

IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA

State of West Virginia,

v.

Case No.:

_____, **Defendant**

ORDER FOR FINAL CIVIL COMMITMENT OF DEFENDANT

On the ___ day of _____, 20__, came the Defendant, by and through his counsel, _____; the Assistant Prosecuting Attorney, by and through its counsel, _____; and _____, licensed psychologist at William R. Sharpe, Jr., Hospital (“Sharpe Hospital”), pursuant to notice by the Court in response to the recommendation dated _____ by the WV DHHR Statewide Forensic Clinical Director, for the clinical disposition, placement, or treatment of the Defendant in accordance with W.Va. Code §27-6A-3(l) (“Clinical Recommendation”).

The Court, in accordance with W. Va. Code § 27-6A-3(l), having reviewed the Clinical Recommendation and considered the arguments of counsel and the testimony, does hereby **FIND** that by order entered on _____ the Court previously found that the Defendant was not competent to stand trial and not substantially likely

to attain competency in the foreseeable future.

The Court, in accordance with W.Va. Code §27-6A-3(l), further **FINDS** that the Defendant was committed to Sharpe Hospital prior to July 9, 2021, that the Defendant has received the maximum amount of competency restoration treatment authorized by W.Va. Code §27-6A-1 *et seq.*, that the Defendant has not attained competency, and that the Defendant is not substantially likely to attain competency in the foreseeable future as found by a forensic competency evaluation.

The Court, in accordance with W.Va. Code §27-6A-3(l), further **FINDS** that the Defendant remains a foreseeable danger to self or others outside the hospital setting and that there is no less restrictive placement that is appropriate and available that assures that the Defendant will remain safe to self or others.

The Court further **FINDS** that by order dated _____ the Court found that the Defendant would have been convicted of the following crimes but for the determination that the Defendant is not competent to stand trial and that the maximum sentence that the Defendant would have received is _____ (“Court’s Jurisdiction”).

The Court further **FINDS** that the most appropriate clinical disposition, placement, or treatment of the Defendant is for the Defendant to be finally civilly committed to Sharpe Hospital or a licensed diversion facility in accordance with W.Va. Code §27-5-4(l).

Accordingly, the Court hereby **ORDERS** that the Defendant be finally civilly committed to Sharpe Hospital or a licensed diversion facility in accordance with W.Va. Code §27-5-4(l).

The Court further **ORDERS** that the Court shall continue its oversight of the Defendant for the period of the Court's Jurisdiction as authorized by W.Va. Code §27-6A-3(g)(2).

The Court further **ORDERS** that the Chief Medical Officer of Sharpe Hospital or the licensed diversion facility shall conduct, or cause to be conducted, the required clinical assessments of the Defendant in accordance with W.Va. Code §27-5-4(l)(1) and shall further provide, or cause to be provided, the required notices to the Court and the prosecutor in accordance with W.Va. Code §27-5-4(l)(2).

The Court further **ORDERS** that if the Chief Medical Officer of Sharpe Hospital or the licensed diversion facility determines that the Defendant meets discharge criteria or alternative placement criteria in accordance with W.Va. Code §27-5-4(l)(1)(i), (ii), and (iii) the Chief Medical Officer shall provide, or cause to be provided, notice to the Court and the prosecutor.

The Court further **ORDERS** that the Clerk of the Court forward a certified copy of this Order to counsel of record and Sharpe Hospital.

Entered this _____ day of _____, 2021.

Judge

Assistant Prosecuting Attorney
Address
Telephone and Fax
WV State Bar ID #

Counsel for Defendant
Address
Telephone and Fax
WV State Bar ID #