

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

*

v.

*

Crim. No.

MC

*

REQUEST FOR MENTAL COMPETENCY DETERMINATION

The Defendant, MC, by and through his attorneys, James Wyda, Federal Public Defender for the District of Maryland, and Susan M. Bauer, Assistant Federal Public Defender, requests a determination of Mr. A's competency to stand trial, pursuant to 18 U.S.C. §4241. The reasons for this request are set forth below and in a separate *ex parte* affidavit to be filed with the court under seal:

1. On February 11, 1999, Mr. A was brought before the Court for the purpose of an initial appearance on a criminal complaint alleging mailing of a threatening communication, in violation of 18 U.S.C. §876.

2. During Mr. A's court appearance, as well as afterward in the courthouse cellblock, counsel observed conduct that caused her to question Mr. A's competency. Those initial concerns were strengthened by subsequent interviews with family members and information regarding Mr. A's prior treatment for psychiatric illness.

3. A portion of the information that relates to counsel's proffer in support of this request for a mental competency evaluation could be considered incriminating in the context of the pending charge. Accordingly, counsel requests that the Court review this information *ex parte* and place

counsel's attached affidavit under seal.

WHEREFORE, for the reasons set forth in this pleading and the attached *ex parte* affidavit, under seal, the defense requests the Court to invoke the authority of §4241 to determine Mr. A's competency to stand trial.

Respectfully submitted,

SUSAN M. BAUER
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of February, 1999, a copy of the foregoing motion was delivered to Assistant United States Attorney Steve Dettelbach, 400 United States Courthouse, 6500 Cherrywood Lane, Greenbelt, Maryland 20770.

SUSAN M. BAUER
Assistant Federal Public Defender

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**Crim. No.
(Under Seal)**

MC

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**SUPPLEMENTAL EX PARTE AFFIDAVIT IN SUPPORT
OF REQUEST FOR COMPETENCY DETERMINATION**

Undersigned counsel, Susan M. Bauer, Assistant Federal Public Defender, previously filed with the Court an Ex Parte Affidavit in Support of Request for Competency Determination. Subsequent to the filing of the affidavit, counsel received mental health records relating to MC. A copy of the records is attached to this supplemental affidavit.

Records of the Prince George's Hospital Center indicate that Mr. A was involuntarily committed to that facility on December 1, 1995. Earlier that same day, Mr. A was seen at the University of Maryland, where he "was to be certified." However, Mr. A "eloped" prior to hospitalization, because he claimed he did not feel safe there. He initially sought treatment due to his "fear of G-men." Mr. A reported to hospital officials that his parents are deceased and he has no siblings. However, counsel has spoken to Mr. A's parents and two of his siblings.

Observations recorded by hospital personnel include "disorganized, rambling, and paranoid/persecutory delusions." Progress notes indicate he told a health care worker his nose was broken and there was a robot after him. Physical exam was normal.

Various diagnoses are indicated in the records, including depression, psychosis and

schizophrenia. Information contained in attached hospital records underscores the necessity of a mental competency determination in this case. Additional mental health records have been requested and will be forwarded to the Court, if obtained prior to today's hearing.

Respectfully submitted,

Susan M. Bauer
Assistant Federal Public Defender

On this 16th day of February, Susan Bauer, appeared personally before me and affirmed that the above document and signature were prepared by her. My commission expires August 1, 1999.

Kathryn Allen
Notary Public

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ORDER

Having considered the defense request for a determination of mental competency to stand trial, it is this _____ day of February, 1999, hereby ORDERED by the United States District Court for the District of Maryland, that the defendant, pursuant to 18 U.S.C. §§4241 and 4247(b), be committed for a reasonable period, not to exceed thirty (30) days, to the custody of the Attorney General, for placement in a suitable facility of the purpose of a psychiatric examination to determine mental competency to stand trial. It is further ordered that, upon completion of the examination, Mr. A shall be returned to court for a competency hearing, pursuant to 18 U.S.C. §4247(d).

WILLIAM CONNELLY
United States Magistrate Judge

cc: A.F.P.D. Susan Bauer
A.U.S.A. Steve Dettelbach
P.T.S.O. Andrea Austin-Spann