

CAUSE NO. CR

THE STATE OF TEXAS

VS

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IN THE COUNTY COURT

AT LAW NO. OF

HUNT COUNTY, TEXAS

**ORDER OF COMMITMENT FOR RESTORATION TO COMPETENCY
PURSUANT TO ARTICLE 46B.0711 OR 46B.072**

Judge Presiding:

Degree of Offense:

Attorney for State:

Offense:

Attorney for Defendant:

Date of Alleged Offense:

The Defendant was charged by information for the offense shown in the above-numbered and entitled cause. In advance of trial on the merits, the Court considered the issue of the Defendant's incompetence to stand trial. The Court asked for announcements from the parties. The State appeared by an assistant county attorney.

A. APPEARANCE (*Choose one*):

- 1. The Defendant appeared in person represented by counsel.
- 2. Counsel for the Defendant waived the Defendant's appearance on good cause.

B. MANNER OF TRIAL (*Choose one*):

- 1. (Uncontested Incompetence, Art. 46B.005(c)) Counsel for the State and counsel for the Defendant waived trial by jury and trial to the Court on the issue of incompetence; counsel for the State and counsel for the Defendant did not oppose a finding of incompetence; and the Court did not, on its own motion, find cause to determine that a trial was necessary to establish incompetence. The Court considered the testimony of the expert appointed to examine the Defendant in the form of the expert's motion report and such other evidence tendered by either party. Therefore, the Court **FINDS** the Defendant **INCOMPETENT** to stand trial.
- 2. (Incompetence, Court Trial, Art. 46B.051(b)) Counsel for the State and counsel for the Defendant waived trial by jury and tried the cause to the Court as the finder of fact. The Court considered the testimony of the expert appointed to examine the Defendant in the form of the expert's report and such other evidenced tendered by either party. With the Defendant and the Defendant's counsel present, the Court rendered its verdict and entered it upon the record of the Court as follows: The Court **FINDS** the Defendant **INCOMPETENT** to stand trial.
- 3. (Incompetence, Jury Trial, Art. 46B.051(a)) Counsel for the Defendant or State requested a trial by jury. Both parties announced ready for trial. A jury was selected, impaneled, and sworn. The jury heard the evidence submitted and argument of counsel including evidence required by TEX. CODE CRIM. PROC. ART. 46B. The Court charged the jury as to its duty to determine the competence of the Defendant, and the jury retired to consider the evidence. Upon returning to open court, the jury delivered its verdict in the presence of the parties as follows: "We the Jury, unanimously find the Defendant **INCOMPETENT** to stand trial." The Court received the unanimous verdict and **ORDERED** it entered upon the record of the Court. Thereafter, the jury was discharged.

C. FINDINGS (Choose one):

1. (Public Safety Exception – Danger to Others) The Court **FINDS** the Defendant is likely to be restored in the foreseeable future and **FINDS** the Defendant is a danger to others and may not be safely effectively treated on an outpatient basis.
2. (Outpatient Program Available – Not a Danger to Others) The Court **FINDS** the Defendant is likely to be restored in the foreseeable future and **FINDS** the Defendant is not a danger to others and may be safely treated in an outpatient treatment program. The Court **FURTHER FINDS** that an appropriate outpatient treatment program is presently available, and that the Court has received a comprehensive plan that proves for the treatment of the defendant for purposes of competency restoration; and identifies the person within _____ responsible for providing treatment. The program facility has (a) evaluated the defendant and found the person to be suitable for the program, and (b) has submitted a treatment plan to this court.

D. ORDERS (Choose one):

1. (Outpatient Commitment – Class B, Art. 46B.0711) The Defendant is charged with a Class B Misdemeanor and is on bond or shall be released on bail. The Defendant is **ORDERED** to participate in an outpatient competency restoration program provided by _____ (facility), for a period not to exceed 60 days **from the date competency restoration services actually begin** for further examination and treatment toward the specific objective of attaining competency to stand trial. The Court **ORDERS** the Sheriff of Hunt County, Texas to release the Defendant, releasing instructions have been provided wherein the Defendant will be released to the person named, either a staff member of _____, or other responsible person as the Court may direct. If the Defendant is on bond, they are **ORDERED** to appear as directed.
2. (Outpatient Commitment – Class A, Art. 46B.072) The Defendant is charged with a Class A Misdemeanor and is on bond or shall be released on bail. The Defendant is **ORDERED** to participate in an outpatient competency restoration program provided by _____ (facility) for a period not to exceed 120 days **from the date competency restoration services begin** for further examination and treatment toward the specific objective of attaining competency to stand trial. The Court **ORDERS** the Sheriff of Hunt County, Texas to release the Defendant, releasing instructions have been provided wherein the Defendant will be released to the person named, either a staff member of _____, or other responsible person as the Court may direct. If the Defendant is on bond, they are **ORDERED** to appear as directed.
3. (Jail-Based Commitment, Art. 46B.073) Inasmuch as an Outpatient Restoration Program is not available or appropriate, the Defendant, therefore, having been charged with a misdemeanor, and a Jail-based Restoration Program is available, is committed for 60 days from the date of transfer to a jail-based restoration program, located at _____, for further examination and treatment toward the specific objective of attaining competency to stand trial.
4. (Inpatient Commitment, Art. 46B.073) Inasmuch as an Outpatient Restoration Program or Jail-based restoration program is not available, or not appropriate, the Defendant, therefore, having been charged with a misdemeanor, is committed for 60 days from the date of transfer to a mental health facility operated by, or contracted with, the Texas Health and Human Services Commission (HHSC), for further examination and treatment toward the specific objective of attaining competency to stand trial.

E. FURTHER ORDERS:

- 5. The Court **ORDERS** the Sheriff of Hunt County, Texas to take the Defendant into custody and deliver the Defendant to a mental health facility operated by, or contracted with, the Texas Health and Human Services Commission (HHSC) and selected by that agency.
- 6. The Court **FURTHER ORDERS**, pursuant to Art. 46B.076(b), that the transcript of all medical testimony received by the jury or court be promptly prepared by the court reporter and forwarded to the applicable facility or program.
- 7. The Court further **ORDERS** the clerk of this Court, pursuant to Art. 46B.076, **NOT LATER THAN THE DATE THIS ORDER IS SIGNED**, to prepare a certified copy of this order to be sent to the outpatient program in which the Defendant is ordered to participate, and the following: (1) reports of each expert; (2) psychiatric, psychological, or social work reports that relate to the mental condition of the Defendant; (3) documents provided by the attorney representing the state or the attorney representing the Defendant that relate to the Defendant's current or past mental condition; (4) copies of the indictment or information and any supporting documents used to establish probable cause in the case; (5) the Defendant's criminal history record; and (6) the addresses of the attorney representing the state and the attorney representing the Defendant.

SIGNED on the following date: _____.
