

UNITED STATES OF AMERICA	:	
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v.	:	CASE NO. 3:12CR105 (RNC)
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TYRELL GARY	:	

By motion dated June 4, 2012, counsel for defendant Tyrell Gary requested that the court authorize funds for an expert witness to examine defendant's competency to stand trial. (Doc. #113.) The court granted that request on December 6, 2012. (Doc. #398.) Dr. Taiye Ogundipe, a fellow at the Yale Law and Psychiatry program in New Haven, CT, conducted that evaluation on October 17, 2012 and issued an evaluation report dated November 20, 2012. (Doc. #461.) District Judge Robert N. Chatigny referred the case to Magistrate Judge Donna F. Martinez pursuant to 28 U.S.C. § 636(b)(1)(B) to conduct a competency hearing. (Doc. #400.)

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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(d). No objections were filed. The recommended ruling is approved and it is hereby

ORDERED, pursuant to 18 U.S.C. § 4241(d), that defendant Tyrell Gary be committed to the custody of the Attorney General to receive necessary and appropriate treatment for his mental illness, and for the Bureau of Prisons to determine whether there is a substantial probability that in the foreseeable future defendant Tyrell Gary will attain the capacity to permit the proceedings to go forward, for an initial period of time not to exceed four months;

IT IS FURTHER ORDERED that the Bureau of Prisons advise the Court no later than four months after defendant Tyrell Gary is received into the custody of the Bureau of Prisons, whether or not his competency has been restored;

IT IS FURTHER ORDERED that to assist the Bureau of Prisons in this process, a copy of the written report of Dr. Ogundipe be provided to the director of the facility in which defendant Tyrell Gary will receive treatment and evaluation; and

IT IS FURTHER ORDERED, upon application of the defendant, through counsel, to preserve and protect his rights to due

process and against self-incrimination, that: No statement, testimony, or other evidence made or provided by defendant Tyrell Gary during or as a result of any court-ordered competency evaluation or treatment, no testimony or report of any psychiatrist or other expert based on such statement, testimony or evidence, and no other fruits of such statement, testimony or evidence shall be admitted in evidence or otherwise used against defendant Tyrell Gary in any criminal proceedings except on an issue respecting competency, or if defendant Tyrell Gary raises his mental status as a defense, or if defendant Tyrell Gary offers testimony inconsistent with statements made in the course of the competency process.

The Court recommends to the Bureau of Prisons that defendant Tyrell Gary be designated to Federal Medical Center Butner.

So ordered.

Dated at Hartford, Connecticut this day \_\_\_\_ of

\_\_\_\_\_, 2013.

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Robert N. Chatigny  
United States District Judge