

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 84-726-Cr-JUDGE EATON

UNITED STATES OF AMERICA :

vs. :

KENNETH BRYANT :

FILED BY
JAN 11 11 39 AM '84
D.C.

MOTION FOR CONTINUENCE OF TRIAL
FOR PURPOSES OF SECURING ADDITIONAL PSYCHIATRIC EVALUATIONS

The Defendant, Kenneth Bryant, through counsel, moves that a continuence of trial be granted in order to allow sufficient time for additional psychiatric evaluations to be performed. As grounds therefor, Defendant states:

1. On or about November 28, 1984, Defendant was psychiatricly evaluated by Dr. Adolfo Vilasuso, Psychiatrist. Dr. Vilasuso's preliminary findings indicated, among other items, that Defendant's sense of reality might be impaired and that Defendant suffered from a possible psychosis.

2. On December 27, 1984, Dr. Lloyd Miller, Forensic Psychiatrist, examined Defendant and filed a report which reflected a possible personality disorder and a fantasy life which is:

"CLEARLY MORE ACTIVE THAN HIS SOCIAL LIFE." (emphasis supplied)

Dr. Miller concluded that Defendant is incompetent to stand trial despite his findings, including the fact that he learned that

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Defendant was withholding information from the undersigned attorney.

3. A further psychiatric evaluation either by Dr. Vilasuso or another psychiatrist may be necessary in order to reconcile the potentially conflicting findings which have thus far been made.

4. Robert Lipman, the Assistant United States Attorney who is handling this matter for the Government, has no objection to the relief sought herein.


WHEREFORE Defendant respectfully requests that a Continuence of Trial in this matter be granted in order to allow time for further psychiatric evaluations.

THEODORE J. SAKOWITZ
FEDERAL PUBLIC DEFENDER

By: 
Stewart G. Abrams
Assistant
Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was mailed to Robert Lipman, Assistant United States Attorney, this 4th day of January, 1985.


Stewart G. Abrams

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 84-726-Cr-EATON

UNITED STATES OF AMERICA

v.

KENNETH BRYANT

ORDER FOR PSYCHIATRIC EXAMINATION

THIS CAUSE is before the court on the Government's Motion for Psychiatric Examination And Judicial Determination of Competency of the defendant to determine the present mental competence of the defendant pursuant to Title 18, United States Code, Section 4244, and the court duly being advised in the premises, said motion is hereby GRANTED and it is

ORDERED AND ADJUDGED as follows:

1. The defendant, KENNETH BRYANT, shall be examined as to his mental condition by a qualified psychiatrist, Lloyd Richard Miller, M.D., 1440 NW 14th Avenue, Miami, FL 33125 (547-2000), at Dr. Miller's office within ten (10) days of the date of this Order at a time to be arranged by the defendant or his counsel and acceptable to Dr. Miller.

2. The psychiatrist shall submit a written report to the Court setting forth the findings and shall also answer therein the following question:

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PROPERTY OF
CLERK OF COURT
SOUTH DISTRICT OF FLORIDA

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* 8	TO STARS	COMPLETED BY STARS

Is the defendant, KENNETH BRYANT, presently insane or otherwise so mentally incompetent as to be unable to understand the proceedings against him or properly assist in his own defense?

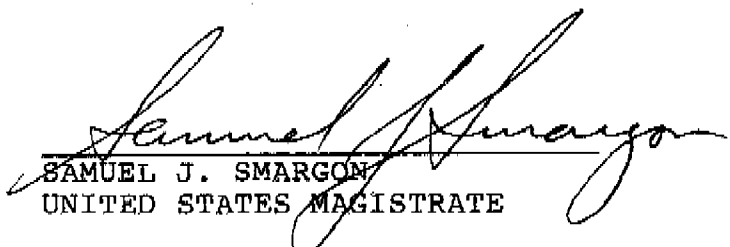
3. The medical records of the defendant shall be made available to the above psychiatrist.

4. No statement made by KENNETH BRYANT, in the course of any examination shall be admitted in evidence against him on the issue of guilt in any criminal proceeding.

Copies of the report shall be submitted to Assistant U. S. Attorney Robert Lipman, 155 S. Miami Avenue, Miami, Florida 33130, to Assistant Federal Public Defender Stu Abrams, U. S. Courthouse, Room 321, 301 N. Miami Avenue, Miami, Florida 33128, and to the undersigned at 300 N.E. 1st Avenue, Miami, Florida 33101.

IT IS FURTHER ORDERED that all costs incurred be paid by the Government and said bill be forwarded to the United States Attorney's Office (AUSA Robert Lipman), 155 S. Miami Avenue, Miami, Florida 33101.

DONE AND ORDERED in Miami, Florida this 18th day of December, 1984.


SAMUEL J. SMARGON
UNITED STATES MAGISTRATE

cert. copies:
Dr. Miller
AUSA Robert Lipman
AFPD Stu Abrams

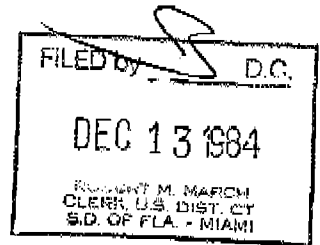
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 84-726-Cr-EATON

UNITED STATES OF AMERICA

v.

KENNETH BRYANT



MOTION FOR PSYCHIATRIC EXAMINATION AND
JUDICIAL DETERMINATION OF COMPETENCY
(AND INCORPORATED MEMORANDUM OF LAW)

The United States, pursuant to Title 18, United States Code, Section 4244, hereby moves the Court: (1) to require defendant to submit to a psychiatric examination; and (2) for a judicial determination of competency.

In support thereof the United States represents:

1. The defendant was arrested and indicted for impersonating a federal law enforcement officer (a copy of the complaint is attached hereto as Ex. A.).

2. After a review of certain conduct by defendant, a letter seized from defendant, as well as information provided by defense counsel to Government counsel concerning a psychiatrist's interview with defendant, there is reasonable cause to believe that defendant may be unable to properly assist in his own defense.

The Government requests that the Court select a psychiatrist in whom the Court has confidence to carry out the evaluation.

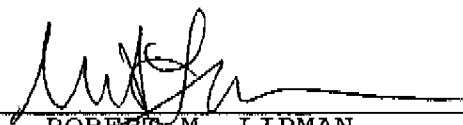
(The Government is prepared to make recommendations in this regard.)

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# 7	TO STARS 12/17	COMPLETED BY STARS 12/17

Defense counsel has advised Government counsel that defense counsel does not oppose the request that defendant be examined by a psychiatrist.

Respectfully submitted,

STANLEY MARCUS
UNITED STATES ATTORNEY

BY: 
ROBERT M. LIPMAN
ASSISTANT UNITED STATES ATTORNEY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 13th day of December, 1984 to Federal Public Defender, 301 North Miami Ave., Room 321, Miami, FL 33128.


ROBERT M. LIPMAN
ASSISTANT UNITED STATES ATTORNEY