

Enter Name and Address for Attorney or Unrepresented Party

UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

Enter Plaintiff's Name,

Plaintiff,

v.

Enter Defendant's Name,

Defendant.

**PROPOSED ORDER GRANTING
MOTION FOR DETERMINATION OF
DEFENDANT'S COMPETENCY**

Case No. Enter Case Number – Include
Judges' Initials

Enter District Judge Title and Name

Enter Magistrate Judge Title and Name –
Delete if N/A

This matter comes before the court on a party's or on the court's own Motion to Determine Competency. The court finds that a mental examination of the defendant, Enter Defendant's Name, under 18 U.S.C. § 4241 is appropriate.

IT IS THEREFORE ORDERED that Enter Name of Evaluator (Non-BOP psychologist) is appointed and authorized entry into the Enter Location of the Facility, e.g., Salt Lake City, Utah, or another prison facility where the defendant is housed to examine the defendant to determine:

1. Whether the defendant is competent to understand the nature and consequences of the proceedings against him/her; and

2. Whether the defendant is competent to assist properly in his/her defense.
3. **Enter Name of Evaluator**'s evaluation must be prepared consistent with 18 U.S.C. § 4247(c)(1)-(c)(4)(A) and must include:
 - a. The defendant's history and present symptoms;
 - b. A description of the psychiatric, psychological, and medical tests that were employed and the results;
 - c. The examiner's findings; and
 - d. The examiner's opinions as to the diagnosis, the prognosis, and whether the defendant is suffering from a mental disease or defect rendering him/her mentally incompetent to understand the nature and consequences of proceedings against him or her to properly assist in his/her own defense.

IT IS FURTHER ORDERED that such examination be conducted at the **Enter Name of Facility, e.g., Utah State Prison** or prison facility where the defendant is currently held, following all established policies and procedures of the institution associated with entry. The defendant must be afforded such cooperation and information as is required to properly conduct the mental examination.

IT IS FURTHER ORDERED that **Enter Name of Evaluator** have access to medical, forensic, and psychological files at the facility consistent with the any Protective Order, if entered.

IT IS FURTHER ORDERED that such examination be at the expense of **Enter Payment Details, e.g., private funds, CJA funds, of FDO funds.**

IT IS FURTHER ORDERED that the written report must be sent to the court, no later than 90 days from the date of this order and copies provided to counsel for the defendant, **Enter**

Name of Defense Attorney, and the Assistant United States Attorney, **Enter Name of AUSA**, as provided in 18 U.S.C. § 3161(h)(1)(A).

IT IS SO ORDERED.

DATED this **Enter Number for the Day** day of **Enter the Month**, **Enter Year**.

BY THE COURT:

**Enter Name and Title of Judge –
Add Certificate of Service, if needed**