UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA,

v. CR 15-117-03 S

MARCUS JAMAL GIBBS.

ORDER

This matter came before the Court on Defendant's Motion to Determine Competency pursuant to 18 U.S.C. § § 4241 and 4247. The United States does not object to this Motion. The Court finds that there is reasonable cause to believe that the Defendant may be presently suffering from 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.

The Motion for a Competency Examination is therefore GRANTED.

IT IS HEREBY ORDERED:

1. The Defendant shall be committed to the custody of the Attorney General under 18 U.S.C. § 4247(b) to conduct a

psychiatric or psychological examination;

2. A psychiatric or psychological examination shall be conducted to determine whether the Defendant is suffering from a mental disease or defect rendering him mentally incompetent to understand the nature and consequences of the proceedings against him and to assist counsel in his defense;

3. Such examination shall be conducted within a reasonable period not to exceed thirty days except that, under 18 U.S.C. § 4247(b), the director of the facility at which the examination is conducted may, if necessary, apply for a reasonable extension of time not to exceed fifteen (15) days to complete the examination;

4. The examiner designated to conduct the examination shall, after it is completed, file a report with the Court, with copies to counsel for the Defendant and the attorney for the government, setting forth the information, findings and opinions specified in 18 U.S.C. § 4247(c) together with any other information relevant to a determination of Defendant's mental status and competency to stand trial and it is further ordered that,

5. Pursuant to 18 U.S.C. § 3161(h)(1)(A), any period of delay resulting from proceedings conducted to comply with this order shall be deemed excludable in computing the time within which an information or indictment must be filed or in computing the time within which the trial of such offense must commence.

So ordered.

William E. Smith
Chief U.S. District Judge

Date: December 9th, 2016