski again diagnosed Mr. Abdulkadir with bipolar disorder, most recent episode manic with psychosis; alcohol use disorder, in early remission, per client report; and cannabis use disorder, in early remission, per client report and noted: “Mr. Abdulkadir has a history of episodes where he has demonstrated a decreased need for sleep, pressured speech, agitation, grandiose delusion, dysregulated and hypersexual behavior. He has been hospitalized multiple times and civilly committed on the basis of this behavior.” Dr. Winskowski opined that Mr. Abdulkadir demonstrated adequate factual understanding of legal proceedings, that he was able to rationally describe his cases, and that he could participate in his defense.

Then, Mr. Abdulkadir was brought to the hospital by paramedics following an apparent opioid overdose in August 2020. He required a dose of Narcan (naloxone, opioid antagonist), and his oxygen levels were listed as very low. Contusions were noted on his eye and chest. Mr. Abdulkadir became agitated in the hospital.

Upon admission to Hennepin County Adult detention on February 12, 2023, Mr. Abdulkadir refused all medications. He was evaluated after uses of force (i.e., Taser deployment) by deputies on February 13, 2023, and February 24, 2023. Mr. Abdulkadir was described as aggressive, vocal, and not responding to the provider's verbal commands in recent records.

Additionally, the files indicate collateral records from Defendant's brother Mr. Musab Abdulkadir. Mr. Musab Abdulkadir described his brother experiencing two periods of mental illness including in 2019/2020 and one beginning more recently.

Mr. Musab Abdulkadir reported his brother had stopped taking psychotropic medications in 2020, and previously been psychiatrically stable since about 2021. He added his brother had worked and been active in religious and community groups including tutoring children until relatively recently. He said his brother's demeanor changed to the point that he carried weapons and threatened others including faith leaders or acquaintances on social media. Mr. Musab Abdulkadir described a recent instance in which his brother carried a firearm to a music venue where he said he was to perform; he said his brother threatened others who drew weapons, but Mr. Musab Abdulkadir was able to deescalate the situation.

Mr. Musab Abdulkadir also described an instance where Bloomington Police were called after his brother posed a threat of harm to himself, though he said his brother was not arrested or taken to treatment. He stated his brother stopped using alcohol and only used opioids once but uses cannabis "heavily." Mr. Musab Abdulkadir reported his brother has called him from jail and described revelations from God and that he believed he was a prophet.

On March 21, 2023, Mr. Abdulkadir was unable to participate in the court proceedings due to mental illness symptoms. Accordingly, the Court found that Defendant was incompetent to stand trial. The matter was referred to prepetition screening and an order for civil commitment was filed on April 7, 2023, in file 27-MH-PR-23-402.

John R. Anderson, Ph.D., L.P. of the Senior Clinical Forensic Psychologist – Fourth District Psychological Services completed a six-month competency review evaluation of the defendant. Dr. Anderson attempted to interviewed Mr. Abdulkadir, reviewed the following documents and information, and filed his report with the court on March 21, 2023:

1. Records from Hennepin County Adult Detention, dated February 12, 2019 to March 7, 2023
2. Records from Hennepin Healthcare / Hennepin County Medical Center (HCMC), dated August 6, 2020 to March 7, 2023
3. Criminal Complaints and Orders of Detention related to the current cases, each dated February 14, 2023
4. Evaluation reports and memos regarding Mr. Clinton's competency to proceed:
 - a. Psychological Evaluation to Determine Competence to Stand Trial (Rule 20.01) authored by Ann Marie Winskowski, Psy.D., LP on March 7, 2019
 - b. Psychological Evaluation to Determine Competence to Stand Trial (Rule 20.01) authored by Ann Marie Winskowski, Psy.D., LP on September 20, 2019
5. Minnesota Court Information System (MNCIS) records related to the current case, various dates
6. MNCIS Case History Summary dated February 17, 2023
7. Order to 4th Judicial District Psychological Services, issued by Judge Hilary Caligiuri on February 16, 2023
8. Records related to petition for civil commitment (27-MH-PR-19-74), various dates
9. Email correspondence with Judith L. Cole, Senior Hennepin County Attorney, on March 1, 2023
10. Telephone conversation with Mr. Abdulkadir's brother, Musab Abdulkadir, on March 8, 2023
11. Telephone conversation with Mr. Abdulkadir's attorney, Douglas Biglow, on March 8, 2023

Hennepin County Public Safety Facility records reviewed by Dr. Anderson stated that Mr. Abdulkadir's current detention is his first at the facility since 2019. Upon arriving at the jail on February 12, 2023, he was described as "not redirectable and verbally abusive." A "green leafy substance" was found in his property when he arrived. Hours later, he was described as nude and screaming at staff. The Special Response Team (SRT) was activated on February 12 and 13, 2023. He was described as saying, "See how small ya are and how big I am, that is because ya walk with the devil and I walk with Allah."

From the jail records, Dr. Anderson learned that the deputies deployed Tasers on Mr. Abdulkadir. Mr. Abdulkadir also threatened to kill staff and spit on windows. In addition, staff wrote that he stated, "I will smoke you when I see you outside, I will be out on Tuesday." Mr. Abdulkadir told staff to enter his cell to fight him, threw liquid at staff, and threatened to kill their family members. Mr. Abdulkadir refused to return to his cell following a court date. He was noted not to sleep much.

On February 17, 2023, Mr. Abdulkadir reported he was in a "holy war" against staff and threatened to kill staff, the mayor, and the governor. That same day, he made sexual comments directed at staff and stated his belief that one deputy was "evil" and that others were "heathens." Mr. Abdulkadir continued to make specific threats to physically or sexually assault or kill staff (sometimes by name) on most days throughout his detention. He was noted to demonstrate emotional lability as evidenced by apologizing to staff for his behavior before threatening them in the same interaction. Mr. Abdulkadir was described as showing "erratic mood swings." He was described as talking to himself on March 4, 2023, and he also accused staff of tampering with his water.

Because of reported safety concerns related to his behavior during the current detention, Hennepin County Sheriff's deputies elected to conduct a remote interview from Mr. Abdulkadir's cell door. Upon connecting, Dr. Anderson noted that the cell door window was smeared with an unknown white substance. Defendant was yelling and pacing around the cell without a shirt. Dr. Anderson attempted to provide him the forensic notification and describe the purpose of their meeting, though Mr. Abdulkadir was clearly agitated from the moment Dr. Anderson attempted to engage him.

When Dr. Anderson asked if he could hear him, he replied he could not. Mr. Abdulkadir recognized that Dr. Anderson identified himself as a psychologist working for the courts and referenced "mind games." He repeated several times that he did not consent to the interview and used profanities. Mr. Abdulkadir's speech was pressured. He was holding a book in his hands. Ultimately, Dr. Anderson was not able to provide him the forensic notification, and the attempted interview was discontinued. Hennepin County deputies facilitating the attempted meeting reported Mr. Abdulkadir's presentation had been consistent throughout his current detention and stated SRT had been activated to manage his behavior.

Dr. Anderson offered diagnoses of Unspecified Bipolar and Related Disorder, Unspecified Schizophrenia Spectrum and other Psychotic Disorder, Alcohol Use Disorder, Cannabis Use Disorder, and Opioid Use Disorder. He noted Mr. Abdulkadir's history of a psychotic disorder that has been characterized by grandiosity, hypersexuality, insomnia, pressured speech, irritability, aggression, potential response to hallucinations (as evidenced by talking to himself), and likely delusional paranoid and religious beliefs (e.g., that he is in a "holy war" or that deputies tampered with his water supply) may be attributed to mania and psychosis.

Dr. Anderson also noted that Defendant demonstrates disregard for and violation of the rights of others including failure to conform to social norms with respect to lawful behaviors, impulsivity, irritability and aggressiveness, and reckless disregard for safety of self and others.

Regarding competency, at the time of the interview with Dr. Anderson, Mr. Abdulkadir did not demonstrate an adequate understanding of courtroom personnel and court proceedings. Based upon his presentation in detention and during the attempted interview and a review of records, Mr. Abdulkadir's refusal to participate in the current evaluation was driven by his symptoms of mental illness and that it is more likely than not his competency-related abilities are currently impaired by his symptoms of mental illness. Specifically, his current/recent presentation including impaired thinking process, agitation, and likely delusional beliefs impaired his ability to meaningfully participate in the interview.

Mr. Abdulkadir appeared to understand Dr. Anderson's role but accused the court system of playing "mind games" and was not receptive to Dr. Anderson's attempts to engage him in the interview process. Lastly, it was Dr. Anderson's opinion that the totality of information described above (e.g., descriptions of likely psychotic thinking processes, mania, and ongoing agitation) indicates that Mr. Abdulkadir's lack of cooperation with the current evaluation is likely due to his current symptoms of mental illness. Dr. Anderson was of the opinion that it is likely his current presentation would impair his ability to participate in proceedings and consult with counsel. Notably, he has declined to meet with his attorney as well. Dr. Anderson concluded that it is possible, if not likely, that the symptoms also impair to some unknown degree his ability to consult with a reasonable degree of rational understanding with defense counsel as well as understand the criminal proceedings and participate in the defense.

Dr. Anderson did not examine Mr. Abdulkadir related to his functional abilities, and withheld an opinion about the impact of symptoms of mental illness on these abilities. Still, Dr. Anderson's evaluation indicates that while Mr. Abdulkadir does demonstrate an adequate factual understanding of courtroom personnel and court proceedings and he is unable to apply this understanding to the specifics of the case in a logical and rational manner. In addition, Mr. Abdulkadir is unable to discuss the specifics of his case or potential defense strategies with consideration of the potential evidence due to impaired thought processes such as disorganized thoughts and delusional beliefs.

Dr. Anderson also noted that that Mr. Abdulkadir's use of illicit or nonprescribed substances or alcohol could certainly contribute to changes in his mental status. Mr. Abdulkadir has previously demonstrated impaired competency-related abilities due to mental illness, but after a period of limited treatment in the community was able to demonstrate intact. As a result, Dr. Anderson opined that Mr. Abdulkadir does not have the ability to rationally assist defense counsel in the development of a defense strategy or to make informed and rational legal decisions.

On May 4, 2023, Dr. Megan Paris, Psy.D., LP, ABPP, submitted her report regarding Defendant's commitment case 27-MH-PR-23-402. Dr. Paris diagnosed Mr. Abdulkadir with a bipolar disorder with psychotic features, which is a substantial psychiatric disorder. Dr. Paris opined that his psychiatric condition impacts his thought (racing, grandiose, and paranoid beliefs) and mood (agitated and labile), which grossly impair his judgment and behavior; these impairments have been recently manifested through instances of grossly disturbed behavior, including reactive aggression precipitated by Mr. Abdulkadir's manic agitation, disinhibition, and grandiosity.

It is Dr. Paris' opinion that while Mr. Abdulkadir's patterns of reactivity and lack of self-restraint are amplified by his antisocial traits, his clinical presentation is not exclusively accounted for by a personality disorder. She also noted that quite similarly, substance use appears to be an amplifying factor to his symptoms; however, his presentation cannot be exclusively accounted for solely by substance use.

Dr. Paris interviewed Mr. Abdulkadir and found the following: his speech was of quickened pace, loud volume, and typical cadence. His vocabulary appeared advanced. Mr. Abdulkadir regularly derailed into tangential asides that failed to answer the question at hand. He required redirection and repetition of interview questions yet continued to provide minimally useful or purposefully deflective responses. Regarding the latter, even when Mr. Abdulkadir was directly addressing the topic inquired about, he regularly responded with purposefully vague responses, or posed the question back to myself. To this end, he presented as interpersonally intrusive and defensive.

Additionally, Mr. Abdulkadir's mood was expansive (i.e., lack of restraint in expressing emotions/intense affect, with an over-inflated sense of importance). He presented as irritated by Dr. Paris' insistence on him answering questions and setting boundaries in response to his intrusive nature; however, he remained in behavioral control and did not exhibit yelling, swearing, or displays of physical aggression. Mr. Abdulkadir's thought process was tangential (i.e., excessively detailed asides that detract from one's ability to address the main point). Mr. Abdulkadir's thought content was significant for themes of grandiosity (e.g., believing he has a divine fate), persecution (e.g., believing correctional officers are aligned purposefully against him), and ideas of reference (e.g., assigning special meaning to coincidences).

Moreover, subtle themes of religious preoccupation were also observed, such as Mr. Abdulkadir presenting with a Koran for the interview; however, his statements and behaviors did not clearly rise to a degree constituting religious delusions. Mr. Abdulkadir also exhibited substantial antiauthority attitudes, evidenced by his deflective approach to the examination, his manner of interacting with authority figures (e.g., his own attorney), and attempts to control the interview to be able to discuss topics at his discretion. Mr. Abdulkadir did not exhibit any behaviors suggestive of hallucinations during the examination. Mr. Abdulkadir was alert, and was oriented to his identity, the date, his location, and circumstance of meeting.

On May 10, 2023, Mr. Abdulkadir testified before the Court. He testified that he was here to contest the incompetency finding. He testified that he completed high school. He testified that he believes he is competent because he is competent. He testified that he has had the competency process occur in court, but he was never present for it. He testified that he was found incompetent in 2019, and then later that year in August 2019, he was restored to competency and found competent by the courts. He testified that he restored himself to competency by traveling to Somalia and visit with his long-lost family. He testified that his father is the Colonel of the North Somali Army, so he lacks restriction when he is there. He testified that his father just had a baby and that this trip made him feel affirmed, heard, safe, and free. He testified that jail is a vacation too, but it is a “staycation.” He testified that his faith has kept him going, which is also being sure of a destiny, whether good or bad and trusting the process.

Mr. Abdulkadir testified that he has too many jobs to count and that he operated his own courier service called the “Happy Journey Express Corporation,” but he put a hold on this in December 2022 to work in the community for his brother Mussad Abdulkadir as a “housing access coordinator.” Mr. Abdulkadir testified that he had a contract with Street Fleet and NAPA for his courier service and had to talk with the community to get business (here, Mr. Abdulkadir testified that a “closed mouth does not get fed”). Mr. Abdulkadir testified that as a housing access coordinator, he worked with the houseless population and would take them to different areas to get them any help that they needed. He testified that some these included 1800 Chicago and Endeavors. He testified that the people in the housing camps were there due to the “luck of the draw.”

Mr. Abdulkadir testified that he liked to take directions and follow directions. He testified that many of the houseless people suffered from substance abuse issues and testified that they have to want to help themselves to be helped. He testified that he had gotten into verbal bouts while working, but never physical bouts.

Regarding medication, Mr. Abdulkadir testified that he takes Naproxen for sleep; Vistaril for anxiety; all of which was prescribed to him by Dr. Silva. He testified that he does not believe the medications are working. He testified that he believes in eastern medicine, like “congeal visits” with his wife and fresh air. He testified that Naproxen is a placebo. Mr. Abdulkadir testified that at home, he uses medicine like melatonin and then to wake up coffee. He testified that Vistaril is for anxiety, and testified that “we all have it” (anxiety), so he does not have it no more than every other human being. He testified that everyone has anxiety in the jail.

Mr. Abdulkadir testified that he does not think the medications are helping but keeps taking them because he like to take direction. He testified that he took the following “consensual” medications: marijuana; Alprazolam for anxiety (but the DEA cracked down and it is hard to get); Oxycodone for physical ailments and muscle relaxers because his body tightened up. He also testified that he has been forced to take medications.

Mr. Abdulkadir testified that from November 2018 to March 2019 there was a *Jarvis* order, and he was deemed mentally ill.¹ He testified that Dr. Bruce Renken diagnosed him with bipolar disorder. He testified that to take the medicine he would get restrained, stripped naked, physically harmed, and shot to the neck with Lithium. He testified that he thinks that the shot gave him PTSD. He then proceeded to start crying on the witness stand. He testified that he did not regularly see a psychologist. He testified that he tried anything that works to forget about it. He testified that he is voluntarily seeking treatment. Mr. Abdulkadir testified that he has no diagnosis, only a self-diagnosis. He testified that he is not prescribed any medication and the psychologist was just “bleeding” him for his money.

Mr. Abdulkadir testified that he currently does not think he is experiencing mental health issues. He testified that he could consult with others. He testified that he was deemed incompetent by two different examiners. He testified that Drs. John Anderson and Megan Paris are the examiners. He testified that on February 16, 2023, he declined to meet with Dr. Anderson. He testified that on that day he was “cruisin’ for a bruising” and he “got whooped.” Mr. Abdulkadir testified that a deputy brought the tablet to him to attend the exam, and he declined. He testified that he did not think that it would make a difference if he attended the exam. He testified that he did not believe that the outcome of the examination would be different.

¹ Mr. Abdulkadir testified that a *Jarvis* order is a petition filed while under commitment and if you refuse to take the medication, the county has the right to make sure you take it.

Mr. Abdulkadir testified that he is in jail for the following charges: Bloomington, Minnesota Aggravated Robbery – Felony, Minneapolis, Assault 2nd degree– Felony, and Bloomington Dangerous Weapon – Felony. He testified that there are penalties with them. He testified that if he was successful at the competency hearing, it would get rid of the mental health court and proceed with the criminal.

As for the roles of the courtroom participants, Mr. Abdulkadir testified that Mr. Prochazka is “doing the opposite of Mr. Biglow” and is not his “helper, but his hinderer.” He testified that the judge’s role to be in between the two of them. He testified that Mr. Biglow is his lawyer and his confidant. He testified that Dr. Anderson was the first to examine him. He testified that he tried to test Defendant and Defendant declined, but he came up with findings anyway. He testified that he declined to meet with Dr. Anderson because Defendant had the prerogative to meet with whoever he so please and he had no reason to meet with him. Importantly, Mr. Abdulkadir testified that he thinks that the court examiner is on Mr. Prochazka’s side.

Mr. Abdulkadir testified about his mind games comment. He testified that Dr. Anne Marie Winskowski found in March to August that he was not competent. He testified that Dr. Renken diagnosed him as bipolar and unspecified. He testified that whether he met with them or not, he believed that they were going to find him incompetent. He testified that this is not “a conspiracy theory as it is a conspiracy fact.” He testified that the decision was set in stone. He testified that this was based on previous experiences as his conversation and freewill was used against. He testified that therefore he would not meet with Dr. Anderson.

Regarding previous court appearances, Mr. Abdulkadir testified that on March 21, 2023, he did not go to court, and it was “not his call.” He testified that was antagonized by a deputy then was locked up. He testified that he gets one hour to shower and make phone calls and was not told Ramadan was happening. He testified that Zoom was brought to him, and he was naked. He testified that the cell is his home, and he dresses how he likes. He testified that he was un-clothed on the Zoom session and does not recall anything else about it.

Mr. Abdulkadir testified that on April 4, 2023, he did not attend court that day. He testified that the deputy said that he needed to get ready for court while he was sitting on the toilet. He testified that he did not get time to get dressed. He testified that he cannot consult with his attorney if not at court. He testified that it was “not of his doing.”

Mr. Abdulkadir testified to his past physical altercations. He testified that these were in self-defense. He testified that self-defense is when somebody offensively tries to harm you and you defend yourself. He testified that there are limits of self-defense and that Minnesota is not a stand your ground state. He testified that you have to escape first, and it is fight or flight.

Mr. Abdulkadir testified that during his trip to Somalia he was not taking prescription medications, but he was smoking cannabis. He testified that he was prescribed Haldol, Risperidone, and Olanzapine at the time. He testified that Somalia is war ridden county and did not find any of those medication. He also testified that at this time he had a *Jarvis* order and would follow instructions.

Mr. Abdulkadir testified about various comments he made. He made a comment in 2019 to Dr. Winskowski, where he told her “the devil is always testing” him. He testified that “the devil” comes in many forms, and he was very young when he made those comments. Mr. Abdulkadir also made a comment stating that he was in a “holy war” against the correctional officers. Mr. Abdulkadir testified that he speaks in metaphors, and it was misconstrued.

Mr. Abdulkadir testified that he does not remember saying everyone around him in jail “walked with the devil” and he “walked with Allah.” He testified that the devil is not actually directing his actions in the past. He testified that he was denied religious artifacts in the jail and was not told that Ramadan has started. He testified that the restrictions that were put on him were the deputies “taking the easy route.” He testified that he was following the rules. He testified that he was not put on restrictions. He was noted to say that there is nothing wrong with him, but something wrong with the world. He testified that he is outspoken and speaking in metaphors.

Mr. Abdulkadir testified that he has a self-diagnosis of PTSD. He testified that he has no other mental illnesses. He testified that anxiety is not a mental illness, and he has no more than the average person. He testified that he would defer to the doctors and professionals. He testified that he does not defer to Dr. Anderson’s diagnoses of bipolar, schizophrenia, use disorder, as he believes that there are “too many diagnoses” in his body. He testified that Dr. Paris gave him too many diagnoses to count. He testified that he does not believe that need in services voluntarily, still, Mr. Abdulkadir testified that stopped taking the medication in the past.

Mr. Abdulkadir testified to comments made by his brother Musab Abdulkadir. His brother said that he had a history of mental illness. He testified that his brother has never been to jail, to hospitals, or mental illness courts. He testified that his brother is not a doctor but has experience working with him closely. He testified that his brother is one of the best friends and familiar with him as a person; however, they never lived together so he would not know what is going on with his mental health. He testified to the comments he made to his brother in a phone call from jail where he stated he had revelations from God and that he is a prophet. He testified that it was a metaphor. He testified that we all have freewill unless we are incarcerated. He testified that no one imposes will.

The Court appreciates Mr. Abdulkadir's testimony; however, Mr. Abdulkadir was not an accurate historian, appeared confused at times, had rapid speech, and was very tangential. For those reasons, the Court gives Mr. Abdulkadir's testimony less weight.

On May 10, 2023, Dr. John Anderson testified before the Court. Dr. Anderson credibly testified that he is a court examiner for the Court and has been for 2 years and 9 months. Dr. Anderson credibly testified that the majority of his job is forensic treatment for criminal and civil matters. Dr. Anderson credibly testified that he has done 110 to 115 evaluations for competency. He credibly testified that in those cases, he finds defendants incompetent 56% of the time. He credibly testified that the purpose if the Rule 20.01 evaluation is to make a determination on a defendant's ability to proceed. He credibly testified that the criminal proceeding stops and is referred. He credibly testified that the legal standard is whether defendant has the ability to consult with counsel and participate in the defense.

Dr. Anderson credibly testified that during this process he searches for relevant records, jail records, treatment records, prior evaluations. He also testified that it is important to meet with the person who is the subject of the evaluation. Dr. Anderson credibly testified that it is a semi-structured interview process. He credibly testified that he generally questions if symptoms impair their ability to proceed with the defense. He credibly testified that he considers background, current presentation, diagnosis if any, testing if any, opinion related to competency.

Dr. Anderson credibly testified that he conducted the Rule 20.01 – March 10, 2023, report for Defendant. He credibly testified that he tried to meet with him on February 22, 2023. He credibly testified that he did not successfully interview Defendant. He credibly testified that this was because Defendant did not want to meet with him, and Defendant appeared to be experiencing symptoms of mental illness that would render the interview of diminishing return.

Dr. Anderson credibly testified that the Defendant's symptoms included mania, agitation, pacing, and not wearing a shirt. He credibly testified that Defendant stated that "mind games" were being done by the court. He credibly testified that Defendant's presentation was similar to past reports. He credibly testified that Defendant's inability to participate was driven by mental illness and he would not improve competency. He credibly testified that his conclusions were based on jail and other previous records.

Dr. Anderson credibly testified that he reviewed updated jail logs after he submitted his report. He credibly testified that the jail records indicated presentation effect of liable. He credibly testified that Defendant's emotional expression goes back and forth, has agitation, has threats to jail staff, and his presentation was not meaningfully different. He credibly testified that he reviewed Jail records for 3-21-23. He credibly testified that the deputies wrote that Defendant was nude, not wearing pants, and turned to the Zoom camera to "moon" the Zoom.

Dr. Anderson credibly testified that he reviewed Dr. Megan Paris' psychological report. He credibly testified that Dr. Paris' interview was shorter than intended because of his presentation. Dr. Anderson credibly testified that Dr. Paris noted continued symptoms of mania. Dr. Anderson credibly testified that the Defendant's symptoms are consistent, but there would still be impairment. Dr. Anderson credibly testified that based on this information there would be no changes to his report. He credibly testified that seeing him in Court did not change his conclusion either. Dr. Anderson credibly testified that Respondent is not able to rationally consult.

Dr. Anderson credibly testified that Defendant's mental health is cyclical in nature as he suffers from mania or psychosis more on other days than on May 11, 2023 (the date of the contested hearing). Dr. Anderson credibly testified that being under duress or being incarcerated would not be the sole cause of Defendant's symptoms. He noted that Defendant continues to exhibit psychotic symptoms even after being incarcerated for an extended period with limited access to drugs as well. The Court found Dr. Anderson to be a credible witness.

CONCLUSIONS OF LAW

"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). Rule 20.01 of the Minnesota Rules of Criminal Procedure requires the court to find a defendant not competent unless the greater weight of the evidence shows that the defendant is competent to proceed. MINN. R. CRIM. P. Rule 20.01, subd. 5 (c). A defendant is not competent if, due to mental illness or cognitive impairment he is unable to "(a) rationally consult with counsel or (b) understand the proceedings or participate in the defense." *Id.*, subd. 2.

The determination of whether a defendant is able to rationally consult with the defense attorney or understand and participate in the proceedings turns on the facts of each particular case. Moreover, factfinders, including district courts, are not required to accept an expert's testimony or recommendations. In a criminal case involving a mental-illness defense, the Minnesota Supreme Court noted that "the factfinder is not bound by expert psychiatric testimony and may reject it entirely, even when the only experts who testify support the defendant's assertion of a mental-illness defense." *State v. Roberts*, 876 N.W.2d 863, 868 (Minn. 2016).

Foremost, throughout the criminal proceedings the trial court must be mindful of its protective duty to ensure that a defendant is competent to proceed. *See State v. Bauer*, 245 N.W.2d 848, 852 (Minn. 1976) (ruling that the court should have conducted further inquiry into the important matter of defendant's competency). The defendant bears the burden of proof in a contested competency proceeding under MINN. R. CRIM. P. 20.01 when the defendant asserts their own competence. *See State v. Thompson*, 988 N.W.2d 149, 158 (Minn. 2023).

The first step in the Court's competency analysis is to determine whether Mr. Abdulkadir suffers from a mental illness or cognitive deficit. This Court concludes the greater weight of the evidence establishes that Mr. Abdulkadir does suffer from specified Bipolar and Related Disorder, Unspecified Schizophrenia Spectrum and other Psychotic Disorder, Alcohol Use Disorder, Cannabis Use Disorder, and Opioid Use Disorder. These diagnoses have been provided numerous times by multiple mental health professionals since his first hospitalization in 2019. Also, Mr. Abdulkadir has a significant history of psychiatric hospitalizations, including stayed civil commitment based on a diagnosis of unspecified bipolar and related disorder in 2018.

Importantly, Mr. Abdulkadir has demonstrated serious and persistent symptoms of his diagnoses in recent years, including delusions, paranoia, mania, impaired reality contact, erratic behavior, and aggression and violence. In the most recent competency evaluation, Dr. Anderson provided diagnoses of Bipolar and Related Disorder, Unspecified Schizophrenia Spectrum and other Psychotic Disorder, Alcohol Use Disorder, Cannabis Use Disorder, and Opioid Use Disorder. Dr. Anderson was not able to meet with Mr. Abdulkadir as he refused the interview.

Additionally, in preparation of a commitment hearing Dr. Paris provided diagnoses Bipolar I Disorder, with mood-congruent psychotic features (most recent episode manic), Traits of Antisocial Personality Disorder, Alcohol Use Disorder (By History), Cannabis Use Disorder (By History), and Opioid Use Disorder (By History). Dr. Paris opined that Defendant meets criteria for civil commitment as an individual who is mentally ill and dangerous to the public.

As it relates to competency, the Court must determine whether he presently is exhibiting these symptoms. The Court finds Dr. Anderson's opinion in this regard persuasive and concludes that Mr. Abdulkadir continues to exhibit symptoms of his diagnoses since being incarcerated. It is important to note that he historically has responded positively to anti-psychotic medications.

The Court must next analyze whether Mr. Abdulkadir's diagnoses render him incapable of consulting with defense counsel with a reasonable degree of rational understanding and/or to understand the proceedings or participate in his defense. The Court concludes, while Mr. Abdulkadir has a rational understanding of the proceedings, he continues to lack the ability to rationally consult with counsel or participate in his defense given that his psychiatric symptoms are preventing him from even recognizing that he suffers from a mental illness.

Mr. Abdulkadir demonstrated that he generally has the ability to rationally understand the proceedings. He understands the charges and potential sentence, and the role of the attorneys, judge, and jury (it was not clear that he understood the role of the court examiner).

Mr. Abdulkadir, however, does not have the ability to participate in his defense with a reasonable degree of understanding or to rationally participate in his defense. His psychotic thinking currently results in impairment in judgment, reasoning, and decision making. Additionally, Mr. Abdulkadir continues to evidence the hallmark symptom of lack of insight into his mental illness and belief that psychotropic medication is harmful to him. During his testimony, Respondent endorsed delusional beliefs while discussing his previous examinations that impaired his ability to engage in rational discussion and that because he could not set these beliefs aside, he is likely to rely on these delusional beliefs in formulating his defense.

Additionally, based on previous records, Dr. Anderson opined that he does not have the ability to rationally assist defense counsel in the development of a defense strategy or to make informed and rational legal decisions. Dr. Anderson also credibly testified that after observing Mr. Abdulkadir's testimony that it did not change his opinion. As a result, the Court finds Dr. Anderson's opinion persuasive.

It is important to emphasize that the Court's finding of incompetency is not due to Mr. Abdulkadir's refusal to discuss or assert a mental illness defense or due to his desire to proceed *pro se*. Mr. Abdulkadir is incompetent due to his inability to recognize that he suffers from a mental illness and thus, he is unable to rationally consider whether to raise such a defense.

If restored to competency, Mr. Abdulkadir may have a recognition of his mental illness and some insight into the extent to which his illness results in delusions, hallucinations, and paranoid thinking. If competent, he will have the ability to rationally consult with an attorney, rationally make a decision about whether to proceed *pro se*, and to decide whether he wishes to raise a defense of not guilty by reason of mental illness. A competent defendant with a plausible defense of mental illness certainly may choose not to raise this affirmative defense and may also make a valid waiver of counsel.

Based on the totality of the information before the Court, the Court finds that the greater weight of the evidence demonstrates Mr. Abdulkadir presently does not have the ability to rationally consult with counsel and participate in his defense. Under *Anderson*, the Defense has not met its burden of proving, by a greater weight of the evidence, that Mr. Abdulkadir is competent. Therefore, the Court finds that the defendant, Mr. Abdulkadir, is **INCOMPETENT**.

IT IS SO ORDERED.

BY THE COURT

State of Minnesota

County

Hennepin

District Court

Judicial District: 4th

Court File Number: 27-CR-23-3459

Case Type: Criminal

State of Minnesota

Plaintiff

vs.

**Petition to Enter Plea of Guilty
in Felony Case Pursuant to Rule 15**

Muad Abdulkadir

Defendant

TO THE ABOVE-NAMED COURT

I Muad Abdulkadir, Defendant in the above-entitled action, do respectfully represent and state as follows:

1. My full name is Muad Abdulkadir. I am 30 years old, my date of birth is 1/1/1994. The last grade that I went through in school is 12th.
2. If filed in my case, I have received, read and discussed a copy of the (Indictment) (Complaint)
3. I understand the charge(s) made against me in this case.
4. Specifically, I understand that I have been charged with the crime(s) of agg rob 1 committed on or about 2/11/2023 in Hennepin County, Minnesota.
(month) (day) (year)
5. I am represented by an attorney whose name is Robyn Uri and:
 - a. I feel that I have had sufficient time to discuss my case with my attorney.
 - b. I am satisfied that my attorney is fully informed as to the facts of this case.
 - c. My attorney has discussed possible defenses to the crime that I might have.
 - d. I am satisfied that my attorney has represented my interests and has fully advised me.
6. I ☒ have / ☐ have never been a patient in a mental hospital.
7. I ☒ have / ☐ have not talked with or been treated by a psychiatrist or other person for a nervous or mental condition.

8. I ☒ have / ☐ have not been ill recently. The flu a month ago
9. I ☐ have / ☒ have not recently been taking pills or other medicines.
10. I ☐ do / ☒ do not make the claim that I was so drunk or so under the influence of drugs or medicine that I did not know what I was doing at the time of the crime.
11. I ☐ do / ☒ do not make the claim that I was acting in self-defense or merely protecting myself or others at the time of the crime.
12. I ☐ do / ☒ do not make the claim that the fact I have been held in jail since my arrest and could not post bail caused me to decide to plead guilty in order to get the thing over with rather than waiting for my turn at trial.
13. I ☒ was / ☐ was not represented by an attorney when I ☐ had a probable cause hearing.
☒ I have not had a probable cause hearing
- I know that I could now move that the complaint against me be dismissed for lack of probable cause and I know that if I do not make such a motion and go ahead with entering my plea of guilty, I waive all right to successfully object to the absence of a probable cause hearing.
 - I also know that I waive all right to successfully object to any errors in the probable cause hearing when I enter my plea of guilty.
14. My attorney has told me and I understand:
- That the prosecutor for the case against me, has:
 - physical evidence obtained as a result of searching for and seizing the evidence;
 - evidence in the form of statements, oral or written that I made to police or others regarding this crime;
 - evidence discovered as a result of my statements or as a result of the evidence seized in a search;
 - identification evidence from a line-up or photographic identification;
 - evidence the prosecution believes indicates that I committed one or more other crimes.
 - That I have a right to a pre-trial hearing before a judge to determine whether or not the evidence the prosecution has could be used against me if I went to trial in this case.
 - That if I requested such a pre-trial hearing I could testify at the hearing if I wanted to, but my testimony could not be used as substantive evidence against me if I went to trial in this case.
 - That I ☐ do / ☒ do not now request such a pre-trial hearing and I specifically ☒ do / ☐ do not now waive my right to have such a pre-trial hearing.
 - That whether or not I have had such a hearing I will not be able to object tomorrow or any other time to the evidence that the prosecutor has.
15. I have been told by my attorney and I understand:
- That if I wish to plead not guilty I am entitled to a trial by a jury on the issue of guilt, and all jurors would have to agree I was guilty before the jury could find me guilty.
 - That if I plead guilty I will not have a trial by either a jury or by a judge without a jury.
 - That with knowledge of my right to a trial on the issue of guilt, I now waive my right to a trial.

16. I have been told by my attorney and I understand that if I wish to plead not guilty and have a trial by jury or trial by a judge I would be presumed innocent until my guilt is proved beyond a reasonable doubt.
17. I have been told by my attorney and understand:
- That if I wish to plead not guilty and have a trial the prosecutor would be required to have the witnesses testify against me in open court in my presence and that I would have the right, through my attorney, to question these witnesses.
 - That with knowledge of my right to have the prosecution's witnesses testify in open court in my presence and questioned by my attorney, I now waive this right.
18. I have been told by my attorney and I understand:
- That if I wish to plead not guilty and have a trial I would be entitled to require any witnesses that I think are favorable to me to appear and testify at trial.
 - That with knowledge of my right to require favorable witnesses to appear and testify at trial I now waive this right.
19. I have been told by my attorney and I understand:
- That a person who has prior convictions or a prior conviction can be given a longer prison term because of this.
 - That the maximum penalty that the court could impose for this crime (taking into consideration any prior conviction or convictions) is imprisonment for __years. That if a minimum sentence is required by statute the court may impose a sentence of imprisonment of not less than ____ months for this crime.
 - That for felony driving while impaired offenses and most sex offenses, a mandatory period of conditional release will follow any executed prison sentence that is imposed. Violating the terms of this conditional release may increase the time I serve in prison. In this case, the period of conditional release is ____ years.
 - That a person who participates in a crime by intentionally aiding, advising, counseling and conspiring with another person or persons to commit a crime is just as guilty of that crime as the person or persons who are present and participating in the crime when it is actually committed.
 - That my present probation or parole could be revoked because of the plea of guilty to this crime.
 - That the prosecutor is seeking an aggravated sentence of ____N/A____.
20. I have been told by my attorney and understand:
- That my attorney discussed this case with one of the prosecuting attorneys and that my attorney and the prosecuting attorney agreed that if I entered a plea of guilty, the prosecutor will do the following: (Give substance of the agreement)
-
- PG 27-CR-23-3459, dismiss 27-CR-23-3460
Dispositional departure—48 months stayed for 3 years, credit for 383 days already served; standard terms of probation and comply with civil commitment; no contact with victim
PSI+recs
- That if the court does not approve this agreement:
 - I have an absolute right to then withdraw my plea of guilty and have a trial.

- ii. Any testimony that I have given concerning the guilty plea could not be used against me unless I am charged with the crime of perjury based on this testimony.
21. That except for the agreement between my attorney and the prosecuting attorney:
- No one – including my attorney, any police officer, prosecutor, judge, or any other person - has made any promises to me, to any member of my family, to any of my friends or other persons, in order to obtain a plea of guilty from me.
 - No one – including my attorney, any police officer, prosecutor or judge, or any other person – has threatened me, or any member of my family or my friends or other persons, in order to obtain a plea of guilty from me.
22. My attorney has told me and I understand that if my plea of guilty is for any reason not accepted by the court, or if I withdraw the plea with the court's approval, or if the plea is withdrawn by court order on appeal or other review:
- I would then stand trial on the original charge (charges).
 - The prosecution could proceed against me just as if there had been no plea of guilty and no plea agreement.
23. My attorney has told me and I understand that if my plea of guilty is accepted by the judge I have the right to appeal, but that any appeal or other court action I may take claiming error in the proceedings probably would be useless and a waste of my time and the court's.
24. My attorney has told me and I understand that a judge will not accept a plea of guilty for anyone who claims to be innocent.
25. I now make no claim that I am innocent.
26. I have been told by my attorney and I understand that if I wish to plead not guilty and have a jury trial:
- That I could testify at trial if I wanted to but I could not be forced to testify.
 - That if I decided not to testify neither the prosecutor nor the judge could comment on my failure to testify.
 - That with knowledge of my right not to testify and that neither the judge nor the prosecutor could comment on my failure to testify at trial I now waive (give up) this right and I will tell the judge the facts of the crime.
27. My attorney has told me and I understand that if I am not a citizen of the United States this plea of guilty may result in deportation, exclusion from admission to the United States of America or denial of citizenship.
28. That in view of all above facts and considerations I wish to enter a plea of guilty.

Dated: 2/28/2024

/s/

Signature

Name: _____

Street Address: _____

City/State/Zip: _____

E-mail address: _____

State of Minnesota
Hennepin County

District Court
Fourth Judicial District

State of Minnesota
v.
Muad Abdulkadir

Court File Number: **27-CR-23-3459**

SILS ID: 750871
Charge: Aggravated Robbery-1st Degree

PROBATION REFERRAL FORM

Investigation Division of Adult Field Services

Referral Date: **12/06/2023**

Due Date:

Next Hearing: **01/26/2024 1:30 PM**

Referring Judge: **Caligiuri**

Return report to (location or Judge): _____

Custody Status: ☒ Out ☐ In

*At St. Peter secure facility

☐ Pending release (bail or conditions)

☐ Release upon interview completion (bail or conditions)

☐ Interim commitment at: _____

Assessment

- ☐ Pretrial Bail Evaluation ☐ DWI Assessment ☐ RANT (Risk & Needs Triage) ☐ Mental Health
☐ Substance Use (see form [HC6141](#), if in custody) ☐ Financial Assessment/Ability-to-Pay Study (3 weeks)

Felony PSI/PPI:

- ☐ Tier 4 - full PSI (IC = 3 weeks; OC = 6 weeks + 3 days)
☐ Tier 3 - short-form PSI (IC = 2 weeks; OC = 6 weeks + 3 days)
☐ Tier 2 - jail credit/criminal history/conditional release compliance (1 week)
☐ Tier 1 - jail credit/Guideline Worksheet (1 week)
☐ PPI (IC = 3 weeks; OC = 6 weeks + 3 days)

GMD/MISD PSI:

- ☐ Domestic-Violence PSI (IC = 1 week; OC = 2 weeks)

If PSI ordered, is there a plea negotiation? ☐ No ☐ Yes

Proposed negotiation:

Felony Only

Possible reduction to GMD? ☐ No ☐ Yes
Possible sentence as GMD? ☐ No ☐ Yes
Considering departure? ☐ No ☐ Durational ☐ Dispositional ☐ Downward ☐ Upward

Other:

- ☐ Post-Sentence Guideline Worksheet ☒ Criminal Record Summary
☐ Returned to Probation (violation resolved) ☐ DNA Sample

Evaluation Notice:

- ☐ Psychological (complete separate order) ☐ Sex Offender (complete separate order)

Defense Counsel: ROBYN SARA URI

Phone: 612-348-2433

Email: MuadAbdulkadir@gmail.com;
robvn.uri@hennepin.us

Co-Defendant: _____

Case: _____

Comments:

For reference: [Tiered PPI and PSI Definitions](#) **Court Staff:** This form must be emailed to probation according to the [Probation Referral Scenarios](#) instructions, and imaged into MNCIS. A [Probation Referral Handout Form](#) must also be given to the defendant if the defendant is to report to Probation in person.

Ca

State of Minnesota
Hennepin County

Filed in District Court
State of Minnesota
Feb 28, 2024 11:59 am

District Court
Fourth Judicial District

State of Minnesota
v.
Muad Abdulkadir

Court File Number: **27-CR-23-3459**

SILS ID: 750871
Charge: Aggravated Robbery-1st Degree

PROBATION REFERRAL FORM

Investigation Division of Adult Field Services

Referral Date: **02/28/2024**

Due Date:

Next Hearing: **04/24/2024 1:30 PM**

Referring Judge: **Caligiuri**

Return report to (location or Judge): **Caligiuri**

Custody Status: ☒ Out ☐ In

☐ Pending release (bail or conditions)

☐ Release upon interview completion (bail or conditions)

☐ Interim commitment at: _____

Assessment

☐ Pretrial Bail Evaluation ☐ DWI Assessment ☐ RANT (Risk & Needs Triage) ☐ Mental Health

Requested:

☐ Substance Use (see form [HC6141](#), if in custody) ☐ Financial Assessment/Ability-to-Pay Study (3 weeks)

Felony PSI/PPI:

- ☒ Tier 4 - full PSI (IC = 3 weeks; OC = 6 weeks + 3 days)
☐ Tier 3 - short-form PSI (IC = 2 weeks; OC = 6 weeks + 3 days)
☐ Tier 2 - jail credit/criminal history/conditional release compliance (1 week)
☐ Tier 1 - jail credit/Guideline Worksheet (1 week)
☐ PPI (IC = 3 weeks; OC = 6 weeks + 3 days)

GMD/MISD PSI:

☐ Domestic-Violence PSI (IC = 1 week; OC = 2 weeks)

If PSI ordered, is there a plea negotiation? ☐ No ☒ Yes

Proposed negotiation: PG sole count, 48 months stayed 3 years, 383 days credit (will be more at time of sentencing), remain law abiding, standard probation conditions, PSI, no contact with complaining witnesses, comply with terms of civil commitment. Dismiss 27-CR-23-3460

Felony Only

Possible reduction to GMD? ☐ No ☐ Yes

Considering departure?

Possible sentence as GMD? ☐ No ☐ Yes

☐ No ☐ Durational ☒ Dispositional ☒ Downward ☐ Upward

Other:

☐ Post-Sentence Guideline Worksheet

☐ Criminal Record Summary

☐ Returned to Probation (violation resolved)

☐ DNA Sample

Evaluation Notice:

☐ Psychological (complete separate order)

☐ Sex Offender (complete separate order)

Defense Counsel: ROBYN SARA URI

Phone: 612-348-2433

Email:

MuadAbdulkadir@gmail.com;

robvn.uri@hennepin.us

Co-Defendant: _____

Case: _____

Comments: **Def. is under civil commitment at St. Peter**

For reference: [Tiered PPI and PSI Definitions](#) **Court Staff:** This form must be emailed to probation according to the [Probation Referral Scenarios](#) instructions, and imaged into MNCIS. A [Probation Referral Handout Form](#) must also be given to the defendant if the defendant is to report to Probation in person.

State of Minnesota,

Plaintiff,

SCHEDULING ORDER

v.

MNCIS No. 27-CR-23-3459

Muad Abdulkadir,

Defendant.

IT IS HEREBY ORDERED:

1. A continued omnibus hearing in this matter is set for **February 28, 2024, at 9:30 a.m.**
2. Discovery shall be completed no later than **February 26, 2024**. Any discovery not produced by this date may be subject to suppression at trial. Newly discovered or created documents shall be provided to opposing counsel as they are received.
3. The defense shall file on or before **March 26, 2024**, any motions to suppress evidence based on constitutional grounds (*Rasmussen* motions). The Court will hear all suppression motions at a single hearing; serial motions are not permitted. ***Rasmussen motions will not be heard on the day of trial. Failure to raise such issues by the date prescribed will result in such issues being deemed waived.*** Any testimony in connection with the motions must be presented at the hearing. ***Parties should plan to file briefs before the hearing and/or to make oral arguments, including to legal authority, following any testimony.*** The court will not set a briefing schedule after the hearing absent good reason.
4. Consistent with the deadlines provided in the rules of criminal procedure and, in any case, **by one month before trial**, the parties must file all other motions relating to probable cause, evidentiary issues, discovery, *Spreigl* evidence, relationship evidence, rape shield evidence, constitutional issues, procedural issues, or aggravated sentence. ***Failure to raise these pretrial issues by the date prescribed will result in these issues being deemed waived by the Court.***
5. If the parties agree any of said motions may be decided without a hearing, the responding party shall serve and file any responsive pleadings and inform the Court that the matter(s) may be taken under advisement.
6. Parties shall timely serve and e-file witness lists. Any additional witnesses must be made known to opposing counsel as soon as reasonably possible, together with a brief description of the witness's expected testimony. Such disclosure may be oral, but a supplemental witness list containing the name of the new witness(es) must be served and e-filed before trial.

7. If the parties wish to use a jury questionnaire, the parties shall agree upon and submit a proposed questionnaire to the Court by the **Wednesday prior** to the trial date.

8. Any extensions or other changes will be made only for good cause shown by written motion supported by affidavit. Neither a conflict with other court appearances nor agreement of the parties is, by itself, good cause for extension.

9. When filing documents with the court, all parties shall use e-service or the courtesy copy function of the Minnesota Judicial Branch e-File and Serve system to send copies to the judge of record and her staff (4thJudgeCaligiuriStaff@courts.state.mn.us).

IT IS SO ORDERED.

BY THE COURT:

Dated: January 26, 2024

HILARY LINDELL CALIGIURI
Judge of District Court

MINNESOTA
JUDICIAL
BRANCH

State of Minnesota
Hennepin County
Hennepin Criminal Downtown

District Court
Fourth Judicial District
Court File Number: 27-CR-23-3459
Case Type: Criminal

State of Minnesota,
Plaintiff

vs.

MUAD ABDULKADIR,
Defendant
Date of Birth: January 01, 1994
Gender: Male

Sentencing Date: April 24, 2024

**Order
Warrant of Commitment**

CASE CHARGES

Count	Statute	Description	Disposition
1	609.245.1	Aggravated Robbery-1st Degree Penalty Statute: 609.245.1 - Aggravated Robbery-1st Degree	Convicted

TERMS OF DISPOSITION OR SENTENCE: COUNT 1

Offense Description: Aggravated Robbery-1st Degree
Offense Date: February 11, 2023
Level of Sentence: Felony

SENTENCE DETAILS: COUNT 1

Commit to Commissioner of Corrections

Ordered on April 24, 2024:

- Commit to Commissioner of Corrections at the MN Correctional Facility - St. Cloud for 48 months.
Sentence is stayed for 3 years.

This sentence consists of a minimum term of imprisonment equal to two-thirds of the total executed sentence, and a maximum supervised release term equal to one-third of the total executed sentence, unless the sentence is life or life without the possibility of release.

Local Confinement

Ordered on April 24, 2024:

- Defendant is sentenced to 438 days in the Hennepin County Workhouse - Adult Corrections.
Defendant is to serve 438 days.
Credit for time served amount is 438 days.

Monitoring

Ordered on April 24, 2024:

- Defendant is placed on supervised probation for 3 years, monitored by Hennepin County Community Corrections - Adult Field Services.

Conditions

Ordered on April 24, 2024:

Defendant must comply with the following conditions:

- Follow all State and Federal criminal laws.
- Contact your probation officer as directed. Maintain contact with Probation as directed.
- Tell your probation officer within 72 hours if you have contact with law enforcement.
- Tell your probation officer within 72 hours if you are charged with any new crime.
- Tell your probation officer within 72 hours if you change your address, employment, or telephone number.
- Cooperate with the search of your person, residence, vehicle, workplace, property, and things as directed by your probation officer.
- Sign releases of information as directed.
- Give a DNA sample when directed.
- Do not use or possess firearms, ammunition or explosives
- Remain law-abiding
- Obtain Permission from Agent before leaving the State
- No contact with victim(s)
- Stay a reasonable distance away from victim's residence Stay away from a three-block radius of any such person and where they live, work, or go to school.
- No alcohol/controlled substance use With the exception of prescribed medications.
- Random testing
- Obtain employment
- Follow all instructions of probation
- 1. Continue and complete chemical health treatment and comply with all future recommendations as directed by Probation and/or St. Peter chemical health staff. 2. Continue and complete mental health treatment and comply with all future recommendations as directed by Probation and/or St. Peter mental health staff.
- Restitution reserved

FINES / FEES: COUNT 1

Fines/Fees	Amount	Adjustment	Amount Due	Due Date
Fine	\$ 50.00	\$ 50.00 (Stayed)	\$ 0.00	October 21, 2024
Criminal/Traffic Surcharge	\$ 75.00	\$ 75.00 (Waived)	\$ 0.00	October 21, 2024
Law Library Fees	\$ 3.00		\$ 3.00	October 21, 2024
Public Defender Co-Payment	\$ 75.00	\$ 75.00 (Waived)	\$ 0.00	October 21, 2024
Subtotal	\$ 203.00	\$ 200.00	\$ 3.00	

This Fee information only relates to Count 1. Any Due Date may be affected by a payment plan. \$50.00 is stayed until April 25, 2027.

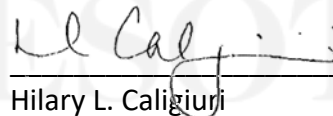
FINANCIAL SUMMARY

Fines/Fees Due: \$ 3.00

The amount due may not reflect all payments and credits, or all restitution owed. Visit <https://mncourts.gov/PayFines> to make a payment or to view updated balances or payment information. Contact court administration with any further questions.

The court may refer the entire amount due on this case for collection if you fail to make any scheduled payment, and collection costs will be added. You have the right to contest a referral for collection based on inability to pay by requesting a hearing no later than the due date. Minn. Stat. § § 480.15, subd. 10c; 609.104.

Date: 04/24/2024



Hilary L. Caligiuri
Judge of District Court