

DISTRICT COURT, BOULDER COUNTY, COLORADO Court Address: 1777 SIXTH STREET P.O. BOX 4249, BOULDER, CO, 80306-4249	DATE FILED: October 13, 2021 11:28 AM
THE PEOPLE OF THE STATE OF COLORADO v. <b>Defendant(s)</b> AHMAD AL ALIWI ALISSA	<p style="text-align: center;"><b>△ COURT USE ONLY △</b></p> Case Number: 2021CR497 Division: 13                      Courtroom:
<b>Order: Request for Second Competency Evaluation and Hearing (P-009)</b>	

The motion/proposed order attached hereto: ACTION TAKEN.

The Court grants the People's request for a second competency evaluation. The parties are ordered to confer and generate a list of four agreed upon evaluators and the Court will appoint the evaluator from that list. The list is due to the Court no later than October 20, 2021 and it shall include the qualifications of the proposed evaluators. The Report shall be due within 35 days of the appointment. The Court vacates the competency review hearing set for October 14, 2021 as well as the preliminary hearing set for October 19, 2021. The matter shall be reset upon the appointment of the evaluator for a competency review hearing with the parties via email.

So Ordered

Issue Date: 10/13/2021



INGRID SEFTAR BAKKE  
 District Court Judge

DISTRICT COURT, BOULDER COUNTY, COLORADO 1777 Sixth Street Boulder, CO 80302	
<b>PEOPLE OF THE STATE OF COLORADO</b>  v.  <b>AHMAD AL ALIWI ALISSA</b> Defendant	<b>COURT USE ONLY</b>
Michael T. Dougherty, District Attorney Adam Kendall, Chief Trial Deputy District Attorney 1777 Sixth Street Boulder, CO 80302  Phone Number: (303)441-3700 FAX Number: (303)441-4703 E-mail: akendall@bouldercounty.org Atty. Reg. #38905	Case No. 21CR497  Div:13
<b>Request for Second Competency Evaluation and Hearing (P-009)</b>	

On September 7, 2021, the Court ordered that Ahmad Al Aliwi Alissa (the “Defendant”) undergo a competency evaluation and that the Colorado Department of Human Services prepare a court-ordered report regarding this evaluation. The People were just provided with the court-ordered report following the competency evaluation of Defendant completed by Dr. Loandra Torres and Dr. Brittany Remmert on October 1, 2021 and filed with the Court on October 5, 2021.

A defendant is competent to proceed when a defendant (1) “does not have a mental disability or developmental disability that prevents the defendant from having sufficient present ability to consult with the defendant’s lawyer with a reasonable degree of rational understanding in order to assist in the defense or [(2)] prevents the defendant from having a rational and factual understanding of the criminal proceedings.” C.R.S. § 16-8.5-101(5).

The court-ordered report of the competency evaluation of Defendant contains information that is directly related to his competency and the determination as to whether he is able to proceed. In this first competency evaluation, Defendant indicates an understanding of his charges, the potential sentence, the roles of the judge, prosecutor, and defense attorney. However, the doctors conclude that their “provisional” mental health diagnosis of Defendant “limit[s] his ability to meaningfully converse with others.” And, that his “superficial responses” to hypothetical legal situations indicate a “passive approach to his defense” and “potential over-reliance on his attorneys.” Ultimately, the nine-page report submitted by Dr. Torres and Dr. Remmert concludes that Defendant is currently “not competent to proceed” forward in this case.

Pursuant to C.R.S. § 16-8.5-103(3), “[w]ithin seven days after receipt of the court-ordered report, either party may request a hearing or a second evaluation.” C.R.S. § 16-8.5-103(4) continues, “[i]f a party requests a second evaluation, any pending requests for a hearing must be continued until the receipt of the second evaluation report.” Finally, C.R.S. § 16-8.5-103(6) states that “[i]f a party makes a timely request for a hearing, the hearing shall be held within thirty-five days after the request for a hearing, or, if applicable, within thirty-five days after the filing of the second evaluation.”

WHEREFORE, the People hereby request (1) a second evaluation of Defendant and (2) a hearing regarding the competency determination made by Dr. Torres and Dr. Remmert.

Respectfully submitted,

MICHAEL T. DOUGHERTY  
DISTRICT ATTORNEY

By:  
s/Adam Kendall  
Adam Kendall  
Chief Trial Deputy District Attorney  
October 5, 2021

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CERTIFICATE OF SERVICE  
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I hereby certify that a true and correct copy of the above and foregoing served via the Colorado e-filing system on October 5, 2021, and addressed as follows:

Kathryn Herold  
Daniel King  
Sam Dunn  
Office of the Colorado State Public Defender – Boulder  
2555 55th Street Suite. D-200  
Boulder, CO 80301

s/Adam D. Kendall  
Adam D. Kendall

Attachment to Order - 2021CR497