

DISTRICT COURT – FELONY DIVISION

FOURTH JUDICIAL DISTRICT

Defendant.

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

MNCIS No. 27-CR-21-8067

\* \* \*

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

**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN**

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Lucas Patrick Kraskey,

Defendant.

Court File No. 27-CR-21-6904, 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-22-21679, 27-CR-22-24045, 27-CR-23-385, 27-CR-23-5751, 27-CR-23-6188

**FINDINGS OF FACT,**  
**CONCLUSIONS OF LAW**  
**AND ORDER REGARDING**  
**COMPETENCY**

This matter came before the undersigned Referee/Judge of District Court on May 2, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney and Megan Griffin, Attorney with the City of Minneapolis, represented the plaintiffs. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor - GMD) and Public Urination (Misdemeanor – MSD) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged

to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (GMD) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; in MNCIS file 27-CR-22-21679 with Trespassing (MSD) arising from an incident alleged to have occurred on October 18, 2022; in MNCIS file 27-CR-22-24045 with Trespass (MSD) arising from an incident alleged to have occurred on December 1, 2022; in MNCIS file 27-CR-23-385 with Trespass (MSD) arising from an incident alleged to have occurred on November 24, 2022; in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023; and in MNCIS file 27-CR-23-6188.

2. On March 28, 2023, Judge Dayton Klein 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. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

Dr. Kristen A. Otte, Psy.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. 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.

Tom Arneson, Assistant Hennepin County Attorney – Criminal Division; and

**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN**

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Lucas Patrick Kraskey,

Defendant.

Court File No. 27-CR-21-6904, 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-23-5751

**FINDINGS OF FACT,**  
**CONCLUSIONS OF LAW**  
**AND ORDER REGARDING**  
**COMPETENCY**

This matter came before the undersigned Judge of District Court on October 31, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Megan Griffin, Assistant Minneapolis City Attorney, also represented the plaintiff. Defendant was represented by Andrew J. Reiland, II, Assistant Hennepin County Public Defender. Prior to the time of the hearing, the parties agreed to the Court handling this matter administratively, without the need for appearances.

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

**FINDINGS OF FACT**

1. Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February

# STATE OF MINNESOTA - FOURTH JUDICIAL DISTRICT

## NO BAIL REQUIRED (NBR) SIGN AND RELEASE WARRANT FORM

Arresting Agency: Ramsey Co Badge #: 961 Date/Time Released: 11/8/21 2015

### SUBJECT INFORMATION

|                                                                                |            |                                                                  |                    |                         |           |
|--------------------------------------------------------------------------------|------------|------------------------------------------------------------------|--------------------|-------------------------|-----------|
| Last Name:<br>Kraskey                                                          |            | First Name:<br>Lucas                                             |                    | Middle Name:<br>Patrick | Suffix:   |
| CURRENT Address:                                                               |            |                                                                  | City:              | State:                  | Zip Code: |
| DOB:<br>06/01/1984                                                             | Race:      | Gender:<br>M <input type="checkbox"/> F <input type="checkbox"/> | Driver's License # |                         | State:    |
| Phone-Home                                                                     | Phone-Cell | Phone-Work                                                       | Email address:     |                         |           |
| Interpreter Needed<br>Yes <input type="checkbox"/> No <input type="checkbox"/> | Language:  |                                                                  | AKA:               |                         |           |

|                                                   |                            |                                                               |
|---------------------------------------------------|----------------------------|---------------------------------------------------------------|
| Warrant Number:<br>21426629 and 214266230         | Issued Date:<br>10/27/2021 | Charges on Warrant:<br>1 <sup>st</sup> Deg Damage to Property |
| Warrant Number:<br>21426631 / 21426632 / 21426633 | Issued Date:<br>10/27/2021 | Charges on Warrant:<br>1 <sup>st</sup> Deg Damage to Property |
| Warrant Number:<br>21426634 / 21426578            | Issued Date:<br>10/27/2021 | Charges on Warrant:<br>3 <sup>rd</sup> Deg Damage to Property |
| Warrant Number:<br>21426581                       | Issued Date:<br>10/27/2021 | Charges on Warrant:<br>4 <sup>th</sup> Deg Damage to Property |

### COURT APPEARANCE

☒ YOU ARE REQUIRED TO APPEAR IN COURT: VIA ZOOM – see below for instructions

Court File Number: 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-21-6904, 27-CR-20-10154

☐ Division One:  
Public Safety Facility (Jail)  
401 Fourth Avenue South  
Minneapolis, MN 55415  
(ENTRANCE ON 5<sup>TH</sup> ST & 4<sup>TH</sup> AVE)

☐ Division Two:  
Brookdale  
6125 Shingle Creek  
Parkway, Suite 200  
Brooklyn Center, MN  
55430

☐ Division Three Ridgedale  
12601 Ridgedale Drive  
Suite 300  
Minnetonka, MN 55305

☒ All Court Hearings via Zoom:  
Must Call 612-348-2040  
Up To One Week Prior For Info  
And Instructions

Filed in District Court  
State of Minnesota

NOV 09 2021

Court Date: 12/08/2021

Court Hearing Time: 1:30 pm

Note: By placing my signature below, I hereby acknowledge that I have been advised by the Officer, of my rights to be brought before a Judge promptly for the above charge(s); That I have waived any delay in that right and agreed to pay a fine, if eligible, or to appear as scheduled above; That if I fail to appear as scheduled a Bench Warrant will be issued for my arrest and any Bail-Bond posted or future consideration for release on my own recognizance will be forfeited. I have received a copy of this form as my Release Receipt.

Subject Signature:

*Lucas Patrick Kraskey*

Officer Signature:

*57 961*

8/1/2017

No. 6642 P. 1

Nov. 8. 2021 9:00PM

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: August 18, 2023

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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.