

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA	:	Crim. No. 3:12cr193(VLB)
	:	
	:	
v.	:	
	:	
	:	
BENJAMIN GREEN, III	:	

**ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT FOR THE  
COMMENCEMENT OF TRIAL**

In accordance with the Local Criminal Rules and the Speedy Trial Act, the United States has moved the Court to exclude from the 70-day period to commence trial under the Speedy Trial Act the time period from December 12, 2012, the date of the government's motion, through and including June 26, 2013.

The Court finds as follows:

1. On December 12, 2012, the government moved the Court to reopen its *Faretta*<sup>1</sup> inquiry and requested that the Court order a competency exam for Mr. Green to determine whether he was competent to stand trial and competent to represent himself at trial.<sup>2</sup>
2. On February 1, 2013, the Court ordered Mr. Green to undergo psychiatric screening.<sup>3</sup> Mr. Green was examined by Dr. Taiye Ogundipe of Yale Medical School in March 2013.
3. The Court originally set a competency hearing date of April 24, 2013.<sup>4</sup> However, due to uncertainty regarding whether Mr. Green still sought to represent

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<sup>1</sup> *Faretta v. California*, 422 U.S. 806, 834, n. 46 (1975).

<sup>2</sup> Dkt. No. 54.

<sup>3</sup> Dkt. Nos. 55, 56.

himself at trial,<sup>5</sup> the Court did not resolve the issue of Mr. Green's competency until June 26, 2013.<sup>6</sup>

Under 18 U.S.C. § 3161(h)(1)(A), the Court must exclude "any period of delay resulting from other proceedings concerning the defendant, including [...] delay resulting from any proceeding, including any examinations, to determine the mental competency" of the defendant. In this case, the period of delay resulting from the proceedings to determine Mr. Green's competency to stand trial and represent himself at trial began on December 12, 2012 – the date on which the government moved the Court to reopen its *Faretta* inquiry and requested that the Court order a competency exam for Mr. Green. That period of delay ended on June 26, 2013, the date on which the Court held the competency hearing.

Based upon the foregoing, the Court finds that the time period from December 12, 2012 through and including June 26, 2013, is excludable under the Speedy Trial Act for the commencement of trial.

Dated: 8/26/13

/s/

THE HONORABLE VANESSA L. BRYANT  
UNITED STATES DISTRICT COURT JUDGE

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<sup>4</sup> Dkt. No. 61.

<sup>5</sup> Dkt. Nos. 71, 76.

<sup>6</sup> Dkt. No. 79.