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**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

MAJIE SCOTT  
CLERK DISTRICT COURT

STATE OF IDAHO, )  
)  
Plaintiff, )  
)  
V. )  
)  
RITA NANCY HUTCHENS, )  
)  
Defendant. )

DEPUTY

**CASE NUMBER: CR-2012-4024**

**SECOND ORDER FOR EVALUATION  
PURSUANT TO I.C. §§18-210, 18-211**

The Court having heard argument on the State’s Motion for Evaluation Pursuant to I.C. §§18-210 and 18-211 on May 1, 2013, and being duly apprised in the premises and having reviewed the court’s file, does find good cause to doubt the defendant’s fitness to proceed, based on the following

1. At the Arraignment on September 14, 2012, and at the Pretrial Conference on 11/23/12, and at the Video Appearance on April 17, 2013, and at the hearing regarding the State’s Motion for Evaluation Pursuant to I.C. 18-210/211 held on May 1, 2013, before Judge Heise, Defendant expressed a high degree of confusion as to the criminal charge in matter, as well as procedure and process.
2. Further, Defendant has filed numerous documents with the court – most aptly described as nonsensical, to-wit: “Notice of Default”; “Notice Persueing Happiness”; “Notice to Correct the Record”; “Declaration of Rights”; “Notice of Intent to Take Default Failure to Respond to FOIA”; “Notice no Bar Numbers on Documents”; “Affidavit of Status”; etc., etc.
3. At this time, Defendant is continuing to exhibit unusual behaviors and affects – both in court and in her filings. Thus, it appears evident that her mood is changeable, and her thoughts are disorganized. She exhibits a flight of ideas and jumps from one topic to another. These behaviors include, but are not limited to:

- a. Refusing to identify herself as Rita Hutchens in court; Refusing and/or returning

discovery documents from the prosecuting attorney – yet demanding that the case be dismissed because she hasn't received discovery; Continually telling the presiding judge that the court lacks jurisdiction, despite the court having ruled that it does have jurisdiction and informing the defendant of that fact at multiple hearings; Battering the assigned prosecuting attorney outside of court when he served papers to her in the clerk's office; Demanding that the court order the assigned prosecutor touch defendant's shoulder in court in order to identify her as the defendant; Appearing for a previously ordered evaluation with Dr. Carl Haugan and refusing to participate in the evaluation by insisting that she was asserting her fifth amendment rights; etc.

WHEREFORE, IT IS HEREBY ORDERED:

1. That Dr. Daniel S. Hayes, Clinical Psychologist, certified by the Department of Health and Welfare as a designated licensed psychiatrist or psychologist to examine and report on the mental condition of the Defendant.
2. The expense of this evaluation shall be at no cost to the defendant and shall be paid for by the Court.
3. On the 10th day of June, 2013, at the hour of 1:00 o'clock p.m., the Defendant SHALL meet with Dr. Daniel S. Hayes, Clinical Psychologist, at his office situated at 2190 Ironwood Center Drive, Suite #2, Coeur d'Alene, Idaho, 83814, for the examination.
4. In such examination, any method may be employed which is accepted by the examiner's profession for the examination of those alleged not to be competent to assist counsel in their defense.
5. Within FOUR (4) WEEKS of this documents file-stamp, examination shall be completed and a report shall be submitted to the Court and shall include the following:
  - a. a description of the nature of the examination;
  - b. a diagnosis or evaluation of the mental condition of the defendant;
  - c. an opinion as to the defendant's capacity to understand the proceedings against her and to assist in her own defense.

6. If the examination cannot be conducted by reason of the unwillingness of the Defendant to participate therein, the report shall so state and shall include, if possible, an opinion as to whether such unwillingness of the defendant was the result of mental disease or defect.
7. If the Defendant does not present herself at the designated time, on the designated date, at the above described location for evaluation by Dr. Daniel S. Hayes, or does not fully cooperate with Dr. Daniel S. Hayes in the evaluation, Dr. Daniel S. Hayes SHALL immediately inform the Prosecuting Attorney and an Arrest Warrant SHALL then issue for the Defendant upon a motion by the prosecution, and, upon arrest, the Defendant shall remain in custody without bond until such evaluation is completed and report is received by this Court, or until the Court orders otherwise.
8. The report of the examination shall be filed in triplicate with the clerk of the court, who shall cause copies to be delivered to the prosecuting attorney and to counsel for the defendant.

DATED this 22 day of May, 2013.

  
MAGISTRATE JUDGE

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox on the 22 day of May, 2013 addressed to:

Bonner County Prosecutor

Rita Hutchens – Copy mailed  
PO Box 1954  
Sandpoint, Idaho 83864

Dr. Daniel S. Hayes – Copy  
Faxed to: 208-666-0468

  
Deputy Clerk