

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO.
1:22-cr-00171-MLB-RDC-1

CARL DELANO TORJAGBO,

Defendant.

ORDER

This matter is before the Court on Government's Motion for Psychiatric Examination in accordance with 18 U.S.C. § 4242 and Federal Rules of Criminal Procedure 12.2(c). This Court finds there is reasonable cause to believe Defendant presently may be 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 to assist properly in his defense and recommends that an evaluation be conducted of defendant pursuant to 18 U.S.C. § 4242.

This Court **ORDERS** that Defendant Torjagbo be committed to the custody of the Attorney General for placement in a suitable facility for a period

not to exceed thirty (30) days and **ORDERS** that a psychiatrist or psychological examination be conducted of defendant at such facility and a report prepared in accordance with 18 U.S.C. § 4247(c) to determine whether the defendant presently is suffering from a mental illness which renders him unable to comprehend the nature and consequences of the proceedings against him or reasonably assist in his defense.

IT IS FURTHER ORDERED that the psychologist or psychiatrist conducting the examination (the "examiner") shall not question the defendant in any matter that does not pertain in the examiner's judgment to competency, such as the facts surrounding the offenses charged unless in the examiner's judgment such matters must be explored to assess competency.

IT IS FURTHER ORDERED that the examiner has access to any medical, forensic and psychological files within the possession of the facility at which Defendant is currently housed, the U.S. Bureau of Prison, the prosecutor's office, or defense counsel's office.

IT IS FURTHER ORDERED that upon completion of the examination, a written report of the findings of the facility housing Defendant Torjagbo is to be furnished to the Court, counsel for Defendant, and counsel for the Government. This report, examination and evaluation is to be confidential and is not to be released by the parties except upon further

order of this Court. Furthermore, upon completion of said evaluation, Defendant Torjagbo shall be transported back to the Northern District of Georgia, to an appropriate pretrial detention facility.

The Court, having found that the ends of justice by taking such action, outweigh the best interest of the public and Defendant in a speedy trial, **DIRECT** the Clerk to exclude the period of delay from computation under the Speedy Trial Act, pursuant to Title 18, U.S.C., Section 3161 (h)(7)(A).

The Clerk is **DIRECTED** to serve a copy of this Order on Defendant's counsel, counsel for the Government, the United States Marshals Service and the United States Probation Office.

IT IS SO **ORDERED** on this 5th day of May, 2023.



REGINA D. CANNON

United States Magistrate Judge