

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

STATE OF MARYLAND)
)
 v.)
)
 Donald Scott Brunstetter)
)
 Defendant)

CR. NO. K-07-1889

MOTION FOR EVALUATION
(Health General Art. 8-505)

UCS-MAM

Comes now the Defendant by and through counsel, Timothy D. Murnane and the Office of the Murnane & Simmons, and respectfully moves this Honorable Court to ORDER an evaluation, pursuant to Health General Art. 8-505, Evaluation of Criminal Defendants, Annotated Code of Maryland and for the following reasons states:

1. That Judge Michael Wachs sentenced the Defendant to a period of fifteen (15) years incarceration in the Department of Corrections (DOC) on August 20, 2008.
2. That while incarcerated the Defendant has remained sober and received treatment, which has a resulted in his acceptance of responsibility and genuine plea for forgiveness and reconciliation.
3. That the Defendant has been assessed by medical staff at DOC, and indicated as having a "dual diagnosis," suffering from Bi-Polar Disorder and a severe alcohol dependency.
4. That the Defendant's condition and self-prescribed use of alcohol along with the cocaine and cannabis, substantially exacerbated his condition, which at the least indirectly contributed to an altered perception and inability to confront his conduct, which in part resulted in his conduct, not guilty plea, trial, and sentence.
5. That the Defendant, now sober and receiving proper medicine management, appears to be amenable to treatment and may benefit from treatment, which is impossible to meaningfully engage within the DOC, given the underlying basis for his sentence, which is part of his ultimate treatment and recovery.

An evaluation is necessary to determine whether by reason of drug or alcohol abuse, the Defendant is in need of and may benefit from treatment.

FILED
CRIMINAL DEPARTMENT

2010 JAN 22 A 10: 27

2009 DEC 17 P 3: 56
CRIMINAL DEPT.

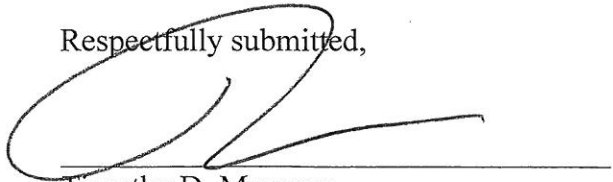
12/18/09
Please return
to chambers
on 1/8/10
to 1/8/09
to give the
state an opportunity
to respond

1/8/10
opportunity
(WTPGUS)

6. An evaluation is necessary to determine whether by reason of drug or alcohol abuse, the Defendant is in need of and may benefit from treatment.
7. The Defendant is currently incarcerated at the Department of Corrections - Donald Scott Brunstetter, #352546, at 18800 Roxbury Road, Hagerstown, MD 21746.

WHEREFORE, the Defendant respectfully moves this Honorable Court to order an evaluation by the Department of Health and Mental Hygiene to determine if the Defendant is in need of and may benefit from treatment.

Respectfully submitted,



Timothy D. Murnane
Murnane & Simmons
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(410)956-2000

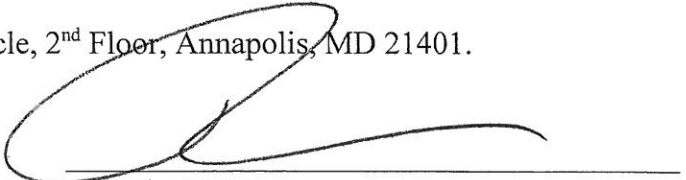
Counsel for Defendant

POINTS AND AUTHORITIES

1. Health General Article, 8-505, Evaluation of Criminal Defendants, Annotated Code of Maryland

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2009, a copy of this Motion was mailed to the State's Attorney's Office, 7 Church Circle, 2nd Floor, Annapolis, MD 21401.



Timothy D. Murnane