

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 FOR TREATMENT
TO RESTORE COMPETENCY UNDER
18 U.S.C. § 4241**

Case No. Enter Case Number – Include
Judges' Initials

Enter District Judge Title and Name

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

On Enter Date of Competency Hearing, the court held a competency hearing. Defendant was present and represented by Enter Name of Defense Attorney. The United States was present and represented by Enter Name of AUSA.

Accordingly, the **COURT FINDS AND ORDERS AS FOLLOWS:**

1. By a preponderance of the evidence and for the reasons stated on the record, defendant is presently suffering from a mental disease or defect rendering him/her mentally incompetent to the extent that he/she is unable to understand the nature and consequences of the pending proceedings or to assist properly in preparing a defense.

2. Under 18 U.S.C. § 4241(d), that defendant be committed to the custody of the Attorney General for hospitalization. The Attorney General shall hospitalize defendant for treatment in a suitable facility for a reasonable period, not to exceed four months, as is necessary to determine whether there is a substantial probability that defendant will attain the capacity to permit further proceedings to take place in the foreseeable future. *See* 18 U.S.C. § 4241(d)(1).

3. If necessary, the court will consider a request for an additional period of commitment for treatment, as authorized under 18 U.S.C. § 4241(d), until defendant's mental condition is so improved that proceedings may resume or the pending matters against defendant are disposed of according to law, whichever is earlier.

4. The courtroom deputy or docketing clerk shall send a copy of this order to the U.S. Marshals Service. The U.S. Marshals Service shall expeditiously provide a copy of this order to the Bureau of Prisons (BOP).

5. The BOP shall designate, as soon as practicable (but no later than 14 days after receiving a copy of this order from the U.S. Marshals Service), a suitable facility where defendant shall receive treatment and the date by which defendant must arrive at the facility. The BOP shall share this information with the United States Attorney's Office.

6. After an appropriate facility has been designated and 14 days after a suitable facility has been designated, the United States Attorney's Office shall file a status report identifying the designated facility and the date defendant is to report there.

7. The U.S. Marshals Service for the District of Utah shall arrange transportation for defendant to the designated facility.

8. ONE OPTION (OR A TAILORED OPTION TO MATCH THE DEFENDANT'S NEEDS) WILL NEED TO BE SELECTED FOR THE FINAL ORDER. OPTION 1 - Every 45

days, after the filing of the first status report, as referenced in para. 6, the United States Attorney or designee shall file a status report apprising the court of any treatment updates. OPTION 2 - The parties shall file a joint status report 60 days into defendant's commitment period apprising the court of any treatment updates, and then they shall file another status report 7 days before the expiration of defendant's commitment period. OPTION 3 – A status conference is scheduled for [ENTER THE DATE, TIME, AND LOCATION FOR THE STATUS CONFERENCE TO OCCUR ON THE FOUR MONTH DATE], at which the court and parties will discuss defendant's progress, transportation-related issues, and the need to file any relevant reports. OPTION 4 - The parties shall file a joint status report 60 days into defendant's commitment period (60 days from arrival at the designated facility) apprising the court of any treatment updates, and then the parties shall file another joint status report 7 days before the expiration of defendant's commitment period with the same information. If the parties think a status conference is needed at any point during defendant's commitment period, they will notify the court of the basis for the request.

9. If relevant, under 18 U.S.C. § 3161(h)(1)(A), such time as is taken up by the treatment may properly be deemed excludable under the Speedy Trial Act.

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