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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

)

UNITED STATES OF AMERICA,

Plaintiff,

VS.

EDGAR J. STEELE,

Defendant.

Cr. No. 10-148-N-BLW

GOVERNMENT'S MOTION FOR A RULE 12.2(c) ORDER THAT DEFENDANT BE EXAMINED

The United States of America, by and through Marc Haws and Traci J. Whelan, Assistant United States Attorneys, now moves the Court for its order that Defendant Edgar J. Steele be examined pursuant to Federal Rule Criminal Procedure 12.2(c)(1)(B).

The Defendant has given notice under Rule 12.2(b) that he intends to introduce expert evidence relating to mental condition bearing on the issue of his guilt, (Dkt. 85). The law provides that: "If the defendant provides notice under Rule 12.2(b) the court may upon the government's motion, order the defendant to be examined under procedures ordered by the court." FED. R. CRIM. P. 12.2(c)(1)(B). The Government now moves the Court to order that

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Defendant be examined under the following procedures. First, that Defendant be transported in the custody of the United States Marshals' Service (USMS) to Boise, Idaho on or before Friday, April 8, 2011. Second, that Defendant be confined at the Ada County Jail pursuant to arrangements of the USMS. Third, that Defendant be examined at the Ada County Jail on Friday, April 8, 2011 at 9:00 a.m. by Dr. Robert Engle, licensed psychologist. Fourth, that Dr. Engle examine and report on the current physical well-being, psychological functioning, and mental health of Defendant; as well as Defendant's physical well-being, psychological functioning, and IV of the Superseding Indictment. Fifth, that Dr. Robert Engle prepare and submit a written report to be filed with the Court and counsel no later than April 13, 2011, the date previously set by the Court for disclosure of Government expert reports.

Respectfully submitted this 23rd day of March, 2011.

WENDY J. OLSON UNITED STATES ATTORNEY By:

<u>/s/ Marc Haws</u> MARC HAWS TRACI J. WHELAN Assistant United States Attorney

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23rd day of March, 2011, the foregoing

GOVERNMENT'S MOTION FOR A RULE 12.2(c) ORDER THAT DEFENDANT BE

EXAMINED was electronically filed with the Clerk of the Court using the CM/ECF system and was served to all parties listed in CMF/ECF.

/s/ Maria Wahl

Legal Assistant

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