

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHAON ARCH,

Defendant.

ORDER

10-cr-175-bbc

Counsel for defendant Ledell Herron has moved for a determination of defendant's legal competency. *See* dkt. 19. Counsel's proffer, coupled with the court's interaction with Arch at the January 6, 2011 pretrial motion hearing, establishes reasonable cause to believe that defendant might not be competent. The government agrees that a competency evaluation is warranted.

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

1. Defendant Shaon Arch is committed to the custody of the Attorney General or his representative for a period of 30 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 suitable federal facility 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 him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

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 30 day period of commitment may be extended by up to 15 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. The existing case schedule is stricken. Time from January 7, 2011 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 (F).

Entered this 7th day of January, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge