

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA)
)
)
v.)
)
)
0000000000000)

No. 3:00-CR-000
Judge

MOTION FOR COMPETENCY EVALUATION

Comes the Defendant, 0000000000, through counsel, pursuant to 18 U.S.C. § 4241, and requests that the Court order a psychiatric or psychological examination to determine the Defendant's mental competency. The Defendant further requests that a report be filed and that a hearing be scheduled to determine whether he is competent to proceed in this matter. See 18 U.S.C. §4241(b) and (c).

Additionally, Mr. 000000000000 requests that the Court declare Mr. 0000000000 indigent for the purpose of the competency evaluation. The Criminal Justice Act permits counsel "for a person who is financially unable to obtain investigative, expert or other services necessary for adequate representation" to request funding for such services. 18 U.S.C. § 3006A(e). The Guide to Judiciary Policy states that the payment of the examination cost for psychiatric or psychological expert services to determine mental competency pursuant to 18 U.S.C. § 4241 are paid by the Department of Justice, "regardless of which party requests" the examination. 7A Guide to Judiciary Policy, § 320.2

Undersigned counsel has represented Mr. 000000 since _____. In that

time, undersigned counsel has become gravely concerned with Mr. 000000's ability to consult with counsel with a reasonable degree of rational understanding and to assist in his own defense. Undersigned counsel has reasonable cause to believe that Mr. 000000 is presently suffering from a mental disease, defect, or disorder rendering him incompetent to stand trial. In further support of this motion, undersigned counsel is filing an affidavit and requesting that it be filed under seal due to the sensitive and private nature of the information contained therein.

In order to find a defendant incompetent, this Court must find by a preponderance of the evidence that the 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 assist properly in his defense. See 18 U.S.C. 4241, Dusky v. United States, 362 U.S. 402 (1960).

For the foregoing reasons, Mr. 0000000 respectfully requests that that Court order Mr. 0000000 to undergo a psychiatric or psychological examination.

Respectfully submitted on _____.

s/ Robert R. Kurtz
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

s/ Robert R. Kurtz