

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA

v.

KYLE FASOLD

No. 3:20-cr-193 (MPS)

ORDER FOR COMPETENCY HEARING, EXAMINATION, AND REPORT

The Court has reviewed the motion for competency evaluation of Kyle Fasold, currently detained at Columbia Regional Care Center in Columbia, South Carolina, pending trial on charges of producing child pornography and distribution of child pornography. ECF No. 41. The motion was filed by counsel for Mr. Fasold, and is not opposed by the Government, as stated on the record during a telephonic status conference held on May 4, 2021. Having considered the remarks of counsel during the status conference, the Court GRANTS the motion for competency hearing pursuant to 18 U.S.C. § 4241(a) and orders that a psychiatric or psychological examination be conducted and that a report be filed with the Court, pursuant to 18 U.S.C. § 4241(b). In accordance with 18 U.S.C. § 4247(b), the “psychiatric or psychological examination ... shall be conducted by a licensed or certified psychiatrist or psychologist ... designated by the court ... [and] shall be conducted in the suitable facility closest to the court.” After consulting with the United States Marshal, the Court designates appropriate and qualified personnel at FMC Devens, located in Ayer, Massachusetts, to perform the psychiatric or psychological examination, as FMC Devens is the “suitable facility closest to the court,” 18 U.S.C. § 4247(b). The choice of FMC Devens also has the benefit of facilitating access to Mr. Fasold by defense counsel and making transportation to this Court easier than from any other qualified BOP facility

of which the Court is aware. For these reasons, the Court requests Mr. Fasold be allowed to remain at FMC Devens at least throughout the completion of the competency hearing.

The report of psychiatric or psychological examination shall be prepared in accordance with 18 U.S.C. § 4247(c) and shall include the contents listed in that subsection. Once the report is complete, it shall be filed on the docket under seal and copies shall be provided to defense counsel and the Assistant United States Attorney. The Court will then schedule a competency hearing in accordance with 18 U.S.C. § 4247(d), during which Mr. Fasold shall be afforded an opportunity to testify, to present evidence, to subpoena witnesses, and to confront and cross-examine witnesses who appear at the hearing.

It is so ordered.

ENTERED at Hartford, Connecticut, this 4th day of May, 2021.

/s/
Michael P. Shea
United States District Judge