

CAUSE NO. _____

THE STATE OF TEXAS

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IN THE COUNTY COURT AT LAW

VS.

NO. ____ OF

HUNT COUNTY, TEXAS

**ORDER APPOINTING QUALIFIED EXPERT
(INCOMPETENCY AND TREATMENT)**

Whereas, it has been suggested to the Court that the Defendant may be incompetent to stand trial and the Court has determined by informal inquiry that there is some evidence that would support a finding of incompetency;

Therefore, pursuant to Article 46B.004(d) of the Texas Code of Criminal Procedure, all proceedings in this case are stayed in order to conduct an examination of the Defendant.

Accordingly, pursuant to Article 46B.021 of the Texas Code of Criminal Procedure, **IT IS HEREBY ORDERED THAT,**

- DR. TIMOTHY INGRAM**
Dallas Forensic Therapy, 118 East Main Street, Ste 103, Royse City, Texas 75189
Phone: 214-478-2139 Fax: 833-297-3848
- DR. MICHAEL PITTMAN**
Shupe, Pittman, Clayton, 9400 N MacArthur Blvd Ste 124, Irving, Texas 75063
Phone: 214-631-3663 Fax: 469-384-3917
- OTHER:** _____

BE AND IS HEREBY APPOINTED to (1) examine the Defendant and report to the Court on the competency or incompetency of the Defendant; and (2) testify as to the issues of competency or incompetency of the Defendant at any trial or hearing involving that issue.

The State and/or the Defendant shall provide to the expert appointed above information relevant to a determination of the Defendant’s competency, including copies of the indictment and/or information, any supporting documents used to establish probable cause in the case, and previous mental health evaluation and treatment records.

During the examination, pursuant to Article 46B.024 the above appointed expert shall consider, in addition to other issues determined relevant by the expert, the following:

- (1) the capacity of the Defendant during criminal proceedings to:
 - (A) rationally understand the charges against the Defendant and the potential consequences of the pending criminal proceedings;
 - (B) disclose to counsel pertinent facts, events, and states of mind;
 - (C) engage in a reasoned choice of legal strategies and options;
 - (D) understand the adversarial nature of criminal proceedings;
 - (E) exhibit appropriate courtroom behavior; and
 - (F) testify;

- (2) whether the Defendant has a diagnosable mental illness or is a person with mental retardation;
- (3) the impact of the mental illness or mental retardation, if existent, on the Defendant's capacity to engage with counsel in a reasonable and rational manner; and
- (4) if the Defendant is taking psychoactive or other medication:
 - (A) whether the medication is necessary to maintain the Defendant's competency; and
 - (B) the effect, if any, of the medication on the Defendant's appearance, demeanor, or ability to participate in the proceedings.

Finally, the expert's report to the Court must state an opinion on a Defendant's competency or incompetency to stand trial or explain why the expert is unable to state such an opinion and must also:

- (1) identify and address specific issues referred to the expert for evaluation;
- (2) document that the expert explained to the Defendant the purpose of the evaluation, the persons to whom a report on the evaluation is provided, and the limits on rules of confidentiality applying to the relationship between the expert and the defendant;
- (3) in general terms, describe procedures, techniques, and tests used in the examination and the purpose of each procedure, technique, or test; and
- (5) state the expert's clinical observations, findings, and opinions on each specific issue referred to the expert by the court, and state specifically any issues on which the expert could not provide an opinion.

If in the opinion of an expert appointed under Article 46B.021 the Defendant is incompetent to proceed, the expert shall state in the report:

- (1) the exact nature of the deficits resulting from the Defendant's mental illness or mental retardation, if any, that impact the factors listed in Article 46B.024, contributing to the Defendant's incompetency; and
- (2) prospective treatment options, if any, appropriate for the Defendant.
- (3) An expert's report may not state the expert's opinion on the Defendant's sanity at the time of the alleged offense, if in the opinion of the expert the Defendant is incompetent to proceed.

IN ACCORDANCE WITH ARTICLE 46B.026(a) OF THE TEXAS CODE OF CRIMINAL PROCEDURE, THE EXPERT'S REPORT SHALL BE COMPLETED AND SUBMITTED TO THE COURT WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS ORDER.

IT IS FURTHER ORDERED that payment for the competency evaluation of the Defendant shall be paid from the funds or budget for the Hunt County Court at Law No. 2. It is further **ORDERED** that payment for services in performing the competency evaluation of the Defendant shall not exceed the amount of \$500.00.

SIGNED and **ENTERED** this the _____ day of _____, 20_____.

JUDGE PRESIDING

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ACKNOWLEDGMENT

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OTHER: _____

The undersigned hereby acknowledges that the Order Appointing Qualified Expert (Incompetency and Treatment) in regards to _____ was received by the office indicated above on the date listed below.

It is further acknowledged that both the report and invoice for services rendered is due to be submitted to this Court no later thirty (30) days from the date of the order.

Date: _____

BY: _____

Print Name: _____

Title: _____

*****PLEASE COMPLETE THE ACKNOWLEDGMENT AND FAX IT BACK TO THE HUNT COUNTY CLERK AT 903-408-4287 IMMEDIATLEY UPON RECIPT. *****