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## Harvey Updyke's testing delays trial indefinitely



Written by  
Associated Press

**OPELIKA** — With psychiatric testing planned for a University of Alabama fan charged with poisoning Auburn University's oak trees at Toomer's Corner, state mental health officials said Tuesday that such tests can last from hours to years, casting new doubt on when the man's trial will be held.

Harvey Updyke last week surrendered for psychiatric testing at the state-run Taylor Hardin Secure Medical Facility, and he remained in the Lee County jail on Tuesday.

Jeff Shackelford, a spokesman for the Alabama Department of Mental Health, said tests most often are conducted by state experts in county jails, where the process can last from hours to a few days.

Individuals typically are admitted to Taylor Hardin only if questions linger about a diagnosis or possible treatment, he said.

"The inpatient forensic evaluation is a much more extensive process, and can take anywhere from one month to several years, depending on the situation," Shackelford said in an email exchange.

Updyke has pleaded not guilty by reason of mental disease or defect to charges that include criminal mischief and desecrating a venerable object.

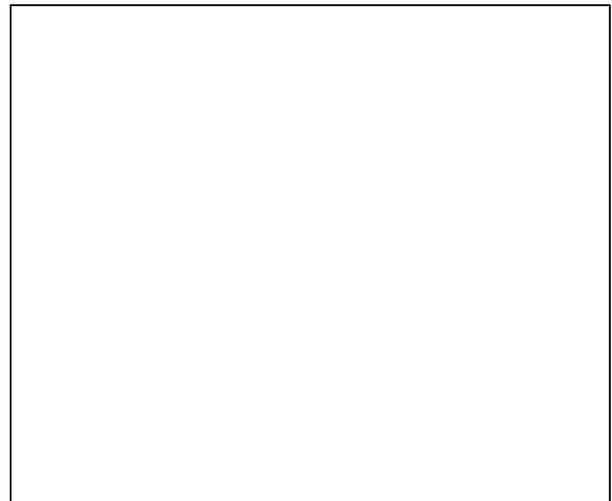
His trial was supposed to begin this week, but the case has been delayed indefinitely.

The mental health agency declined comment on Updyke, 63, citing confidentiality rules. But Updyke would join a list of people awaiting evaluations at Taylor Hardin should the judge order him sent there.

"It is difficult to determine how long the waiting list will take, but the client at the top of our list has been waiting for 99 days," Shackelford said.

People are placed on the waiting list according to when a judge issues an order for in-patient care. Court records showed Circuit Judge Jacob A. Walker III had not released an order about Updyke's treatment Tuesday. Based on the waiting list, it could be February or later before

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officials decide whether Updyke is mentally competent if he is sent to Taylor Hardin.

While Taylor Hardin has 115 beds, all but 24 are for people who have been found innocent by reason of insanity or mentally incompetent to stand trial. Updyke's case has garnered attention from football fans nationwide, but Shackelford said cases aren't prioritized.

Updyke is charged with poisoning the Toomer's Corner oak trees during Auburn's run to the national championship in the 2010 football season. Auburn football fans traditionally roll the trees with toilet paper after a win.

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