

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

**State of West Virginia,**

**v.**

**Case No.**

\_\_\_\_\_,  
**Defendant.**

**COURT ORDER SEEKING GUIDANCE FROM THE DANGEROUSNESS ASSESSMENT  
ADVISORY BOARD REGARDING THE POTENTIAL PLACEMENT, CUSTODY, AND  
SUPERVISION OF THE DEFENDANT**

By Order entered on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the Court found that the Defendant lacked competency to stand trial as defined by W.Va. Code §27-6A-1(a)(2) after having received competency restoration services as defined by W.Va. Code §27-6A-1(a)(1) and that were provided for the time period required by W.Va. Code §27-6A-3.

Having reviewed the reports from the forensic examinations, heard arguments of counsel and reviewed the evidence and testimony presented, the Court **FINDS** that opinion, guidance, and informed objective expertise is necessary to assist the Court in determining the appropriate placement or level of custody and supervision of the Defendant and to ensure that the public's interests and the interests of the Defendant are satisfied in identifying the least restrictive placement and other appropriate conditions for the Defendant.

The Court further **FINDS** that the interests of the public and the Defendant will be best served by seeking the opinion, guidance, and informed objective expertise of the Dangerousness Assessment Advisory Board (“DAAB”) in accordance with W.Va. Code §27-6A-13(c).

The Court hereby **ORDERS** that this matter be referred to the DAAB.

The Court further **ORDERS** that the State Forensic Medical Director convene, or cause to be convened, the DAAB.

The Court further **ORDERS** that the prosecutor and Defendant’s counsel provide to the DAAB all court records and all medical and mental health care records available to the Court regarding the Defendant.

The Court further **ORDERS** that the DAAB provide a written recommendation to the Court that identifies (1) the appropriate placement or level of custody and supervision of the Defendant and (2) the least restrictive appropriate placement and other appropriate conditions for the Defendant to protect the interests of the public and the Defendant.

The Court further **ORDERS** that the Defendant remain in his/her current placement pending DAAB’s recommendation to the Court and, upon consideration of DAAB’s recommendation, the Court’s future order regarding the Defendant’s placement or level of custody, supervision, and conditions.

The Court further **ORDERS** the Clerk of this Court to forward copies of this Order to the parties in this matter and to the Dangerousness Assessment Advisory Board and Michael J. Folio, Esq. at 100 Dee Drive, Charleston, West Virginia 25311.

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

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Judge

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Assistant Prosecuting Attorney  
Address  
Telephone and Fax

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Counsel for Defendant  
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Telephone and Fax