

IN THE CIRCUIT COURT OF LAFAYETTE COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

LAFAYETTE COUNTY
FILED

CAUSE NO.: LK19-297

MATTHEW PAUL KINNE

SEP 1 1 2020

DEFENDANT

JEFF BUSBY
CIRCUIT CLERK

BY:  D.C.

**MOTION FOR PSYCHIATRIC EXAMINATION AND
FOR HEARING TO DETERMINE COMPETENCY**

COMES NOW the Defendant, Matthew Paul Kinne, by and through counsel, and pursuant to Rule 12.2 of the Mississippi Rules of Criminal Procedure, and files this his Motion for Psychiatric Examination and for Hearing to Determine Competency, and in support thereof would respectfully show unto the Court the following facts, to-wit:

1.

That the Defendant is charged in this cause with Capital Murder. The Defendant is presently awaiting trial on these charges which are pending in the Circuit Court of Lafayette County.

2.

The undersigned attorney believes that the Defendant is in need of a psychiatric examination by a competent mental health professional and that he is in need of psychological testing in order to determine whether the Defendant is mentally capable of conferring with his attorney and making a rational defense and whether he was mentally capable of distinguishing between right and wrong at the time of the offense with which he is charged. This request is based upon counsel's interviews with his client.

3.

Rule 12.1 of the Mississippi Rules of Criminal Procedure states that “[i]n order to be deemed mentally competent, a defendant must have the ability to perceive and understand the nature of the proceedings, to communicate rationally with the defendant’s attorney about the case, to recall relevant facts, and to testify in the defendant’s own defense, if appropriate.” Rule 12.5(a) of the Mississippi Rules of Criminal Procedure states that any party can move to convene a hearing to determine competency.

4.

Defendant herein has raised or may raise an Insanity Defense pursuant to MRCrP 17.4(b), and the Defendant requests that the mental evaluation of Defendant include an investigation and analysis of the Defendant’s mental condition at the time of the alleged offense(s) with respect to Defendant’s ability to know the nature and quality of his alleged acts and to know the difference between right and wrong in relation to his alleged acts at that time, in accordance with MRCrP 12.2(b).

WHEREFORE, PREMISES CONSIDERED, the undersigned attorney, acting for and on behalf of the Defendant, respectfully moves the Court to order that the Defendant be held for a psychiatric examination and for psychological testing to determine whether he is mentally capable of conferring with his attorney and making a rational defense and whether he was mentally capable of distinguishing between right and wrong at the time of the alleged offense.

Respectfully submitted, this the 11th day of September, 2020.

A handwritten signature in black ink, appearing to read 'Anthony L. Farese', is written over a horizontal line.

ANTHONY L. FARESE

MSB# 5133

FARESE, FARESE & FARESE, P.A.

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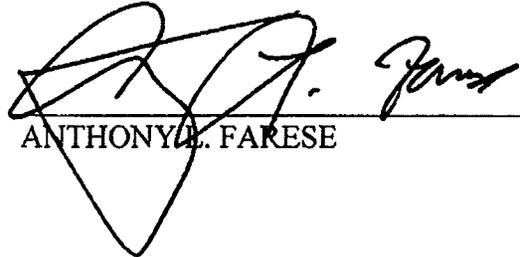
CERTIFICATE OF SERVICE

I, Anthony L. Farese, Attorney for Defendant, do hereby certify that I have this day mailed by United States Mail, postage prepaid, a true and correct copy of the above and foregoing Motion for Psychiatric Examination and for Hearing to Determine Competency to the following, to-wit:

Honorable Ben Creekmore
District Attorney
111 E. Main Street
New Albany, Mississippi 38652

Honorable Mickey Mallette
Assistant District Attorney
1301 Monroe Avenue
Oxford, Mississippi 38655-3750

This the 11th day of September, 2020.



ANTHONY L. FARESE