STATE OF MINNESOTA
IN COURT OF APPEALS
A09-625

State of Minnesota,
Respondent,

vs.

Jeffrey John Jelinski,
Appellant.

Filed January 12, 2010
Affirmed
Connolly, Judge

Morrison County District Court
File No. 49-CR-08-2913

Lori Swanson, Attorney General, 445 Minnesota Street, Suite 1800, St. Paul, MN 55101; and

Brian Middendorf, Morrison County Attorney, Todd E. Chantry, Assistant County Attorney, Morrison County Government Center, 213 First Avenue Southeast, Little Falls, MN 56345 (for respondent)

Mark D. Nyvold, Special Assistant State Public Defender, 332 Minnesota Street, Suite W-1610, St. Paul, MN 55101 (for appellant)

Considered and decided by Worke, Presiding Judge; Shumaker, Judge; and Connolly, Judge.

U N P U B L I S H E D O P I N I O N

CONNOLLY, Judge

Appellant challenges the district court's decision finding him incompetent to stand trial pursuant to Minn. R. Crim. P. 20.01. Because the district court gave proper weight to the evidence and its finding is adequately supported by the record, we affirm.

FACTS

Appellant Jeffrey John Jelinski was charged with one count of third-degree burglary in violation of Minn. Stat. § 609.582, subd. 3 (2008), and one count of financial-transaction-card fraud under Minn. Stat. § 609.821, subds. 2(1), 3(a)(1)(v) (2008), for conduct occurring in November 2008. The state alleges that at 2:25 a.m. on November 21, 2008, appellant made a call from the telephone located in the basement of the Sacred Heart Parish Church, which is located across the street from appellant's home in Flensburg. Appellant was not authorized to be in the locked church, whose telephone he used to order flowers from a company in California. He purchased the flowers with his mother's credit card without her permission and sent them to his sister and sister-in-law.

At an omnibus hearing on January 20, 2009, the prosecutor and defense counsel jointly requested an evaluation pursuant to Minnesota Rule of Criminal Procedure 20.01 to assess appellant's competency to stand trial. Appellant stated that he objected and wished to proceed to trial.

Following the hearing, the district court ordered a rule 20.01 evaluation. State forensic psychologist Gregory A. Hanson, Ph.D., L.P., based his rule 20.01 report on

information gathered from his February 13, 2009 interview with appellant, which lasted approximately two hours; a discussion with appellant's defense attorney; a discussion with Sergeant Dale Schraut of the Morrison County Jail; and various documents, including the complaint, investigative documents, previous medical evaluations, and handwritten letters from appellant to the attorney general. Dr. Hanson opined that appellant was mentally ill and unable to rationally consult with his attorney, understand the proceedings, or participate in his defense.

Based on Dr. Hanson's evaluation, the district court issued an order finding appellant incompetent to stand trial. The district court ordered suspension of criminal proceedings and commencement of civil-commitment proceedings. This appeal follows.

D E C I S I O N

A criminal defendant is incompetent to stand trial if he: "(1) lacks sufficient ability to consult with a reasonable degree of rational understanding with defense counsel; or (2) is mentally ill or mentally deficient so as to be incapable of understanding the proceedings or participating in the defense." Minn. R. Crim. P. 20.01, subd. 1. "We independently review the record to determine if the district court gave proper weight to the evidence produced and if its finding of competency is adequately supported by the record." *State v. Ganpat*, 732 N.W.2d 232, 238 (Minn. 2007) (quotations omitted). A defendant is competent if "the greater weight of the evidence" shows that he is competent. Minn. R. Crim. P. 20.01, subd. 3(6).

Dr. Hanson opined that appellant was incompetent to stand trial because his mental illness prevented him from rationally consulting with his attorney, participating in

his defense, or understanding the proceedings. Dr. Hanson diagnosed appellant as suffering from paranoid schizophrenia and paranoid delusional disorder, indicating that paranoid delusional disorder is a somewhat better description because appellant does not have a history of auditory hallucinations. He stated that appellant "demonstrates features of an acute, psychotic, major mental illness." Specifically, appellant believes that he is the victim of a conspiracy that involves perpetrators who contacted him by placing a "digitized" number on his telephone's caller ID. He believes that they communicate in code, which is why he included a series of numbers in the letters he wrote to the attorney general. For example, appellant wrote in one letter: "I will conclude with saying straight and simple I'm for 886 or 226 or 20 and that will always be my position."

Appellant argues that the greater weight of the evidence shows that he was competent to stand trial, arguing that (1) he was able to communicate effectively with his lawyer, and (2) he understands judicial proceedings. On the first point, appellant's argument relies on the fact that defense counsel did not expressly state that "he had a problem consulting with" appellant. Appellant attempts to buttress this claim with the fact that he described his attorney to Dr. Hanson as "a pretty good guy." However, appellant concedes that he disagreed with his attorney's legal strategy.[1] Moreover, the record reflects that the disagreement was fundamentally caused by appellant's mental illness and went far beyond the course of an ordinary disagreement.

[1] Defense counsel did not believe that appellant's conspiracy theory would persuade a jury to acquit him and consequently refused to present this defense.

On the second point, Dr. Hanson specifically recognized that appellant is conversant with basic legal process and terminology. However, he noted that appellant could maintain only a superficial appearance of logic, explaining how the loose inferences that appellant made from disconnected details were consistent with his delusional disorder.

No evidence in the record contradicts Dr. Hanson's report, which the district court expressly relied on in finding that appellant was mentally ill and incapable of understanding the proceedings against him or participating in his defense. No evidence shows that appellant could rationally consult with defense counsel or participate in his defense, and a common-sense reading of the record indicates that he could not. Because Dr. Hanson's report is thorough, clear, and persuasive, and because no evidence in the record contradicts Dr. Hanson's conclusions or the district court's findings, we conclude that the district court gave proper weight to the evidence and that its finding of appellant's incompetency to stand trial is adequately supported by the record.

Affirmed.