

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 4:11cr112

KEITH B. DUNCAN

Defendant.

ORDER

The defendant, KEITH B. DUNCAN, having established through counsel cause to believe he may presently be suffering from a mental disease or defect, and the United States having joined in the Defendant's request for examination of the defendant pursuant to Rule 12.2 of the Federal Rules of Criminal Procedure and Title 18, United States Code, Sections 4241(a) and (b);

The Court hereby FINDS there is reasonable cause to believe the defendant may presently be suffering from a mental disease or defect pursuant to Title 18, United States Code, Section 4241(a), therefore it is hereby:

ORDERED that the Defendant, KEITH B. DUNCAN, is forthwith committed to the custody of the Attorney General for placement in a suitable facility for a reasonable period of time, not to exceed forty-five (45) days, for the purposes of examination by a qualified psychiatrist or psychologist to determine whether the defendant may presently be 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 to assist properly in his defense; furthermore, to determine sanity at the time of the offense. This evaluation should also include a complete physical examination and such tests and/or studies as are necessary to determine the extent of the defendant's physical ailments and whether they are contributing to any mental competency issues.

It is FURTHER ORDERED that, pursuant to Title 18, United States Code, Sections 4247(b) and (c), the defendant shall submit to such examination and that the report of said

examination shall be sent, under seal, to the United States District Court for the Eastern District of Virginia, Norfolk Division, 600 Granby Street, Norfolk, Virginia 23510, to Dee Sterling, Assistant United States Attorney, Office of the United States Attorney, 721 Lakefront Commons, Suite 300, Newport News, VA 23606, and to the defendant's attorney, Phoenix Ayotte Harris, Assistant Federal Public Defender, Office of the Federal Public Defender, 150 Boush Street, Suite 403, Norfolk, Virginia 23510.

Pursuant to Title 18, United States Code, Section 4247(c), said report shall include: (1) the defendant's history and present symptoms; (2) a description of the psychiatric, psychological, and medical tests that were employed and their results; and (3) the examiner's findings; and (4) the examiner's opinions as to diagnosis, prognosis, and (A) whether 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 to assist properly in his defense; and (B) sanity at the time of the offense.

IT IS FURTHER ORDERED that, pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(A), the time required for trial of the defendant shall be tolled from the date of this Order until the results of said psychiatric examination are received by the Court, such period being a delay contemplated by Title 18, United States Code, Section 3161(h)(1)(A).

IT IS FURTHER ORDERED that the United States Marshals Service shall forthwith transport the defendant to the location designated by the Attorney General, for the purpose of said examination.

/s/
Douglas E. Miller
United States Magistrate Judge

UNITED STATES MAGISTRATE JUDGE

Newport News, Virginia

March 15th, 2012