

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
vs.)	Case No. 17-MJ-102-FHM
)	
BENJAMIN RODEN,)	
Defendant.)	

ORDER FOR COMPETENCY EVALUATION

On July 14, 2017, this Court heard Defendant’s *Motion to Determine Competency of Defendant* (Dkt. # 9). In said motion, Counsel for Defendant expressed doubt as to whether Mr. Roden is able to assist in his defense, and requested the Court order that Mr. Roden undergo psychological or psychiatric evaluation to assist the Court in determining Mr. Roden’s competency to stand trial. The United States did not object to the necessity of the evaluation but requested the Defendant be placed into the custody of the Attorney General for evaluation in a Bureau of Prisons facility. Counsel for the defense requested the examination to be performed locally by Dr. Curtis T. Grundy and/or Dr. Teresa A. Hall.

Based upon the representations of the parties, the Court finds pursuant to 18 U.S.C. § 4241(a), that there is reasonable cause to believe that the Defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to appreciate the nature and consequences of these proceedings and/or rationally assist counsel in his defendant and that the matter should be set for hearing. The Court further finds that prior to said hearing, it is necessary that Mr. Roden undergo psychiatric and/or psychological evaluation to assist the Court in determining whether he is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to appreciate the nature and

consequences of these proceedings and/or rationally assist counsel in his defense. The Court finds that pursuant to 18 U.S.C § 4247, this testing should be performed locally. Therefore, Defendant's motion is GRANTED.

IT IS THEREFORE ORDERED that Defendant be evaluated for competency by Dr. Curtis T. Grundy, Ph.D. and Dr. Terese A. Hall, J.D., Ph.D, ABPP while remaining detained at the David L. Moss facility.

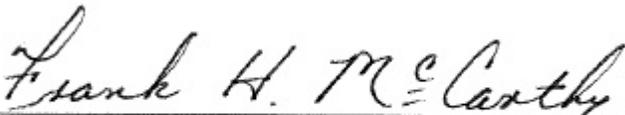
Upon completion of the examination, a report shall be prepared in compliance with 18 U.S.C. § 4247(c). Copies of the report shall be provided to the Court, counsel for Defendant and counsel for the government. The report shall include the following information:

- (1) Mr. Roden's history and present symptoms;
- (2) a description of the psychiatric, psychological, and medical tests that were employed and their results;
- (3) the examiner's findings;
- (4) the examiner's opinions as to diagnosis, prognosis; and
- (5) the examiner's opinion regarding whether Mr. Roden 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 is unable to assist properly in his defense.

Said report is due within thirty (30) days of this Order, absent a finding of just cause.

The competency hearing is set for August 29, 2017 at 10:00 a.m., in Magistrate Courtroom No. 2, third floor. All further proceedings in this matter shall be stayed until the Court makes a determination regarding Defendant's competency.

IT IS SO ORDERED this 14th day of July, 2017.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE