

United States Court of Appeals For the First Circuit

No. 19-1628

UNITED STATES,

Appellee,

v.

ADAM STREGE,

Defendant, Appellant.

Before

Torruella, Thompson and Barron,
Circuit Judges.

JUDGMENT

Entered: August 20, 2019

Defendant-Petitioner-Appellant Adam Strega has launched both an interlocutory appeal (No. 19-1628) and a mandamus proceeding (No. 19-1721) in this court. He signaled an intent to challenge both his referral for a custodial competency evaluation and the implicit denial of his request for bail pending trial. By order dated July 31, 2019, in order to aid our review in both cases, we asked the District Court to issue a ruling on Strega's then-pending bail motion and to supply a statement of reasons for its referral to a custodial competency evaluation. The district court now has done so.

With respect to the district court's order denying bail, after careful review of the record, the district court's decision, and Strega's filings, we conclude that we would not reach "a different result" and that affirmance is therefore appropriate. United States v. O'Brien, 895 F.2d 810, 814 (1st Cir. 1990); see also United States v. Tortora, 922 F.2d 880, 882 (1st Cir. 1990) (this court's review of detention decisions is independent, but "tempered by a degree of deference to the determinations made below").

We further find no error or abuse of discretion in the district court's decision finding "reasonable cause" to refer Strega for a custodial competency evaluation, which we review with deference to the referring court's superior position to observe and "adjudge the presence of indicia of incompetency." See United States v. Banks, 482 F.3d 733; 743 (4th Cir. 2007).

The challenged district court orders are affirmed. See Loc. R. 27.0(c). The motion for a stay of the district court's May 21, 2019 order is denied. The petition for writ of mandamus will be addressed via separate judgment.

By the Court:

Maria R. Hamilton, Clerk

cc:

Hon. Silvia L. Carreno-Coll

Frances Rios de Moran, Clerk, United States District Court for the District of Puerto Rico

Victor J. Gonzalez-Bothwell

Vivianne Marie Marrero-Torres

Eric A. Vos

Adam Strege

Mariana E. Bauza Almonte

Vanessa Bonano-Rodriguez

Alexander Louis Alum

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ORDER OF COURT

Entered: September 24, 2019

Pro se appellant Adam Strege seeks "reconsideration" of this court's August 20, 2019, judgment affirming orders referring him to a custodial competency evaluation and denying bail. We construe appellant's filings as a request for panel rehearing. Having reviewed appellant's motions, as well as the arguments set forth in his proffered "Reply Brief," the request for panel rehearing is denied.

By the Court:

Maria R. Hamilton, Clerk

cc:

Victor J. Gonzalez-Bothwell, Vivianne Marie Marrero-Torres, Eric A. Vos, Adam Strege
Mariana E. Bauza Almonte, Vanessa Bonano-Rodriguez, Alexander Louis Alum