

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,            )  
  )  
                                  Plaintiff,    )  
  )  
                                  v.            ) Criminal Action No.  
  ) 10-00131-01-CR-W-FJG  
DENNY RAY HARDIN,                    )  
  )  
                                  Defendant.    )

O R D E R

On May 13, 2010, counsel for defendant filed a motion, pursuant to 18 U.S.C. §§ 4241(a) and (b), for a judicial determination of defendant's mental competency. The motion seeks an order for a psychological examination to determine whether 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. The suggestions in support of the motion state in part as follows:

2. Counsel from the Federal Public Defender Office has conferred with Mr. Hardin in person and based on that meeting and based on Mr. Herring's statements made in Court during his arraignment, seeks a psychiatric or psychological evaluation of Mr. Herring.

3. Counsel has reason to believe that the defendant is suffering from a mental disease or defect which renders the defendant incapable of understanding the pending charges or assisting in his defense. Mr. Hardin was previously diagnosed with delusional disorder while incarcerated in the Missouri Department of Corrections.

4. Based on the conduct of the defendant during the interview with counsel, his statements made in Court during his arraignment, and his previous diagnosis, counsel requests this Court to order a mental examination of the defendant to determine his mental ability to understand the proceedings and to assist in his defense.

The government filed a separate motion requesting a psychological examination.

I find that in light of the facts outlined above, the defendant might 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. I further believe that prior to conducting a hearing in respect to defendant's mental competency to stand trial, defendant should undergo a psychological examination.

Therefore, it is

ORDERED that defendant be committed to a United States Medical Center for Federal Prisoners or other appropriate facility, pursuant to 18 U.S.C. § 4247(b), to undergo a psychological examination, pursuant to 18 U.S.C. § 4241(b), to be conducted by a licensed or certified psychologist employed by that institution to determine whether defendant is presently 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. It is further

ORDERED that the commitment to the United States Medical Center for Federal Prisoners or other appropriate facility shall not exceed 30 days unless that time is extended for an additional period of time not to exceed 15 days upon a showing of good cause that the additional time is necessary to observe and evaluate defendant. It is further

ORDERED that, upon completion of the examination, the examining psychologist prepare and file a report in accordance with the provisions of 18 U.S.C. §§ 4247(b) and (c). It is further

ORDERED that the United States Marshal for the Western District of Missouri forthwith transport defendant to a United States Medical Center for Federal Prisoners or other appropriate facility. It is further

ORDERED that, upon completion of the examination, defendant shall promptly be returned before the court for a hearing to determine whether or not he is presently suffering from a mental disease or defect which renders 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. It is further

ORDERED that the United States Marshal notify me promptly upon completion of defendant's examination. It is further

ORDERED that the United States Pretrial Services Office for the Western District of Missouri (1) obtain a copy of the indictment, (2) obtain a copy of defendant's medical records, and (3) provide the indictment and the medical records to the Medical Center or other appropriate facility for use in conducting the psychological examination.

It is further

ORDERED that the examining psychologist contact Pretrial Services at (816) 512-1450 to provide an address or fax number where defendant's medical records can be sent.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
May 14, 2010