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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION
2016 DEC 29 AM 11:52

United States of America,)	
)	Criminal No. 2:15-472-RMG
vs.)	
)	
Dylann Storm Roof,)	ORDER
)	
_____)	

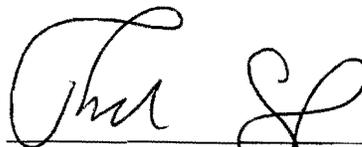
Standby counsel has filed a sealed motion for a determination of the Defendant's current competency to proceed to stand trial. (Dkt. No. 832). In an abundance of caution, the Court orders an additional independent psychiatric evaluation and will hold another competency hearing in accordance with 18 U.S.C. §§ 4241, 4247(b) and 4247(c)(4)(A). To that end, the Court appoints James C. Ballenger, M.D., to conduct an additional competency evaluation. Dr. Ballenger has advised the Court that he will conduct the evaluation over the weekend (December 31, 2016-January 1, 2017) at the Sheriff Al Cannon Detention Center, where Defendant is presently detained.

The Court sets a competency hearing in this matter for January 2, 2017, at 9:00 A.M. The parties are advised that the Court will not hear evidence that was presented at the competency hearing held on November 21-22, 2016. Standby counsel states that their motion is based on "facts developed since the competency hearing on November 21-22, 2016," (Dkt. No. 832 at 1), and the Court will only hear evidence related to any developments since the November 21-22, 2016 hearing. The Court intends to rule on the issue of competency from the bench on January 2, 2017, with a written opinion to follow.

The Court gives notice that it is considering closing the January 2, 2017 competency hearing to protect Defendant's right to a fair trial and right to self-representation. The Court will hold an open hearing on January 2, 2017, at 8:30 A.M. to allow any interested party to object to the closing of the competency hearing. Interested parties may also file an objection with the Court by January 2, 2017 at 8:00 A.M.

At this point, the Court finds no reason to cancel or delay the sentencing trial scheduled to commence on January 3, 2017, at 9:30 A.M.

AND IT IS SO ORDERED.


Richard Mark Gergel
United States District Judge

December 29, 2016
Charleston, South Carolina