

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

JOHN W. HINCKLEY, JR.,

Acquittee.

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Crim. No. 81-306 (PLF)

**JOHN W. HINCKLEY, JR.'S MEMORANDUM IN RESPONSE
TO THE GOVERNMENT'S MOTION FOR EXTENSION OF TIME
TO SUBMIT SUPPLEMENTAL EXPERT REPORT**

John W. Hinckley, Jr. respectfully submits this memorandum in response to the motion filed by the United States to extend the time for Dr. Patterson to submit his supplemental expert report.

On January 24, 2013, this Court held an in-Court status hearing regarding the Hospital's revised proposal to expand Mr. Hinckley's conditional releases. At the conclusion of that hearing, the Court instructed the United States to consult with Drs. Patterson and Phillips regarding their availability for a continuance of the hearing begun in November 2011 and to participate in a telephone status call to discuss hearing dates during the week of February 25. On January 25, 2013, the United States reported to the Court and counsel that it consulted with both Drs. Patterson and Phillips regarding availability and the Court, after hearing from the parties with respect to the interim dates, entered an order that, *inter alia*, (1) continued the hearing for three days beginning February 25, 2013, (2) the supplemental report of Dr. Patterson shall be submitted by February 15, 2013, and (3) the supplemental report of Dr. Phillips shall be submitted by February 21, 2013. *See* Order, 1/25/2013 [docket #401].

Now, although the United States conferred with Dr. Patterson prior to the status/scheduling conference with the Court, the Government and Dr. Patterson seek to extend the time for Dr. Patterson to submit his report to February 21, 2013. That would provide the Hospital and the patient only one business day to digest and address two expert reports prior to the resumption of the hearing on February 25, 2013. That was precious little time with respect to one report and, we submit, insufficient time with respect to two reports.

If Dr. Patterson is able to travel to Williamsburg the week of February 11, 2013, as the Government's motion concedes, Motion at 1, then there does not appear to be a need for any extension to file his supplemental report. However, in an effort to accommodate the Government's request (and had the United States sought to meet and confer with counsel for Mr. Hinckley – which it did not), counsel would have agreed to and now proposes that Dr. Patterson submit his supplemental report on February 19, 2013, and Dr. Phillips submit his report on February 20, 2013, one day earlier than previously ordered.

These reports are invariably filed at the end of the day on the date when they are due. If the Court adopts our proposed schedule, it would allow for us to digest the reports and address issues raised on February 21 or February 22, the two business days before the hearing. Any less time with the reports may adversely affect and be prejudicial to the patient.

CONCLUSION

For the foregoing reasons, the Government's Motion for Extension of Time should be denied, or, in the alternative, granted in part such that Dr. Patterson's report be submitted on February 19, 2013, and Dr. Phillips's report be submitted on February 20, 2013.

Dated: January 30, 2013

Respectfully submitted,

/s/ Barry Wm. Levine

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CERTIFICATE OF SERVICE

I hereby certify that, on January 30, 2013, I caused copies of the foregoing document to be served through the Court's Electronic Filing System on all counsel of record.

/s/ Barry Wm. Levine

Barry Wm. Levine