

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROSALINA VELAZQUEZ,

Defendant.

ORDER

12-cr-68-bbc

Reports from the Sauk County Jail to the United States Marshals Service regarding defendant Rosalina Velazquez's recent decompensation (*see* dkt. 22, under seal) provide reasonable cause to believe that defendant may presently 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. Therefore, pursuant to 18 U.S.C. § 4241(a), the court on its own motion hereby orders a determination of defendant Rosalina's mental competency.

As a result, and pursuant to 18 U.S.C. §§ 4241(b), 4247(b) & [c], it is ORDERED that:

1. Defendant Rosalina Velazquez 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 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 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. Marshals Service: all reports generated during defendant's pretrial detention by any facility in which defendant was detained;
- (3) U.S. Attorney: a synopsis of the government's case against this defendant and other members of her family, along with any other documents that might assist the examiners in their evaluation; and
- (4) 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. Time from November 5, 2012 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 November, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge