



MINNESOTA

JUDICIAL BRANCH

MINNESOTA COURT RECORDS ONLINE (MCRO)

Case Details (Register of Actions)

Search executed on 04/29/2024 06:17 PM

Upcoming Hearing:
Review Hearing on 09/17/2024 at 1:30 PM

Case Information

Case Number: 27-CR-23-3496
Case Title: State of Minnesota vs ABDULKADIR ELMI EGAL
Case Type: Crim/Traf Mandatory
Date Filed: 02/14/2023
Case Location: Hennepin County, Hennepin Criminal Downtown
Judicial Officer: Caligiuri, Hilary L.
Case Status: Dormant

Related Cases

27-MH-PR-23-378

Party Information

Jurisdiction

State of Minnesota

Attorneys Active

- PEREZ, JACQUELINE - Lead Attorney
- ARNESON, THOMAS STUART
- COLE, JUDITH L

Attorneys Inactive

- ROMAKER, DAVID E

Defendant

EGAL, ABDULKADIR ELMI
DOB: 01/01/1957
Brooklyn Park, MN 55445

Attorneys Active

- COLBERT, JESSICA RYAN - Lead Attorney
- Herlofsky, Susan

Attorneys Inactive

- HODGE, BERNICE BEATRICE

Charges

- 1

Assault-2nd Degree-Dangerous Weapon

Statute: 609.222.1

Additional Statutes: Minimum Fines-Assault, Crim Sex (609.101.2); Assault-2nd Degree-Dangerous Weapon (609.222.1)

Level of Charge: Felony

Offense Date: 02/10/2023

Community Of Offense: Minneapolis

Law Enforcement Agency: Minneapolis Police Department

Interim Conditions

09/26/2023	Interim conditions for EGAL, ABDULKADIR ELMI Judicial Officer: Browne, Michael K • Post Bail or Bond with No Conditions \$25,000.00 • Release with Conditions \$0.00 • Remain law-abiding • Make all future court appearances • No contact with victim(s) • Comply With Geographic Restrictions Imposed • Stay a reasonable distance away from victim's residence • Do not ship/transport/possess or receive firearm or ammo • Do not leave Minnesota without written court approval • No alcohol/controlled substance use • Conditions, other
02/14/2023	Interim conditions for EGAL, ABDULKADIR ELMI Judicial Officer: Lucas, John Expiration Date: 02/15/2023 • Post Bail or Bond with Conditions \$25,000.00 • Stay a reasonable distance away from victim's residence

Case Events

03/19/2024	Notice of Remote Hearing with Instructions Index #25	 2 pages
03/19/2024	Found Incompetent Judicial Officer: Borer, George	
03/19/2024	Waiver of Appearance Index #24	
03/18/2024	Rule 20 Evaluation Report Index #23	
03/18/2024	Rule 20 Report Distributed	
01/11/2024	Order-Evaluation for Competency to Proceed (Rule 20.01) Judicial Officer: Browne, Michael K Index #22	 2 pages
09/26/2023	Order for Conditional Release	

	Judicial Officer: Browne, Michael K Index #21	
09/18/2023	Request for Interpreter Party: Defendant EGAL, ABDULKADIR ELMI Index #20	
09/18/2023	Found Incompetent	
09/18/2023	Waiver of Appearance Index #19	
09/15/2023	Rule 20 Progress Report Index #18	
09/08/2023	Rule 20 Progress Report Index #17	
04/04/2023	Bail to stand as previously ordered	
04/04/2023	Motion Judicial Officer: Dayton Klein, Julia Party: Attorney HODGE, BERNICE BEATRICE Index #16	
04/04/2023	Hearing Held Remote	
03/22/2023	Request for Interpreter Party: Defendant EGAL, ABDULKADIR ELMI Index #15	
03/22/2023	Finding of Incompetency and Order Judicial Officer: Borer, George Index #14	 5 pages
03/21/2023	Interpreter Requested At Hearing Party: Defendant EGAL, ABDULKADIR ELMI	
03/21/2023	Bail to stand as previously ordered	
03/21/2023	Motion Judicial Officer: Borer, George Party: Attorney Herlofsky, Susan Index #13	
03/21/2023	Found Incompetent Judicial Officer: Borer, George	
03/21/2023	Hearing Held Remote	
03/20/2023	Rule 20 Evaluation Report Index #12	

03/20/2023	Rule 20 Report Distributed	
03/01/2023	Demand or Request for Discovery Index #11	 8 pages
02/15/2023	Request for Interpreter Party: Defendant EGAL, ABDULKADIR ELMI Index #10	
02/15/2023	Request for Interpreter Party: Defendant EGAL, ABDULKADIR ELMI Index #9	
02/15/2023	Probable Cause Found	
02/15/2023	Order-Evaluation for Competency to Proceed (Rule 20.01) Judicial Officer: Caligiuri, Hilary L. Index #8	 2 pages
02/15/2023	Statement of Rights Index #5	
02/15/2023	Order Granting Public Defender Judicial Officer: Caligiuri, Hilary L. Index #4	
02/15/2023	Hearing Held In-Person	
02/15/2023	Identity Verified	
02/14/2023	Pretrial Release Evaluation Form Index #3	
02/14/2023	Application for Public Defender Index #2	
02/14/2023	E-filed Comp-Order for Detention Index #1	 Unknown pages

Hearings

Upcoming Hearings

09/17/2024 01:30 PM Review Hearing

Previous Hearings

03/19/2024 01:30 PM Hearing
Judicial Officer: Borer, George
Location: GC-C456

		Cancelled; Other	
09/19/2023	01:30 PM	Review Hearing Judicial Officer: Mercurio, Danielle Location: GC-C556 Cancelled; Waived	
04/04/2023	01:30 PM	Bail Hearing Judicial Officer: Dayton Klein, Julia Location: GC-C559	Result: Held On the Record
03/22/2023	08:30 AM	Pre-trial Judicial Officer: Caligiuri, Hilary L. Location: GC-C1659 Cancelled; Other Date Updated: 02/15/2023 Reset by Court to 03/22/2023 08:30 AM - By agreement Original Hearing Date: 03/22/2023 08:30 AM	
03/21/2023	01:30 PM	Hearing Judicial Officer: Borer, George Location: GC-C456	Result: Held On the Record
02/15/2023	01:30 PM	First Appearance Judicial Officer: Caligiuri, Hilary L. Location: PSF 141	Result: Held On the Record

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT - FELONY DIVISION
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

Abdulkadir Elmi Egal,

Defendant,

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

) **MNCIS No. 27-CR-23-3496**
)
)
)
)

* * *

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:

- 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.

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

OFFICE OF THE HENNEPIN COUNTY PUBLIC DEFENDER

DATED: this 15th day of February, 2023.

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 23A01678
Court File No. 27-CR-23-3496

State of Minnesota,

Plaintiff,

vs.

ABDULKADIR ELMi EGAL DOB: 01/01/1957

3121 PILLSBURY AVE #2108
Minneapolis, MN 55408

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: Assault-2nd Degree-Dangerous Weapon

Minnesota Statute: 609.222.1, with reference to: 609.222.1, 609.101.2

Maximum Sentence: 7 YEARS AND/OR \$4,200-\$14,000

Offense Level: Felony

Offense Date (on or about): 02/10/2023

Control #(ICR#): 23033524

Charge Description: That on or about 2/10/2023, in Minneapolis Hennepin County, Minnesota, Abdulkadir Elmi Egal, assaulted victim J.T.S., while using a dangerous weapon.

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

On or about February 10th, 2023, officers responded to a report of an assault at Karmel Mall, 2910 Pillsbury Avenue South, Minneapolis, Hennepin County, Minnesota.

Officers located victim J.T.S., who was bleeding heavily from the arm. J.T.S. informed officers that he was attempting to escort Defendant ABDULKADIR ELMI EGAL out of the mall. J.T.S. is a security officer, and knows that Defendant is trespassing from the mall. Officers confirmed the trespass notice.

When J.T.S. and other security tried to get Defendant to leave, Defendant pulled out a can of mace and sprayed them in the face. He then began slashing at the guards with a folding knife. J.T.S. was transported to the hospital.

Officers reviewed surveillance footage, which confirmed J.T.S.'s account.

MINNESOTA
JUDICIAL
BRANCH

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

Seth Porras
Officer
350 S 5th St
Minneapolis, MN 55415-1389
Badge: 5789

Electronically Signed:
02/14/2023 10:43 AM
Hennepin County, porrasx0

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

Prosecuting Attorney

Elizabeth Scoggin
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
02/14/2023 09:28 AM

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: \$25,000.00

Conditions of Release: No Contact with Address

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 10:54 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.

Abdulkadir Elmi Egal

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-23-3496
DEFENDANT FACT SHEET

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

Name: Abdulkadir Elmi Egal
DOB: 01/01/1957
Address: 3121 PILLSBURY AVE #2108
Minneapolis, MN 55408

Alias Names/DOB:

SID: MN23E08006

Height:

Weight:

Eye Color:

Hair Color:

Gender:

MALE

Race:

Fingerprints Required per Statute: Yes

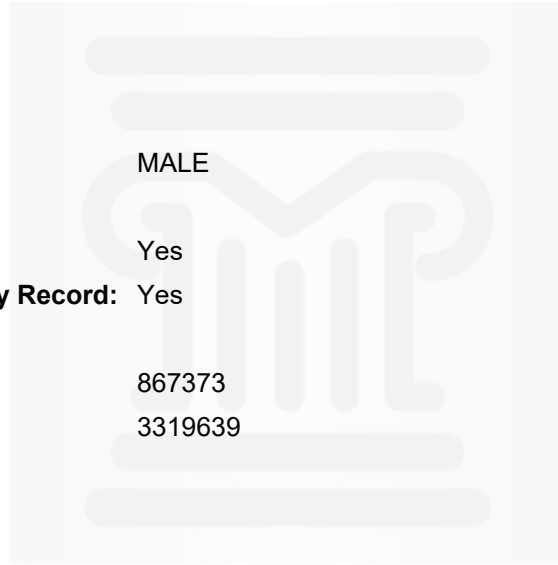
Fingerprint match to Criminal History Record: Yes

Driver's License #:

SILS Person ID #: 867373

SILS Tracking No. 3319639

Alcohol Concentration:



MINNESOTA
JUDICIAL
BRANCH

27-CR-23-3496
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	2/10/2023	609.222.1 Assault-2nd Degree-Dangerous Weapon	Felony	A2233		MN0271100	23033524
	Definition	2/10/2023	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	A2233		MN0271100	23033524
	Penalty	2/10/2023	609.222.1 Assault-2nd Degree-Dangerous Weapon	Felony	A2233		MN0271100	23033524



MINNESOTA
 JUDICIAL
 BRANCH

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
CRIMINAL DIVISION

State of Minnesota,

Court File No. 27-CR-23-3496;
27-CR-23-1557

Plaintiff,

vs.

Abdulkadir Elmi Egal,

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. Megan Griffin, Minneapolis City Attorney, represented the plaintiff in 27-CR-23-1557 and agreed to have the findings applied to that case. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender. Also present was Sahil Kahin, Somali language interpreter.

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

FINDINGS OF FACT

1. Defendant (date of birth 01/01/1957), was charged in MNCIS file 27-CR-23-3496 with 2nd Degree Assault (Felony) arising from an incident alleged to have occurred on February 10, 2023. On February 15, 2023, Judge Caligiuri found probable cause to believe that the offense(s) was committed and that Defendant committed it.
2. Defendant was charged in MNCIS file 27-CR-23-1557 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on January 19, 2023.
3. On February 15, 2023, Judge 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.
4. Dr. Dawn M. Peuschold, Ph.D., ABPP, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

5. Dr. Dawn M. Peuschold, Ph.D., ABPP, 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. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

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.

David Romaker, Assistant Hennepin County Attorney – Criminal Division;

Bernice Hodge, Assistant Hennepin County Public Defender

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. Bernice Hodge, Assistant Hennepin County Public Defender;

- c. David Romaker, Assistant Hennepin County Attorney – Criminal Division;
- 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

Court File Number: 27-CR-23-3496

Case Type: Crim/Traf Mandatory

Notice of Remote Zoom Hearing

**ABDULKADIR ELMI EGAL
7829 HAMPSHIRE CIR N
BROOKLYN PARK MN 55445**

State of Minnesota vs ABDULKADIR ELMI EGAL

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 17, 2024
Review 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: March 19, 2024

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

cc:

Filed in District Court
State of Minnesota

FFR 15 2023

State of Minnesota

District Court

Hennepin County

Fourth Judicial District

State of Minnesota,
Plaintiff,

v.

ABDULKADIR ELMi EGAL,
Defendant.

Order to Fourth Judicial District Court
Psychological Services
27-CR-23-3496

Defendant Information	
☐ Out of Custody	☒ In Custody – at Facility: _____
Date of Birth: 01/01/1957 Phone: Home: 952-426-1629, Cell: 952-254-9512 Email: _____ Current Address: 3121 PILLSBURY AVE #2108 Minneapolis MN 55408 ☐ 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: BERNICE BEATRICE HODGE
Prosecuting Attorney: DAVID E ROMAKER

Phone: 612. 596. 1798
Phone:
Phone:

3. The hearing for the return of the psychological evaluation will be held on at .

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 15, 2023



Hillary Caliguri
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

District Court

Hennepin County

Fourth Judicial District

State of Minnesota,
Plaintiff,

v.

ABDULKADIR ELMI EGAL,
Defendant.

Order to Fourth Judicial District Court
Psychological Services
27-CR-23-3496

Defendant Information	
☒ Out of Custody ☐ In Custody – at Facility: _____	
Date of Birth: 01/01/1957	SILS Identifier: 867373
Phone: Home: 952-426-1629, Cell: 952-254-9512	
Email:	
Current Address: Angel Care Homes 7829 Hampshire Cir N Brooklyn Park MN 55445	
☐ 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 (psychosexual) 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: JESSICA RYAN COLBERT
Prosecuting Attorney: JACQUELINE PEREZ

Phone: 612-348-8317
Phone:
Phone:

3. The hearing for the return of the psychological evaluation will be held on **March 19, 2024 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: January 11, 2024


Browne, Michael
Jan 11 2024 3:31 PM

Michael K. Browne
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.