

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

MARVIN BAKER,

05-CR-61-S

Defendant.

On November 30, 2005, Federal Defender Michael Lieberman submitted a letter reporting that his client, defendant Marvin Baker, continues to refuse to meet with him. This has prevented Attorney Lieberman from asking Baker whether he is willing to take any antidepressant medication that might be prescribed for Baker by the jail psychiatrist.

Because the court has not yet determined whether Baker is incompetent, it is too early to determine, pursuant to *Sell v. United States*, 539 U.S. 166 (2003), whether to administer antidepressants to Baker against his will. But in the event a *Sell* determination must be made, the most efficient way to obtain the necessary information is for the parties to pose the *Sell* questions to Dr. Moran at part one of Baker's competency hearing and if necessary, to Dr. Pietz at part two of the hearing. Counsel should plan accordingly.

Entered this 30th day of November, 2005.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge