

STATE OF MINNESOTA
COUNTY OF WINONA

DISTRICT COURT
THIRD JUDICIAL DISTRICT

In the Matter of the Civil Commitment of:

David Austin Russell,

Respondent.

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

Court File No. 85-PR-24-46

The above-entitled action came before District Court Judge Carmaine Sturino on August 19, 2024, for a hearing on a request to extend the commitment of Respondent as a person who poses a risk of harm due to a mental illness. Respondent David Austin Russell appeared at the hearing. Attorney David Jones appeared on behalf of Respondent. Assistant Winona County Attorney Paul R. Ellison appeared on behalf of the petitioner. Various other individuals and observers were also present, with the permission of the respondent. The hearing was conducted by Zoom.

The Court, being duly advised in the premises and upon the evidence adduced at the hearing, and all the files, records and proceedings held herein, now finds, by clear and convincing evidence, the following:

FINDINGS OF FACT

1. At a hearing on January 22, 2024, and in a written order dated 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 Commissioner of the Minnesota Department of Human Services for a period of up to 6 months.
2. On January 23, 2024, Winona County District Court issued an Order Authorizing Treatment with Neuroleptic Medications (Jarvis).

3. On April 17, 2024, Winona County District Court issued an order revoking Respondent's provisional discharge.
4. On May 8, 2024, Winona County District Court issued an Order Authorizing Treatment with Electroconvulsive Therapy (Price-Sheppard), when it was determined that neuroleptics alone would not be sufficient to treat the respondent.
5. On June 25, 2024, Winona County District Court issued an amended neuroleptic medication order, authorizing an addition to the approved medications.
6. On July 15, 2024, Winona County filed a request to extend Respondent's commitment.
7. Due to delays, including the need for an examiner, as requested by the respondent's attorney, this matter came on for hearing on August 19, 2024.
8. The Court admitted the following documents as exhibits without objection:
 - a. Exhibit 1: Commitment extension request filed July 15, 2024.
 - b. Exhibit 2: Report of court examiner Dr. George Komaridis.
9. Respondent read a statement to the Court. Respondent would prefer to not be on commitment, but chose not to contest the extension of the current civil commitment. Respondent indicated a plan to remain at his current IRTS placement.
10. Respondent continues to have a substantial psychiatric disorder of thought, mood, perception, orientation or memory. Specifically, medical professionals have diagnosed Respondent with Schizophrenia. Respondent has continued to exhibit symptoms of his mental illness, including paranoia.
11. Involuntary commitment is necessary for the protection of Respondent or others. Respondent has a history of decompensation and not following his medication regimen. Respondent has difficulty regulating his emotions, particularly when he comes into conflict with others.

Respondent's improvements in his condition have occurred only recently. Respondent has not demonstrated stability of a more significant length.

12. Respondent's improvements are directly related to the ECT treatments he has received as well as the prescribed neuroleptic medications.

13. Respondent is likely to attempt to harm himself or others if the commitment is not continued. Respondent has volatile and reactive behaviors to situations he perceives as threatening and in situations that upset him. At the time of the initial commitment, Respondent screamed at staff members and broke a television. Respondent made threats to harm himself and others. There is also the danger of how others may react to Respondent's behaviors and what a situation may devolve into.

14. Respondent is likely to fail to provide for his own needs if the commitment is not continued. Respondent has a significant history of not following treatment recommendations. Both a *Jarvis* order and an ECT order have been necessary in this case. Respondent is likely to fail to obtain necessary medical care unless commitment is continued. Respondent is under guardianship. However, Respondent has reported being mistrustful of his guardian. Respondent has reported opposition to other personnel in Winona County. The Court has significant concerns about Respondent's willingness to work with individuals to meet his basic needs upon discharge from his current placement.

15. The court has considered, and the court finds that there are no less restrictive alternatives to involuntary commitment that are appropriate currently. Respondent did not contest the continuation of the commitment. Respondent has made progress, but much of the progress has been recent. Respondent has a long history of decompensation and returns to a hospital level of care when in a community setting.

16. As has been included in previous orders, efforts should be made to help Respondent establish a working relationship with a therapist or other provider for talk therapy.
17. Respondent made an oral request for a new court appointed attorney. The Court denied that request on the record as without merit.
18. The court examiner's report, having been received into evidence, supports the continuation of the commitment for a period of six months, finding that involuntary commitment continuation is necessary and that no less restrictive measures are appropriate. The report from Dr. Komaridis is credible and persuasive.
19. This Order incorporates any findings of fact and conclusions of law made by the Court on the record at the August 19, 2024 hearing.

CONCLUSIONS OF LAW

1. Respondent continues to be a person who poses a risk of harm due to a mental illness within the meaning of Minn. Stat. § 253B.02, Subd. 17a.
2. Pursuant to the standard in Minn. Stat. § 253B.12, Subd. 4, the Court concludes it is necessary to continue to commitment of Respondent.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The commitment of Respondent David Austin Russell as a person who poses a risk of harm due to a mental illness to the custody of Prairie St. John's and to the Commissioner of the Minnesota Department of Human Services is **extended for a period not to exceed six (6) months.**
2. The terms of the January 23, 2024, and June 25, 2024, orders authorizing treatment with neuroleptic medications remain valid and in effect.
3. The terms of the May 8, 2024, order authorizing the use of electroconvulsive therapy remain valid and in effect.

4. Respondent shall comply with the terms of any provisional discharge he is on or any future provisional discharge he is placed on.
5. The Rights of Patients, codified at Minn. Stat. 253B.03, are incorporated herein by reference.
6. The Winona County Sheriff's Office shall provide transportation for Respondent to and from hearings, and any other transportation needed in this action.

BY THE COURT

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Carmaine Sturino
District Court Judge