

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

UNITED STATES OF AMERICA

§

v.

§

CAUSE No. 5:11-CR-015

§

§

KHALID ALI-M ALDAWSARI

§

**UNOPPOSED MOTION FOR PSYCHIATRIC AND
PSYCHOLOGICAL EXAMINATION**

COMES NOW, Khalid Ali-M Aldawsari, Defendant, by and through counsel, and pursuant to Title 18, United States Code, 4241, hereby files this Unopposed Motion for Psychiatric and/or Psychological Examination of Defendant, and would state the following:

1. Upon interview, Defendant appears to be suffering from a mental disease or defect or other mental condition. This mental disease or defect potentially renders Mr. Aldawsari mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceeding against him, or unable to assist properly in his defense. *Dusky v. United States*, 362 U.S. 402, 402 (1960).

2. Accordingly, Aldawsari requests that the Court order, pursuant to 18 U.S.C. § 4241(b), that he be committed to a facility that is most convenient as determined by the Bureau of Prisons and where the Bureau of Prison determines that it has the appropriate resources to conduct a full evaluation to determine Aldawsari's competency to stand trial. One such facility would be the U.S. Medical Center for Federal Prisoners at Springfield, Missouri.

3. Aldawsari request that the psychiatric and psychological reports be filed with the Court with copies provided to the counsel for the Defendant and to the Government pursuant to the provisions of Title 18 U.S.C. § 4247(c).

WHEREFORE, Aldawsari respectfully requests that, pursuant to 18 U.S.C. §§ 4241 and 4247, this Court order that Aldawsari be committed to a facility that the Bureau of Prison determines has appropriate resources to conduct a full competency evaluation and is closest to Aldawsari's current location, where he will be examined to determine his competency to stand trial. Finally, Aldawsari requests that the examiners conducting such psychiatric and psychological examinations be ordered to prepare reports in accordance with 18 U.S.C. § 4247(b), (c), and (e).

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF CONFERENCE

I certify that on November 4, 2011, I conferred with Assistant United States Attorneys assigned to this case, and they indicated that they are not opposed to this motion.

/s/ Dan Cogdell

DAN COGDELL

CERTIFICATE OF SERVICE

I certify that on November 7, 2011, a true and correct copy of the foregoing document was filed with the Court's ECF system and electronic notification was sent to the attorney for the government.

/s/ Dan Cogdell

DAN COGDELL

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CAUSE No. 5:11-CR-015

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KHALID ALI-M ALDAWSARI

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**ORDER FOR PRETRIAL PSYCHIATRIC AND
PSYCHOLOGICAL EXAMINATION**

The Court, having considered the Defendant's Unopposed Motion for Psychiatric and Psychological Examination, and the Court being fully advised in the premises, it is THEREFORE ORDERED pursuant to 18 U.S.C. § 4241, that Defendant, be and is hereby committed to the facility closest to the Defendant's current location that the Bureau of Prison determines has appropriate resources to conduct a full competency evaluation, whereby he shall be examined pursuant to the provisions of 18 U.S.C. § 4247.

The purposes of said examination are to determine the competency of the Defendant to stand trial, pursuant to the provisions of 18 U.S.C. § 4241.

IT IS FURTHER ORDERED that said examination shall be conducted at the facility closest to the Defendant's current location that the Bureau of Prison determines has appropriate resources to conduct a full competency evaluation, such as the U.S. Medical Center for Federal Prisoners at Springfield, Missouri.

IT IS FURTHER ORDERED, that said examination will be conducted pursuant to the time provisions set forth in 18 U.S.C. § 4247(b), and that upon completion of said examination, the examiners will prepare and file with the court, with a copy to counsel for the Defendant and for the Government, the written reports as described in 18 U.S.C. §

4247(c). Specifically, the report should include, among the other requirements set forth in 18 U.S.C. § 4247(c), and (e), the examiners' opinion as to whether Defendant is 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.

IT IS FURTHER ORDERED that upon completion and filing of said reports with the Court that the Defendant be returned to this Court for a hearing pursuant to the provisions of law.

ENTERED this _____ day of _____

SAM CUMMINGS
UNITED STATES DISTRICT JUDGE