27-6A-3

Preliminary Finding-- incompetent to stand trial—likely to

Improve.

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

**State of West Virginia,**

**v. Case No.**

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

**Defendant.**

**PRELIMINARY FINDING ON DEFENDANT’S COMPETENCY**

**TO STAND TRIAL**

On the \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Qualified Forensic Evaluator, presented his or her report as to the competency of Defendant to stand trial in the above captioned proceeding.

Based upon this report, the Court FINDS that the Defendant is not competent to stand trial, that there is a substantial likelihood that the Defendant will regain competency within the next three months, and that defendant requires inpatient management in a mental health facility in order to attain competency.

Accordingly, the Court **ORDERS** that defendant shall be committed to mental health facility, for a period not to exceed three months from the time of entry to the facility. The court **ORDERS** the counsel of record for the 1)State or 2)Defendant to contact the statewide forensic coordinator at 304-269-1210 to coordinate placement of defendant at the mental health facility. The Court further **ORDERS** the Sheriff of \_\_\_\_\_\_\_\_\_\_\_\_ County or Regional Jail to transport defendant to mental health facility but only after receipt of notification that the hospital is able to admit defendant. The Sheriff or Regional Jail shall ensure that acquitee’s arrival at mental health facility takes place between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday.

The State or Defense Counsel may request a hearing within twenty days of receipt of this preliminary finding. If no hearing is requested, this preliminary finding shall become the Final Order.

The Court **ORDERS** the Clerk of this Court to forward copies of this Order to the attorneys of record in this matter and the Statewide Forensic Coordinator William R. Sharpe, Jr. Hospital936 Sharpe Hospital Road Weston, WV 26452-8550.

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

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

Judge

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

Assistant Prosecuting Attorney

Address

Telephone and Fax

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Counsel for Defendant

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