

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

UNITED STATES OF AMERICA,	:	
	:	
v.	:	Criminal No. 21-cr-268-CJN
	:	
JEFFREY MCKELLOP,	:	
	:	
	:	
Defendant.	:	

NOTICE OF FILING

COMES NOW the United States of America, by and through its attorneys, the United States Attorney for the District of Columbia and undersigned counsel, and respectfully submits its proposed Order pursuant to 18 U.S.C. § 4247. Defense counsel has indicated they consent to the proposed order.

Respectfully submitted,

MATTHEW GRAVES
UNITED STATES ATTORNEY

By: MATTHEW M. GRAVES

United States Attorney
D.C. Bar No. 481052

/s/ Ashley Akers
ASHLEY AKERS
MO Bar No. 69609
Trial Attorney, Detailee
601 D Street NW
Washington, DC 20001
(202) 353-0521
Ashley.Akers@usdoj.gov

/s/ Brendan Ballou
DC Bar No. 241592
Special Counsel, detailed to the
United States Attorney's Office
601 D Street NW
Washington, DC 20001
(202) 431-8493
Brendan.Ballou-Kelley@usdoj.gov

/s/ Shalin Nohria

United States Attorney's Office
601 D Street NW
Suite Office 6.713
Washington, DC 20001
(202) 344-5763
Shalin.Nohria@usdoj.gov

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JEFFREY MCKELLOP,	:	
	:	
	:	
Defendant.	:	

ORDER

Having found reasonable cause to believe that a competency examination of defendant Jeffrey McKellop is warranted, the Court hereby **ORDERS** that a psychological examination be conducted. *See* 18 U.S.C. § 4241.

Accordingly, it is hereby **ORDERED** that the defendant be committed to the custody of the Attorney General of the United States pursuant to 18 U.S.C. §§ 4247(b), (d) for a period not to exceed one hundred twenty (120) days starting from the date of arrival in a suitable facility for a competency examination and – if the defendant is deemed to be incompetent – to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward. The examination shall be conducted by a licensed or certified psychiatrist and/or psychologist, or more than one such examiner. A report shall be prepared by the examiner and shall be filed under seal with the Court with copies provided to counsel for the defendant and to the attorney for the Government. The report shall include:

- (1) The defendant’s history and any present mental-health systems relevant to his legal competency.
- (2) A description of the psychiatric, psychological, and medical tests that were employed and their results;
- (3) The examiner’s findings;

- (4) The examiner's opinions as to diagnosis and prognosis;
- (5) Whether 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." 18 U.S.C. § 4241(a); and
- (6) "[W]hether there is a substantial probability than in the foreseeable future he will attain the capacity to permit the proceedings to go forward." 18 U.S.C. § 4241(d)(1).

It is further **ORDERED** that the United States Marshal shall transport the defendant to a designated facility for the examination(s).

It is further **ORDERED** that the time from March 2, 2023, to _____, 2023, will be excluded from the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7) as the exclusion would serve the ends of justice and outweigh the interest of the public and of Mr. McKellop in a speedy trial.

It is further **ORDERED** that, pursuant to 18 U.S.C. § 3161(h)(1)(A), any period of delay resulting from the fact that the defendant is mentally incompetent or physically unable to stand trial will be excluded from the Speedy Trial Act. The Court requests that the United States Marshals Service makes every effort to transfer the defendant promptly and directly to and from the suitable facility, without intermediate stops or holdovers.

It is further **ORDERED** that thirty (30) days from the start of this Order and every thirty (30) days thereafter, the Government shall provide a status report addressing: (a) the status of the defendant's placement at a suitable facility for evaluation; and (b) his transportation to and from that facility by the United States Marshals Service.

It is **SO ORDERED**.

Date: March _____, 2023

HON. CARL NICHOLS
United States District Judge