

At a Criminal Term of the County Court, held in and for the County of Erie at the County Hall, in the City of Buffalo, New York on the 22nd day of December, 2003.

PRESENT: HON. SHIRLEY TROUTMAN, J.C.C.
Judge Presiding

STATE OF NEW YORK
COUNTY COURT : COUNTY OF ERIE

THE PEOPLE OF THE STATE OF NEW YORK

vs.

EXAMINATION ORDER
CPL 330.20

JEREMY PERKINS

Indictment No. 00586-2003

Crime Charged: Murder in the Second Degree

Defendant

The above-named defendant having been found not responsible by reason of mental disease or defect, by plea, pursuant to CPL 220.15.

NOW, THEREFORE, it is

ORDERED, that the said defendant submit to a psychiatric examination to determine whether he has a dangerous mental disorder, as that term is defined in paragraph (c) of subdivision 1 of CPL 330.20, and if the said defendant does not have a dangerous mental disorder, to determine whether he is mentally ill, as that term is defined in paragraph (d) of subdivision 1 of CPL 330.20, and it is further

ORDERED, that the State Commissioner of Mental Health, pursuant to CPL 330.20(5), and CPL 330.20(15), shall designate two qualified, board certified, psychiatrists to conduct the aforesaid psychiatric examination, which shall commence no later than January 05, 2004, and such designated psychiatric examiners, in conducting their examination, may employ any method which is accepted by the medical profession for the examination of persons alleged to be suffering from a dangerous mental disorder or to be mentally ill or retarded, and it is further

ORDERED, that the State Commissioner of Mental Health shall within five (5) days of the date of this Order, immediately notify the Court, upon receipt of this Order, of the identity of the two competent psychiatrists designated by her to complete the aforesaid examinations, and it is further

ORDERED, that a psychiatrist or psychologist retained by the above-named defendant may be present at the aforesaid psychiatric examination, and it is further

ORDERED, that the above-named defendant be committed to a secure facility within the State Office of Mental Health which is staffed with personnel adequately trained in security methods and is so equipped as too minimize the risk or danger of escapes, and which has been specifically designated by the State Commissioner of Mental Health as the place for conducting the aforesaid psychiatric examination, and it is further

ORDERED, that the continuous confinement of the above-

named defendant in the aforesaid secure facility shall be for a period not exceeding 30 days, unless the court, upon application of the State Commissioner of Mental Health, subsequently authorizes confinement for an additional period prescribed by law; provided, however, that if the initial hearing required by subdivision 6 of CPL 330.20 has not commenced prior to the termination of the aforesaid examination period or periods, the State Commissioner of Mental Health shall retain custody of the defendant in such secure facility until custody is transferred in the manner prescribed in subdivision 6 of CPL 330.20, and it is further

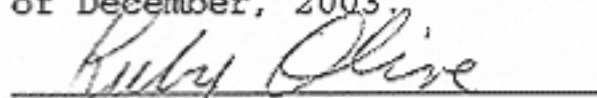
ORDERED, that each psychiatric examiner designated by the State Commissioner of Mental Health to conduct the aforesaid psychiatric examination shall, upon completion of the examination, promptly prepare a report of his or her findings and evaluation concerning the defendant's mental condition and submit such report to the said Commissioner, and upon receipt and review of such report from each designated psychiatric examiner, the said Commissioner shall submit four copies of each such report to the court that issued this examination order, no later than January 23, 2004, and the identified psychiatrist must be available for a hearing to commence on January 27, 2004 at 9:30 a.m., and it is further

ORDERED, that having failed to comply with the Court's Order of November 24, 2003, and no good cause having been provided as to the failure of the State Commissioner of Mental Health to comply with said Order, the State Commissioner of Mental Health

shall be deemed in contempt of court should there be non-compliance with this Order.


Hon. Shirley Troutman, J.C.C.

GRANTED: This 26th day
of December, 2003.


Court Clerk

DESIGNATION OF SECURE FACILITY:

The State Commissioner of Mental Health has designated the following secure facility as the place for conduct the psychiatric examination referred to in this order:

TO: JOHN NUCHERENO, ESQ
2503 NIAGARA STREET
BUFFALO NY 14207