

IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA

State of West Virginia,

vs.

Case No.

Defendant

COURT ORDER GRANTING EXTENSION OF PERIOD TO ATTAIN COMPETENCY

On the _____ day of _____, 20____, and pursuant to W.Va. Code §27-6A-3(d), the Court found that the Defendant was not competent to stand trial as defined by W.Va. Code §27-6A-1(a)(2) but was substantially likely to attain competency. The Defendant was committed to mental health facility for a period of up to 90 days or until _____, 20__, to receive competency restoration as defined by W.Va. Code §27-6A-1(a)(1) to attempt to allow defendant to attain competency.

On _____, 20____, the Chief Medical Officer at the mental health facility reported that additional time was needed to attempt to attain Defendant's competency to stand trial.

Based upon the Chief Medical Officer's report, the Court **FINDS**, pursuant to W.Va. Code §27-6A-3(g)(1), that a period of ____ additional days of competency restoration services are required for the Defendant to attain competency to stand trial for a total maximum competency restoration period not to exceed 240 days.

The Court **ORDERS** that the period for which Defendant is committed or placed at mental health facility to receive competency restoration services shall be extended until _____, 20____.

If the Chief Medical Officer at Sharpe Hospital determines that the Defendant has attained competency prior to the end of his/her commitment period, the Court hereby **ORDERS** the Chief Medical Officer at Sharpe Hospital to forward such notification and examination report to this court. If the Chief Medical Officer determines that the Defendant has been restored to competency, the Court further **ORDERS** the Chief Medical Officer to immediately notify the _____(Jail Authority/Sheriff Department) for transport to the appropriate jail or other location.

If the Chief Medical Officer at Sharpe Hospital determines that the Defendant has not attained competency after having received the competency restoration services ordered herein, the Court hereby **ORDERS** the Chief Medical Officer to provide a written recommendation to the Court and the prosecutor that contains the Chief Medical Officer's suggested future clinical disposition, placement, or treatment for the Defendant. Upon receipt of the Chief Medical Officer's written recommendation the Court will provide notice of a hearing to consider the Chief Medical Officer's recommendation and the Defendant's status in accordance with W.Va. Code §27-6A-3(g)(2).

The Court **ORDERS** the Clerk of this Court to forward copies of this Order to the parties in this matter.

Entered this _____ day of _____, 20____.

Judge

Assistant Prosecuting Attorney
Address
Telephone and Fax
Bar ID #

Counsel for Defendant
Address
Telephone and Fax
Bar ID #