

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JARED G. MOLNER,

Defendant.

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ORDER

06-CR-02-C-01

On May 18, 2007, this court held a recorded telephonic status conference. Defendant Jared Molner did not participate personally, but was represented by his attorney, Joseph Sommers. The government was represented by Assistant United States Attorney Grant Johnson.

The purpose of the hearing was to discuss the April 18, 2007 Forensic Evaluation for Molner prepared by FMC-Butner (dkt. 32, sealed) and the April 27, 2007 cover letter from Warden A. F. Beeler. In light of this forensic report, along with the May 17, 2006 forensic report from MCC-Chicago and the October 13, 2006 forensic evaluation from FMC-Butner, both attorneys agreed that no hearing was necessary for the court to find that Molner is not competent and that there is no substantial probability in the foreseeable future that Molner will attain the capacity to permit this prosecution to go forward.

Both attorneys agreed that upon the court making these findings, the applicable statutes required a determination of Molner's dangerousness under 18 U.S.C. § 4246(a); both attorneys further agreed that FMC-Butner is the logical facility to make this determination based on

Butner's almost-uninterrupted examination and observation of Molner since his arrival there on June 28, 2006.

FINDINGS AND ORDER

Therefore, having considered all previously-filed documents, hearings, conferences and other proceedings in this case, this court FINDS AND CONCLUDES that:

1) Defendant Jared Molner suffers from a mental disease or defect rendering him mentally incompetent; and

2) There is no substantial probability in the foreseeable future that Molner will attain the capacity to permit this prosecution to go forward.

3) Based on this findings and conclusions, it is ORDERED that Warden A. F. Beeler is authorized and directed to begin appropriate proceedings under 18 U.S.C. § 4246.<sup>1</sup>

Entered this 18<sup>th</sup> day of May, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge

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<sup>1</sup> In the past, this court has dealt with FMC-Rochester and its procedures for Section 4246 determinations; it would be helpful to this court and the attorneys in this case if a representative from FMC-Butner could advise us how FMC-Butner handles Section 4246 proceedings.