

IN THE MATTER OF : IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
JAMES LEE : JUVENILE DIVISION
: :
: :
A MINOR : DOCKET NO. 123 of 2002

PETITION FOR COMPETENCY EVALUATION

AND NOW, this 17th day of July, 2002, comes the Petitioner, James Lee, by and through his counsel, Ines M. Massella, Assistant Public Defender, and files the within Petition for Competency Evaluation and in support thereof states as follows:

1. The Petitioner is a juvenile, 14 years of age, with a date of birth of June 4, 1988.
2. The juvenile has several allegations of arson pending in Juvenile Court or under investigation by the City of Erie Bureau of Police.
3. After speaking with Juvenile Probation Officer Julie Strickenberger, and after viewing the demeanor of the juvenile at a detention hearing held on July 16, 2002, the undersigned questions whether the juvenile understands the nature of the charges against him, the law and the legal process in general, and whether he can assist meaningfully in his own defense.
4. Ms. Strickenberger advised that the results of a psychological evaluation performed of the juvenile last fall lists his full scale IQ at 57. Ms. Strickenberger, in fact, first raised the possibility of a need for a competency

evaluation given the full scale IQ and her experience with the juvenile and his family.

5. Based on the foregoing, the undersigned believes and avers that it is in the best interest of the juvenile that he be evaluated by a psychiatrist to determine his competency to stand trial, to understand the charges filed against him, and to assist his counsel in his defense.

6. The undersigned further believes and avers that the juvenile is indigent and without funds to pay for the psychiatric evaluation.

7. Assistant District Attorney Elizabeth Vanstrom does not object to the relief requested in this Petition.

WHEREFORE, the Petitioner respectfully requests that this Honorable Court enter an Order: (1) directing that the juvenile be evaluated as to his competency to stand trial; (2) that, as the juvenile is currently detained, arrangements for the evaluation be made by the Juvenile Probation Department; and (3) that the evaluation be conducted by Sean Su, M.D., who has performed similar psychiatric evaluations for the Juvenile Probation Department in the past.

Respectfully submitted,

Ines M. Massella,
Assistant Public Defender
451-7443

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O R D E R

AND NOW, to wit, this _____ day of _____, 2002, it is hereby ORDERED, ADJUDGED and DECREED, that the above-named juvenile be evaluated as to his competency to stand trial by Sean Su, M.D. It is further ORDERED that the Juvenile Probation Department shall contact Dr. Su to arrange for, and to facilitate, the performance of the evaluation.

BY THE COURT:

John J. Trucilla, J.