

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 22-cr-0020 (TSC)
	:	
TIM LEVON BOUGHNER	:	
	:	
Defendant.	:	

ORDER

Having considered the report of Dr. Teresa Grant’s competency examination, the parties’ representations, and the record in this matter, the Court finds reasonable cause to believe that Mr. Boughner may be suffering from a mental disease or defect rendering him incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly with his defense.

Consequently, this **9th day of November, 2023**, it is hereby:

ORDERED that, pursuant to 18 U.S.C. §§ 4241(b) and 4247(b), Mr. Boughner is hereby committed to the custody of the Attorney General, and that a psychiatric or psychological examination of Mr. Boughner be performed at a federal medical center or other facility that is suitable for such psychiatric or psychological examination for a period not to exceed thirty days, commencing upon his arrival at such a facility; and it is further

ORDERED that after such examination, a written report shall be prepared pursuant to 18 U.S.C. § 4247(c), which shall include the examiner’s opinion as to whether Mr. Boughner suffers 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 in his defense. Such report shall be sent to the Court for filing under seal within forty-five days of Mr. Boughner’s arrival at the evaluating facility, and an electronic copy shall be sent to Mr.

Boughner's counsel and to counsel for the United States, who shall provide a courtesy electronic copy to chambers; and it is further

ORDERED that the United States Marshals Service ("USMS") shall transport Mr. Boughner to a designated facility for the examination. The Court requests that, given the need to timely evaluate the Mr. Boughner and the deadlines imposed by 18 U.S.C. § 3161(h)(1)(F)—pursuant to which a delay of more than ten days for transport is presumptively unreasonable—the USMS shall make every effort to transfer Mr. Boughner promptly and directly to the designated facility, without intermediate stops or holdovers. Once Mr. Boughner arrives at the designated facility, he shall remain there, absent exigent circumstances, until the Court issues a further Order for his transport back to this District; and it is further

ORDERED that, until the Court finds Mr. Boughner competent to stand trial, any "delay resulting from any proceeding, including any examinations, to determine the mental competency or physical capacity of the defendant" will be excluded pursuant to 18 U.S.C. § 3161(h)(1)(A) in computing time for all purposes and calculations under the Speedy Trial Act. Thus, the thirty-day period during which Mr. Boughner is being evaluated, plus the time required for transport, plus fifteen days for the preparation of the report regarding Mr. Boughner's competency shall be excluded from Speedy Trial Act calculations. To the extent that the United States seeks to exclude additional time, it may present arguments in support of those exclusions in a motion or at a hearing before the undersigned. Likewise, to the extent that the defense objects to the foregoing calculation of Speedy Trial Act exclusions, it may present arguments in support of reconsideration of those calculations in a motion or at a hearing before the undersigned; and it is further

ORDERED that on November 20, 2023 at 11:00am the parties shall appear for a status conference concerning the status of Mr. Boughner's transportation to a suitable facility. Counsel for the government shall be prepared to provide an update regarding (a) the status of Mr. Boughner's placement at a suitable facility for his competency evaluation; and (b) Mr. Boughner's transportation to that facility by the United States Marshals Service.

SO ORDERED.

Date: November 9, 2023

Tanya S. Chutkan

TANYA S. CHUTKAN
United States District Judge