

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,		CRIMINAL CASE NUMBER:
v.		1:22-CR-00335-MHC-JSA
TEVIN MCDONALD,		

REPORT AND RECOMMENDATION

Defendant is charged with possession of a firearm as a previously-convicted felon, in violation of 922 U.S.C. §§ 922(g)(1) and 924(a)(2). The Defendant was previously been found incompetent to stand trial. *See* Report and Recommendation [24]; Order [38]. The Defendant was thus committed to the custody of the Attorney General for treatment to attempt to restore Defendant's competency pursuant to 18 U.S.C. § § 4241(d)(1), and a hearing on the issue of restoration was scheduled for July 16, 2024. *See* Orders [28][30].

The Court and counsel thereafter received a copy of the forensic examination report issued by the forensic psychologist at the Federal Medical Center in Butner, North Carolina, dated June 7, 2024. After several months of treatment, it is the opinion of the examiner that the Defendant's competency to

stand trial has been successfully restored. This report was accompanied by a Certificate of Restoration Of Competency To Stand Trial executed by the Acting Warden of the facility. These papers are filed as Exhibit A to this Report and Recommendation, under seal.

The Court convened the hearing on July 16, 2024. At the hearing, the parties stipulated to the expert's finding and conclusion that Defendant's competency has been restored and agreed that no in-court examination or cross-examination of the expert or any other witness was needed. The Court also advised the Defendant of his right to introduce evidence and testify, and he declined to do so. Thus, based on the agreed-to expert conclusions on this issue, the Court **RECOMMENDS** that Defendant be declared **COMPETENT** to stand trial and that this case proceed at this time.

IT IS SO **RECOMMENDED** this 16th day of July, 2024.



JUSTIN S. ANAND
UNITED STATES MAGISTRATE JUDGE