

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES OF AMERICA,	)	
	)	CASE NO. CR20-0174-JCC
Plaintiff,	)	
	)	Seattle, Washington
v.	)	
	)	November 25, 2020
ERIC SHIBLEY,	)	9:07 a.m.
	)	
Defendant.	)	PRETRIAL HEARING
	)	
	)	
	)	

VERBATIM REPORT OF PROCEEDINGS
BEFORE THE HONORABLE MICHELLE L. PETERSON
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: LAURA CONNELLY
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Criminal Division
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Reported by: NANCY L. BAUER, CCR, RPR
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PROCEEDINGS

THE CLERK: Your Honor, it is now seven past 9:00, and the FDC hasn't called in. Would you like me to call them?

THE COURT: Yes.

THE CLERK: So we have Mr. Warner and Laura Connelly. Do we have Crystal Bush?

MR. WERNER: Ms. Bush won't be joining us this morning.

This is CR20-174-JCC, United States of America versus Eric Shibley.

Counsel, please make your appearances for the record.

MS. CONNELLY: This is Laura Connelly for the United States.

MR. WERNER: And this is Brian Werner for the United States. Good morning, Your Honor.

MR. NANCE: Good morning, Your Honor. Michael Nance for Eric Shibley.

THE COURT: I don't see Mr. Shibley on the screen, counsel.

THE CLERK: Your Honor, he is appearing telephonically only.

THE COURT: All right. Mr. Nance, does he consent to a remote hearing on this matter?

MR. NANCE: Yes.

1 THE COURT: Okay. Let me cut through all this.

2 First of all, I think I'm inclined, particularly because
3 the government hasn't resisted it, I'm inclined to order a
4 mental health evaluation, but I'm not inclined to do it other
5 than having it done at SeaTac.

6 And I'm also inclined to order that detention be continued
7 pending the outcome of that, and I would suggest that we defer
8 setting the trial date until the outcome of that mental health
9 evaluation.

10 Having said those things, Mr. Nance, do you want to be
11 heard further?

12 MR. NANCE: Well, we largely agree that a competency
13 evaluation is appropriate. I think we've expressed Dr. Shibley
14 has conveyed her own reservations about the staff at FDC, but if
15 the court is ruling as it is, we have to accept that.

16 I take it that the detention issue would be deferred until
17 that has occurred. Is that the court's --

18 THE COURT: Yes, that's what I would suggest.

19 MR. NANCE: I largely agree with the outline of that;
20 that the competency be determined and that we reconvene for a
21 detention hearing and the concern over the trial setting.

22 THE COURT: All right. Ms. Connelly, can you find out
23 for us when SeaTac can do the evaluation, and ask them, if you
24 will, to expedite it as much as they can, and then let us know
25 when that evaluation can be completed so we can reschedule the

1 hearing as early as possible?

2 MS. CONNELLY: Yes, Your Honor, I will. I note they
3 have 30 days under the statute, so I think it's within 30 days,
4 but I will get a firmer...

5 THE COURT: Okay. Anything else, counsel?

6 MS. CONNELLY: Your Honor, the government would just
7 ask that the court enter a speedy trial finding until the
8 competency evaluation is conducted.

9 THE COURT: Why don't you prepare a speedy trial order
10 for us?

11 MS. CONNELLY: We have, and we will send it to
12 chambers in the Word version.

13 THE COURT: All right. Anything else, counsel?

14 All right. We'll be in recess.

15 (Proceedings concluded at 9:11 a.m.)
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C E R T I F I C A T E

I, Nancy L. Bauer, CCR, RPR, Court Reporter for the United States District Court in the Western District of Washington at Seattle, do hereby certify that I was present in court during the foregoing matter and reported said proceedings stenographically.

I further certify that thereafter, I have caused said stenographic notes to be transcribed under my direction and that the foregoing pages are a true and accurate transcription to the best of my ability.

Dated this 6th day of May 2022.

/S/ Nancy L. Bauer

Nancy L. Bauer, CCR, RPR
Official Court Reporter