

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BUFORD O'NEAL FURROW, JR.,

Defendant.

CASE NO. CR 99-838 NM

ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S
MOTION TO RECONSIDER OR
CLARIFY ORDER RE: NOTICE OF
INTENT TO INTRODUCE MENTAL
HEALTH EVIDENCE

Upon full consideration of the moving, opposition, and reply papers, the parties' arguments and authorities, and the entire record herein, the Court hereby grants in part and denies in part defendant's motion for reconsideration and amends Paragraphs 3 and 5 of its Order re: Notice of Intent to Introduce Mental Health Evidence as follows:

3. Pursuant to Federal Rule of Criminal Procedure 12.2, the Court will entertain any motion by the government to order the defendant to submit to an examination pursuant to 18 U.S.C. Sections 4241 or 4242. Any such motion shall be filed within 10 days of receipt of the defendant's written summary of expert testimony, and shall specify the scope and extent of the examination desired by the government. Pursuant to Rule 12.2, no statements made by defendant in the course

1 of any examination so ordered, no testimony by the expert based upon such
2 statements, and no fruits of the statements shall be admitted in evidence against
3 defendant except on an issue respecting mental condition on which defendant has
4 introduced testimony.

5 5. If defendant intends to introduce evidence and/or expert testimony
6 relating to a mental condition of defendant offered in mitigation solely at the penalty
7 phase of the trial, defendant shall similarly provide to the government written notice
8 of such intention within the time provided for the second round of filing the pretrial
9 motions in this case (June 26, 2000). The notice shall include the name and
10 professional qualifications of any mental health professional who will testify and a
11 brief written summary of such professionals diagnostic conclusions. Such notice
12 shall contain sufficient information to permit the government to determine the area
13 in which any government rebuttal expert must be versed. Defendant, if he wishes,
14 may file such notice under seal.

15
16 IT IS SO ORDERED.

17
18 DATED: June 6, 2000

19 _____
20 Nora M. Manella
21 United States District Judge
22
23
24
25
26
27
28