



USA v. Evans

2020 | Cited 0 times | W.D. Missouri | February 13, 2020

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION UNITED STATES OF AMERICA,)

Plaintiff,)

v.) No. 4:19-CR-00257-DGK STEVEN M. EVANS,)

Defendant.)

ORDER ADOPTIN FINDING DEFENDANT INCOMPETENT TO STAND TRIAL

On September 5, 2019, counsel for Defendant filed a motion pursuant to 18 U.S.C. § 4241 (Doc. 14). The Court granted the motion and, prior to holding a hearing to deter mental competency, entered its Order pursuant to 18 U.S.C. § 4241(b) directing that a

psychological or psychiatric examination of Defendant be conducted and that a psychological or psychiatric report be filed with the Court pursuant to 18 U.S.C. § 4247(b) and (c) (Doc. 17).

Magistrate Judge Lajuana M. Counts held a competency hearing on February 11, 2020 (Docs. 24 25). At the hearing, the parties stipulated that the Court could consider the forensic psychological report from Dr. Leticia Armstrong, Psy. D., which concluded that Defendant is incompetent to understand the nature and consequences of the proceedings against him and to assist properly in his defense. Neither the government nor Defendant offered additional evidence. On February 11, 2020 Judge Counts declared incompetent to stand trial (Doc. 26). The parties have waived the filing of any objections.

After making an independent, do novo review of the record, the Court ADOPTS the Report and Recommendation of Judge Counts in its entirety and finds that Defendant is incompetent to stand trial. It is further

ORDERED that, pursuant to 18 U.S.C. § 4241(d), Defendant shall be committed to the custody of the Attorney General for hospitalization and treatment in a suitable facility for a reasonable time up to 120 days to determine whether there is a substantial probability that in the foreseeable future, Defendant will attain the capacity to proceed.



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IT IS SO ORDERED. Dated: February 13, 2020 /s/ Greg Kays GREG KAYS, JUDGE

UNITED STATES DISTRICT COURT

