

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH CROTTY,

Defendant.

ORDER

11-cr-106-wmc

Counsel for defendant Joseph Crotty has moved for a determination of defendant's legal competency along with an opinion whether defendant was legally insane at the time of the charged offenses. Counsel also asks that defendant be evaluated locally rather than sent to a federal BOP facility, for reasons stated. *See* dkt. 10, under seal. Based on counsel's proffer, there is reasonable cause to believe that defendant may be incompetent.

Therefore, pursuant to 18 U.S.C. §§ 4241(b), 4242(a), 4247(b) and 4247(c), it is ORDERED that:

1. Defendant Joseph Crotty shall undergo a psychiatric or psychological examination conducted by a licensed or certified psychiatrist or psychologist, such examination to be conducted by a qualified examiner within Dane County Wisconsin and completed with a written report filed not later than November 17, 2011.

2. The examiner(s) shall prepare a psychiatric or psychological report which shall be filed with this court, with copies provided to defendant's attorney and the Assistant U.S. Attorney in this case. The report shall include:

- (1) Defendant's history and present symptoms;
- (2) A description of the psychiatric, psychological, and medical tests that were employed and their results;
- (3) The examiner's findings;
- (4) The examiner's opinions as to diagnosis, prognosis, and

A) the examiner's opinion whether defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense; and

B) Whether the defendant was insane at the time of the offense charged.

3. To assist in the examination and report, pretrial services shall obtain from the following persons the following documents, which pretrial services shall send forthwith to the designated institution, along with a copy of the pretrial services report:

- (1) Clerk of Court: all documents, including any sealed documents, filed in this case;
- (2) U.S. Attorney: all Rule 16 discovery and any other documents that might assist the examiners in their evaluation; and
- (3) Defense counsel: any other documents that might assist the examiners in their evaluation, including any previous mental health evaluations, findings, diagnoses and treatment.

4. After receiving the examiner's report this court shall hold a hearing pursuant to §4247(d) to determine whether defendant is competent to stand trial in this case. Further scheduling will take place thereafter as necessary.

5. Time from September 30, 2011 until the court's final determination of defendant's competency is excluded from computation under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(1)(A) and (F).

Entered this 3rd day of October 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge