

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF YORK
AND THE CITY OF POQUOSON



COMMONWEALTH OF VIRGINIA :
:
Plaintiff, :
V. :
:
DARYL RENARD ATKINS, :
:
Defendant :

Docket No. CR03R2-8229-01

ORDER APPOINTING COMMONWEALTH'S MENTAL HEALTH
EXPERT PURSUANT TO {19.2-264.3:1.2 (F.1)}

THIS DAY came Eileen M. Addison, Commonwealth's Attorney, pursuant to {19.2-264.3:1.2 (F.1) of the Code of Virginia (1950), as amended, and moved the Court for appointment of one or more qualified mental health experts to evaluate the Defendant concerning the existence or absence of his mental retardation, and for an Order directing the defendant to submit to such evaluation.


The Court, having found that the defendant has been convicted of capital murder; that the defendant has requested and obtained an Order appointing a defense mental health expert; and that the Virginia Supreme Court has remanded this matter to this Court "for a hearing on the sole issue of whether Atkins is mentally retarded as defined in Code §19.2-264.3:1.1(A)" of the Code of Virginia.

It is, therefore, Ordered, that Stanton Samenow, Ph.D., Clinical Psychologist, be, and he hereby is, appointed to perform the evaluation provided for in {19.2-264.3:1.2 (F.1) of the Code of Virginia (1950), as amended, said evaluation to be governed by the provisions of {{19.2-264.3:1.2 (A) and (C) of the Code of Virginia (1950), as amended.


It is further Ordered that the Defendant shall submit to and cooperate with such evaluation by Stanton Samenow, Ph.D., and is advised that his refusal to do so could result in exclusion of the defendant's expert evidence.

It is further Ordered that Stanton Samenow, Ph.D. be compensated and reimbursed as provided by law and approved by the Court. Dr. Stanton Samenow shall file with the Court those documents required by {19.2-175 of the Code of Virginia (1950), as amended.

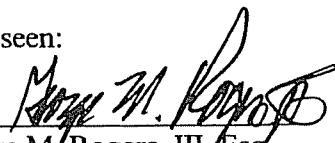
ENTER this 12 day of January, 2004.

By the Court: 
N. Prentis Smiley, Judge

I ask for this:


Eileen M. Addison
Commonwealth's Attorney

Have seen:


George M. Rogers, III, Esq.
Attorney for the Defendant