

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

MARVIN BAKER,

Defendant.

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ORDER

05-CR-061-S

On November 23, 2005, this court held a telephonic status conference. Defendant Marvin Baker did not participate personally but was represented by his attorney, Michael Lieberman. The government was represented by Assistant United States Attorney Peter Jarosz.

The hearing was called to determine what needs to happen next regarding Baker's competency in light of Dr. Moran's recent report indicating that Baker might be suffering from depression that would benefit from the administration of medication. Questions that need to be answered include whether this perceived depression renders Baker currently incompetent; whether in fact Baker's self-report of a suicide attempt and hospitalization at Mendota Mental Health Institute are true and can be corroborated with written records; whether Baker is competent to stand trial; whether Baker is competent to decide whether to represent himself rather than accept continued assistance from counsel; and what procedures are needed to answer these questions. Here's where we landed:

I have set a competency hearing for December 8, 2005, at 2:30 p.m., subject to the telephonic availability of the two examining psychologists. Pretrial services shall determine the witnesses' availability and report back to the court. Pretrial services also shall arrange through the appropriate channels for anti-depressant medication to be prescribed for Baker and administered at the jail.<sup>1</sup> Attorney Lieberman will be attempting to obtain a records release from Baker; regardless, the court is prepared to order the jail and the Mendota Mental Health Institute to provide any records they have regarding Baker's report of hospitalization following a suicide attempt.

At least for now, the trial date remains January 17, 2006. If the date becomes untenable as competency, attorney appointment and trial preparation issues are resolved, we will revisit the schedule.

Entered this 25th day of November, 2005.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge

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<sup>1</sup>We are talking about voluntary administration. If Baker refuses to take the prescribed medicine, then the court must determine whether to order involuntary administration of the medicine; that, however, is a problem for another day.