

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :  
 :  
 v. : 1:03  
 : 1:03  
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NOTICE OF INTENT TO RELY UPON THE DEFENSE OF INSANITY  
AND INTRODUCE EXPERT TESTIMONY REGARDING MENTAL CONDITION,  
AND MOTION FOR EXAMINATION TO DETERMINE COMPETENCY TO STAND  
TRIAL  
AND MENTAL CONDITION AT THE TIME OF THE ALLEGED OFFENSES

The Defendant, name, by and through undersigned counsel, hereby notifies the Government and the Court, pursuant to Fed. R. Crim. P. 12.2(a) and (b), of his intent to rely upon the defense of insanity at the time of the alleged offenses, and to introduce expert testimony regarding his mental condition. In addition, the Defendant hereby moves that the Court order a psychiatric and psychological examination and evaluation of him with respect to his mental competency to stand trial, pursuant to 18 U.S.C. § 4241(a), and his mental condition at the time of the offenses alleged in the indictment, pursuant to 18 U.S.C. § 4242(a). In support of this motion, counsel for the Defendant hereby offers the following:

1. On date, a Grand Jury for the Middle District of North Carolina returned two one-count indictments against the Defendant. One indictment alleges that on or about date, the

Defendant robbed a [REDACTED] Bank branch in Greensboro, North Carolina, and the other indictment alleges that on or about date, the Defendant robbed a [REDACTED] branch in Greensboro, North Carolina, both in violation of 18 U.S.C. § 2113(a). The Defendant was arraigned on date, and entered pleas of not guilty.

2. Undersigned counsel has, based on information obtained thus far, reasonable cause to believe that the Defendant is suffering from a mental disease or defect which may render 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, and was, at the time of the alleged offense, suffering from a severe mental disease or defect which may have rendered him unable to appreciate the nature and quality or the wrongfulness of his acts.

3. Specifically, review of the Government discovery file indicates that, when the Defendant was interrogated after his arrest on date, he reported hearing voices, and also provided a bizarre, apparently fanciful account of events surrounding the alleged bank robberies. In addition, records obtained thus far from the Guilford Detention Center indicate that the Defendant was seen by [REDACTED] a psychiatrist, on date. [REDACTED]

██████████ report indicates that, at that time, the Defendant claimed to be actively suicidal, and reported experiencing auditory/visual hallucinations, including command voices telling him to harm himself and others. ██████████ report also indicates that the Defendant reported prior psychiatric hospitalization at High Point Regional Hospital.<sup>1</sup> ██████████ diagnosed the Defendant as suffering from both psychotic disorder, NOS, and depressive disorder, NOS, and prescribed both Thorazine and Zoloft. Additional records indicate that the Defendant was seen also by ██████████ on date, at which time the Defendant still reported hearing voices and ██████████ increased the Thorazine dosage, and again on date, at which time the Defendant reported improvement and ██████████ modified, without increasing or decreasing, the Thorazine dosage.

4. The Defendant agrees that any delay resulting from the requested psychiatric and psychological examination and evaluation should, pursuant to 18 U.S.C. § 3161(h)(1)(A), be excluded in computing the time within which the trial of the offenses alleged in the indictment must commence.

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<sup>1</sup> The Defendant also reported this hospitalization to undersigned counsel, and further advised that it was based on a referral from Guilford County Mental Health. Undersigned counsel has requested, but not yet received, records from both High Point Regional Hospital and Guilford County Mental Health.

WHEREFORE, it is necessary that a psychiatric and psychological examination and evaluation of the Defendant be conducted to determine the Defendant's competency to stand trial, and his mental condition at the time of the offense alleged in the indictment.

FURTHERMORE, because of the sensitive personal nature of the information contained in this motion, the Defendant moves that it, and the proposed order accompanying it, be placed under seal.

Respectfully submitted this the 14<sup>th</sup> day of April, 2003.

LOUIS C. ALLEN III  
Federal Public Defender

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Eric D. Placke  
Assistant Federal Public Defender  
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by hand delivery:

Mr. Paul A. Weinman  
Assistant United States Attorney  
101 South Edgeworth Street, Suite 400  
Greensboro, NC 27401

This the 14<sup>th</sup> day of April, 2003.

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Eric D. Placke  
Assistant Federal Public Defender