

The Honorable John C. Coughenour

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH DANIEL SCHMIDT,

Defendant.

NO. CR23-158 JCC

[~~PROPOSED~~] ORDER REGARDING
MENTAL COMPETENCY
RESTORATION

THE COURT, having reviewed Defendant’s Motion Requesting Examination of Defendant’s Mental State, the Forensic Evaluation report prepared by Dr. Cynthia A. Low, Ph.D., dated April 28, 2024, and the entirety of the file in this matter, hereby finds, by a preponderance of the evidence, that the defendant is presently 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. Therefore,

IT IS ORDERED that the defendant be committed to the custody of the Attorney General, pursuant to 18 U.S.C. § 4241(d), and that the Attorney General shall hospitalize the defendant for treatment in a suitable facility to determine whether there is a substantial probability that in the foreseeable future the defendant will attain the capacity

1 to permit the proceedings to go forward and, if appropriate, to undergo competency
2 restoration treatment, which may include, as necessary, individual therapy;

3 IT IS FURTHER ORDERED that this hospitalization shall be for a reasonable
4 period of time, not to exceed four months, commencing from the date of designation of a
5 suitable facility by the Bureau of Prisons, and that this period of time may be extended
6 for an additional reasonable period of time only upon further Order of this Court;

7 IT IS FURTHER ORDERED that, no later than upon the completion of the
8 aforementioned four-month period, the mental health professionals acting on behalf of
9 the Attorney General shall prepare a report of their examination of the defendant and of
10 his competency status, and that this report be filed with the Court, with copies provided
11 to counsel for the defendant and the government;

12 IT IS FURTHER ORDERED that the United States Marshals Service shall
13 arrange for the transportation of the defendant at government expense to and from the
14 facility designated by the Bureau of Prisons and that such transportation be carried out in
15 a way that avoids unreasonable delays;

16 IT IS FURTHER ORDERED that the defendant shall cooperate with the persons
17 performing this examination and competency restoration treatment; and

18 IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3161(h)(1)(A) and (h)(4),
19 that the period of delay resulting from the commitment period and other proceedings
20 related to the defendant's mental competency, including any time leading up to and
21 including the Court's hearing concerning defendant's competency following examination
22 and treatment, shall be excluded in the computation of time under the Speedy Trial Act,
23 18 U.S.C. § 3161 *et seq.*

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1 IT IS FURTHER ORDERED that, considering the anticipated delay to the
2 proceedings as noted above, the Case Scheduling Order entered in this matter (Dkt. No.
3 20) is hereby stayed. The parties are instructed to submit for the Court's consideration a
4 Revised Case Scheduling Order at the conclusion of the competency proceedings.
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6 IT IS SO ORDERED.

7 Dated this 2nd day of May 2024.
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11 John C. Coughenour
12 UNITED STATES DISTRICT JUDGE

13 Presented by:

14 s/Todd Greenberg
15 TODD GREENBERG
16 Assistant United States Attorney
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18 /s Dennis Carroll
19 DENNIS CARROLL
20 Assistant Federal Public Defender
21 Counsel for Joseph Daniel Schmidt
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