

**Defendant's Unopposed Motion to Determine Mental Competency of Defendant 2005**

In this unopposed motion to determine the mental competency of defendant, Ms. CLIENT NAME moves by and through counsel pursuant to U.S. Const. Amend. V and 18 U.S.C. § 4241 for a local psychiatric or psychological examination of the defendant, and to hold a hearing to determine whether Ms. CLIENT NAME is competent to proceed in this matter.

Undersigned counsel has represented to the Court his concerns that his client may not be competent to stand trial. In order to find a defendant incompetent, this Court must find by a preponderance of the evidence that the defendant is suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or assist properly in her defense. *See* 18 U.S.C. § 4241, *Dusky v. United States*, 362 U.S. 402 (1960).

Pursuant to 18 U.S.C. § 4241(b) a local psychiatric or psychological examination and report of Ms. CLIENT NAME is requested. By "local," it is intended that an evaluation be conducted by a psychologist or psychiatrist near to Ms. CLIENT NAME's residence, which is in Florida. After the report is filed, counsel requests a hearing on the issue of competency pursuant to 18 U.S.C. § 4241(c).

Counsel for the government, AUSA John Lyons, does not oppose this motion.

**Conclusion**

For the foregoing reasons, counsel for Ms. CLIENT NAME respectfully requests this Court to order a local psychiatric or psychological examination and report on Ms. CLIENT NAME, to hold a hearing to determine her mental competency to proceed and for such other and further relief as the Court deems proper.