

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	10-00162-15-CR-W-lFJG
MYLIN D. SMITH,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On February 22, 2011, defendant filed a motion for a judicial determination of mental competency. Defendant was examined at the Federal Correctional Institution in Fort Worth, Texas, by Randall Rattan, Ph.D., a forensic psychologist. Dr. Rattan stated that defendant was competent in a report dated April 7, 2011.

On May 5, 2011, I held a competency hearing. Defendant was present, represented by Alex McCauley. The government was represented by Assistant United States Attorney Brent Venneman. The parties stipulated to the contents and findings of Dr. Rattan as the only evidence of whether the defendant is competent to stand trial and to assist in his defense (Tr. at 2-3).¹

Based upon the uncontroverted evidence stipulated to by the parties in this case, I find that the defendant is competent to stand trial and to assist in his defense. Therefore, it is

RECOMMENDED that the court, after making an independent

¹"Tr". refers to the transcript of the competency hearing.

review of the record and applicable law, enter an order finding defendant competent to stand trial and to assist in his defense.

Counsel waived the ten day objection period set forth in 28 U.S.C. § 636(b)(1) (Tr. at 3). Any objections to this Report and Recommendation shall be filed by May 11, 2011.

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

Kansas City, Missouri
May 9, 2011