

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARVIN BAKER,

Defendant.

ORDER

05-CR-61-S

At the request of defendant Marvin Baker's attorney, this court held an ex parte hearing on October 28, 2005 to address Baker's recent and ongoing refusal to meet with or talk to his attorney. This has prevented counsel from following through on a defense competency examination.

At the hearing, although Baker refused to speak to or make eye contact with the court, he was capable of understanding and complying with the marshals' directives. The September 14, 2005 competency examination from FMC-Springfield concludes that Baker suffers from no mental disease or defect and that there are indications that he is malingering. Therefore, I assume that right now, Baker is just sulking. This is not going to get him out of trial on January 17, 2005.

Nonetheless, to rule out the possibility that Baker's behavior is something other than a conscious choice, I have directed Pretrial Services to arrange a prompt local psychological examination of Baker, and to ask the jail for a report of Baker's behavior since his return

from Springfield. The new examiner may review the existing competency and insanity examinations, plus any other documents in the file (including other sealed documents so long as the examiner maintains their confidentiality). Once the examiner has reported, I will hold a telephonic status conference with both attorneys to determine what happens next.

The November 9, 2005 competency hearing is postponed and will be rescheduled. All other dates remain in place.

Entered this 28th day of October, 2005.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge