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**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR UTAH COUNTY, STATE OF UTAH**

<p>STATE OF UTAH, Plaintiff, vs. STERLING ALLAN, Defendant.</p>	<p>ORDER RE: COMPETENCY EVALUATION OF DEFENDANT Case No. 161400543 Judge McDade</p>
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The Court having reviewed the petition of defendant’s counsel, filed in the above case, and having determined that the specific allegations contained in the petition raise a bona fide doubt as to the defendant’s competency to stand trial:

THE PETITION IS HEREBY GRANTED AND IT IS HEREBY ORDERED pursuant to Utah Code Ann. § 77-15-5 as follows:

1. The Department of Human Services is hereby appointed to designate two (2) alienists to examine the defendant and report to the court concerning the defendant’s competency and diminished capacity to stand trial.
2. The standard for competency which the experts should address is that provided in Utah Code Ann. § 77-15-2:

A person is incompetent to stand trial if he/she is suffering from a mental disorder or mental retardation resulting either in:

(a) his/her inability to consult with counsel and to participate in the proceedings against him/her or of the punishment specified for the offense charges; or

(b) his/her inability to consult with counsel and to participate in the proceedings against him/her with a reasonable degree of rational understanding.

3. The examining experts shall in the conduct of their examination and in their report to the court consider and address, in addition to any other factors deemed relevant by the experts:

(a) the defendant's present capacity to:

(I) comprehend and appreciate the charges or allegations against him;

(ii) disclose to counsel pertinent facts, events and states of mind;

(iii) comprehend and appreciate the range and nature of possible penalties, if applicable, that may be imposed in the proceedings against him;

(iv) engage in reasoned choice of legal strategies and options;

(v) understand the adversary nature of the proceedings against him;

(vi) manifest appropriate courtroom behavior; and

(vii) testify relevantly, if applicable.

(b) the impact of the mental disorder, or mental retardation, of any, on the nature and quality of defendant's relationship with counsel.

(c) if psychoactive medication is currently being administered:

(I) whether such medication is necessary to maintain the defendant's competency; and (II) the effect of such medication, if any, on the defendant's demeanor and affect and ability to participate in the proceedings.

4. The written reports submitted by the experts shall also:

- (a) identify the specific matters referred for evaluation;
- (b) describe the procedures, techniques, and tests used in the examination and the purpose or purposes for each;
- (c) state the expert's clinical observations, findings, and opinions on each issue referred for examination by the court, and indicate specifically those issues, if any, on which the expert could not give an opinion; and
- (d) identify the sources of information used by the expert and present the bases for the expert's clinical findings and opinions.

5. If an expert's opinion is that the defendant is incompetent to proceed, the expert shall indicate in the report:

- (a) which of the factors listed in 2. above contributes to the defendant's incompetency;
- (b) the nature of the defendant's mental disorder or mental retardation and its relationship to the factors contributing to the defendant's incompetency;
- (c) the treatment or treatments appropriate and available; and
- (d) the defendant's capacity to give informed consent to treatment to restore competency.

6. Prior to examining the defendant, the examiners shall notify the defendant that no statement made by him in the course of any competency examination, whether the examination be with or without consent of the defendant, no testimony by the expert based upon such statement, and no other fruits of the statement shall be admitted in evidence against the defendant in any criminal proceeding except on an issue respecting mental condition on which the defendant has introduced evidence. Such testimony may be admitted, however, where relevant to a determination of the defendant's competency.

7. Counsel for the Plaintiff shall forthwith provide information and materials to the examiners relevant to the determination of the defendant's competency and shall provide copies of the charging document, arrest

or incident reports pertaining to the charged offense(s), known criminal history information, and known prior mental health evaluations and treatments.

8. The mental health experts examining the defendant shall provide an initial report to the court and the prosecuting and defense attorneys within 30 days of the receipt of this order. The report shall inform the court of the examiner's opinion concerning the competency of the defendant to proceed, or, in the alternative, the examiner may inform the court in writing that additional time is needed to complete the examination and report. If the examiner informs the court that additional time is needed, the examiner shall have up to an additional 30 days to provide the report to the court and counsel. The examiner must provide the report within 60 days from receipt of the court's order unless, for good cause shown, the court authorizes an additional period of time to complete the examination and provide the report.

9. A competency hearing is set by the court for the 9th day of May, 2016, at 8:30 a.m.

**Upon approval, electronic signature of the Court
appears on the top of page 1 of this order.**