

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

v.

Case No: 6:24-cr-65-PGB-DCI

DESHAWN MARQUISE DANIELS

Defendant.

ORDER

This matter comes before the Court on the Defendant's Motion to Determine Competency. Doc. 36. The Court held a hearing on the Motion and heard from counsel. At the hearing, the government requested that the Defendant be committed to the custody of the Attorney General for an in-custody evaluation at a suitable facility, and the Defendant, who is on pretrial release, requested that the Defendant be evaluated in-district and out-of-custody by a to-be-agreed-upon evaluator. Regardless, if the evaluation were to occur in custody, the parties also agreed that the Defendant should be permitted to self-surrender for the evaluation. Based on the information provided in the Motion and at the hearing, there is reasonable cause to believe that the Defendant may presently be 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 in his defense. Further, given the government's position concerning an in-custody evaluation, considering the argument of the parties, and given the fact that the defense has already conducted an in-district evaluation, the Court finds that the evaluation should be conducted in custody.

Accordingly, it is **ORDERED** that the Motion (Doc. 36) is **GRANTED in part** as follows:

1. The Defendant is hereby committed to the custody of the Attorney General for a period **not to exceed 30 days from the date of this Order** for psychiatric or psychological examination at a suitable facility¹ to determine whether he 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. 18 U.S.C. §§ 4241, 4247(b).
2. The Defendant shall voluntarily report to the designated facility within five business days of his attorney being notified of the designation.
3. If the Defendant cannot be transported to the designated facility accompanied by a responsible adult, counsel for Defendant shall promptly request a hearing so that transportation of the Defendant to the designated facility may be arranged.
4. The **Clerk of Court** is directed to provide a copy of this Order to the United States Marshals Service. The United States Marshals Service shall promptly advise counsel for the parties and the undersigned once a facility for treatment of the Defendant has been designated.
5. At the expiration of the 30-day examination period, the Attorney General shall cause the Defendant to be released, unless the date is extended before that deadline pursuant to a motion filed by an Assistant United States Attorney at the request of the director of the medical facility. Extensions shall not exceed 15 days. 18 U.S.C. § 4247(b).²

¹ The statute requires that the psychological or psychiatric examination be conducted in the suitable facility closest to the Court, unless impracticable. 18 U.S.C. § 4247(b).

² If the Defendant cannot be transported back to the Middle District in the custody of a responsible adult immediately upon release, the Defendant must promptly file a motion seeking transportation

6. The Attorney General shall cause a psychiatric or psychological report prepared by the examiner to be filed with the Court with copies to counsel for the United States and for the Defendant within 15 days after the expiration of the time set forth in paragraph two above. The report shall discuss each of the factors enumerated in 18 U.S.C. § 4247(c)(1), (2), (3) and (4)(A).
7. **On February 26, 2025, at 10:00 a.m. in Courtroom 5C of the United States Courthouse Annex in Orlando, Florida, the Court shall hold a competency hearing pursuant to 18 U.S.C. § 4241(c). The Defendant and counsel shall be present for that hearing.**

ORDERED in Orlando, Florida on November 25, 2024.



DANIEL C. IRICK
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

United States Marshal
United States Attorney
United States Probation Office
United States Pretrial Services Office
Counsel for Defendant

in the custody of the United States Marshals Service. Defense counsel must stay in contact with the government and the medical facility to coordinate immediate transportation upon the Defendant's release, or the filing of an appropriate motion.