

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

UNITED STATES OF AMERICA

vs.

Case No. 3:15-mj-1170-JRK

JOSHUA RYNE GOLDBERG

ORDER

This cause came before the Court today for a status hearing regarding Defendant's competency to proceed. Counsel for Defendant and the Government were present at the hearing. Defendant is currently at the Federal Medical Center in Butner, North Carolina ("FMC Butner"), and he was present at the hearing via live video. During the hearing, the Court orally announced its finding, and this Order is entered to memorialize the finding. The entire transcript of the hearing is incorporated herein.

Defendant was transported to FMC Butner upon this Court's December 16, 2015 Order (Doc. No. 29), finding Defendant incompetent to proceed in this matter and committing him to the custody of the Attorney General or his duly authorized representative for an examination and treatment for a period not to exceed four months, pursuant to 18 U.S.C. §§ 4241(d) and 4247(b).¹ Defendant arrived for evaluation at FMC Butner on January 12, 2016.

On or about May 18, 2016, the Court received a report by evaluators at FMC Butner dated May 10, 2016 and signed May 23, 2016, in which the evaluators opined as follows:

[Defendant's] mental condition, namely Autism Spectrum Disorder and Major Depressive Disorder, interferes with his rational understanding of relevant legal proceedings and his ability to assist counsel in his defense. At this time, [Defendant] would likely passively engage in the legal process. Ongoing

¹ Also included in the December 16, 2015 Order was an instruction for evaluators at the designated facility to answer the question of whether Defendant was insane at the time of the offense charged. See Order (Doc. No. 29) at 4.

treatment with an antidepressant is warranted, as previously noted. Based on all available information, we believe there is a substantial likelihood that he may improve to such an extent his competency to proceed may be improved in the foreseeable future in order to proceed. As such, we are requesting another period of evaluation and treatment to continue restoration efforts, pursuant to the provisions of [18 U.S.C. § 4241(d)].

At the status hearing today, counsel for the Government and Defendant jointly filed in open court a Stipulation of the Parties, stating that the parties “agree that [D]efendant . . . remains incompetent to proceed, but there is a substantial likelihood that in a reasonable amount of time [D]efendant may improve to such an extent his competency to proceed may be improved in order to proceed.” Stipulation of the Parties at 1. The parties further stipulate that “[D]efendant should continue to remain at [FMC Butner] for an additional four months to continue restoration efforts.” Id. at 2.

In light of the May 10, 2016 report from FMC Butner and the Stipulation of the Parties, the Court finds that Defendant is not competent to proceed at this time, but there is a substantial probability that within a reasonable period of time Defendant will attain the capacity to permit the proceedings to go forward. See 18 U.S.C. § 4241(d)(2)(A). Accordingly, it is

ORDERED:

Pursuant to 18 U.S.C. § 4241(d)(2)(A), Defendant shall continue to be committed to FMC Butner through **October 17, 2016**, at which time the Court will determine the manner in which to proceed. **Defendant shall remain at FMC Butner pending further Order.**

DONE AND ORDERED at Jacksonville, Florida on June 15, 2016.


JAMES R. KLINDT
United States Magistrate Judge

clr

Copies to:

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