

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DONALD SMITH,

Defendants.

Case No. 1:21-cr-616-RCL

ORDER

During the October 18, 2021 hearing in this matter it became evident the defendant was non-responsive to the Court's inquiries. The Court raised whether a determination of defendant's mental competency to stand trial, pursuant to 18 U.S.C. § 4241, was necessary in this case. Counsel for the defendant, with consent of the government, orally moved to allow a psychological evaluation to be performed in an outpatient setting and upon completion of that evaluation, transmit the psychological evaluation report to the Court for a determination whether the defendant's competency is at issue and whether competency findings under § 4241 are warranted.

It is hereby

ORDERED that the defendant's Unopposed Motion to allow a mental competency examination through an outpatient evaluation is **GRANTED**; it is further

ORDERED that this competency evaluation shall be completed and counsel inform the Court whether there is reasonable cause to believe the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent by December 10, 2021; it is further

ORDERED that the parties shall appear by video teleconference for an arraignment and status conference on December 20, 2021 at 12:00 P.M.; it is further

ORDERED that the time period from October 18, 2021 through the date of the next hearing is hereby excluded from the computation of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* Because this delay results from the need to determine mental competency of the defendant, this time is automatically excluded from the computation of time under § 3161(h)(1)(A). The Court also finds it in the interests of justice to toll the speedy trial clock given the competency examination, the complexity of the Capitol Attack investigation, the nature and volume of discovery in this matter, and the need for the parties to adequately prepare. *See id.* § 3161(h)(7)(A)

IT IS SO ORDERED.

Date: _____

11/2/21



Royce C. Lamberth
United States District Judge