

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

DELENA PERRY,

Defendant.

ORDER

07-CR-115-S

Pretrial services, the government, and counsel for defendant Delena Perry all have requested a determination of defendant's legal competency, along with an opinion as to whether she was legally insane at the time of the charged offense. *See* dkt. 12 (sealed). The pretrial services report, by itself, provides reasonable cause to believe that defendant might not be competent. Therefore, pursuant to 18 U.S.C. §§ 4241(b), 4242(a), 4247(b) and 4247(c), it is ORDERED that:

1. Defendant Delena Perry is committed to the custody of the Attorney General or his representative for a period of 45 days, not counting transportation time, for a psychiatric or psychological examination conducted by a licensed or certified psychiatrist or psychologist, such examination to be conducted at the Federal Medical Center (FMC) that is closest to the court, unless this is impractical.

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 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 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 counsel believes might assist the examiners in their evaluation.

4. The 45 day period of commitment may be extended by up to 30 days if such an extension is requested by the director of the facility and if the director shows good cause that additional time is necessary to observe and evaluate defendant.

5. 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.

6. Time from July 24, 2007 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 (H).

Entered this 24th day of July, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge