

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Criminal Action No.
) 10-00162-21-CR-W-FJG
DOROTHEA L. CAIN,)
)
 Defendant.)

O R D E R

On September 29, 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 her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense. In support of her motion, defendant states as follows:

1. Defendant Dorothea L. Cain was diagnosed prior to her arrest in this case with depression disorder; and subsequent to arrest by a physician providing health services to detainees housed in the Bates County Jail, with psychotic disorder, and has been proscribed psychotropic medications including but not limited to Thyroxine, Abilifi, Celexa and two other drugs.

2. Counsel for Defendant Dorothea L. Cain met with Defendant at the Bates County jail in Butler, Missouri on July 12, 2010, and noted that the Defendant was significantly sedated, and noted that the Defendant did not process information in timely fashion.

3. Due to the Defendant's prescribed medications and the resultant sedated state of the Defendant, Counsel is

concerned that Defendant's behavior, memory, ability to comprehend the criminal prosecution pending against him [sic], to communicate with his [sic] counsel, and to assist and aid his [sic] own defense may be affected by this condition.

4. Counsel for Defendant [Dorothea L. Cain] believes mental examination by a neuropharmacologist, neuropsychiatrist, psychiatrist and other mental health professionals are necessary to medically review and analyze Ms. Dorothea Cain's mental state to determine whether she is able to assist in her defense and or to determine if she is competent to stand trial.

I find that, in light of the facts outlined above, the defendant might presently be 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 to assist properly in her 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 her mentally incompetent to the extent that she is unable to understand the

nature and consequences of the proceedings against her or to assist properly in her 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 she is presently suffering from a mental disease or defect which renders her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her 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
October 5, 2010