

STATE OF MINNESOTA
COUNTY OF WINONA

DISTRICT COURT
THIRD JUDICIAL DISTRICT

In Re: Guardianship and/or Conservatorship
of David Austin Russell,
Respondent

Court File No. 85-PR-19-1081

**Order Denying Petition to
Terminate Guardianship and
Conservatorship**

This matter came on for hearing before the district court via Zoom on February 14, 2024, on Respondent's petition to terminate the guardianship and conservatorship. Respondent was present with his court-appointed attorney, David Jones. Petitioner Winona County Community Services was represented by Assistant County Attorney Paul Ellison. The professional guardian and conservator, Catholic Charities of Winona, was represented by Brittany Dannelly.

The Court heard argument of counsel and the testimony of Respondent.

The matter, having been considered by the Court, and the Court being duly advised in the premises now makes the following.

Findings of Fact:

1. On July 15, 2022, the Court issued an Order granting full guardianship and conservatorship, with Catholic Charities of Winona County being appointed guardian and conservator.
2. On October 24, 2023, Respondent filed his Petition for Termination of Guardianship and Conservatorship and Discharge of Guardian and Conservator.
3. The Court took judicial notice of the prior proceedings in this file. The Court also took judicial notice of the January 23, 2024, commitment and Jarvis orders in Winona County File No. 85-PR-24-46.

4. More restrictive measures were ordered in the commitment file and no evidence was presented to refute the prior findings in this matter that Respondent was incapacitated.
5. The Court finds that Respondent continues to be an incapacitated person and unable to provide for his own care and that he needs a conservator to manage his property.
6. Brittany Dannelly, representing the current guardian and conservator, indicated that Catholic Charities of Winona County was willing to continue as guardian and conservator in this matter.

Order:

1. The Respondent's request to terminate the guardianship and conservatorship and to discharge the guardian and conservator is **DENIED**.



Sturino, Carmaine
Feb 14 2024 12:05 PM

Carmaine Sturino
Judge of District Court

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JUDICIAL
BRANCH