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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) No. CR 16-00440 WHA
15)
Plaintiff,) STIPULATION AND ~~PROPOSED~~ ORDER FOR
16) COMMITMENT TO CUSTODY OF ATTORNEY
v.) GENERAL FOR MENTAL COMPETENCY
17) EVALUATION AND SETTING MENTAL
YEVGENIY ALEXANDROVICH NIKULIN,) COMPETENCY HEARING PURSUANT TO 18
18) U.S.C. §§ 4241 AND 4247.
Defendant.)
19)
20)

21 Defendant Yevgeniy Nikulin, represented by Arkady Bukh and Valery Nechay, and the United
22 States, represented by Assistant United States Attorneys Michelle J. Kane and Matthew A. Parrella,

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1 hereby jointly submit the following proposed order as requested by the Court at the October 9, 2018,
2 hearing.

3 IT IS SO STIPULATED.

4 DATED: October 10, 2018

Respectfully submitted,

5 ALEX G. TSE
United States Attorney

6
7 /s/
MICHELLE J. KANE
8 MATTHEW A. PARRELLA
Assistant United States Attorneys

9
10 /s/
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11 Counsel for Yevgeniy Alexandrovich
Nikulin

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13 /s/
VALERY NECHAY
14 Counsel for Yevgeniy Alexandrovich
Nikulin

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16 **ORDER**

17 On September 4, 2018, the Court granted defendant Nikulin’s motion for a hearing to determine
18 his competency to stand trial pursuant to 18 U.S.C. § 4241 and ordered Dr. Alexander Grinberg to
19 conduct an examination of defendant. The Court has previously found, based on the record herein —
20 including defense counsel’s declaration and the United States Marshals Service’s representations
21 regarding Nikulin’s in-custody behavior —that there is reasonable cause to believe that defendant
22 Nikulin “may presently be suffering from a mental disease or defect rendering him mentally
23 incompetent to the extent that he is unable to understand the nature and consequences of the proceedings
24 against him or to assist properly in his defense.” 18 U.S.C. § 4241(a).

25 Based on defendant’s Status Report, filed October 1, 2018, the Court finds that defendant has
26 refused to participate in the mental competency examination by Dr. Grinberg. Therefore, pursuant to 18
27 U.S.C. § 4247(b), and with the agreement of defendant at the October 9, 2018, hearing, the Court hereby
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1 ORDERS defendant committed for a reasonable period, not to exceed thirty days, to the custody of the
2 Attorney General for placement in a suitable facility for purposes of an examination pursuant to 18
3 U.S.C. § 4241(b). The director of the facility may apply for a reasonable extension, not to exceed fifteen
4 days, upon a showing of good cause that the additional time is necessary to observe and evaluate the
5 defendant, as provided in 18 U.S.C. § 4247(b). Defendant Nikulin requires the assistance of a Russian
6 language interpreter.


7 The psychiatric report shall be filed with the Court and copies shall be provided to defense
8 counsel and counsel for the government. 18 U.S.C. § 4247(c). The psychiatric report shall include the
9 following information as required by 18 U.S.C. § 4247(c):

- 10 (1) the defendant's history and present symptoms;
- 11 (2) a description of the psychiatric, psychological, and medical tests that were employed, and
12 their results;
- 13 (3) the examiner's findings; and
- 14 (4) the examiner's opinions as to diagnosis, prognosis, and whether the defendant is suffering
15 from a mental disease or defect rendering him mentally incompetent to the extent that he is
16 unable to understand the nature and consequences of the proceedings against him or to assist
17 properly in his defense.

18 A hearing to determine the mental competency of defendant Nikulin will be held on February 12,
19 2019, at 2:00 p.m. The examiner's report shall be provided to the Court by February 5, 2019.

20 IT IS SO ORDERED.

21 Dated: October 10, 2018.



HON. WILLIAM ALSUP
United States District Judge