**IN THE CIRCUIT COURT OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, WEST VIRGINIA**

**State of West Virginia,**

**vs. Case No.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,**

 **Defendant**

**ORDER PROVIDING FOR THE INVOLUNTARY MEDICATION OF DEFENDANT**

 On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ,the Court held a hearing to consider whether William R. Sharpe, Jr. Hospital should have authority to involuntarily administer medication to the Defendant, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, for the purpose of restoring the Defendant’s competency.

Whereupon the medical staff at Sharpe Hospital provided a brief history of the matter and maintained the position that psychotropic medication should be involuntarily administered to restore the Defendant’s competency. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has acted in opposition to any such treatment at this juncture, and as a result, there have been no improvements to the Defendant’s competency.

The Court FINDS that the involuntary administration of psychotropic and other medications to safely restore the Defendant’s competency is within the Defendant’s best interests. The Court further FINDS, pursuant to *Sell v. United States, 539 U.S. 166,* that the medication is medically appropriate and necessary to further the State’s interest in restoring the Defendant’s competency to stand trial. The Court further FINDS that the State’s interest in restoring the Defendant’s competency qualifies as an important governmental interest, and that the Defendant’s treatment, even involuntarily, would significantly further that interest based upon the likelihood that treatment would expeditiously render the Defendant competent to stand trial and assist in conducting a defense. Finally, the Court FINDS that Sharpe Hospital’s involuntary administration of medication of the Defendant is both medically appropriate and the least-restrictive measure in which to accomplish this goal.

Accordingly, the Court **ORDERS** that the involuntary administration of any necessary medication is proper by virtue of the United States Supreme Court’s holding in *Sell,* and directs that William R. Sharpe, Jr. Hospital may involuntarily administer prescribed medication to the Defendant should *he/she* continue to refuse treatment.

 The Court **ORDERS** the Clerk of this Court to forward copies of this Order to the parties in this matter and Forensic Services via facsimile 304/269-1542 or email forensicservices@wv.gov

Entered this \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 20\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Judge

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Assistant Prosecuting Attorney

Address

Telephone and Fax

Bar ID #

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