

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 3:15-mj-1170-JRK

JOSHUA RYNE GOLDBERG

**ORDER**

This cause came before the Court at the scheduled detention and preliminary hearings on September 15, 2015. At that time, Defendant's counsel made an oral motion to have Defendant examined for competency pursuant to 18 U.S.C. §§ 4241 and 4247. The Government does not oppose the Motion. For the reasons stated on the record at the hearing, the Court finds there is reasonable cause to believe Defendant may 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. See 18 U.S.C. § 4241(a). Accordingly, it is hereby

**ORDERED:**

1. Defendant's Oral Motion for Competency Exam (Doc. No. 13) is **GRANTED**. Pursuant to 18 U.S.C. §§ 4241 and 4247, Defendant is committed to the custody of the Attorney General or his duly authorized representative for placement in a suitable facility for a reasonable period, but not to exceed thirty (30) days, for a psychiatric or psychological examination to determine if he is

competent to stand trial. Unless impracticable, the psychiatric or psychological examination shall be conducted at the Federal Medical Center in Butner, North Carolina. A licensed or certified psychiatrist or psychologist or, if deemed appropriate by the director of the facility, more than one such examiner, shall conduct the examination. The director of the facility may apply to this Court for a reasonable extension of time, but not to exceed fifteen (15) days, upon a showing of good cause that additional time is necessary to observe and evaluate Defendant.

2. The examiner shall assess Defendant's ability to understand the nature and consequences of the proceedings against him and his ability to assist properly in his defense. Upon completion of the examination, the examiner shall promptly prepare a written report that specifically includes the following items:

- (1) Defendant's history and present symptoms;
- (2) a description of the psychiatric, psychological, and medical tests that were employed and their results;
- (3) the examiner's findings;
- (4) the examiner's opinions as to diagnosis and prognosis; and
- (5) whether Defendant is 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.

With regard to item (5), the examiner shall answer the following additional questions:

- (a) Does Defendant have present sufficient ability to consult with his counsel with a reasonable degree of rational understanding?
- (b) Does Defendant have a rational as well as a factual understanding of the proceedings against him?

The examiner shall furnish the report to James R. Klindt, United States Magistrate Judge, 300 North Hogan Street, Suite 5-111, Jacksonville, Florida 32202, with copies to Paul Shorstein, Esquire, 6550 St. Augustine Road, Suite 303, Jacksonville, Florida 32217, and to Kevin C. Frein, Assistant United States Attorney, United States Attorney's Office, 300 North Hogan Street, Suite 700, Jacksonville, Florida 32202.

3. The United States Marshal for this District shall transport or make arrangements for the transport of Defendant to the designated suitable facility for the purpose of the examination and, upon completion of the examination, the United States Marshal shall return or make arrangements for the return of Defendant to a detention facility near Jacksonville, Florida.

4. So that the Court may effectively monitor the time parameters set forth in 18 U.S.C. §§ 4241 and 4247, the Government shall file a notice advising the Court upon designation of Defendant to a Federal Medical Center.

5. A copy of this Order shall be personally served on Defendant by the United States Marshal or his duly authorized representative.

**DONE AND ORDERED** at Jacksonville, Florida, this 16th day of September, 2015.

  
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**JAMES R. KLINDT**  
United States Magistrate Judge

mdc  
Copies to:  
Assistant U.S. Attorney (Frein)  
Paul A. Shorstein, Esquire  
U.S. Marshals Service (4 certified)  
Joshua Ryne Goldberg (*via* U.S. Marshal)