

STATE OF MINNESOTA
COUNTY OF WINONA

DISTRICT COURT
THIRD JUDICIAL DISTRICT

In the Matter of the Civil Commitment of:

David Austin Russell,

ORDER FOR APPREHENSION AND RETURN

Respondent.

Court File No. 85-PR-24-46

This matter comes before the Court on the court report dated April 17, 2024 of Amy Engel, Winona County Health and Human Services, setting forth the specific facts supporting the revocation of the provisional discharge of Respondent David Austin Russell.

The Court, being duly advised, now makes the following:

FINDINGS OF FACT

1. At a hearing on January 22, 2024, and in a written order issued on January 23, 2024, Winona County District Court committed Respondent as a person who poses a risk of harm due to a mental illness to the custody of Prairie St. John's and the Commissioner of the Minnesota Department of Human Services for a period not to exceed 6 months.
2. Respondent was provisionally discharged from Prairie St. John's on April 3, 2024.
3. Respondent signed a provisional discharge agreement. The conditions of the agreement include maintaining safety and wellbeing and not engaging in reckless or dangerous life threatening behaviors.
4. On April 17, 2024 Respondent was provided with notice of a notice of intent to revoke provisional discharge at St. Mary's Hospital – Rochester.
5. Winona County filed a court report dated March 17, 2024, authored by Respondent's case manager Amy Engel describing the grounds for the revocation of Respondent's provisional discharge.

6. Respondent was trespassed from three Winona businesses due to behaviors including making statements about being trafficked and tortured.
7. On April 16, 2024, Respondent was aggravated in conversations with Winona Volunteer Services. Respondent made a comment about preferring to “self-terminate” rather than take the bicycle offered to him. Respondent stated that was going to “off himself in Winona Square.”
8. Later on April 16, 2024, law enforcement received a check welfare request on Respondent. Respondent stated that he would “self-terminate himself” if he did not receive assistance. Respondent reported that he would buy Tannerite to kill himself. Tannerite is a brand of binary explosive targets.
9. Also on April 16, law enforcement and human services spoke with Respondent at his mother’s home. Respondent was unwilling to accept any offered assistance and had an elevated mood. Respondent made statements about torture and telepathic conversations. Respondent was unwilling to seek treatment at a hospital on a voluntary basis.
10. Respondent was transported to St. Mary’s Hospital – Rochester.

CONCLUSIONS OF LAW

1. Under Minn. Stat. § 253B.15 subd. 5, the Court may order a patient returned to a facility or program upon finding that immediate return is necessary because there is a serious likelihood that the safety of the patient or others will be jeopardized.
2. There is a serious likelihood that the safety of Respondent or others will be jeopardized if Respondent is not returned to and held at an appropriate and available facility. This is supported by the findings of fact made in this Order as well as the facts and circumstances described in the April 17, 2024 court report of Amy Engel.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent David Austin Russel shall be held at St. Mary's Hospital - Rochester or other appropriate hospital or treatment facility. Respondent shall be held at St. Mary's or other appropriate facility pending further court order or transfer to an appropriate facility designated by the Commissioner of the Minnesota Department of Human Services.
2. The Winona County Sheriff's Office shall provide transportation as necessary in this matter.

BY THE COURT:

04/17/2024 03:04:00 PM



District Court Judge