

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 06-2773

United States of America,	*
	*
Appellee,	*
	*
v.	* Appeal from the United States
	* District Court for the
	* Western District of Missouri.
Craig O. Copley,	*
	*
Appellant.	* [UNPUBLISHED]

Submitted: March 1, 2007
Filed: March 19, 2007

Before COLLOTON, BRIGHT, and GRUENDER, Circuit Judges.

PER CURIAM.

Craig Copley appeals an order of the district court finding that he is suffering from a mental disease or defect rendering him mentally incompetent to assist properly in his defense, and committing him to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d). By order dated January 19, 2007, while retaining jurisdiction over the appeal, we remanded the case to the district court for the limited purpose of taking testimony by videoconference from a forensic psychologist, Dr. Christine Scronce, who had examined Copley. The district court convened a hearing and received the testimony. During the hearing, when Dr. Scronce gave her opinion that Copley suffered from a mental illness, Copley became verbally abusive of both Dr.

Scronce and the court, and demanded to leave the proceedings. The court permitted Copley to leave the courtroom and arranged for him to listen to the remainder of the hearing from a holding cell, while Copley's counsel remained in the courtroom and cross-examined Dr. Scronce.

On February 21, 2007, the district court filed a supplemental order, finding by a preponderance of the evidence that Copley is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. *See* 18 U.S.C. § 4241(d). Having carefully reviewed the record, we conclude that the district court's finding is not clearly erroneous, *see United States v. Santos*, 131 F.3d 16, 20 (1st Cir. 1997) (standard of review), and we therefore affirm its order of June 22, 2006, as supplemented by the order of February 21, 2007. *See* 8th Cir. R. 47B.¹

¹Copley has tendered a pro se document dated February 19, 2007, but it is Eighth Circuit policy that we do not consider pro se filings when a party is represented by counsel. *United States v. Martin*, 59 F.3d 767, 768 n.2 (8th Cir. 1995). We see nothing in that document, moreover, that would change our view concerning the district court's finding on competency.