

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

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UNITED STATES OF AMERICA,

Plaintiff,

ORDER

06-CR-70-C

VELERY BROWN,

Defendant.

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On November 14,, 2006, this court held a telephonic status conference to discuss the competency evaluation report (dkt. 13, under seal) prepared for defendant Velery Brown. Brown did not participate personally but was represented by her attorney, Richard Coad. The government was represented by Assistant United States Attorney David Reinhard.

The parties stipulated to the admissibility of the November 5, 2006 written competency evaluation prepared by psychiatrist Kenneth I. Robbins. In his report, Dr. Robbins concluded that Brown is not competent to stand trial at this time due to marked problems with concentration, reasoning, abstract thinking and memory. It was unclear to Dr. Robbins whether these problems resulted from a depressive disorder, psychotic disorder, neurologic dysfunction from a stroke or substance abuse. *See* dkt.13 at 4. Neither side wished to challenge this determination.<sup>1</sup> With the parties' concurrence, I found Brown legally incompetent and now ordered her hospitalized to determine whether she will regain competency in the foreseeable future.

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<sup>1</sup> Attorney Coad did request, however, that Dr. Robbins provide his opinion on whether Brown was legally insane at the time of the charged offense.

## ORDER

Pursuant to 18 U.S.C. § 4241(d)(1), it is ORDERED that:

1) Defendant Velery Brown is committed to the custody of the Attorney General to be hospitalized for treatment for up to four months, to determine whether there is a substantial probability that in the foreseeable future Brown will attain the capacity to permit her trial to proceed. Brown shall remain free on conditions of release until the Attorney General designates a facility for her hospitalization.

2) The clerk of this court shall send to the designated facility a copy of the entire file in this case, including all sealed documents, and the attorneys for both sides may send to the facility any other documents that they believe might be useful to diagnosis and treatment.

3) The designated facility promptly shall file a certificate of competency pursuant to 18 U.S.C. § 4241(e) if Brown attains the capacity to permit her trial to proceed prior to the conclusion of her four months of hospitalization; and

4) The designated facility shall file its § 4241(d)(1) report with the court not later than ten calendar days before the conclusion of Brown's four-month hospitalization so that the court may determine whether additional hospitalization under § 4241(d)(2) is necessary.

Entered this 15<sup>th</sup> day of November, 2006.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge