

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

|                           |   |                      |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, | ) |                      |
|                           | ) |                      |
| Plaintiff,                | ) |                      |
|                           | ) |                      |
| v.                        | ) | Criminal Action No.  |
|                           | ) | 10-00162-16-CR-W-FJG |
| THEODORE S. WIGGINS,      | ) |                      |
|                           | ) |                      |
| Defendant.                | ) |                      |

REPORT AND RECOMMENDATION

On February 21, 2012, the court ordered defendant to undergo a competency evaluation. Defendant was examined at the Federal Correctional Institution in Seatac, Washington, by Cynthia Low, Ph.D., a forensic psychologist. Dr. Low stated that defendant was competent in a report dated April 19, 2012.

On May 15, 2012, I held a competency hearing. Defendant was present, represented by Michael Walker. The government was represented by Assistant United States Attorneys Brent Venneman and Sydney Sanders. The parties stipulated to the contents and findings of Dr. Low as the only evidence of whether the defendant is competent to stand trial and to assist in his defense (Tr. at 2-3).<sup>1</sup>

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

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<sup>1</sup>"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 14-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 17, 2012.

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

Kansas City, Missouri  
May 16, 2012