UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

ORDER
Crim. No. 11-228(03) (MJD/JJK)

Patrick Joseph Kiley,

Defendant.

David J. MacLaughlin and Tracy L. Perzel, Assistant United States Attorneys, Counsel for Plaintiff.

John W. Lundquist and Kevin C. Riach, Fredrikson & Byron, P.A., Counsel for Defendant Patrick Joseph Kiley.

This matter is before the Court on the government's motion for reconsideration of the appointment of defense-recommended psychologist, Dr. Peter Marston. (Doc. No. 417). In response to this motion, the Court requested information from the U.S. Probation Office concerning the psychologist with whom that office has entered into a contract for services, Dr. David Brings. The Court has reviewed Dr. Brings' curriculum vitae, his rates and availability. Based on that review, the Court has determined that Dr. Brings is qualified to conduct the requisite psychological examination that will assist the Court in sentencing

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the Defendant, his rates are substantially lower than those charged by Dr. Marston, and Dr. Brings is available immediately.

IT IS HEREBY ORDERED that the government's motion for reconsideration [Doc. No. 417] is GRANTED. The Order dated January 18, 2013 [Doc. No. 413] is hereby amended as follows: Dr. David Brings shall replace Dr. Peter Marston to conduct a psychological examination of the Defendant. Accordingly, Dr. Brings shall submit a report to the Court within sixty days of the date of this Order, and shall specifically address the Defendant's anxiety, depression and his inability to communicate and any other information that will assist the Court in assessing the Defendant's psychological state, and the types of treatments necessary to alleviate any psychological conditions.

Date: February 7, 2013

s/ Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court