

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC SHIBLEY,

Defendant.

NO. CR20-174JCC

**[PROPOSED] ORDER DIRECTING
COMPETENCY EXAMINATION**

Based on the information presented by Michael Nance, Counsel for Defendant Shibley, in Docket #52 and Docket #53, as well as Counsel for Defendant's statements at the November 16, 2020 status hearing, the Court finds that there is reasonable cause to believe that defendant, Eric Shibley, may presently be suffering from a mental disease or defect that renders him unable to assist properly in his defense and to understand the nature and consequences of the proceeding against him.

A period of delay is necessary to determine the mental competency of the Defendant. IT IS HEREBY ORDERED THAT:

The defendant shall be examined at the Federal Detention Center in SeaTac, Washington, by an expert designated by the Bureau of Prisons to occur no later than within 30 days of the date of this order, and a report shall be filed with the Court and provided to the parties pursuant to Title 18, United States Code, Section 4247(c).

1 The trial date in this matter is hereby continued to a date to be set by the Court
2 following the determination as to Defendant's competency.

3 The period of time from the time that the Court directed the parties to address this
4 issue, November 16, 2020, until the date that the Court determines whether Defendant is
5 or is not competent, is excludable time under the Speedy Trial Act as "delay resulting
6 from any proceeding, including examinations, to determine the mental competency ... of
7 the defendant" within the meaning of Title 18, United States Code, Section 3161(h)(1).

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9 DONE this ____ day of _____, 2020.

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13 _____
14 JOHN C. COUGHENOUR
15 UNITED STATES DISTRICT JUDGE

16 Presented by:

17 s/ Brian Werner

18 BRIAN WERNER

19 Assistant United States Attorney

20 LAURA CONNELLY

21 Trial Attorney
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