

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

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UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

06-CR-70-C

VELERY BROWN,

Defendant.

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On June 16, 2006, counsel for defendant Velery Brown filed a motion to determine Brown's competency.<sup>1</sup> *See* dkt. 10. At a June 19, 2006 unrecorded telephonic conference with counsel for both sides, Brown's attorney also reported that he might be raising an insanity defense in this case. The government does not oppose an examination. Based on counsel's competency proffer in his motion, I found reasonable cause to believe that defendant Velery Brown currently may be suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense. I also have concluded that it would be quicker and more efficient to order a local evaluation rather than wait for the U.S. Bureau of Prisons to designate an examining institution and arrange transportation.

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<sup>1</sup> Counsel has advised that he did not mean to request an inpatient examination.

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

1. Defendant Velery Brown shall undergo a psychiatric or psychological examination conducted by a licensed or certified psychiatrist or psychologist. The Pretrial Services Office shall arrange this examination, which shall be conducted locally and must be completed and filed with the court within 45 days, namely by August 3, 2006. This deadline may be extended up to 30 days if the examiner shows good cause that additional time is necessary to observe and evaluate defendant.

2. The examiner shall prepare a psychiatric or psychological report which shall be filed under seal 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 her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense; and
  - B) Whether the defendant was insane at the time of the offenses 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 examiner, 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 counsel believes might assist the examiners in their evaluation.

4. All dates remaining on the current schedule are stricken.

5. Upon receipt of the examiner's report, the clerk of court shall schedule a telephonic status conference at which we will determine what needs to happen next. Further scheduling will take place thereafter as necessary.

6. Time from June 16, 2006 until the court determines defendant's competency is excluded from computation on the speedy trial clock pursuant to 18 U.S.C. § 3161(h)(1)(A).

Entered this 19<sup>th</sup> day of June 2006.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge