

Selected Mental Health Cases

Obligation to be vigilant for signs of mental illness at any time after prosecution commences. *United States v. Arenburg*, 605 F.3d 164 (2nd Cir. 2010)

For juveniles apply the Federal Juvenile Delinquency Act, 18 USC § 5037(e) vice 18 USC § 4241(d). *United States v. LKAV*, 712 F.3d 436 (9th Cir. 2010)

Denying constitutional & statutory right to testify at pretrial competency hearing by removing from courtroom without advising he would waive right to testify was not harmless error because defendant's testimony & demeanor might have demonstrated competency. *United States v. Gillenwater*, 717 F.3d 1070 (9th Cir. 2013)

§4241 applies to supervised release modification proceedings.

United States v. Avery, 328 F. Supp. 2d 1269 (M.D. AL. 2004)

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When defendant gives notice of intent to present psychiatric evidence of mental state at time of the offense, neither 4241 nor 4242 authorize district court to order pretrial commitment for psychiatric exam; can order a reasonable non-custodial exam. *United States v. Davis*, 93 F.3d 1286 (6th Cir. 1996), *United States v. Rinaldi*, 351 F.3d 285 (7th Cir. 2003); but see *United States v. Song*, 2013 U.S. App LEXIS 12999 unpub. (4th Cir. June 25, 2013) (District court did not receive evidence to order custodial exam or make findings of fact to allow appellate court to determine whether discretion properly exercised).

Court lacked authority to extend commitment beyond 4 months where BOP failed to show substantial probability defendant would attain capacity for trial, but defendant could waive rights under 4241(d) when defense counsel agreed additional commitment period appropriate and guardian ad litem appointed for defendant. *United States v. King*, 473 F. Supp. 2d 1177 (M.D. AL. 2007)

Defendant has a protectable interest against involuntary medication and district court where medical facility is located is the proper court for review. *United States v. Charters*, 863 F.2d 302 (4th Cir. 1988)

Forcible medication to render defendant with delusional disorder, grandiose type competent to stand trial not justified because charged crimes of credit card fraud & identity theft nonviolent, she had served more than the likely sentence and was prohibited from owning firearms, and little evidence of medication's effectiveness on those with defendant's condition was shown, as well as less info on possible side effects this defendant might suffer. *United States v. White*, 620 F.3d 401 (4th Cir. 2010)

Court not required to grant competency hearing anytime defendant engages in disruptive tactics or pursues frivolous legal strategy. *United States v. Banks*, 482 F.3d 733 (4th Cir. 2007)

Evidence of paranoia or paranoid delusions in the past do not defeat competence findings. *United States v. Sparks*, 2 F.3d 574 (5th Cir. 1993), *United States v. Nichols*, 56 F.3d 403 (2nd Cir. 1995)

District court properly declined to conduct competency hearing; although defendant asserted bizarre legal theories based on "sovereign citizenship" and record did not otherwise suggest that he lacked ability to understand the proceedings. *United States v. Jonassen*, 759 F.3d 653 (7th Cir. 2014)

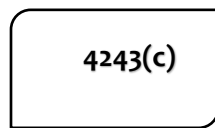
Court's duty to sua sponte order competence hearing:

United States v. Williams, 113 F.3d 1155 (10th Cir. 1997)

United States v. Ahrendt, 560 F.3d 69 (1st Cir. 2009)



United States v. Graves, 98 F.3d 258 (7th Cir. 1996)



United States v. Ruxton, 565 F.3d 892 (5th Cir. 2009)



United States v. Dreyer, 693 F.3d 803 (9th Cir. 2012)

United States v. Dreyer, 705 F.3d 951 (9th Cir. 2013)

District court's decision to hold 4246 commitment hearing without certification from hospital director erroneous.

United States v. Bonin, 541 F.3d 399 (5th Cir. 2008)

Remand warranted when district court granted government motion for inpatient evaluation in BOP without a hearing, not requiring government to present evidence to justify inpatient commitment, to seriously consider defendant's alternative request for outpatient evaluation or make findings of fact regarding commitment need.

United States v. Neal, 679 F.3d 737 (8th Cir. 2012)

No error when district court found previously incompetent defendant competent to waive right to counsel & represent self.

United States v. Bernard, 708 F.3d 583 (4th Cir. 2013)(Thacker, Shedd, Diaz, JJ -- Diaz dissented)

District court required to conduct second competence hearing, based on report of competence following initial finding of incompetence, before plea was taken, even absent motion from defendant, and this failure is plain error.

United States v. Giron-Reyes, 234 F.3d 78 (1st Cir. 2000), criticized in *United States v. Correa-Torres*, 326 F.3d 18 (1st Cir. 2003)

What if the defendant is incompetent but not dangerous & the prosecutor does not want release from custody?

Abuse of discretion for district court to require another 4241 evaluation after FMC Butner already twice determined that defendant was incompetent but not a candidate for 4246. *United States v. Locklear*, unpub 483 Fed. Appx. 842, 2012 U.S. App. LEXIS 12699, 2012 WL 2312069 (4th Cir. 2012)

Which court has jurisdiction over involuntary medication orders per *Washington v. Harper*, 494 U.S. 210 (1990)?

Although no statute affirmatively grants an inmate a right to obtain judicial review of Harper dangerousness hearing, court that initially authorized 4241 commitment has jurisdiction over the involuntary medication order. *United States v Loughner*, 672 F.3d 731 (9th Cir. 2012)

Commitment order issued per 4247b), whether for competency to stand trial (4241) or insanity (4242) is immediately appealable. *United States v. Deters*, 143 F.3d 577 (10th Cir. 1998)

Provisional sentence ordered per 4244 sufficiently final for appeal.

United States v. Ewing, 494 F.3d 607 (7th Cir. 2007)

Use of video technology to conduct 4245 hearing permissible.

United States v. Baker, 45 F.3d 837 (4th Cir. 1995), *but see United States v. Frierson*, 208 F.3d 282 (1st Cir. 2000) (inmate should have been brought to court when he wanted to be present)

Remand warranted where defendant deemed incompetent and court granted government motion for involuntary medication without acknowledging requirement to consider less intrusive means to administer medication.

United States v. Chatmon, 718 F.3d 369 (4th Cir. 2013)

Court did not have authority to hospitalize defendant for dangerousness evaluation because defendant was no longer committed per 4241, had regained competence to stand trial, charges against defendant remained, even though prosecutor was considering dismissing charges.

United States v. Hardy, 770 F. Supp. 2d 410 (D. Me. 2011)